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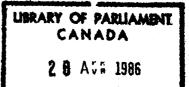
OF THE

REVISED STATUTES OF CANADA

LAID BEFORE PARLIAMENT ON THE 4th FEBRUARY, 1885

WITH WHICH HAVE BEEN INCORPORATED THE ACTS PASSED IN THE SESSION HELD IN THE 48TH AND 49TH YEARS OF HER MAJESTY'S REIGN.

PART I.



LIOINÉCLE DE I



OTTAWA: PRINTED BY MACLEAN, ROGER & CO., WELLING FON STREET, 1885.

REPORT.

To His Excellency the Most Honourable the Marquess of Lansdowne, Governor General of Canada, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY-

The Commissioners appointed to consolidate and revise the Statutes of Canada, have now the honor to submit a draft of the work entrusted to them.

In preparing the several chapters, care has been taken to preserve uniformity of language throughout, to remove redundancies, and to arrange the provisions of the law in the most natural sequence. To effect this it has, in very many instances, been necessary to divide chapters, and divide and transpose sections. The Interpretation Act provides that the law shall be considered as always speaking, and for that reason the present tense has been used in the consolidation.

Among the Statutes of "the several Provinces, passed previous to Confederation, there are certain Acts in respect to which doubts have arisen as to the authority with which the legislative power rests. There are also Acts, both among the Statutes above referred to" and the Statutes of Canada, which it has not been considered advisable to consolidate, although their repeal is not recommended. These include Acts authorizing the raising of loans by Government, Acts of indemnity, Acts relating to specific localities less than a whole Province, and Acts of a temporary character. These Acts have been collected in a separate schedule.

Another class of provisions, which make violations of Acts within the legislative power of Provincial Legislatures indictable offences, and provide for their punishment, have also been collected in a separate schedule. It is suggested that provision should be made that these should be repealed in each instance, from the time when the punishment of the offence, by fine or imprisonment, is provided for by the proper Provincial Legislatures.

A table is appended to each chapter, showing what Acts are proposed to be consolidated therein, the portion consolidated, the portion which it is proposed to repeal, the portion to be consolidated elsewhere, and a note of the Act with which such latter portion is to be incorporated, and to each section is attached a reference, showing the corresponding Act and section of the Statutes now in force.

When material changes have been found necessary, a note in smaller type has been inserted, showing the nature of the change, or the new matter is printed in italics.

Ottawa, 31st December, 1884.

- A. CAMPBELL,
 J. ALPHONSE OUIMET,
 WALLACE GRAHAM,
 GEORGE W. BURBIDGE,
- ALEXANDER FERGUSON,
- · WILLIAM WILSON.

To the Honorable the Minister of Justice of Canada:

SIR,—Pursuant to the instructions which we received from you, we have incorporated with the draft submitted by the Commissioners appointed to consolidate and revise the Statutes of Canada, such of the Acts passed during the last Session of Parliament as appeared to be proper subjects for consolidation therewith, and also the amendments suggested in the report of the Joint Committee of the Senate and House of Commons appointed last session to consider that draft. In the execution of this work we have adhered closely to the system and rules adopted by the Commissioners in the performance of the duties assigned to them.

We have also carefully revised and made the additions to the Schedules to the Report rendered necessary by the legislation of last Session, and we have completed the chronological and analytical table, showing in what manner each Act of Canada and of each of the Provinces which relate to matters within the control of Parliament have been dealt with by the Commissioners and by ourselves.

We have also in course of preparation for publication, according to your instructions, a collection of all the statute law of a public general nature, relating to subjects within the legislative authority of the Parliament of Canada, now in force, but which in the opinion of the Commissioners could be more conveniently dealt with in this way than by consolidation.

OTTAWA, 31st December, 1885.

- WILLIAM WILSON, A. POWER,
- · ALEXANDER FERGUSON,
- J. G. AYLWIN CREIGHTON.

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CHAPTER 1.

An Act respecting the Form and Interpretation of Statutes.

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

SHORT TITLE.

1. This Act may be cited as "The Interpretation Act." Short title. 81 V., c. 1, s. 16.

APPLICATION.

2. This Act, and every provision thereof, shall This Act to extend and apply to every Act of the Parliament of Canada, apply to all now or hereafter passed except in so far as the provision is hereafter inconsistent with the intent and object of such Act, or the passed. interpretation which such provision would give to any word, expression or clause is inconsistent with the context, —and except in so far as any provision hereof is in any such Act declared not applicable thereto; and the omission in any Act of a declaration that "The Interpretation Act" applies thereto, shall not be construed to prevent its so applying, although such express declaration is inserted in some other Act or Acts of the same session. 31 V., c. 1, s. 3;—31 V., c. 28.

FORM OF ENACTING.

3. The following words may be inserted in the preambles Form of of statutes, and shall indicate the authority by virtue of clause. which they are passed : "Her Majesty, by and with the " advice and consent of the Senate and House of Commons " of Canada, enacts as follows." 31 V., c. 1, s. 1.

4. After the insertion of the words aforesaid, which Other clauses shall follow the setting forth of the considerations or to follow in reasons upon which the law is grounded, and which shall, with these considerations or reasons, constitute the entire preamble, the various clauses of the statute shall follow in a concise and enunciative form. 31 V., c. 1., s. 2.

TIME OF COMMENCEMENT OF ACTS.

5. The Clerk of the Parliaments shall indorse on every Date of Royal Act of the Parliament of Canada, immediately after the assent to be indorsed on every Act.

Effect of such indorsement.

title of such Act, the day, month and year when the same, was, by the Governor General, assented to in Her Majesty's name, or reserved by him for the signification of Her Majesty's pleasure thereon,—and in the latter case, such Clerk shall also indorse thereon the day, month and year when the Governor General signified, either by speech or message to the Senate and House of Commons, or by proclamation, that the same was laid before Her Majesty in Council, and that Her Majesty was pleased to assent to the same ; and such indorsement shall be taken to be a part of such Act, and the date of such assent or signification, as the case may be, shall be the date of the commencement of the Act, if no later commencement is therein provided. 31 V., c. 1, s. 4 ;—35 V., c. 1, s. 1, part.

AMENDMENT OR REPEAL.

Every Act **6.** Any Act of the Parliament of Canada may be amended dur- amended, altered or repealed by any Act passed in the ing session in same session thereof. 46 V., c. 1, s. 1, part. passes.

INTERPRETATION.

How enactments shall be construed. 7. In every Act of the Parliament of Canada, unless the context otherwise requires :--

To apply to the whole Dominion. Territorial application of Acts amending previous Acts.

(1). The enactments apply to the whole of Canada :

(2). No Act amending a previous Act which does not apply to all the Provinces of Canada, and no enactment in any such amending Act, although of a substantive nature or form, shall apply to any Province to which the amended Act does not apply, unless it is expressly provided that such amending Act or enactment shall apply to such Province or to all the Provinces of Canada:

Application of expressions in present tense.

(3). The law shall be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same shall be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof, according to its spirit, true intent and meaning:

"Shall" and "may."

"Herein."

(5). Whenever the expression "herein" is used in any section of an Act, it shall be understood to relate to the whole Act, and not to that section only:

tive, and the expression "may" as permissive :

(4). The expression "shall" shall be construed as impera-

"Her Majesty," &c.

(6). The expression "Her Majesty," "the Queen," or "the Crown," means Her Majesty, her heirs and successors,

Chap. 1

sovereigns of the United Kingdom of Great Britain and Ireland :

(7). The expression "Governor," "Governor of Canada," "Governor," "Governor General," or "Governor in Chief," means the &c. Governor General for the time being of Canada, or other the chief executive officer or administrator for the time being carrying on the Government of Canada on behalf and in the name of the Queen, by whatever title he is designated:

(8). The expression "Governor in Council," or "Governor "Governor in General in Council," means the Governor General of ^{Council}," &c. Canada, or person administering the Government of Canada for the time being, acting by and with the advice of, or by and with the advice and consent of, or in conjunction with, the Queen's Privy Council for Canada:

(9). The expression "Lieutenant Governor" means the "Lieutenant Lieutenant Governor for the time being, or other chief Governor," executive officer or administrator for the time being, carrying on the Government of the Province or Provinces of the Dominion indicated by the Act, by whatever title he is designated:

(10). The expression "Lieutenant Governor in Council" "Lieutenant means the Lieutenant Governor, or person administering Governor in the Government of the Province indicated by the Act, for the time being, acting by and with the advice of, or by and with the advice and consent of, or in conjunction with, the Executive Council of the said Province :

(11). The expression "the United Kingdom" means the "United United Kingdom of Great Britain and Ireland :

(12). The expression "the United States" means the "United United States of America:

(13). The expression "Province" includes the North-West "Province." Territories and the District of Keewatin:

(14). The expression "Legislature," "Legislative Council" "Legislator "Legislative Assembly," includes the Lieutenant Governor ture." in Council and also the Legislative Assembly of the North-West Territories, and the Lieutenant Governor in Council of the District of Keewatin:

(15). The expression "Act" as meaning an Act of a Legis- "Act." lature, includes an Ordinance of the North-West Territories or the District of Keewatin:

- Names of (16). The name commonly applied to any country, place, places, &c. body, corporation, society, officer, functionary, person, party or thing, means such country, place, body, corporation, society, officer, functionary, person, party or thing, although such name is not the formal and extended designation thereof:
- "Proclama-(17). The expression "proclamation" means a proclamation." tion under the Great Seal :
- "Great Seal."
 - (18). The expression "Great Seal" means the Great Seal of Canada :
- Governor act-(19). When the Governor General is authorized to do any ing by Pro-clamation. act by proclamation, such proclamation is understood to be a proclamation issued under an order of the Governor in Council: but it shall not be necessary that it be mentioned in the proclamation that it is issued under such order :
- "County." (20). The expression "county" includes two or more counties united for purposes to which the enactment relates :
- Number and (21). Words importing the singular number or the mascugender. line gender only, include more persons, parties or things of the same kind than one, and females as well as males, and the converse:
- "Person." (22). The expression "person" includes any body corpo-rate and politic, or party, and the heirs, executors, administrators or other legal representatives of such person, to whom the context can apply according to the law of that part of Canada to which such context extends :

"Writing," (23). The expression "writing," "written," or any term of like import, includes words printed, painted, engraved, lithographed or otherwise traced or copied :

"Now" or (24). The expression "now" or "next" shall be construed as having reference to the time when the Act was presented for the Royal Assent :

"Month."

"Holiday,"

"written.

"next."

(25). The expression "month" means a calendar month:

(26). The expression "holiday" includes Sundays, New Year's Day, the Epiphany, the Annunciation, Good Friday, the Ascension, Corpus Christi, St. Peter and St. Paul's Day, All Saints' Day, Conception Day, Easter Monday, Ash Wednesday, Christmas Day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, Dominion Day, and any day appointed by proclamation for a general fast or thanksgiving:

Chap. 1.

(27). If the time limited by any Act for any proceeding, or Reckoning the doing of any thing under its provisions, expires or falls time. upon a holiday, the time so limited shall be extended to, and such thing may be done on the day next following which is not a holiday :

(28). The expression "oath" includes a solemn affirmation "Oath." or declaration, whenever the context applies to any person and case by whom and in which a solemn affirmation or declaration may be made instead of an oath, and in like cases the expression "sworn" includes the expression "Sworn." "affirmed" or "declared":

(29). Whenever by an Act of Parliament or by a rule of Who may ad-the Senate or House of Commons, or by an order, regulation certify to or commission made or issued by the Governor in Council oaths. under any law authorizing him to require the taking of evidence under oath, an oath is authorized or directed to be made, taken or administered, such oath may be administered, and a certificate of its having been made, taken or administered, may be given, by any one named in any such Act, rule, order, regulation or commission, or by a judge of any court, a notary public, a justice of the peace, or a commissioner for taking affidavits, having authority or jurisdiction within the place where the oath is administered :

(30). The expression "sureties" means sufficient sureties. "Sureties." and the expression "security" means sufficient security, "Security." and whenever these words are used, one person shall be sufficient therefor unless otherwise expressly required :

(31). The expression "superior court" means, in the Pro- "Superior vince of Ontario, the Court of Appeal for Ontario and the High Court of Justice for Ontario; in the Province of Quebec, the Court of Queen's Bench and the Superior Court in and for the said Province; in the Provinces of Nova Scotia, New Brunswick and British Columbia, the Supreme Court in and for each of the said Provinces respectively; in the Province of Prince Edward Island, the Supreme Court of Judicature for that Province; and in the Province of Manitoba, Her Majesty's Court of Queen's Bench for Manitoba:

(32). The expression "registrar" or "register" means and "Registrar," includes indifferently registrars and registers in the several Provinces of Canada, and their deputies, respectively:

(33). Whenever any pecuniary penalty or any forfeiture Recovery of is imposed for any violation of any Act, and no other mode when no other is prescribed for the recovery thereof, such penalty or for- mode is prefeiture shall be recoverable or enforceable, with costs, by scribed. civil action or proceeding at the suit of Her Majesty only.

Courts.'

or of any private party suing as well for Her Majesty as for himself-in any form allowed in such case by the law of that Province in which it is brought-before any court having jurisdiction to the amount of the penalty in cases of simple contract—upon the evidence of any one credible witness other than the plaintiff or party interested; and if no other provision is made for the appropriation of such penalty or forfeiture, one moiety thereof shall belong to Her Majesty and the other moiety shall belong to the private party suing for the same, if any, and if there is none, the whole shall belong to Her Majesty :

(34). Any duty, penalty or sum of money, or the proceeds not otherwise of any forfeiture, which is, by any Act, given to the Crown, shall, if no other provision is made respecting it, form part appropriated to form part of the Con. of the Consolidated Revenue Fund of Canada, and shall be accounted for and otherwise dealt with accordingly :

(35). No action, suit or information shall be brought or

laid for any penalty or forfeiture under any Act except

within two years after the cause of action arises or after the offence is committed, unless the time is otherwise limited

Limitation of actions.

Rev. Fund.

Paying and accounting for moneys appropriated by statute.

by such Act :

peace:

(36). If any sum of the public money is, by any Act, appropriated for any purpose or directed to be paid by the Governor General, and no other provision is made respecting it, such sum shall be payable under warrant of the Governor General directed to the Minister of Finance and Receiver General, out of the Consolidated Revenue Fund of Canada; and all persons intrusted with the expenditure of any such sum or any part thereof shall account for the same in such manner and form, with such vouchers, at such periods and to such officer as the Governor General directs :

"Magistrate."

"Two Justices."

Local jurisdiction.

Power to do anything to include all necessary powers for doing it.

(38). The expression "two justices" means two or more justices of the peace, assembled or acting together:

(37). The expression "magistrate" means a justice of the

(39). If anything is directed to be done by or before a magistrate or a justice of the peace, or other public functionary or officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done:

(40). Whenever power is given to any person, officer or functionary, to do or to enforce the doing of any act or thing, all such powers shall be understood to be also given as are necessary to enable such person, officer or function ary to do or enforce the doing of such act or thing :

Crown's share when Chap. 1.

7

(41). If, in any Act, any person is directed to be imprisoned Imprisonment (41). It, in any Act, any person is uncored to be imprisoned imprisoned to prison, such imprisonment or committal where to be, when no shall. if no other place is mentioned or provided by law, be special place in or to the common gaol of the locality in which the order is mentioned. for such imprisonment is made, or if there is no common gaol there, then in or to that common gaol which is nearest to such locality; and the keeper of any such common gaol shall receive such person, and safely keep and detain him in such common gaol under his custody until discharged in due course of law, or bailed, in cases in which bail may, by law, be taken :

(42). Words authorizing the appointment of any public Words giving officer or functionary, or any deputy, include the power of power to removing or suspending him, re-appointing or re-instating clude power him or appointing another in his stead, in the discretion of to remove, &c. the authority in whom the power of appointment is vested : Amended on the suggestion of the Parliamentary Committee.

(43). Words directing or empowering a public officer or Directions to functionary to do any act or thing, or otherwise applying to apply to his to him by his name of office, include his successors in such successors and his Deputy. office, and his or their lawful deputy:

(44). All officers now appointed or hereafter appointed by Appointments the Governor General, whether by commission or other- to be during wise, shall remain in office during pleasure only, unless pleasure. otherwise expressed in their commissions or appointments:

(45). When any act or thing is required to be done by more Acts to be done by more do it. than two persons, a majority of them may do it : than two.

(46). Words making any association or number of persons Words constia corporation or body politic and corporate, shall vest in portion to such corporation power to sue and be sued, contract and be vest certain contracted with by their corporate name, to have a com- powers in it. mon seal, and to alter or change the same at their pleasure. and to have perpetual succession, and power to acquire and hold personal property or movables for the purposes for which the corporation is constituted, and to alienate the same at pleasure; and shall also vest in any majority of the members of the corporation the power to bind the others by their acts; and shall exempt the individual members of the corporation from personal liability for its debts or obligations or acts, provided they do not violate the provisions of the Act incorporating them; but no corporation shall carry on the business of banking unless when such power is expressly conferred on them by the Act creating such corporation :

(47). Whenever forms are prescribed, slight deviations Slight deviatherefrom, not affecting the substance or calculated to mis- forms not to lead, shall not vitiate them : invalidate.

Power to make bylaws, what included by.

Acts not to affect the Crown, unless any manner or way whatsoever, the rights of Her Maiestv. specially declared to do 80.

As to Acts of is of the nature of a private Act, shall it affect the rights a private nature.

Power always reserved to repeal or amend any Act.

referred to :

As to Bank Charters.

Parliament to liament the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party, whenever such repeal, amendment, revocation, restriction or modification is deemed by Parliament, to be required for the public good; and unless it is otherwise expressly provided in any Act passed for chartering any bank, it shall be in the discretion of Parliament at any time thereafter, to make such provisions and impose such restrictions with respect to the amount and description of notes which may be issued by such bank, as to Parliament appears expedient:

Effect of repeal of repealing Act.

Effect of repeal of Act as to persons acting under it.

How far only to affect certain proceedings.

(51). The repeal of any Act or part of an Act shall not revive any Act or provision of law repealed by such Act or part of an Act, or prevent the effect of any saving clause therein:

(52). Whenever any Act is repealed, wholly or in part, and other provisions are substituted, and whenever any regulation is revoked and other provisions substituted, all officers, persons, bodies politic or corporate, acting under the old law or regulation, shall continue to act as if appointed under the new law or regulation until others are appointed in their stead; and all proceedings taken under the old law or regulation shall be taken up and continued under the new law or regulation, when not inconsistent therewith: and all penalties and forfeitures may be recovered and all proceedings had in relation to matters which have happened before the repeal or revocation, in the same manner as if the law or regulation was still in force, pursuing the new provisions as far as they can be adapted to the old law or regulation :

As to by-laws, &c., under repealed Act.

(53). Whenever any Act is repealed, wholly or in part, and other provisions are substituted, all by-laws, orders, regulations, rules and ordinances made under the repealed Act shall continue good and valid in so far as they are not inconsistent

(48). Whenever power to make by-laws, regulations, rules

(49). No provision or enactment in any Act shall affect, in

Her heirs or successors, unless it is expressly stated therein

that Her Majesty shall be bound thereby; nor, if such Act

of any person or of any body politic, corporate or col-legiate,—such only excepted as are therein mentioned or

(50). Every Act shall be so construed as to reserve to Par-

or orders is conferred. it shall include the power, from time

to time, to alter or revoke the same and make others:

with the substituted Act, enactment or provision, until they are annulled or others made in their stead:

(54). Whenever any Act or part of an Act is repealed, and Construction other provisions are substituted by way of amendment, of references revision or consolidation, any reference in any unrepealed for which Act, or in any rule, order or regulation made thereunder to others are substituted. such repealed Act or enactment, shall, as regards any subsequent transaction, matter or thing, be held and construed to be a reference to the provisions of the substituted Act or enactment relating to the same subject matter as such repealed Act or enactment: Provided always, that where Proviso: there is no provision in the substituted Act or enactment case in which the repealed relating to the same subject matter, the repealed Act or enactment is enactment shall stand good, and be read and construed as to stand good. unrepealed, in so far, but in so far only, as is necessary to support, maintain or give effect to such unrepealed Act, or such rule, order or regulation made thereunder :

(55). The repeal of an Act, or the revocation of a regulation, As to acts, at any time, shall not affect any act done or any right or right before repeal. of action existing, accruing, accrued or established, or any proceedings commenced in a civil cause, before the time when such repeal or revocation takes effect; but the proceedings in such case shall be conformable when necessary, to the repealing act or regulation:

(56). No offence committed and no penalty or forfeiture Offences comincurred, and no proceeding pending under any Act at any mitted and time repealed, or under any regulation at any time revoked, curred not afshall be affected by the repeal or revocation, except that the fected by repeal. proceeding shall be conformable, when necessary, to the repealing Act or regulation, and that whenever any penalty, forfeiture or punishment is mitigated by any of the provisions of the repealing Act or regulation, such provisions shall be extended and applied to any judgment to be pronounced after such repeal or revocation :

(57). Every Act shall, unless by express provision it is All Acts to be declared to be a private Act, be deemed to be a public Act, public Acts, and shall be judicially noticed by all judges, justices of the as regards pleading. peace and others without being specially pleaded :

(58). Every copy of any Act, public or private, printed by Proof of Acts. the Queen's Printer, shall be evidence of such Act and of its contents; and every copy purporting to be printed by the Queen's Printer shall be deemed to be so printed, unless the contrary is shown :

(59). The preamble of every Act shall be deemed a part Preamble to thereof, intended to assist in explaining the purport and het a part of Act. object of the Act; and every Act and every provision or

All Acts remedial, and to be construed as such.

enactment thereof, shall be deemed remedial, whether its immediate purport is to direct the doing of any thing which Parliament deems to be for the public good, or to prevent or punish the doing of any thing which it deems contrary to the public good—and shall accordingly receive such fair, large and liberal construction and interpretation as will best insure the attainment of the object of the Act and of such provision or enactment, according to its true intent, meaning and spirit:

Application of rules of construction not excluded.

(60). Nothing in this section shall exclude the application to any Act, of any rule of construction applicable thereto, and not inconsistent with this section. **31** V., c. 1, ss. 6, 7, part, and 8; -35 V., c. 27, ss. 12, part, 13, 14 and 15; -37 V., c. 9, s. 129; -37 V., c. 10, s. 62; -38 V., c. 1, ss. 2 and 3; -42 V., c. 47, s. 3; -46 V., c. 1, ss. 1 and 2, parts; -48-49 V, c. 40, s. 2, part; -C.S.U.C., c. 78, s. 7, part; -C.S.L.C., c. 108, s. 1, part, and s. 2; -29 V., N.S., c. 12, s. 15, part; -1, R.S.N.B., c. 140, s. 2.

How Acts may be cited.

8. Any Act may be cited as of the year of Our Lord. Suggested by the Parliamentary Committee.

Provisions herein to apply to this Act. **9.** The provisions of this Act shall apply to the construction thereof, and to the words and expressions used therein. **31** V., c. 1, s. 7, *part*.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
31 V., c. 1	ss. 1, 2, 3, 4, 5, 6 and 7 (part) 8 and 16.		s. 7, (20thly	Printing Stat- utes. Threats and
35 V., c 35 V., c. 27	s. 1 part ss. 12 (part) and 13, 14 and 15.		Residue	other offences Printing Stat- utes. Quarantine.
37 V., c. 10	s. 129 s. 62 ss. 2 and 3		Residue	Controverted Elections.
42 V., c. 47	s. 3 The whole except	 		utes. Dominion Day and Bills and
48-49 V., c. 40 C.S. U.C., c. 78. C.S. L.C., c.	part of s. 2. Part of s. 2. s. 7 (part). s. 1 (part) and		\ \	Notes.
108. 29 V., (N.S.) c. 12 1 R.S.N.B. c. 140.	s. 2. s. 15 (part).			

CHAPTER 2.

An Act respecting the publication of the Statutes.

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

1. All the original Acts, passed by the Legislatures of Clerk of the hat Parliaments the late Provinces of Upper or Lower Canada, or of the late to have the Province of Canada, transferred to and deposited of record custody of in the office of the Clerk of the Senate, and also all original original Acts of Parliament Acts of the Parliament of Canada heretofore assented to, or and of certain hereafter assented to by the Governor General, and all Bills late Legisla-tures, and of reserved for the signification of the Queen's pleasure, and reserved Bills. assented to or disallowed by the Queen in Council, shall be and continue to remain of record in the custody of the Clerk of the Senate of Canada, who shall be known and designated as "The Clerk of the Parliaments." 35 V., c. 1, s. 1, part.

2. The Clerk of the Parliaments shall have a seal of office, Clerk of the Parliaments and shall affix the same to certified copies of all Acts in- to have and tended for the Governor General or the Registrar General use a Seal of of Canada or required to be produced before courts of Office. justice, either within or beyond the limits of Canada, and in any other case in which the said Clerk deems it expedient. 35 V., c. 1, s. 2.

8. All copies of the Acts above referred to, so certified by Certified the Clerk of the Parliaments, shall be held to be duplicate to be held to originals, and also to be evidence of such Acts and of their be duplicate contents, as if printed under the authority of Parliament by originals. the Queen's Printer.' 35 V., c. 1, s. 3.

4. As soon as practicable after the prorogation of every Bound copy session of Parliament, the Clerk of the Parliaments shall of Canada obtain from the Queen's Printer a sufficient number of and copies of bound copies of the Statutes of Canada passed during such reserved bills Session of Parliament, and shall deliver to the Governor to be delivered General one copy duly certified, for transmission to one of to the Gover-nor and Her Majesty's Principal Secretaries of State, as required by bound copy to "The British North America Act, 1867," together with certified Registrar General. copies of all Bills reserved for the signification of the Queen's pleasure, and one like copy of the said Acts in the English and French languages to the Registrar General of Canada. 35 V., c. 1, s. 4.

Certified copies of Acts to be furnished on application.

· 5. The Clerk of the Parliaments shall also furnish certified copies of any of the Acts above mentioned to any public officer or person applying for the same; and upon all such copies the said Clerk of the Parliaments shall, before delivering the same to such officer or person, receive from such person a fee at the rate of ten cents for every hundred words in the certified copy and certificate; and all sums so received by him shall form part of the contingent fund of the Senate. 35 V., c. 1, s. 5.

Copies for public service.

Certificate to be inserted at the foot of every copy of Act required

6. All certified copies required for the public service shall be obtained from the Clerk of the Parliaments through the Secretary of State of Canada. 35 V., c. 1, s. 6.

7. The Clerk of the Parliaments shall insert at the foot of every such copy so required to be certified, a written certificate, duly signed and authenticated by him, to the to be certified. effect that it is a true copy of the Act passed by the Parliament of Canada, or by the Legislature of the late Province of Canada, or of the late Province of Upper Canada or Lower Canada (as the case may be) in the session thereof held in the year of Her Majesty's reign, and assented to in Her Majesty's name, by the Governor day of General, or (as the case may be), on the , or reserved for the signification of Her Majesty's pleasure thereon, and assented to by Her Majesty in Council, on the day of 35 V., c. 1, s. 7.

PRINTING AND DISTRIBUTION OF THE STATUTES.

Certified copy of every Act to be furnished to Queen's Printer.

Acts to be printed in two separate volumes: what each

Copies of each volume to be English and French languages respectively. Distribution.

8. The Clerk of the Parliaments shall furnish the Queen's Printer with a certified copy of every Act of the Parliament of Canada as soon as the same has received the Royal Assent, or if the Bill has been reserved, as soon as the Royal Assent thereto has been proclaimed in Canada. 31 V., c. 1, s. 9.

9. The Acts of the Parliament of Canada, shall be printed in two separate volumes, the first of which shall contain such of the said Acts and such Orders in Council and Proshall contain, clamations or other documents, and such Acts of the Parliament of the United Kingdom, as the Governor in Council deems to be of a public and general nature or interest in Canada, and directs to be inserted in the said volume, and the second volume shall contain the remaining Acts of the session, and shall be printed after the first volume; and printed in the copies of the said volumes shall be printed in the English and French languages respectively, by the Queen's Printer, who shall, as soon after the close of each session as is practicable, deliver, or send by post, or otherwise, in the most economical manner, the proper number of copies to the persons hereinafter mentioned, respectively, and in either or both languages as he is directed; that is to say :-

Chap. 2.

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(a) To the members of the two Houses of Parliament To members respectively, such number of copies each as is, from time of Parliato time, directed by joint resolution of the said Houses, or, in default of such resolution, in such numbers as are directed by the Governor in Council;

(b) To such public departments, administrative bodies To departand officers throughout Canada, (including justices of the ments. peace in the distribution of the first, but not of the second volume), as the Governor in Council, from time to time, directs. 38 V., c. 1, s. 1, part.

10. Whenever any Bill receives the Royal Assent during Proviso : as to and before the termination of any session of Parliament, Bills assented to during a the Queen's Printer shall, if so directed by the Secretary session. of State of Canada, cause distribution of such Act to be made, to the same persons and in like manner and numbers as hereinbefore provided with respect to the Acts of any session; or such Act may, by order of the Governor in Council be published in the Canada Gazette, and printed afterwards in the proper volume of the Statutes. 38 V.. c. 1. s. 1, part.

11. The Secretary of State of Canada shall, within fifteen List to be days after the close of each Session of Parliament, transmit transmitted to the Queen's Printer a list of the public departments, Secretary of administrative bodies and officers to whom the first and State. second volumes respectively, of the Statutes of such session are to be transmitted as aforesaid, and shall also as occasion requires, furnish him with copies of all Orders in Council And Orders made under the provisions of this Act. 38 V., c. 1, s. 1, in Council. part.

12. If, after the distribution of the printed Acts, any Distribution copies remain in the hands of the Queen's Printer, he if any copies may deliver any number thereof, to any person by order of the Governor in Council, on notice thereof by the Secretary of State of Canada,-or to the Members of the Senate or of the House of Commons, on the order of the Speaker of the said Houses respectively. 31 V., c. 1, s. 12.

13. The Statutes shall be printed in royal octavo form, How Statutes on fine paper, in small pica type, thirty-two ems by fifty- shall be five ems, including marginal notes in minion, such notes bound. referring to the year and chapter of previous Statutes. whenever the text amends, repeals or changes the enactments of former years ; and shall be half-bound in cloth with backs of white sheep skin and lettered, with the exception of a certain number to be named by the standing committee on printing, which shall be bound in half-calf and gilt-lettered, and they shall be arranged for distribution Classification in such manner, either by the binding of the public general of Statutes.

Acts and Acts of a local or private character, in separate volumes, or by binding them together in the same volumes, with separate indexes, or otherwise, as the Governor in Council deems expedient. 31 V., c. 1, s. 13.

Report by Queen's Printer as to number of copies distributed.

14. The Queen's Printer shall, before the opening of each Session of Parliament, make a report in triplicate to the Governor General showing the number of copies of the Acts of each Session which have been printed and distributed by him since the then last Session,--and the departments, administrative bodies, officers and persons to whom the same have been distributed, the number of copies delivered to each, and under what authority, and the number of copies of the Acts of each Session then remaining in his hands,-And as to ex- and containing also a detailed account of the expenses by

pense incurred him actually incurred in carrying this Act into effect, that provision may be made for defraying the same, after such account has been duly audited and allowed :

> 2. Such report shall be laid before each House of Parliament within fifteen days after the opening of each Session thereof. 31 V., c. 1, s. 14.

Obligations of persons obtaining pri-vate Acts.

15. Every person who obtains an Act of a private or personal character shall furnish, at his own cost, one hundred and fifty printed copies of such Act to the Governor in Council. 81 V., c. 1, s. 15.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
31 V., c. 1 35 V., c. 1 38 V., c. 1	The whole.			1

by him.

CHAPTER 3.

An Act respecting the Governor General.

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

1. The Governor General of Canada for the time being, Governor General to be or other chief executive officer or administrator carrying on a corporation the Government of Canada, on behalf and in the name of sole. the Queen, by whatsoever title he is designated, and his successors, shall be a corporation sole;-and all bonds, recognizances and other instruments by law required to be taken to him in his public capacity, shall be taken to him and his successors by his name of office, and may be sued for and recovered by him or his successors by his or their name of office as such; and the same shall not in any case go to or vest in the personal representatives of the Governor General, chief executive officer or administrator of the Government in whose name they were so taken. 31 V., c. 33, s. 1.

2. There shall be payable yearly, and *pro rata* for any Salary of Gov-period less than a year, to the Governor General of Canada ernal to be for the time being, the salary of ten thousand pounds ster- £10,000 sterling, equal to and of the value of forty-eight thousand six ^{ling.} hundred and sixty-six dollars and sixty-three cents; and the same shall be payable out of the Consolidated Revenue Fund of Canada, and shall form the third charge thereon. 32 and 33 V., c. 74, s. 1.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
31 V ., c. 33 32-33 V., c. 74	4		Remainder of Act.	An Act res- pecting sala- ries of Pub- lic function- aries, & c., and Act res- pecting judges of Provincial Courts.

CHAPTER 4.

An Act respecting the Salaries of certain Public Functionaries and other annual charges on the Consolidated Revenue.

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

1. There shall be payable yearly, and pro ratâ for any tioned in this less period than a year, the salaries and sums of money mentioned in the following sections of this Act, to the per-Act, to be pay-able without sons and for the purposes therein specified, and the same shall be payable out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada. 31 V., c. 33. s. 2.

2. The salaries of the Lieutenant Governors of the several Salaries of Lt. Governors. Provinces shall be as follows, that is to say :-

The Lieutenant Governor of Quebec	\$10,000 per a	nnum.
The Lieutenant Governor of Ontario		
The Lieutenant Governor of Nov	7a ·	
Scotia	9,000 "	"
The Lieutenant Governor of Ne	W	
Brunswick		0
The Lieutenant Governor of Manitob		"
The Lieutenant Governor of Britis	sh	
Columbia	9,000 "	"
The Lieutenant Governor of Prince E	ld-	
ward Island	7,000 "	"
36 V 0. 31 8 3 · 37 V 0 4 8 1		

36 V., c. 31, s. 3;--37 V., c. 4, s. 1.

Salaries of Ministers.

Sums men-

an annual

vote.

3. The salaries of the following ministers, members of the Queen's Privy Council for Canada, shall be as follows, that is to say :---

The Minister of Justice and Attorney		
General	\$7,000 per annum	
The Minister of Militia and Defence	7,000 " "	
The Minister of Customs	7,000 " "	
The Minister of Finance and Receiver	•	
General	7,000""	
The Minister of Railways and Canals	7,000 " "	
The Minister of Public Works	7,000 " "	
The Minister of Inland Revenue	7,000 " "	

The The	Minister o President	f the In	terior	\$	7,000 per annum.
1 ue	President	of the	Queen's	Privv	

The freshcent of the Queens filly			
Council for Canada	7,000		"
The Minister of Marine and Fisheries	7,000	"	"
The Postmaster General.	7,000	"	"
The Minister of Agriculture	7,000	"	"
The Secretary of State of Canada	7,000	"	٠٠

And the member of the Queen's Privy Council holding the recognized position of First Minister shall receive, in addition, one thousand dollars per annum. 36 V., c. 31, s. ²;-42 V., c. 7, s. 13, part.

4. The salary of the Secretary of the Governor General Governor shall be two thousand four hundred dollars per annum. General's Sec-retary. 31 V., c. 33, sch, part.

5. There shall be payable for Indian annuities for Ontario Indian annuand Quebec twenty-six thousand six hundred and sixty-four ities. dollars per annum. 31 V., c. 33, sch, part.

6. There shall be payable to H. W. Crawley, Esquire, for- H. W. Craw-merly Crown Land Commissioner, Cape Breton, twelve ley and Cap-hundred dollars per annum, and to Captain Hankin, late Colonial Secretary, British Columbia, two thousand five hundred and ninety-five dollars and fifty-five cents per annum; to each so long as he does not accept any office under Government of equal or greater value. 31 V., c. 33, sch, part ;-35 V., c. 20, s. 5, part.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
31 V., c. 33	Part of s. 2, and portions of sche- dule.		Remainder	Act respecting the Governor General, and Act respect- ing Judges of Provincial Courts.
35 V., c. 20. · 36 V., c. 31	s. 5, part. ss. 2 and 3	1	Remainder	Act respecting Judges of Provincial Courts.
37 V., c. 4 42 V., c. 7	s. 1 Part of s. 13.		Remainder	Act respecting Judges of Provincial Courts.

CHAPTER 5.

An Act respecting the Electoral Franchise.

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

SHORT TITLE.

title. **1.** This Act may be cited as "The Electoral Franchise Act." 48-49 V., c. 40, s. 1.

INTERPRETATION.

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

Interpretation.

"Person."

"Owner" elsewhere

bec.

than in Que-

(a.) The expression "person" means any male person, including an Indian, and excluding a person of Mongolian or Chinese race;

(b.) The expression "owner" when it relates to the ownership of real property situate elsewhere in Canada than in the Province of Quebec, means the proprietor either in his own right or for his own benefit, or if such proprietor is a married man, it means the proprietor in his own right, or in the right of his wife, of freehold estate, legal or equitable, in lands and tenements held in free and common soccage of which such person is in actual possession, or in respect of which such person is in receipt of the rents and profits;

"Owner"; in Quebec.

Usufructuary.

(c.) The expression "owner" when it relates to the ownership of real property situate in the Province of Quebec, means "proprietor" or "usufructuary" (usufruitier) either in his own right, or in the right of his wife, of real property in "franc alleu," or in free and common soccage; and when one person has the mere right of property or legal estate in any real property in the said Province, and some other person has the usufructuary enjoyment (la jouissance et l'usufruit) of the same property for his own use as aforesaid, the person who has the mere right of property or legal estate therein shall not have the right of being registered as a voter or of voting under this Act in respect of such property, but in such case the person having the usufructuary enjoyment (usufruit) shall alone have the right of being registered as a voter and of voting in respect of such proper ty under this Act ;

Short title.

Chap. 5.

(d.) The expression "tenant" means as well a person "tenant." who is bound to render to his landlord some portion of the produce or of the revenues or profits of the property leased, in lieu of rent, as a person who pays rent in money therefor;

(e.) The expression "occupant" means a person in actual "Occupant." occupation of real property otherwise than as "owner," "tenant," or "usufructuary," in his own right, or, in the case of a married man, in his own right or in the right of his wife, and who receives to his own use and benefit the revenues and profits thereof;

(f.) The expression "father" includes grandfather, step-"Father," father and father-in-law, and the expression "mother" in-"Mother." cludes step-mother and mother-in-law;

(g.) The expression "son of an owner of real property" "Son of when used with reference to cities and towns means any person not otherwise qualified to vote who is the son of an owner and actual occupant of real property, and includes a grandson, step-son and son-in-law; and when used with reference to places other than cities and towns means any person not otherwise qualified to vote who is the son of an owner and occupant of real property other than a farm, and includes a grandson, step-son and son-in-law;

(h.) The expression "farmer's son" means any person "Farmer's not otherwise qualified to vote who is the son of an owner son." and actual occupant of a farm, and includes a grandson, step-son and son-in-law;

(i.) The expression "real property" means a lot or portion "Real proof a lot or other portion or sub-division of real property, or perty," a house, store, office or building of any description whatsoever, or any portion thereof, situate upon real property, and forming part thereof;

(j.) The expression "farm" means land actually occupied "Farm." by the owner thereof and not less in quantity than twenty acres; and the expression "farmer" means such owner thereof;

(k.) The expression "the Province" means that Province "The Proof Canada in which is situate the electoral district or portion vince." of an electoral district for which the revising officer in the case or matter referred to is appointed;

(1.) The expression "city" means any place incorporated as "City." a city, or recognized as such, by or under any Act of the Parliament of Canada or of the Legislature of the Province in which it is situate; except the cities of Hull and St. Exceptions. Hyacinthe, in the Province of Quebec, which, for the purposes of this Act, shall be deemed to be towns;

 $2\frac{1}{2}$

"Town."

(m.) The expression "town" means any place incorporated as a town, or recognized as such, by or under any Act of the Parliament of Canada or of the Legislature of the Province in which it is situate;

"Incorporated village." (n.) The expression "incorporated village" means any place incorporated as a village or recognized as such by or under any Act of the Parliament of Canada or of the Legislature of the Province in which it is situate;

" Parish."

"Electoral District."

"Actual value." "Value."

Proviso.

"List of voters." (o.) The expression "parish" means any tract of land which is generally reputed to form a parish, whether such tract has or has not been wholly or in part originally erected into a parish by the civil or ecclesiastical authorities, and which, on the twentieth day of July, one thousand eight hundred and eighty-five existed as a territorial division;

(p.) The expression "electoral district" means any place entitled to return a member to the House of Commons of Canada, consisting of or comprising any city, town, county, township, parish, district or municipality, or portion thereof;

(q.) The expression "actual value" or "value" means the then present market value of any real property, if sold upon the ordinary terms of sale, in respect of which any person claims to be qualified, whether as owner, tenant, occupant or farmer's son, or son of an owner of real property other than a farmer as determined by the revising officer, upon the best information in his possession at the time of the final revision of the list of voters for the polling district in which the property is situate, but subject to the provision in this Act contained that the assessment rolls as finally revised for municipal purposes shall be primâ facie evidence of the value of such property;

"Voting" "To vote." (r.) The expressions "voting" and "to vote " mean voting and to vote at the election of a member to serve in the House of Commons of Canada;

> (s.) The expression "list of voters" means, except when the first general list or an unrevised list is especially mentioned or referred to, the list of voters, to be revised and completed under the provisions of this Act in each year, for each polling district of an electoral district, when finally revised, and includes a list corrected on appeal;

"Election." (t.) The expression "election" means an election of a member to serve in the House of Commons of Canada;

"The revising (u.) The expression "the revising officer" means any revising officer appointed under this Act for the electoral district or portion of an electoral district referred to in the context, and competent to do the thing required. 48-49 V., c. 40, s. 2, part.

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QUALIFICATION OF VOTERS.

In cities and towns.

3. Every person shall be entitled to be registered in any Who shall be year upon the list of voters for any polling district of any registered as voters if quaelectoral district or portion of an electoral district which is lifted as toa city or town or part of a city or town, or which includes a city or town or part of a city or town, and when so registered to vote, if such person-

(1.) Is of the full age of twenty-one years, and is not by Age. this Act or by any law of the Dominion of Canada, disqualified or prevented from voting; and

Allegiance. (2.) Is a British subject by birth or naturalization ; and

(3.) Is the owner of real property within any such city Ownership. or part of a city, of the actual value of at least three hundred dollars, or within any such town or part of a town of the actual value of at least two hundred dollars: or-

(4.) Is the tenant of any real property within any such Tenancy, city or town or part of a city or town, under a lease, at a monthly rental of at least two dollars, or at a quarterly rental of at least six dollars, or at a half-yearly rental of at least twelve dollars, or at an annual rental of at least twenty dollars, and has been in possession thereof as such tenant for at least one year next before the first day of January, in such year, and has really and bond fide paid one year's rent for such real property, at not less than the rate aforesaid : Provided, that the year's rent so required to be paid to Proviso; as entitle such tenant to vote shall be the year's rent up to the to rent. last yearly, half-yearly, quarterly or monthly day of payment, as the case may be, which occurred next before the date of the certificate of the final revision of the list of voters made by the revising officer, as hereinafter mentioned : except when the rental is an annual one and for a larger sum than twenty dollars, in which case at least twenty dollars of the last year's rent which accrued next before the date of the said certificate shall have been paid; and pro- Proviso; as to vided also, that a change or changes of tenancy during the change of year shall not deprive such tenant of the right to vote if such change or changes have been without any intermission of time between the tenancies, and if the several tenancies are such as would entitle the tenant to vote had such tenant been in possession under any one of them, as such tenant, for the year next before the date of the said certificate; and provided further, that if on any revised Provise; as to or final assessment roll the amount of the tenant's rent valuation of is not stated, the fact that the real property in respect of assessment which his name is entered on such roll as the tenant roll.

tenancy.

thereof is assessed on such roll in cities at three hundred dollars or more, or in towns at two hundred dollars or more, shall be prima facie evidence of his right to be registered on the list of voters; or-

(5.) Is the bond fide occupant of real property within any

such city or part of a city of the actual value of at least three

Occupancy.

Proviso.

In case of married men.

Residence

hundred dollars, or within any such town or part of a town of the actual value of at least two hundred dollars, whether such occupation is under a license of occupation or agreement to purchase from the Crown or from any person, or whether such occupation is of any kind other than that of owner or tenant: Provided in every such case, that such person has been in possession of such real property as such occupant for one year next before such first day of January, and is and has been for such time in the enjoyment of the revenues and profits thereof, for the use of such occupant, or in the case of a married man, for his own use or for the use of his wife: or-

(6.) Is a resident within such city or town, or part of a and income. city or town, and derives an income of at least three hundred dollars annually from his earnings in money or money's worth, or from some profession, calling, office or trade. or from some investment in Canada, and has so derived such income and has been such resident for one year next before such first day of January ; or-

> (7.) Is the son of an owner of real property, and is not otherwise qualified to vote: and

If father is living.

As son of

owner.

If value not sufficient to qualify all sons.

(a.) If his father is living, is and has been resident upon such property continuously with his father, being such owner, in such city or town or part of a city or town, for one year next before such first day of January, if the value of the real property on which his father resides and in respect of which his father is qualified to be registered as a voter and to vote as owner is sufficient, if equally divided among the father and one or more sons, as co-owners, to qualify them to be registered as voters under this Act. in which case both the father and such one or more sons as so desire may be so registered as voters; and if there are more such sons than one resident as aforesaid on such property and claiming to be registered as voters in respect thereof, and if the the value of the said real property is not sufficient to give the father and each of such sons the right to vote in respect of such value if equally divided among them, then the right to be registered as a voter and to vote in respect of such real property shall belong only to the father and the eldest or so many of the elder of such sons, being so resident as aforesaid, as the value of the real property, it equally divided, will qualify; or-

(b.) If his father is dead, is and has been resident upon If father is such property continuously with his father, or with his dead. mother after the death of his father, being such owner. in such city or town or part of a city or town, for one year next before such first day of January, if the ralue of the real property on which his father, or his mother after the death of his father, resided or resides, and in respect of which such father would, if living, be qualified to be registered as a voter and to vote as owner, is sufficient if equally divided among all of his sons as co-owners, to qualify them as voters under this Act, in which case such son or sons as so desire may be so registered as voters; and if there are more such sons If value not than one resident as aforesaid on such property, and claim- sufficient to ing to be registered as voters in respect thereof, and if the sons. value of the said real property is not sufficient to give each of such sons the right to vote in respect of such value if equally divided among them, then the right to be registered as a voter and to vote in respect of such real property shall belong only to the eldest or so many of the elder of such sons, being so resident as aforesaid, as the value of such real property, if equally divided, will qualify:

Provided, that in either of the cases mentioned in the Proviso; as two paragraphs next preceding, in order to entitle him to to residence, and as to vote in respect of such qualification, each such son shall absence. at the time of the election for the electoral district in which he tenders his vote, be so resident with his father, or with his mother after the death of his father; but occasional absence of any such son from the residence of the father or of the mother after the death of the father, for any period or periods not exceeding in all six months in the year, shall not disqualify him as a voter. 48-49 V., c. 40, s. 3.

Elsewhere than in Cities and Towns.

4. Every person shall be entitled to be registered in any Who shall be year on the list of voters for any polling district of any registered as electoral district or portion of an electoral district other than qualified as a city or town or portion of a city or town, and when so toregistered to vote, if such person-

(1.) Is of the full age of twenty-one years, and is not by Age. this Act or by any law of the Dominion of Canada disqualified or prevented from voting; and

(2.) Is a British subject by birth or naturalization; and Allegiance.

(3.) Is the owner of real property within any such elec- Ownership. toral district, or portion of an electoral district, of the actual value of at least one hundred and fifty dollars ;---or

or

Tenancy.

Proviso : as to rent.

Exception.

Proviso; as to change of tenancy.

Proviso: if rent is not stated.

vided also, that a change or changes of tenancy during the year shall not deprive such tenant of the right to vote, if such change or changes have been without any intermission of time between the tenancies, and if the several tenancies are such as would entitle the tenant to vote had such tenant been in possession under any one of them, as such tenant, for the year next before the date of the said certificate: Provided further, that if on any revised or final assessment roll the amount of a tenant's rent is not stated, the fact that the real property in respect of which his name is entered on such roll as tenant thereof is assessed on such roll at one hundred and fifty dollars, or more, shall be primâ facie evidence of his right to be registered on the list of voters as such tenant; or—

Occupancy.

Proviso; as to length of possession.

(5.) Is the bonâ fide occupant of real property within such electoral district or portion of an electoral district of the actual value of at least one hundred and fifty dollars, whether such occupation is under a license of occupation or agreement to purchase from the Crown or from any person, or whether such occupation is of any kind other than that of owner or tenant: Provided, in every such case, that such person has been in possession of such real property as such occupant for one year next before such first day of January, and is and has been for the said time in the enjoyment of the revenues and profits thereof for the use of such occupant, or in the case of a married man for his own use or for the use of his wife: or---

(4.) Is the tenant of any real property within any such

electoral district, or portion of an electoral district, under a lease, at a monthly rental of at least two dollars, or at a quarterly rental of at least six dollars, or at a half-yearly rental of at least twelve dollars.

at an annual rental of at least twenty dollars, payable in any such case in money, in kind or in money's worth of like value,—except when the real property is situate in an incorporated village, in which case the rental shall be payable in money only,—and has been in possession thereof as such tenant for at least one year next before the first day of January in such year, and has really and bonû fide paid one year's rent for such real property at not less than the rate aforesaid : Provided, that the year's rent so required to be paid to

entitle such tenant to vote shall be the year's rent up to the last yearly, half-yearly, quarterly or monthly day of payment, as the case may be, which occurred next before the date of the certificate of the final revision of the list of voters made by the revising officer as hereinafter mentioned;

except when the rental is an annual one and for a larger sum than twenty dollars, in which case at least twenty dollars of the last year's rent which accrued next before the

date of the said certificate shall have been paid; and pro-

(6.) Is a resident within such electoral district or portion Residence of an electoral district and derives an income of at least three and income. hundred dollars annually from his earnings, in money or money's worth, or from some profession, office, calling or trade, or from some investment in Canada, and has so derived such income and has been such resident for one year next before such first day of January; or-

(7.) Is a farmer's son not otherwise qualified to vote; As a farmer's andson.

(a.) If his father is living, is and has been resident con- If father is tinuously on the farm of his father in such electoral dis-living. trict or portion of an electoral district for one year next before such first day of January, if the value of such farm is sufficient, if equally divided among the father and one or more sons as co-owners, to qualify them to be registered as voters, in which case the father and such one or more sons as so desire may be so registered as voters; and if there are If value not more such sons than one resident as aforesaid on the farm, sufficient to and claiming to be registered as voters in respect thereof, sons. and if the value of such farm is not sufficient to give the father and each of such sons the right to vote in respect of such value if equally divided among them, then the right to be registered as a voter and to vote in respect of such farm shall belong only to the father and the eldest or so many of the elder of such sons, being so resident as aforesaid, as the value of such farm, if equally divided, will qualify : or -

(b.) If his father is dead, is and has been resident con- If father is tinuously on the farm of his father, or of his mother after dead. the death of his father, in such electoral district or portion of an electoral district for one year next before such first day of January, if the value of such farm is sufficient, if equally divided among all of such sons of such father as co-owners, to qualify them as voters under this Act, in which case such one or more sons as so desire may be so registered as voters; and if there are more such sons than one resident as afore- If value not said on such farm, and claiming to be registered as voters in sufficient to respect thereof, and *if* the value of *such* farm is not sufficient sons. to give each of such sons the right to vote in respect of such value, if equally divided among them, then the right to be registered as a voter and to vote in respect of such farm shall belong only to the eldest or so many of the elder of such sons, being so resident as aforesaid, as the value of such farm, if equally divided, will qualify:

Provided, that in either of the cases mentioned in the two Proviso; as paragraphs next preceding, in order to entitle him to vote in to residence respect of such qualification, each such son shall, at the time of the election for the electoral district in which he tenders his

vote, be so resident with his father, or *with his* mother after the death of his father; but occasional absence of any such son from the farm for *any period or periods*, not *exceeding* in all six months in the year, shall not disqualify him as a voter under this Act; or—

(8.) Is the son of an owner of real property in such elec-

toral district or portion of an electoral district, other than a

farm, and is not otherwise qualified to vote, and-

As son of owner, not a farmer.

If father is living.

If value not sufficient to qualify all sons.

If father is dead.

If value not sufficient to qualify all sons.

(a.) If his father is living, is and has been resident upon such property continuously with his father, being such owner, for one year next before such first day of January, if the value of the real property on which his father resides, and in respect of which his father is qualified to be registered as a voter as owner, is sufficient, if equally divided among the father and one or more sons as co-owners, to qualify them as voters under this Act, in which case the father and such one or more sons as so desire, may be so registered as voters; and if there are more such sons than one resident as aforesaid on such property, and claiming to be registered as voters in respect thereof, and if the value of the said property is not sufficient to give the father and each of such sons the right to vote in respect of such value, if equally divided, then the right to be registered as a voter and to vote in respect of such real property shall belong only to the father and the eldest or so many of the elder of such sons, being so resident as aforesaid, as the value of such real property, if equally divided, willqualify ; or--

(b.) If his father is dead, is and has been resident upon such property continuously with his father, or with his mother after the death of his father, being such owner, for one year next before such first day of January, if the value of the real property on which his father, or his mother after the death of his father, resided or resides, and in respect of which such father would, if living, be qualified to be registered as a voter as owner is sufficient, if equally divided among all of such sons as co-owners, to qualify them as voters under this Act, in which case such one or more sons as so desire may be so registered as voters; and if there are more such sons than one resident as aforesaid on such property, and claiming to be registered as voters in respect thereof, and if the value of the said property is not sufficient to give each of such sons the right to vote in respect of such value, if equally divided, then the right to be registered as a voter and to vote in respect of such real property shall belong only to the eldest or so many of the elder of such sons, being so resident as aforesaid, as the value of such real property, if equally divided, will qualify :

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Provided, that in either of the cases mentioned in the two Proviso; as paragraphs next preceding, in order to entitle him to vote in to residence and as to respect of such qualification, each such son shall, at the absence. time of the election for the electoral district in which he tenders his vote, be so resident with his father, or with his mother after the death of his father; but occasional absence of any such son from the residence of the father, or of the mother after the death of the father, for any period or periods not exceeding in all six months in the year, shall not disqualify such son as a voter; or-

(9.) Is a fisherman, and is the owner of real property and As a fisherboats, nets, fishing gear and tackle within any such elec- man. toral district, or portion of an electoral district, which together are of the actual value of at least one hundred and fifty dollars. 48-49 V., c. 40, s. 4.

Applicable to Electoral Districts generally.

5. The qualifications required of voters under section In a city or three of this Act shall apply to voters in a city or town, or town attach-ed to a county a portion of a city or town attached for electoral purposes or riding and to a county or riding of a county in any electoral district; vice versa. and the qualifications required of voters under section four of this Act shall apply to voters in any municipality or place not being a city or town, or a portion of a city or town, which is attached to or included for electoral purposes in a city or town, or portion of a city or town. 48-49 V., c. 40. s. 5.

6. Whenever two or more persons are, either as business Joint tenancr partners, joint tenants, tenants in common, or by any other in common kind of joint interest, the owners, tenants or occupants of tenancy. any lot, or portion of a lot, or other sub-division or parcel of real property in any electoral district, each of such persons whose share therein is sufficient in value, or in the case of tenants, in amount of rent, according to the provisions of this Act, to qualify such person as a voter in respect of real property, shall be entitled to be registered on the list of voters and to vote in respect of such share, as if it was held in such person's individual name, and not jointly with one or more. 48-49 V., c. 40, s. 6.

7. Persons qualified under this Act as voters in respect Place of reof income shall only be entitled to be registered as voters gistry for and to vote in the polling district in which they reside at the time of registration ; and persons qualified otherwise than in respect of income shall only be entitled to be registered as voters and to vote in the polling district in which the real property in respect of which they are qualified is situate; but if such property is partly within one polling Property ex-district and partly within another, although all within one tending into more than

voters.

one polling district.

As to time spent by sons as mariners, fishermen or students.

electoral district, the persons qualified in respect thereof shall be entitled *respectively* to be registered and to vote in that one of such polling districts in which they desire to be registered as voters. 48-49 V., c. 40, s. 7.

8. In the case of a farmer's son or of the son of an owner of real property other than a farmer, the time spent by such son as a mariner or fisherman, in the prosecution of *either of such* occupations, or as a student in any institution of learning within Canada, shall be considered, for the purposes of this Act, as having been spent at *the residence* of his father, or of his mother after the death of his father, as the case may be. 48-49 V., c. 40, s. 8.

9. Except the persons duly qualified and registered as voters under this Act, and except as otherwise provided in "The Dominion Elections Act," no person shall be entitled to vote at any election for a member of the House of Commons of Canada. 48-49 V., c. 40, s. 10, part.

The remainder of original section 10 is omitted as effete.

10. No Indian in either of the Provinces of Manitoba or British Columbia, or in the District of Keewatin or the North-West Territories of Canada, shall be entitled to be registered on any list of voters or to vote, and no Indian on any reserve elsewhere in Canada who is not in possession and occupation of a separate and distinct tract of land in such reserve, and whose improvements on such separate tract are not of the value of at least one hundred and fifty dollars, and who is not otherwise possessed of the qualifications entitling him to be registered on the list of voters under this Act, shall be entitled to be registered on any list of voters or to vote. 48-49 V., c. 40, s. 11, part.

Applicable to Provinces of British Columbia and Prince Edward Island.

Special provisions as to B. C. and P. E. I. 11. In the Provinces of British Columbia and Prince Edward Island, besides the persons entitled to be registered as voters and to vote under the foregoing provisions of this Act, every person who, on the twentieth day of July, one thousand eight hundred and eighty-five—

(a.) Was of the age of twenty-one years and was not by this Act or by any law of the Dominion of Canada disqualified or prevented from voting; and

British subject.

Age.

(b.) Was a British subject by birth or naturalization and resident in the Province, and was entitled to vote in the said Provinces respectively by the laws then severally in force in the same,—

Unregistered and disqualified persons not to vote.

Certain Indians not qualified. Chap. 5.

Shall have a right to be registered as a voter and to vote, Registration so long as he continues to be qualified to vote under the as voters. provisions of the said last mentioned laws, and no longer. 48-49 V., c. 40, s. 9.

REVISING OFFICERS AND OTHER OFFICERS.

12. The Governor in Council may, from time to time, ap-Appointment point a proper person to be called "the revising officer," for officers. each or any of the electoral districts, who shall hold office Tenure of during good behavior, but who shall be removable on office. address by the House of Commons, and whose duties shall be to revise and complete, in the manner hereinafter pro- Their duties. vided, the lists of persons entitled to be registered as voters under the provisions of this Act in such electoral district or portion of an electoral district for which he is appointed as hereinafter provided :

2. Every such officer shall, before entering upon his To take oath duties, take an oath of office before a judge of a court of of office. record of the Province in which he is to act, in the form A. in the schedule to this Act, which oath he shall forthwith thereafter cause to be filed with the Clerk of the Crown in Chancery at Ottawa:

3. In the event of the death, resignation, removal, inabil- Case of death ity or refusal to act of any such revising officer, another or resignamay, in like manner, be appointed in his stead, who shall hold office under the same tenure, and with the same duties and powers :

4. The same revising officer may be appointed for and be Appointment required to discharge the said duties in respect of more less than one than one electoral district and may be appointed for a por-district. tion of any electoral district. 48-49 V., c. 40, s. 13 and s. 14. part.

13. In every Province, except in the Provinces of Quebec Who may be and British Columbia, any person to be appointed a revising such. officer under this Act shall be either a judge or a junior judge of a county or district court in the Province, or a barrister of at least five years' standing at the bar of such Province; and in the Province of Quebec he shall be either a judge of the Superior Court for Lower Canada, or an advocate or notary of that Province of at least five years' standing ; and in the Province of British Columbia he shall be either a judge of a superior court or of a county or district court. or a barrister of at least five years' standing, or a stipendiary magistrate. 48-49 V., c. 40, s. 14, part.

14. The revising officer shall appoint a clerk, who shall be Clerk of a person residing in the electoral district or portion of an officer. electoral district for which the revising officer holds office. and

Bailiff and constable.

15. The revising officer may also appoint, for the purpose of serving papers, posting up notices and attending and keeping order at courts and sittings held by the revising officer, and doing such other duties as are assigned to him by the revising officer, a competent person as a bailiff and constable, who shall be subject to the orders of the revising officer, and shall be removable by him at pleasure. 48-49V., c. 40, s. 55.

REVISION OF LISTS.

Renewal of lists and proceedings therefor.

16. On or as soon as possible after the first day of January in each year, the revising officer, being duly sworn, as hereinbefore provided, shall obtain a certified copy, or certified copies, as the case may be, of the last revised or final assessment roll or rolls, prepared and revised under the statutes of the Province relating to assessments for the purposes of taxation, in the electoral district or portion of an electoral district for which he is appointed, and if there are no such assessment roll or rolls, a certified copy or certified copies of the last revised list or lists of voters in such electoral district, or portion of an electoral district, prepared and revised under the statutes of the said Province relating to voters' lists for elections of members of the Legislature of such Province :

Revising and correcting former lists.

Contents of revised lists : as to qualifivoters.

2. He shall thereafter proceed as speedily as possible with such copies and such other information as he can obtain, to revise the lists of voters in the form B in the schedule to this Act, then in force under this Act or under the Act passed in the Session held in the forty-eighth and fortyninth years of Her Majesty's reign, intituled "An Act respecting the Electoral Franchise," for such electoral district, or portion of an electoral district, entering thereon the names of all persons not already on such lists, who, accordcation, &c. of ing to the provisions of this Act, are entitled to have their names so entered, indicating in the proper columns thereof whether they are qualified in respect of real proerty, as owners, tenants, occupants, or otherwise, and stating the numbers of the lots, portions of lots and concessions, streets or other most available description of the real property in respect of which they are qualified, and their post office addresses, as nearly as can be ascertained by the said officer,-or whether they are so qualified as farmers' sons or as sons of owners of real property other 31

than farmers, stating also the numbers of the lots, portions of lots, concessions or streets or other most available description of the real property of their fathers or mothers in respect of which they are so qualified as farmers' sons or as sons of owners other than farmers, or whether they are qualified in respect of income ; and as to the sons of farmers or of owners of real property other than farmers, and voters on income, stating also in such lists, in the proper columns thereof, the residences and post office addresses of such persons, as nearly as can be ascertained by him, and noting on the said lists the names of any persons who are dead or who, according to the provisions of this Act, are not entitled to be registered as voters, stating the reason of such note, and making any other verbal or clerical corrections which seem necessary; and he shall attest all such additions, erasures Attestation of or corrections with his initials, and shall sign such lists as lists. such revising officer :

3. The said assessment rolls shall, for the purposes Rolls prima of such revision, be taken by the revising officer as primd facie evidence facie evidence of the value of the properties in respect of which such assessment appears therein to have been made. 48-49 V., c. 40, s. 33. Re-drafted.

17. After the completion of such preliminary revision Publication of the said lists of voters the revising officer shall, for the of corrected purpose of making the final revision thereof, cause a sufficient number of copies of each of such lists, with the description of the polling district to which they respectively relate, to be printed, and he shall certify the same as such officer, and on or before the first day of June, in the year in which such lists are so revised, he shall publish the same by causing three copies thereof *respectively* to be posted up, one in each of three conspicuous public places in the polling district to which they respectively relate, and by delivering Copies on copies thereof to any persons applying for the same, upon application. payment therefor of a price proportionately sufficient to cover the price paid for printing the same, but such price shall not exceed ten cents for a copy of the list for each polling district, and to each of such copies shall be Notice to be appended a notice in the form C in the schedule to this Act, attached. appointing a time and place for the final revision of each such list as hereinafter provided :

2. The revising officer shall also deliver to the persons Copies to be following, or transmit by registered letters, copies of such sent to certain officials. lists for polling districts to their last known addresses, that is to say :--- to each member of the council of every city, town, township or village in the electoral district, or portion of an electoral district, and to the clerk and treasurer thereof, and to each postmaster in every

such municipality or polling district, one copy of every list relating to such municipality or polling district; -to the sheriff, warden, clerk of the peace and judge of the county or district court of the county, union of counties or district, and in the Province of Quebec, of the Superior Court for Lower Canada of the district in which such electoral district or portion of an electoral district is situate for judicial purposes, one copy of each of such lists relating to such electoral district or portion of electoral district which is situate within such county, union of counties or judicial district; and ten copies of each of such lists to the member or each of the members of the House of Commons for the said electoral district or portion of an electoral district, and to the unsuccessful candidate or each of the unsuccessful candidates at the then last election for the same. 48-49 V., c. 40, s. 34, part.

Notice of final

revision.

And to mem-

bers of the H.

of C, and un-

successful candidates.

18. The revising officer shall also at the time of the publication of such lists, as in the next preceding section mentioned, publish the said notice in the form C, appointing the time and place for the said final revision, in a newspaper, if there is one published in the municipality or other division of the electoral district to which the polling district affected by such list belongs, by one insertion thereof in such newspaper. 48-49 V., c. 40, s. 34, part.

19. The day to be fixed as aforesaid for such final revision shall be not less than five weeks after the publication by posting up of the said lists as aforesaid, and the place for the holding of the said final revision shall be in the city, town, township, parish, incorporated village or other known territorial division which includes the polling district the list for which is to be so finally revised; and in the Province of Prince Edward Island, such place shall also be in the electoral district for the purposes of the election of a member or members of the Legislature of such Province, as such electoral district was constituted on the twentieth day of July, one thousand eight hundred and eightyfive, in which such polling district is situate ; and in the electoral districts of the Province of Nova Scotia the said final revision shall take place in such places, comprising not less than three polling districts, as the revising officer thinks most convenient:

2. Any person desiring to object or to add to, or in any way amend or correct such list on the final revision, shall have the right so to object or to apply for the said addition, amendment or correction to the revising officer, if he has, at least two weeks before the day fixed for such final revision, deposited with or mailed to the revising officer, by registered letter, at his office or place of address, a notice in the form D in the schedule to this Act; and in the event of any person desiring to object to any name on the said list, the

Time and place for final revision.

In P. E. I.

In N. S.

Notice of objections and amendments.

Notice to person objected to. person so objecting shall also give notice in writing at least two weeks before the day fixed for such final revision to the person whose name is objected to and in the like form as to the revising officer, by delivering such notice to such person, or by mailing the same by registered letter to his last known post office address. 48-49 V., c. 40, s. 35, part. Re-drafted.

20. At the time and place named in the said notice he Holding court shall hold open court for the said final revision, and shall for final revihear and dispose of any objection or complaint and any and proceedapplication to add to, amend or correct the said list, of which ings thereat. notice has been given as aforesaid, hearing the parties making the same, if they appear, and any evidence that is adduced before him in support of or in opposition thereto, and he shall either affirm or amend the list accordingly, as to him seems right and proper, attesting, with his initials, any changes, additions or erasures in the list. 48-49 V., c. 40. s. 36, part.

21. After the lists for the several polling districts in an Certifying electoral district have been so *finally* revised, they lists and transmission shall be certified in the form E in the schedule to of duplicates this Act by the revising officer, and they shall be kept to Clerk of the Crown in Chancery. such list, certified as aforesaid, shall be transmitted forthwith by him to the Clerk of the Crown in Chancery at Ottawa, who, on receipt of all the said lists for any electoral Notice in district, shall, in the then next issue of the Canada Gazette, Gazette and its effect. insert a notice in the form F in the schedule to this Act,on and after the publication of which notice the persons whose names are entered on the said lists as voters shall, subject to any correction or amendment made by any judgment on appeal, as hereinafter provided for, be held to be duly registered voters in and for such electoral district: Pro- In case of apvided however, that in the event of any such appeal, such peal, as to sons whose lists, after the publication of the last mentioned notice in the names are Canada Gazette, shall apply to every election for such elec- subjects of undecided toral district, or portion of an electoral district taking place appeals. before such appeal has been disposed of and the result thereof communicated to the revising officer, subject to the provisions of "The Dominion Elections Act" with respect to the counting of the ballot of any voter whose right to have his name registered as a voter upon any such list and to vote, or the exclusion of whose name from any such list as a voter is the subject of an undecided appeal :

2. Every such list shall be so finally revised and certified when lists and a duplicate thereof forwarded to the Clerk of the shall be fin-Crown in Chancery at Ottawa, on or before the first day of ally August in each year. 48-49 V., c. 40, s. 37, part, and s. 57. part.

22. After the lists of voters have been so finally revised, unless altered or amended and corrected on appeal, if any such appeal takes place, and after they have been certified and brought superseded by into force as hereinbefore prescribed and until other lists are, in a future year, as herein provided, revised, amended and corrected on appeal, if any such appeal takes place, and are certified and brought into force in their stead, those persons only whose names are entered upon such lists as so revised, amended and corrected on appeal as aforesaid, if any, shall be entitled to vote at any election in the polling districts and electoral districts for which such lists are respectively made; and the said lists shall be binding on every judge and other tribunal appointed for the trial of any petition complaining of an undue election or return of a member to serve in the House of Commons of Canada. 48-49 V., c. 40, s. 39.

Alteration of polling districts in case of change in population.

23. Whenever the number of voters in any polling district, increases so as to exceed two hundred, or whenever the revising officer considers that the convenience of the voters would be promoted by a new and different sub-division, he shall before proceeding to the final revision of the lists of voters in polling districts, then next required under this Act, by an order under his hand, in the form G in the schedule to this Act, divide every city, town, ward, parish, township or other municipal or corresponding division, or if there is no such municipal or corresponding division, any tract of land in which such polling district is situate, having, according to the lists of voters relating to it, more than three hundred voters therein, by well defined boundaries, such as streets, highways, side lines, concession lines or the like, into new polling districts, in such a manner as that the number of voters in the several polling districts in such electoral district, or portion of an electoral district, shall be as nearly equal as may be, and shall not in any one case exceed two hundred, and so again from time to time as like occasion requires, using for that purpose on all occasions the then last revised and corrected lists of voters in force under this Act :

Publication of order.

2. The revising officer, after making such division shall forthwith publish such order by posting up in some public place in each polling district a copy thereof, certified by him; and the revising officer in his then next revision of such lists shall make such revision upon the basis of such new division into polling districts: Re-drafted.

Polling dis-

3. Polling districts in the Province of Prince Edward tricts in P. E. Island may comprise parts of several townships:

Designation of polling districts.

4. Each of such polling districts shall be numbered, with a local designation attached to such number, in and by the

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said order of the revising officer by which they are established and such order shall forthwith, after the making thereof, be filed and thereafter kept by the revising officer for the purposes of this Act:

5. Immediately after such new division into polling dis- Separate list tricts, the revising officer shall prepare from the lists of voters for each poll-as preliminarily revised by him, a separate list of voters for each such polling district, containing in alphabetical order the names of all voters qualified to be registered as voters and to vote in such polling district, and in the form B in the schedule to this Act, and he shall sign the same as such officer. 48-49 V., c. 40, s. 41.

GENERAL POWERS AND DUTIES OF REVISING OFFICERS.

24. The revising officer shall, for the purposes of the Powers of preliminary and final revisions of any lists of voters in poll- revising ing districts, have all the powers of any court of record in making rethe Province as to compelling the attendance of witnesses vision. and their examination, the production of books and documents, and the taking of evidence under oath before him, at any court or sittings held by him for any such preliminary or final revision, and such officer shall have generally, for the purposes aforesaid, all the powers of any court of record in such Province. 48-49 V., c. 40, s. 36, part.

25. The revising officer shall, on the application of any Power of person who is supporting or opposing any objection, com- revising officer to plaint or application which is to be considered at any of the summon witcourts or sittings for the final revision of any list of voters nesses and obtain necesrevised under this Act, issue a summons in the form H sary informain the schedule to this Act, directed to any person tion. required by such applicant as a witness thereat, commanding such person to attend at such court or sittings, and also commanding such person, if such applicant so desires, to produce any books or papers in the possession or power of such person, and to give evidence at such court or sittings relating to any matter connected with any such revision; and in the event of such person not so attending. after being served with such summons and paid or tendered, with such summons, his proper witness' fees, as hereinafter provided, the revising officer may punish such person as for a contempt of a court of record:

2. No such person shall be obliged to attend under Fees to be any such summons unless he has been paid or tendered, paid or with such summons, his proper witness' fees therefor, at the rates following, that is to say :--if the witness is resident in the Province of Quebec, such fees shall be the same as are payable according to the tariff in force in the Superior Court of Lower Canada; if such witness is resident in the Prov-

ince of Ontario, such fees shall be the same as are payable according to the tariff in force in any division court in the Province of Ontario; and if such witness is resident in any other Province of Canada, such witness' fees shall be the same as are payable in the county or division courts in such Provinces respectively. 48-49 V., c. 40, s. 42. Redrafted.

Power of amendment or adjournment and of summary proceeding. **26.** The revising officer shall have power at any court or sitting held under this Act by him, to amend or give leave to amend, when he sees fit, any of the proceedings taken in reference to any list of voters, to direct notice to be given to other persons, in respect of any question arising in respect of any such list, and to adjourn any court or sittings, on the hearing of any objection, complaint or application, to a future day; and he shall not be bound by strict rules of evidence or forms of procedure, in force in any court of record, but shall hear and determine all matters coming before him as such revising officer in a summary manner, and so as in his judgment to do justice to all parties concerned. 48-49 V., c. 40, s. 43.

27. The parties to any application before a revising officer may appear by solicitor, counsel or agent; and any elector may appear, in person or by agent, at any court or sitting of the revising officer in the electoral district in which he is such elector, in support of or in opposition to any objection, complaint or application; and the revising officer may award costs to or against any party to the application, which costs shall only be for witnesses' fees and the expenses of summoning witnesses; and the said costs may be levied by order of the revising officer, by distress, in the same manner as distress is leviable upon a warrant on a conviction under the "Act respecting Summary Proceedings before Justices of the Peace." 48-49 V., c. 40, s. 44.

28. The revising officer may, for the final revision of the lists of voters in polling districts of cities, towns or villages, instead of holding a court or sittings in each polling district, appoint some central place in such city, town or village at which to hold his court or sittings for the several polling districts therein, appointing, if he thinks proper, a separate day and holding a separate court or sittings for each polling district. 48-49 V., c. 40, s. 48.

29. The revising officer shall keep at his office in the electoral district a list of the notices of objections, proposed additions, amendments or corrections, and notices of appeal hereinafter provided for, sent in to him, respecting the said lists of voters, under the provisions of this Act, which list, as well as the said notices, shall be open to inspection by any one desiring to inspect the same at any time before

How parties and electors may appear.

Costs.

One place may be appointed for court of revision in cities, &c.

Revising officer to keep list of objections, &c.

the said objections, proposed additions, amendments, corrections or appeals are disposed of by the revising officer or judge in appeal respectively. 48-49 V., c. 40, s. 56.

30. If at any time when the revising officer is required As to lists to furnish or certify any list of voters to any officer or person while an there is, with respect to such list, any appeal pending and appeal is undecided, or if there is any appeal with respect to such pending. list in which the decision, if given, has not been notified to the revising officer, the revising officer shall furnish such list as then last revised, corrected and certified by him, noting thereon the names of all persons who have been retained on the list of voters, notwithstanding objection, the names of all persons who have been struck off the list of voters, and the names of all persons who have applied to be placed on the list of voters, and whose applications have been refused, and noting also thereon the names of all persons who have appealed from his decision; and such list shall serve and avail, according to the provisions of this Act, for the election with reference to which it is furnished; but Correction whenever any appeal is decided, so as to require the cor- when appeal is decided, so as to require the cor- is decided, rection of the list, and the formal order or judgment has been and notice served upon him, he shall forthwith correct the list accord- thereof. ingly, and shall forthwith notify the Clerk of the Crown in Chancery of such formal order or judgment that he may correct the duplicate list in his hands accordingly, and the Clerk of the Crown in Chancery shall forthwith correct the same accordingly: Provided, that if the decision in appeal, Provision if requiring the correction of any list of voters, is notified to decision is notified before the revising officer by service of the formal order or judg- day of pollment or otherwise, before the day of polling, a duly ing. certified copy of the corrected list of voters, together with a copy of the formal order or judgment on appeal, as received by him, duly certified by such revising officer, shall be furnished before the said day by the revising officer to the returning officer, or to the deputy returning officer for the polling district, the list of voters for which has been corrected upon the said appeal, which copy shall contain the correction in question, certified as hereinbefore provided, in which case the election shall take place upon such corrected list if received in time by such deputy returning officer. 48-49 V., c, 40, s. 47.

81. The revising officer shall furnish to the returning Certified officer for his electoral district or portion of an electoral copies to district, within forty-eight hours after demand of the officers. returning officer therefor, one copy of the list of voters then in force for each polling district in the electoral district or portion of an electoral district, with a copy of the description of each such polling district, as contained in the order of the revising officer constituting the same, and then in force. each of which copies shall be duly certified by the revising officer. 48-49 V., c. 40, s. 40, part.

32. The revising officer and the Clerk of the Crown in Chancery shall supply copies of the said lists to any person or persons applying for the same and paying therefor at the rate payable for copies of lists furnished under section seventeen of this Act. 48-49 V., c. 40, s. 38.

PROVISIONS RESPECTING APPEALS.

Appeal from decision of revising officer is not also judge of a court, as hereinbefore mentioned, any person who, under the foregoing provisions of this Act, has made any objection, complaint or application in respect of the list of voters for any polling district, or any person with reference to whom such objection, complaint or application has been made, who is dissatisfied with the decision of such revising officer in respect thereof, may give to the said revising officer or to his clerk, on the day of such decision, or within seven days thereafter, notice in writing of his intention to appeal from such decision, stating shortly in such notice the decision complained of, and at least one reason for appealing against it, and such person shall, within the same time, cause a copy of such notice to be served upon the party, if any, in whose favor such decision was given, either personally or by leaving it at his residence or place of business, or by mailing the same in a registered letter addressed to his last known post office address; and such revising officer shall forthwith after receiving the same transmit such notice, sion to judge together with a copy of his decision appealed from to the court or judge, to whom such appeal is to be made, as hereinafter provided, and he shall sign such decision as such revising officer, and he shall also, if so required, forthwith thereafter deliver to such appellant or to his solicitor, counsel or agent, and to the respondent, if any, or to his solicitor, counsel or agent, a certified copy of his said decision. 48-49 V., c. 40, s. 49.

Courts for appeal.

34. Such appeal shall be—

In Ont., N.S., N.B., Man. and P. E. I.

(a.) In the Provinces of Ontario, Nova Scotia, New Brunswick, Manitoba and Prince Edward Island, to the judge of the county court of the county or union of counties in which the polling district, in respect of which such appeal arises, is situate;

In Quebec.

(b.) In the Province of Quebec, to the judge of the Superior Court, resident in or having judicial charge of the judicial district in which the polling district in respect of which the appeal arises is situate ;

In B. C.

(c.) In the Province of British Columbia, to the judge of the county court of the county or union of counties in which the polling district, in respect of which such appeal arises

38

Notice thereof.

Transmission of notice and copy of deci-

Appellant to have copy of decision.

is situate; but in any electoral district in the said Province which is not included within the jurisdiction of any judge' of a county court, to the Supreme Court of British Columbia, which court shall assign the duty of trying any such appeal to some judge of the said court. 48-49 V., c. 40, s. 53.

35. The judge shall, upon receiving the said notice of such Judge to apappeal and the said copy of the decision appealed from, appoint me a convenient time and place for the hearing of the appeal, hearing which place shall be within the municipality, parish or appeal. other local territorial division within which the polling district in respect of which the appeal arises is situate, of which time and place due notice shall be given to the revis- Notice to ing officer and to the parties interested, in such manner as parties. the court or judge appealed to orders:

2. If at the time and place so appointed, the appellant If appellant does not appear in person or by solicitor, counsel or agent, or does not appear, &c. if he so appears and abandons his appeal, the appeal shall be dismissed :

3. If the appellant appears, and neither the revising If appeal is officer nor any other party to the appeal appears, or if the revising officer or any other party thereto appears and does not oppose the appeal, the judge, on sufficient proof or admission of service of the notice in manner above mentioned, shall allow the appeal, except in the case of an appeal by a person whose name is struck off the list of voters or whose name the revising officer has refused to place thereon, in which case the judge who hears the appeal shall require satisfactory evidence of the right of the appellant to have his name placed on the list of voters before he allows the appeal:

4. If the revising officer or any other party to the appeal Summary appears and opposes the appeal, or if the revising officer decision if appears and opposes the appeal, and the other party thereto the case is makes default in appearing, the judge, on being satisfied of the service of such notice in manner above mentioned, shall, either immediately, or at such time as he then appoints for the purpose, and at the same place, proceed to hear and decide the said appeal summarily, hearing the parties so appearing and receiving such legal evidence as is adduced before him respecting the facts in dispute, but without being bound by any technical rules of procedure :

5. Such decision shall be subject to no further appeal :

6. If any judgment is rendered on appeal requiring an Notice of alteration to be made in the certified list, a copy of the decision to revising formal order or judgment shall be forthwith served upon the officer. revising officer in such manner as the judge orders. 48-49 V., c. 40, s. 50, part.

and place for

unopposed.

contested.

Decision final.

Any voter may appear , in person or by agent.

36. Any voter may appear in person or by solicitor, counsel or agent at any sitting of the judge who hears any such appeal in the electoral district in which he is such voter, in support of or in opposition to any appeal or application in respect of any appeal arising before such judge. 48-49 V., c. 40, s 50, part.

Powers of judge as to witnesses, &c.

Costs; how levied. **37.** The judge shall, for the purposes of any such appeal, and in respect thereof, have all the powers conferred upon the revising officer under this Act, with regard to summoning witnesses, obtaining evidence, and punishing the persons summoned before him. 48-49 V., c. 40, s. 51.

38. The judge may award costs to or against any party to the appeal, which costs shall only be for witness' fees and the expenses of summoning such witnesses, and such costs may be levied by order of such judge, by distress, in the same manner as distress is leviable, under a warrant on a conviction under the provisions of the "Act respecting summary proceedings before Justices of the Peace." 48-49 V.r c. 40, s. 52.

GENERAL PROVISIONS.

39. If, from any cause, the list of voters for any polling district is not revised and *certified* at the time when it should, under this Act, be sent to the returning officer at any election, then the last list of voters, revised and *certified* for such polling district, shall be sent to the returning officer and used at such election. 48-49 V., c. 40, s. 45.

OFFENCES AND PENALTIES.

40. Every officer and person who is by any law the custodian of any assessment roll or list of voters, prepared under the laws of any Province, or of any other list or document, or of any duplicate or certified copy thereof, which, under the foregoing provisions of this Act, the revising officer is required to obtain and use for the purpose of revising any list of voters under this Act, shall furnish the same, or a certified copy or copies thereof to any revising officer who applies for the same and as by him required; and every such officer or person who refuses or omits to furnish the same to such revising officer within a reasonable time, upon being paid or tendered the cost of preparing the same, according to the fees or rates allowed therefor by the laws in force in the Province to which such assessment roll, list or document relates, is guilty of a misdemeanor and shall be punishable accordingly 48-49 V., c. 40, s. 62.

Provision in default of list for any year.

Copies of certain lists to be furnished to revising officer.

Penalty for default.

Chap. 5.

Ι,

41. Every person who is appointed to any office or Penalty for employment under this Act, or required by this Act to do malfeasance under this any matter or thing, shall, for every wilful misfeasance or Act. for any wilful act of commission or omission contrary to this Act, forfeit to any person aggrieved thereby the penal sum of five hundred dollars, or such less sum as the jury, or judge, if the case may, by the law of the Province. be tried without a jury, before whom any action brought for the recovery of such penalty is tried, considers just to be paid to such person aggrieved; and the same shall be recoverable by such person with full costs of suit, by suit or action in any court of competent jurisdiction; but nothing herein As to other contained shall interfere with any other remedy, civil or remedies. criminal, against such person. 48-49 V., c. 40, s. 63.

42. Every person who is an agent within the meaning Punishment of "The Indian Act," and who, either directly or indirectly, sons influenc-seeks to induce or compel any person who is an Indian or ing Indians to of part Indian blood, and qualified to vote 'only in respect he registered as voters. Ac. of property forming part of a reserve, as defined by "The Indian Act," to cause his name to be registered as a voter or to vote or refrain from voting at any election, is guilty of a misdemeanor and liable to a fine not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months, or to both, and he shall be disqualified from holding any office or place of emolument in the appointment of the Governor General or of the Superintendent General of Indian Affairs, for a term of two years from the date of his conviction. 48-49 V., c. 40, s. 64.

SCHEDULE OF FORMS.

Α.

Oath of Office of a Revising Officer.

of the

and Province of , in the county of of , the revising officer appointed under " The Electoral Franchise Act," in and for the electoral district (or portion of the electoral district) of in the do hereby solemnly swear Province of (or affirm) that I will well and faithfully discharge the duties assigned to me by the said Act without favor or partiality; that I will place no name on the list of voters for the said electoral district (or portion of the said electoral district) or any of the polling districts thereof, and will strike no name off the same, unless I shall be satisfied that the

same should by law be placed on or struck off the same; and that I will in all respects conform to the said Act and the law to the best of my judgment and ability. So help me God.

Sworn before me, a judge of the court of , in and for the Province of , being a court of record, at the of in the county of and Province afore- said this day of A.D., 18	
--	--

C.D. A Judge, &c.

48-49 V., c. 40, sch. Form A.

	Remarks.		
ō	Concession, Concession, Street and No. of Nature of Title as a Son of a Farmer Lot or other to Qualifying Real Property; also Property. Title to the Real frighting Property.		18 . A.B., Revising Officer for the electoral district (or portion of the electoral district) of
District N	Nature of Title to Qualifying Property.		A.B., n of the elector
, for Polling District No.	Concession, Street and No. of Lot or other particular de- scription of qual- ifying Property.		A t (or portion
	Municipality or Place where Qualification is situate, if Real Estate.		ectoral distric
e Year commencing 1st January, 18 of the Electoral District of	Nature of Qualification.		er for the el
mmencin of the	P. O. Address.		18 . vising Office
Year co	Residence.		I Revi
s for the	Addition or Occupation		
LIST of Voters for th	No. in full. (Sur- name first.) Occupation		Dated
	ź 40. sch Form	D	I

48-49 V., c. 40, sch. Form B.

Chap. 5.

B.

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Notice by Revising Officer of Final Revision of Lists of Voters for each Polling District.

The revising officer for the electoral district (or portion of the electoral district) of • in the Province of

, under "The Electoral Franchise Act," hereby gives notice that he will hold a court (or sitting) on the day of , 18 , at o'clock in the noon, at in the of , in the said electoral district, for the final revision of the list of voters for polling district No. , of the said electoral district.

All notices of objections and claims for additions to or amendment or correction of the said list, with the grounds therefor, and the name, addition and post office address of the person objecting to any name on the list, or claiming to add to, amend or correct the list in any other respect, must be delivered to the said revising officer at

or sent to him by registered letter, addressed to him at

, before the day of 18 r in the same form, as nearly as may be, as of notice of com^2 plaint, in the form D in the schedule to "The Electoral Franchise Act."

If the objection be to the name of any person already on_{v} the list, the person so objecting must, at the same time, deliver or mail by registered letter to the person whose name is so objected to, at his last known address, a copy of the notice of objection.

Dated

, 18

A. B.,

Revising Officer for the electoral district (or portion of the electoral district) of

48-49 V., c. 40, sch. Form G.

D.

Notice of Objection, Complaint or Application.

I, , of the of , in the county of , in the electoral district of , Province of , under "The Electoral Franchise Act," hereby give notice that I will apply to have the list of voters for polling district No. of the said electoral district, for the year as preliminarily revised amended, added to, or corrected, as the case may be Chap. 5.

(then state the name or names objected to, with the grounds therefor, or the name or names desired to be added, with full particulars of their residences, addresses, occupations, qualifications, and if real property, where situated, and the grounds for applying to have them added, or the nature of any other proposed amendments or corrections to the list and the grounds therefor), at the court (or sitting) to be held by the revising officer for the said electoral district (or portion of the said electoral district), at o'clock in the noon, on the day of , 18 , at , in the said electoral district.

Dated

,18.

To the revising officer for the said electoral district (or portion of the said electoral district), (or to the person whose name is objected to.)

(Name of complainant),

P.O. Address.

48-49 V., c. 40, sch. Form E.

E.

Revising Officer's Certificate of List of Voters.

I, , the undersigned revising officer for the electoral district (or portion of the electoral district) of in the Province of do hareby cortify that the forevect bit

, do hereby certify that the foregoing list, consisting of pages, is a true copy of the list of voters for polling district number in the said Electoral district as finally revised (or as finally revised and corrected on appeal, as the case may be) for the year , under "The Electoral Franchise Act."

Dated

18

A.B.,

Revising Officer for the electoral district (or portion of the electoral district) of

48-49 V., c. 40, sch. Form C.

Notice to be published in the Canada Gazette by the Clerk of the Crown in Chancery.

Notice is hereby given that I have received the lists of voters, finally revised, for all the polling districts of the electoral district of for the year , under "The Electoral Franchise Act."

Dated

, 18

C. D.,

Clerk of the Crown in Chancery at Ottawa.

48-49 V., c. 40, sch. Form H.

G.

Order of Revising Officer dividing Electoral District of portion of Electoral District into Polling Districts.

the revising officer for the

electoral district (or portion of the electoral district) of , Province of under "The Electoral

Franchise Act," do hereby order and direct that the said electoral district (or portion of the said electoral district) b^{θ} and the same is hereby divided into polling districts, described as follows :—

Number one

Bounded on (here fill in as particular a description, by concessions, streets, or other dividing lines, as possible, of the bounds of each polling district).

(And so on as to others).

Dated

I.

, 18

A. B.,

Revising Officer for the electoral district (or portion of the electoral district) of

48-49 V., c. 40, sch. Form F.

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H.

Summons to Witness.

To You are hereby required and summoned personally to attend before me, the undersigned revising officer, on the day of , 18 , at o'clock in the noon, at in the county of , and Province of , and then and there to testify what you know concerning the then to be investigated by me as such revising

officer, and so on from day to day, and you shall bring with you the books and papers herein described, that is to say:

And herein fail not at your peril.

Given under my hand at aforesaid, this day of , 18 , under "The Electoral Franchise Act."

> A. B., Revising Officer for the electoral district (or portion of the electoral district) of

48-49 V., c. 40, sch., Form J.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
48 V., c. 40	All except s. 2, part, s. 10, part s. 11, part, s. 12, ss. 15 to 32, both inclusive, s. 37, part, s. 40, part, s. 46, s. 57, part, s. 58, 59, 60, 61 and 65, and Sch., Form D.	part, ss. 15 to 32, both inclu- sive, s. 40, part, s. 57, part, ss. 58, 59, 61, 65, and Sch. Form D.	part, s. 12, s. 37, part, s. 40, part, s. 46, s. 60.	tation Act.) The Dominion

CHAPTER 6.

An Act respecting Representation in the House o Commons.

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

Short title.

each Province.

Division into

electoral dis-

tricts.

1. This Act may be cited as " The Representation Act." New.

2. The House of Commons shall consist of two hundred Number of members for and eleven members, of whom ninety-two shall be elected for the Province of Ontario; sixty-five for the Province of Quebec; twenty-one for the Province of Nova Scotia; sixteen for the Province of New Brunswick; six for the Province of Prince Edward Island; six for the Province of British Columbia, and five for the Province of Manitoba. 45 V., c. 3, s. 1.

> 3. The said Provinces shall, for the purposes of the election of members to serve in the House of Commons, be respectively divided into electoral districts, and be represented in the House of Commons as follows, that is to say: 45 V., c. 3, s. 2, part.

ONTARIO.

2. In the Province of Ontario :--

Dundas, Glen-Prince Edward and Russell.

R., Wentworth, N. R.

(a) The counties of Dundas, Glengarry, Halton, Prescott, garry, Halton, Prince Edward and Russell, as they were respectively constituted on the first day of July, one thousand eight hundred and sixty-seven, shall each be an electoral district and shall each return one member: See B. N. A. Act, 1867, s. 40, sub-s. 1, and first schedule, part.

R., Grenville, riding of the county of Durham, the west E. R., Leeds, county of Grenville, the south riding of the S. R., Water-Leeds, the north riding of the county of Waterloo, S. south riding of the county of Waterloo, the R., Waterloo, S. South riding of the county of Waterloo, the south riding of the county of Waterloo, and the north riding of the county of Wentworth, as such ridings were respectively constituted on the first day of July, one thousand eight hundred and sixty-seven, shall each be an electoral district and shall each return one member: See B. N. A. Act, 1867, s. 40, sub-s. 1, and first schedule, part.

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Chap. 6.

(c) Each of the counties, districts and cities and ridings of As to other counties and of cities following, and constituted as follows, districts. shall be an electoral district and shall each return one member, that is to say :---

(1.) The county of Cornwall and Stormont, which shall con-Cornwall and sist of the town of Cornwall and the townships of Cornwall, Stormont. Osnabruck, Finch and Roxboro'; 45 V., c. 3, s. 2, part.

(2.) The county of Carleton, which shall consist of the town-^{Carleton}. ships of Nepean, North Gower, Marlboro', March, Torbolton and Goulbourn, and the village of Richmond; 45 V., c. 3, s. 2, part.

(3.) The north riding of the county of Lanark, which shall Lanark, N. R. consist of the townships of Ramsay, Pakenham, Darling, Dalhousie, North Sherbrooke, Lavant, Fitzroy, Huntley and Lanark, the town of Almonte, and the village of Lanark; 45 V., c. 3, s. 2, part.

(4.) The south riding of the county of Lanark, which Lanark, S. R. shall consist of the townships of Bathurst, North Elmsley, Beckwith, South Sherbrooke, North Burgess, Drummond and Montague, the town of Perth, and the village of Carleton Place; 45 V., c. 3; s. 2, part.

(5.) The south riding of the county of Renfrew, which Renfrew, S.R shall consist of the townships of McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, Hagarty, Richards, Sherwood, Burns and Jones, and the villages of Arnprior and Renfrew; See B. N. A. Act, 1867, s. 40. sub-s. 1, and first schedule, part;-35 V., c. 13, s. 2, part.

(6.) The north riding of the county of Renfrew, which Renfrew, N.R shall consist of the townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petawawa, Buchanan, South Algona, North Algona, Fraser, McKay, Wylie, Rolph, Head, Maria, Clara, and any other surveyed townships lying north-westerly of the said north riding; See B. N. A. Act, 1867, s. 40, sub-s. 1, and first schedule, part; -35 V., c. 13, s. 2, part.

(7.) The north riding of the united counties of Leeds Leeds and and Grenville, which shall consist of the townships of $\frac{\text{Grenville}}{\text{R}}$. South Elmsley, Wolford, Oxford and South Gower, and the villages of Smith's Falls, Kemptville and Merrickville; 45 V., c. 3, s. 2, part.

(8.) The electoral district of Brockville, which shall con-Brockville. sist of the town of Brockville and the townships of Elizabethtown and Kitley; 45 V., c. 3, s. 2, part.

- Frontenac. (9.) The county of Frontenac, which shall consist of the townships of Kingston, Wolfe Island, Pittsburgh and Howe. Island, and Storrington; See B. N. A. Act, 1867, s. 40, sub-s-1, and first schedule, part.
- Addington. (10.) The county of Addington, which shall consist of the townships of Camden, Portland, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Ashby, Abinger, Miller, Canonto, Denbigh, Loughborough and Bedford; See B. N. A. Act, 1867, s. 40, sub-s. 1, and first schedule, part; -45 V., c. 3, s. 2, part.

Lennox.

(11.) The county of Lennox, which shall consist of the townships of Richmond, Adolphustown, North Fredericksburg, South Fredericksburg, Ernest Town, and Amherst Island, and the village of Napanee; See B. N. A. Act, 1867, s. 40, sub-s. 1, and first schedule, part.

- Hastings, W. (12.) The west riding of the county of Hastings, which shall consist of the town of Belleville, the township of Sydney, and the village of Trenton; See B. N. A. Act, 1867, s. 40, sub-s. 1, and first schedule, part.
- Hastings, (13.) The east riding of the county of Hastings, which shall consist of the townships of Thurlow, Tyendinaga, and Hungerford; See B. N. A. Act, 1867, s. 40, sub-s. 1, and first schedule, part.
- Hastings, N. (14.) The north riding of the county of Hastings, which shall consist of the townships of Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora, and Lake, and the village of Stirling, and any other surveyed townships lying to the north of the said north riding; See B. N. A. Act, 1867, s-40, sub-s. 1, and first schedule, part.
- Northumberland, E. R. (15.) The east riding of the county of Northumberland, which shall consist of the townships of Cramahe, Brighton, Murray, Percy and Seymour, the villages of Colborner, Brighton and Campbellford, and the village of Hastings; 45 V., c. 3, s. 2, part.
- Northumberland, W. R. (16.) The west riding of the county of Northumberland, which shall consist of the townships of Hamilton, Haldimand, Alnwick and the town of Cobourg; See B. N. A. Act, 1867, s. 40, sub-s. 1, and first schedule, part.
- Peterborough W. R. (17.) The west riding of the county of Peterborough which shall consist of the Townships of South Monaghan, North Monaghan, Smith and Ennismore, and the town of Peterborough; See B. N. A. Act, 1867, s. 40, sub-s. 1, and first schedule, part.
- Peterborough (18.) The east riding of the county of Peterborough, which E. R. shall consist of the townships of Asphodel,Belmont,Methuen

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Burleigh, Anstruther, Chandos, Douro, Dummer, Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre, Clyde, Nightingale, Livingstone, Lawrence, Caven-dish, Glamorgan, Cardiff, Monmouth, Otonabee and Harvey, and the villages of Ashburnham, Lakefield and Norwood : 45 V., c. 3, s. 2, part.

(19.) The south riding of the county of Victoria, which Victoria, S.R. shall consist of the townships of Ops, Mariposa, Emily, Verulam and the town of Lindsay; See B. N. A. Act. 1867. s. 40, sub-s. 1, and first schedule, part.

(20.) The north riding of the county of Victoria, which Victoria, N.R. shall consist of the townships of Eldon, Fenelon, Somerville, Carden, Dalton, Bexley, Laxton, Digby, Longford, Lutterworth, Anson, Hindon, Galway, Snowdon, Minden, Stanhope, Sherbourne and McClintock, and the village of Fenelon Falls; 45 V., c. 3, s. 2, part.

(21.) The south riding of the county of Ontario, which Ontario, S. R. shall consist of the townships of West Whitby, East Whitby and Reach, the towns of Whitby and Oshawa, and the village of Port Perry; 45 V., c. 3, s. 2, part.

(22.) The north riding of the county of Ontario, which Ontario, N. R. shall consist of the townships of Scott, Brock, Thorah, Mara, Rama, Scugog, Morrison, Ryde, Draper, Oakley, Macaulay, Maclean and Ridout, and the villages of Bracebridge and Cannington; 45 V., c. 3, s. 2, part.

(23.) The west riding of the county of Ontario, which Ontario, W.R. shall consist of the townships of Whitchurch, Uxbridge and Pickering, the town of Newmarket, the village of Uxbridge, and the village of Stouffville; 45 V., c. 3, s. 2, part.

(24.) The electoral district of Muskoka and Parry Sound, Muskoka and which shall consist of the townships of Watt, Cardwell, Parry Sound. Humphrey, Conger, Stephenson, Brunel, Franklin, Sinclair. Chaffey, Bethune, Perry, Proudfoot, Foley, Cowper, McDougall, Parry Sound village and island, Fergusson, Carling, Burpee, Shawanaga and settlements on the lake shore, to the mouth of French River, Christie, Monteith, McKellar, Hagerman. Spence, Croft, McKenzie, Ferrie, Wilson, Mills, McConkey, Hardy, Chapman, Strong, Magnettawan, Joly, Lount. Machar, Laurier, Ryerson, Armour, McMurrich, Stisted, Pringle, Gurd, Himsworth, Nipissing, Burton, Gibson, Harrison, Wallbridge, Patterson, Blair, Mowat and Brown, and such other townships as are hereafter laid out north of the said electoral district, and also all that part of the territorial district of Muskoka lying to the south of the township of Conger and west of the townships of Medora and Wood ; 45 V., c. 3, s. 2, part.

NOTE.-The word "west" in line next the last is substituted for east, the latter being an error.

- York, E. R. (25.) The east riding of the county of York, which shall consist of the townships of East York, Scarboro' and Markham, and the villages of Yorkville and Markham; 45 V., c. 3, s. 2, part.
- York, N. R. (26.) The north riding of the county of York, which shall consist of the townships of King, East Gwillimbury, West Gwillimbury, North Gwillimbury and Georgina, and the villages of Holland Landing, Bradford and Aurora; 45 V., c. 3, s. 2, parl.
- York, W. R. (27.) The west riding of the county of York, which shall consist of the townships of Etobicoke and Vaughan, and that portion of the township of York lying west of Yonge street, and the incorporated village of Richmond Hill; See B. N. A. Act, 1867, s. 40, sub-s. 1, and first schedule, part; 37 V., c. 12, s. 1.
- West Toronto. (28.) The electoral district of West Toronto, which shall consist of the wards as constituted on the fourteenth day of June, one thousand eight hundred and seventy-two, of St. Andrew, St. George and St. Patrick, in the city of Toronto; 35 V., c. 13, s. 2, part.
- Centre Toronto. (29.) The electoral district of Centre Toronto, which shall consist of the wards as constituted on the fourteenth day of June, one thousand eight hundred and seventy-two, of St. John and St. James, in the city of Toronto; 35 V., c. 13, s. 2, part.
- East Toronto. (30.) The electoral district of East Toronto, which shall consist of the wards as constituted on the fourteenth day of June, one thousand eight hundred and seventy-two, of St. David and St. Lawrence, in the city of Toronto; 35 V., c. 13, s. 2, part.
- Peel. (31.) The county of Peel, which shall consist of the townships of Chinguacousy, Toronto, and the Gore of Toronto, and the villages of Brampton and Streetsville; See B. N. A. Act, 1867, s. 40, sub-s. 1, part, and first schedule, part.
- Cardwell. (32.) The county of Cardwell, which shall consist of the townships of Albion, Caledon, Adjala and Mono; See B. N. A. Act, 1867, s. 40, sub-s. 1, part, and first schedule, part.
- Simcoe, S. R. (33.) The south riding of the county of Simcoe, which shall, consist of the townships of Mulmur, Tossorontio, Essay Innisfil and Tecumseh, and the village of Alliston; 45 V., C. 3, s. 2, part.
- Simcoe, N. R. (34.) The north riding of the county of Simcoe, which shall consist of the townships of Nottawasaga, Sunnidale

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Flos and Vespra, the towns of Collingwood and Barrie, and the village of Stayner; 45 V., c. 3, s. 2, part.

(35.) The east riding of the county of Simcoe, which shall Simcoe, E. R. consist of the townships of Tay, Medonte, Oro, Orillia, Matchedash, Muskoka, Wood, Medora, Monck and Tiny, the villages of Gravenhurst and Midland, and the towns of Orillia and Penetanguishene; 45 V., c. 3, s. 2, part.

(36.) The county of Lincoln and Niagara, which shall con-Lincoln and sist of the town and township of Niagara, the city of St. ^{Niagara.} Catharines, the townships of Grantham, Clinton and Louth, and the villages of Beamsville, Merritton and Port Dalhousie; 45 V., c. 3, s. 2, *part*.

(37.) The county of Welland, which shall consist of the Welland. townships of Bertie, Crowland, Humberstone, Stamford, Thorold and Willoughby, and the villages of Chippewa, Clifton, Fort Erie, Thorold and Welland; See B. N. A. Act, 1867, s. 40, sub-s. 1, part, and first schedule, part.

(38.) The electoral district of Haldimand, which shall consist Haldimand. of the townships of Walpole, Oneida, Rainham, Seneca and North Cayuga, and the villages of Cayuga and Caledonia; 45 V., c. 3, s. 2, part.

(39.) The electoral district of Monck, which shall consist of Monck. the townships of Gainsboro', Moulton, Wainfleet, Canboro', Pelham, Dunn, Sherbrooke and South Cayuga, and the village of Dunnville; 45 V., c. 3, s. 2, *part*.

(40.) The south riding of the county of Wentworth, which Wentworth, shall consist of the townships of Saltfleet, Binbrooke, Bar-^{S. R.} ton, Glanford, Grimsby and Caistor, and the village of Grimsby; 45 V., c. 3, s. 2, part.

(41.) The north riding of the county of Wellington, which Wellington, shall consist of the townships of Wallace, Minto, Arthur, ^{N. R.} Luther East, Luther West and Amaranth, the towns of Palmerston, Harriston and Mount Forrest, and the villages of Arthur and Clifford; 45 V., c. 3, s. 2, part.

(42.) The centre riding of the county of Wellington, which Wellington, shall consist of the town of Orangeville, the villages of ^{C. R.} Férgus, Elora and Drayton, and the townships of Peel, Nichol, Pilkington, Garafraxa East, Garafraxa West and Maryboro'; 45 V., c. 3, s. 2, part.

(43.) The south riding of the county of Wellington, which Wellington, shall consist of the townships of Puslinch, Guelph, Era-S. R. mosa and Erin, and the town of Guelph; 35 V., c. 13, s. 2, part.

- Grey, N. R. (44.) The north riding of the county of Grey, which shall consist of the townships of Holland, Sullivan, Sydenham, Derby, Sarawak, Keppel, and the town of Owen Sound; 35 V., c. 13, s. 2, *rart*.
- Grey, S. R. (45.) The south riding of the county of Grey, which shall consist of the townships of Bentinck, Normanby, Glenelg, Egremont and Artemesia, and the town of Durham; 45 V., c. 3, s. 2, part.
- Grey, E. R. (46.) The east riding of the county of Grey, which shall consist of the townships of Collingwood, Euphrasia, Osprey, Melancthon, Proton and St. Vincent, the village of Shelburne and the town of Meaford; 45 V., c. 3, s. 2, part.
- Brant, N. R. (47.) The north riding of the county of Brant, which shall consist of the townships of Ancaster, Blenheim, East Brantford and South Dumfries; 45 V., c 3, s. 2, part.
- Brant, S. R. (48.) The south riding of the county of Brant, which shall consist of the townships of West Brantford, Onondaga and Tuscarora, the city of Brantford and the town of Paris; 45 V., c. 3, s. 2, part.
- Oxford, N. R. (49.) The north riding of the county of Oxford, which shall consist of the townships of East Nissouri, West Zorra, East Zorra, Blandford, South Easthope and North Easthope, the town of Woodstock and the village of Embro; 45 V., c. 3, s. 2, part.
- Oxford, S. R. (50.) The south riding of the county of Oxford, which shall consist of the town of Ingersoll, the village of Norwich, and the townships of Oxford East, Oxford West, Oxford North, Norwich North, Norwich South, Burford and Oakland; 45 V., c. 3, s. 2, part.
- Norfolk, N. R. (51.) The north riding of the county of Norfolk, which shall consist of the townships of Townsend, Windham, Middleton and Dereham, the town of Tilsonburg and the village of Waterford; 45 V., c. 3, s. 2, part.
- Norfolk, S. R. (52.) The south riding of the county of Norfolk, which shall consist of the townships of Houghton, Walsingham, Charlotteville and Woodhouse, the town of Simcoe and the village of Port Dover; 45 V., c. 3, s. 2, part.
- Perth, S. R. (53.) The south riding of the county of Perth, which shall consist of the townships of Blanchard, Hibbert, Downie Fullarton and Usborne, and the towns of St. Mary's and Mitchell; 45 V., c. 3, s. 2, part.
- Perth, N. R. (54.) The north riding of the county of Perth, which shall consist of the townships of Ellice, Elma, Mornington and

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Logan, the towns of Stratford and Listowel, and the village of Milverton; 45 V., c. 3, s. 2, part.

(55.) The east riding of the county of Bruce, which shall Bruce, E. R. consist of the townships of Culross, Greenock, Brant and Carrick, the town of Walkerton and the village of Teeswater; 45 V., c. 3, s. 2, part.

(56.) The west riding of the county of Bruce, which shall ^{Bruce}, W. R. consist of the townships of Saugeen, Bruce, Kincardine, Huron and Kinloss, the town of Kincardine, the village of Tiverton and the village of Lucknow; 45 V., c. 3, s. 2, part.

(57.) The north riding of the county of Bruce, which shall Bruce, N. R. consist of the townships of Arran, Elderslie, Amabel, Albemarle, Eastnor, Lindsay and St. Edmunds, and the villages of Southampton, Wiarton, Chesley, Tara, Paisley and Port Elgin; 45 V., c. 3, s. 2, part.

(58.) The east riding of the county of Elgin, which shall Elgin, E. R. consist of the townships of Yarmouth, Malahide and Bayham, the villages of Port Stanley, Aylmer and Vienna, and the city of St. Thomas; 45 V., c. 3, s. 2, part.

(59.) The west riding of the county of Elgin, which shall Elgin, W. R. consist of the townships of Southwold, Dunwich, Aldboro', Orford and Howard, and the village of Ridgetown; 45 V., c. 3, s. 2, part.

(60.) The electoral district of Bothwell, which shall consist Bothwell. of the townships of Sombra, Dawn, Camden, Chatham and Zone, the villages of Wallaceburg, Dresden and Thamesville, and the town of Bothwell; 45 V., c. 3, s. 2, part.

(61.) The county of Kent, which shall consist of the town-Kent. ships of Dover, Raleigh, Harwich, Romney and East Tilbury, the town of Chatham and the village of Blenheim; 45 V., c. 3, s. 2, part

(62.) The south riding of the county of Essex, which shall Essex, S. R. consist of the townships of Anderdon, Malden, North Colchester, South Colchester, Gosfield, Mersea, the town of Amherstburg, the villages of Learnington and Kingsville, and Pelée Island; 45 V., c. 3, s. 2, part.

(63.) The north riding of the county of Essex, which shall Essex, N. R. consist of the townships of West Sandwich, East Sandwich, Maidstone, Rochester and West Tilbury, the towns of Sandwich and Windsor, and the village of Belle River; 45 V., c. 3, s. 2, part.

(64.) The west riding of the county of Lambton, which Lambton, w. shall consist of the townships of Sarnia, Moore and Plymp-^R.

ton, the town of Sarnia, and the villages of Wyoming, Forest and Point Edward ; 45 V., c. 3, s. 2, *part*.

- Lambton, E. (65.) The east riding of the county of Lambton, which shall consist of the townships of Enniskillen, Brooke, Warwick and Bosanquet, the town of Petrolia, and the villages of Oil Springs, Alvinston, Watford, Arkona and Thedford; 45 V., c. 3, s. 2, part.
- Middlesex, S. (66.) The south riding of the county of Middlesex, which shall consist of the townships of Westminster, Delaware, Caradoc and Lobo; 45 V., c. 3, s. 2, part.
- Middlesex, E. (67.) The east riding of the county of Middlesex, which shall consist of the townships of London, West Nissouri, North Dorchester and South Dorchester, the town of London East, and the villages of London West and Springfield; 45 V., c. 3, s. 2, part.
- Middlesex, W. (68.) The west riding of the county of Middlesex, which R. shall consist of the townships of Adelaide, Metcalfe, Mosa, Euphemia and Ekfrid, the villages of Glencoe, Newbury and Wardsville, and the town of Strathroy; 45 V., c. 3, s. 2, part.
- Middlesex, N. (69.) The north riding of the county of Middlesex, which shall consist of the townships of East Williams, West Williams, McGillivray, Biddulph and Stephen, and the villages of Ailsa Craig, Lucan, Exeter and Parkhill; 45 V., c. 3, s. 2, part.
- Huron, W. R. (70.) The west riding of the county of Huron, which shall consist of the townships of East Wawanosh, West Wawanosh, Ashfield, Colborne and Goderich, and the towns of Goderich and Clinton; 45 V., c. 3, s. 2, part.
- Huron, E. R. (71.) The east riding of the county of Huron, which shall consist of the townships of Howick, Turnberry, Grey and Morris, the town of Wingham, and the villages of Brussels, Blyth and Wroxeter; 45 V., c. 3, s. 2, part.
- Huron, S. R. (72.) The south riding of the county of Huron, which shall consist of the townships of McKillop, Hullet, Tuckersmith, Stanley and Hay, the town of Seaforth, and the village of Bayfield; 45 V., c. 3, s. 2, part.
- Algoma. (73.) The electoral district of Algoma, which shall consist of the provisional judicial district of Algoma (and pending adjustment of the boundaries), the settlements westward of the provisional district of Thunder Bay, and eastward, of the electoral districts of Manitoba: See B. N. A. Act, 1867, s. 40, sub-s. 1, and first schedule, part; -45 V., c. 3, s. 2, part.

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(d) The cities of Ottawa and Hamilton shall each respec- Ottawa and tively form an electoral district, and shall each return two Hamilton. members: See B. N. A. Act, 1867, s. 40, and first schedule, part :- 35 V., c. 13, s. 2, part.

(e) The cities of London and Kingston shall each respec- London and tively form an electoral district, and shall each return one Kingston. member. See B. N. A. Act, 1867, s. 40, sub-s. 1, first schedule. part.

QUEBEC.

3. In the Province of Quebec :--

(a) The counties of Ottawa, Pontiac, Hochelaga, Jacques Certain elec-Cartier, Laval, Vaudreuil, Soulanges, Laprairie, Chambly, in Quebec. Richelieu, Yamaska, Maskinongé, St. Maurice, Champlain, Nicolet, Montmorenci, Lévis, Charlevoix, Bonaventure, Kamouraska, Temiscouata, L'Islet, Dorchester, Compton, Stanstead, Shefford, Missisquoi, Brome, St. Hyacinthe, St. John's, Napierville, Iberville, Huntingdon, Beauharnois and Chateauguay, as they were respectively constituted on the thirty-first day of January, one thousand eight hundred and sixty-one, by section one of chapter seventy-five of the Consolidated Statutes for Lower Canada, shall each be an electoral district, and shall each return one member : C. S. C., c. 2, ss. 1 and 10, parts ;-C. S. L. C., c. 75, s. 1, part.

(b) The counties of Chicoutimi and Saguenay, as they Chicoutimi were respectively constituted on the thirty-first day of and Sague-January, one thousand eight hundred and sixty-one, under the statute aforesaid, and which include the Island of Anticosti, shall together form one electoral district, and shall together return one member; the counties of Drum-Drummond mond and Arthabaska, as they were respectively constituted and Arthaon the thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, shall, together, form one electoral district, and shall, together, return one member; and the counties of Richmond and Richmond Wolfe, as they were respectively constituted on the thirty- and Wolfe. first day of January, one thousand eight hundred and sixtyone, under the statute aforesaid, shall, together, form one electoral district, and shall, together, return one member: C. S. C., c. 2, ss. 1 and 7, parts ;-C. S. L. C., c. 75, s. 1, part ;-45 V., c. 3, s. 4, part.

(c) (1.) The county of Verchères, as it was constituted on the Verchères. thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, and which includes the island of St. Therèse and the other islands attached to the former seigniory of St. Therèse, in the parish of Varennes, and which also includes the island of Beauregard, in the

parish of Verchères, shall constitute the electoral district of Verchères, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts;—C. S. L. C., c. 75, s. 1, part;—28 V., c. 10, s. 1.

Argenteuil.

(2.) The county of Argenteuil, as it was constituted on the thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, excepting there-out the townships of Wolfe, Salaberry and Grandison, shall constitute the electoral district of Argenteuil, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts;—C. S. L. C., c. 75, s. 1, part;—45 V., c. 3, s. 4, part.

Two Mountains. (3.) The county of Two Mountains, as it was constituted on the last-mentioned date, under the statute aforesaid, shall, together with that part of the parish of Ste. Monique, which, on and prior to the seventeenth day of May, one thousand eight hundred and eighty-two, formed part of the county of Terrebonne, constitute the electoral district of Two Mountains, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts;—C. S. L. C., c. 75, s. 1, part;—45 V., c. 3, s. 4, part.

Terrebonne.

L'Assomption. (4.) The county of Terrebonne, as it was constituted on the thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, excepting thereout that part of the parish of Ste. Monique, included in said county of Terrebonne, on and prior to the seventeenth day of May, one thousand eight hundred and eightytwo, shall, together with the townships of Doncaster, Wolfe, Salaberry and Grandison, and that part of the township of Wexford, known as Ste. Marguerite, constitute the electoral district of Terrebonne, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts; --C. S. L. C., c. 75, s. 1, part; --27-28 V., c. 54, s. 1, part; --32-33, V., c. 46, s. 1, part; --45 V., c. 3, s. 4, part.

(5.) The county of L'Assomption, as it was constituted on the thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, excepting thereout that part of the parish of St. Esprit, called St. Louis, which, on and prior to the thirtieth day of June, one thousand eight hundred and sixty-four, formed part of the parish of St. Roch, and was included in the county of L'Assomption, shall, together with that part of the parish of L'Epiphanie, which, on and prior to the thirtieth day of June, one thousand eight hundred and sixty-four, formed part of the parish of St. Jacques, in the county of Montcalm, constitute the electoral district of L'Assomption, and shall return one member: C.S. C., c. 2, ss. 1 and 10, parts; -C. S. L. C., c. 75; s. 1, part ;-27-28 V., c. 54, s. 1, part.

Montcalm.

(6.) The county of Montcalm, as it was constituted on the thirty-first day of January, one thousand eight hundred

and sixty-one, under the statute aforesaid, excepting thereout the township of Doncaster, and also excepting thereout that part of the parish of L'Epiphanie, which, on and prior to the thirtieth day of June, one thousand eight hundred and sixty-four, formed part of the parish of St. Jacques, and was included in the said county, and also excepting thereout that part of the township of Wexford, called Ste. Marguerite, which, on and prior to the said last mentioned date, was included in the said county, shall, together with the territory comprising the lots of land numbers one, two and three of the first range of the township of Kildare, which, on and prior to the twenty-third day of May, one thousand eight hundred and seventy-three, formed part of the county of Joliette, and since the said date forms part of the parish of St. Alphonse de Liguori, and also, together with that portion of the parish of St. Esprit called St. Louis, which, on and prior to the thirtieth day of June, one thousand eight hundred and sixty-four, formed part of the parish of St. Roch and was included in the county of L'Assomption, and also. together with all that part of the parish of St. Liguori, which. on and prior to the last mentioned date, formed part of the township of Kildare and was included in the county of Joliette, constitute the electoral district of Montcalm, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts :--C. S. L C., c. 75, s. 1, part ;-27-28 V., c. 54, s. 1, part ;-32-33 V., c. 46, s. 1, part ;-36 V., c. 29, s. 1, part.

(7.) The county of Joliette, as it was constituted on the Joliette. thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, excepting thereout that part of the township of Kildare, which, on and prior to the thirtieth day of June, one thousand eight hundred and sixty-four, formed part of the parish of St. Alphonse de Liguori and was included in the said county, and also, excepting thereout the territory comprising the lots of land numbers one, two and three, in the first range of the township of Kildare, which, on and prior to the twenty-third day of May, one thousand eight hundred and seventy-three, were included in the said county, shall, together with that part of the township of Brandon, which, on and prior to the twenty-second day of June, one thousand eight hundred and sixty-nine, formed part of the parishes of St. Felix de Valois and St. Jean de Matha, and was included in the county of Berthier, constitute the electoral district of Joliette, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts; -C. S. L. C., c. 75, s. 1, part; -27-28 V., c. 54, s. 1, part; -32-33 V., c. 45, s. 1, part; -36 V., c. 29, ss. 1 and 2. parts.

(8.) The county of Berthier, as it was constituted on the Berthier, thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, excepting thereout

that part of the township of Brandon, which, on and prior to the twenty-second day of June, one thousand eight hundred and sixty-nine, formed part of the parishes of St. Felix de Valois and St. Jean de Matha, and was included in the said county, shall constitute the electoral district of Berthier, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts; -C. S. L. C., c. 75, s. 1, part; -32-33 V., c. 45, s. 1, part.

Portneuf.

(9.) The county of Portneuf, as it was constituted on the thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, excepting thereout such portion of the parish of St. Felix of Cap Rouge (erected for civil purposes), as was, on and prior to the fourteenth day of June, one thousand eight hun. dred and seventy-two, included in the said county, shall, together with that portion of the fourth and fifth and ranges of the seigniory of Belair, comprised, on prior to the twenty-second day of May, one thousand eight hundred and sixty-eight, between the lands of Joseph Laurin, Esquire, in the fourth range, and Jean Cliche, in the fifth range, exclusively, on one side, and the seigniory of Fossambault on the other side, and which, by an Act passed by the Legislature of the Province of Quebec, in the thirty-first year of Her Majesty's reign, chaptered twenty nine, was annexed to and made to form part of the parish of Ste. Catherine and of the county of Portneuf, for provincial purposes, constitute the electoral district of Portneuf, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts; -C. S. L. C., c. 75, s. 1, part ;-31 V., c. 78, s. 2 ;-35 V., c. 13, s. 2, part.

Quebec.

(10.) The county of Quebec, as it was constituted on thethirty-first day of January, one thousand eight hundred and sixty-one, by section one of chapter seventy-five of the Consolidated Statutes for Lower Canada aforesaid shall, together with that portion of the fourth and fifth ranges of the seig niory of Belair, comprised between the seigniory of Gaudar ville, on one side, and on the other side the land of Joseph Laurin, Esquire, in the fourth range, and the land of Jean Cliche, in the fifth range, both lands included, which, by an Act passed by the Legislature of the Province of Quebec in the thirty-first year of Her Majesty's reign, chaptered twenty-nine, was annexed to and made to form part of the parish of St. Ambroise and of the county of Quebec, for pro vincial purposes, and also, together with such portion of the parish of St. Felix of Cap Rouge (erected for civil pur poses), as was, on and prior to the fourteenth day of June one thousand eight hundred and seventy-two, included in the county of Portneuf, constitute the electoral district of the county of Quebec, and shall return one member: C. S C., c. 2, ss. 1 and 10, parts ;-C. S. L. C., c. 75, s. 1, part ; 31 V., c. 78, s. 1 ;-35 V., c. 13, s. 2, part. Chap. 6.

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(11.) The county of Lotbinière, as it was constituted on the Lotbinière. thirty-first day of January, one thousand eight hundred and sixty-one, by section one of chapter seventy-five of the Consolidated Statutes for Lower Canada, excepting thereout that portion of the municipality of the parish of St. Sévérin, which, on and prior to the twelfth day of April, one thousand eight hundred and seventy-six, formed part of the said county, shall constitute the electoral district of Lotbinière, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts :--C. S. L. C., c. 75, s. 1, part ;--39 V., c. 11, s. 1, part.

(12.) The county of Gaspé, as it was constituted on the Gaspé. thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, shall, together with the Magdalen Islands, and also together with all that portion of the parish of St. Norbert du Cap Chat, as canonically erected by decree, bearing date the tenth day of May, one thousand eight hundred and sixty-four, which, on and prior to the eighteenth day of September, one thousand eight hundred and sixty-four, which, on and prior to the eighteenth day of September, one thousand eight hundred and sixty-five, formed part of the township of Romieux, in the county of Rimouski, constitute the electoral district of Gaspé, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts; -C. S. L. C., c. 75, s. 1, part; -29 V., c. 55, s. 1, part; -45 V., c. 3, s. 4, part.

(13.) The county of Rimouski, as it was constituted on the Rimouski. thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, excepting thereout all that portion of the parish of St. Norbert du Cap Chat, as canonically erected by decree, bearing date the tenth day of May, one thousand eight hundred and sixty-four, which, on and prior to the eighteenth day of September, one thousand eight hundred and sixty-four, which of Romieux, in the county of Rimouski, shall constitute the electoral district of Rimouski, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts; -C. S. L. C., c. 75, s. 1, part; -29 V., c. 55, s. 1, part.

(14.) The county of Montmagny, as it was constituted on Montmagny. the eighteenth day of March, one thousand eight hundred and sixty-five, under the statute aforesaid, as amended by section one of the Act of the Legislature of the late Province of Canada, passed in the twenty-eighth year of Her Majesty's reign and chaptered nine, shall, together with all that northeastern part of the township of Armagh, in the county of Bellechasse, extending from lot number one to lot number thirty, inclusively, in the first and second ranges south-east of the Rivière du Sud, and all that part of the township of Mailloux, lying to the north-east of the north-east range of the Mailloux road, including lots numbers forty to forty-six, inclusively, in the first, second and third ranges, and lots numbers thirty-four to forty-six, inclusively, in the fourth, fifth and sixth ranges of the said township of Mailloux, which, on and prior to the seventeenth day of May, one thousand eight hundred and eighty-two, formed part of the county of Bellechasse, constitute the electoral district of Montmagny, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts;—C. S. L. C., c. 75, s. 1, part;—28 V., c. 9, s. 1, part;—45 V., c. 3, s. 4, part.

Bellechasse.

(15.) The county of Bellechasse, as it was constituted on the eighteenth day of March, one thousand eight hundred and sixty-five, by section one of chapter seventy-five of the Consolidated Statutes for Lower Canada, as amended by the Act of the Legislature of the late Province of Canada, passed in the twenty-eighth year of Her Majesty's reign, and chaptered nine, excepting thereout all that north-eastern part of the township of Armagh, extending from lot number one to lot number thirty, inclusively, in the first and second ranges south-east of the Rivière du Sud, and all that part of the township of Mailloux, lying to the north-east of the north-east range of the Mailloux road, including lots numbers forty to forty-six, inclusively, in the first, second and third ranges, and lots numbers thirty-four to forty-six, inclusively, in the fourth, fifth and sixth ranges of the said township of Mailloux, which, on and prior to the seventeenth day of May, one thousand eight hundred and eighty-two, formed part of the said county of Bellechasse, shall constitute the electoral district of Bellechasse, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts;-C. S. L. C., c. 75, s. 1, part ;-28 V., c. 9, s. 1, part ;-45 V., c. 3, s. 4, part.

Beauce.

Megantic,

(16.) The county of Beauce, as it was constituted on the thirty-first day of January, one thousand eight hundred and sixty-one, by section one of chapter seventy-five of the Consolidated Statutes for Lower Canada, shall, together with the township of Broughton, which, on and prior to the fifth day of May, one thousand eight hundred and sixty-three, formed part of the county of Megantic, and also together with that portion of the parish of St. Sévérin, which, on and prior to the twelfth day of April, one thousand eight hundred and seventy-six, formed part of the county of Lotbinière, constitute the electoral district of Beauce, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts; C. S. L. C., c. 75, s. 1, part; -26 V., c. 7, s. 1, part; -39 V., c. 11, s. 1, part.

(17.) The county of Megantic, as it was constituted on the thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, excepting thereout the township of Broughton, which, on and prior to the fifth day of May, one thousand eight hundred and sixty-three, formed part of the said county, shall constitute the electoral district of Megantic, and shall return one member: C. S. C., c. 2, ss. 1 and 10, parts ;—C. S. L. C., c. 75, s. 1, part; —26 V., c. 7, s. 1, part. Chap. 6.

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(18.) The county of Bagot, as it was constituted on the Bagot. thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, excepting therefrom all that portion of the parish of St. Paul, which, on and prior to the thirtieth day of June, one thousand eight hundred and sixty-four, formed part of the county of Bagot, shall constitute the electoral district of Bagot, and shall return one member: C.S.C., c. 2, ss. 1 and 10, parts;—C.S. L. C., c. 75, s. 1, part;—27-28 V., c. 54, s. 1, part.

(19.) The county of Rouville, as it was constituted on the Rouville. thirty-first day of January, one thousand eight hundred and sixty-one, under the statute aforesaid, shall, together with all that portion of the parish of St. Paul, which, on and prior to the thirtieth day of June, one thousand eight hundred and sixty-four, formed part of the county of Bagot, constitute the electoral district of Rouville, and shall return one member: C, S. C., c. 2, ss. 1 and 10, parts;—C. S. L. C., c. 75, s. 1, part;—27–28 V., c. 54, s. 1, part.

(d) The city of Montreal shall be divided into three Montreal. electoral districts, called respectively, Montreal West, Montreal Centre and Montreal East, each of which shall return one member, and the said electoral districts shall be constituted as follows, that is to say:—

(1.) The electoral district of Montreal West shall consist of Montreal W. the wards of St. Antoine and St. Lawrence, as the said wards were constituted on the fourteenth day of June, one thousand eight hundred and seventy-two;

(2.) The electoral district of Montreal Centre shall con-Montreal C. sist of the wards of St. Ann, West ward, Centre ward and East ward, as the said wards were constituted on the said last mentioned date;

(3.) The electoral district of Montreal East shall con-Montreal E. sist of the wards of St. Lewis, St. James and St. Mary, as the said wards were constituted on the said last mentioned date: 35 V., c. 13, s. 2, part.

(e) The city of Quebec shall be divided into three elec-Quebec. toral districts, which shall be called, respectively, Quebec West, Quebec Centre and Quebec East, each of which shall return one member, and the said electoral districts shall be constituted as follows, that is to say :--

(1.) The electoral district of Quebec West shall consist of _{Quebec} w. of St. Peter's ward, Champlain ward, and so much of Montcalm ward as lies south of the centre of Artillery street, and its prolongation parallel to La Grande Allée, to the city limits; with so much of the Banlieue as lies south of the said line prolonged to the western line of the said Banlieue, as such wards were constituted on the twenty-third day of April, one thousand eight hundred and sixty;

- Quebec C. (2.) The electoral district of Quebec Centre shall consist of Palace ward, St. Louis ward, St. John's ward and so much of Montcalm ward and of the Banlieue as is not within Quebec West or Quebec East, as such wards were constituted on the twenty-third day of April, one thousand eight hundred and sixty;
- Quebec E. (3.) The electoral district of Quebec East shall consist of St. Roch's ward and Jacques Cartier ward, and that portion of the Banlieue to the north of a line prolonged towards the south-west, from the southern extremity of Jacques Cartier ward, along the *Cime du Cap* to the south-western limit of the Banlieue, as such wards were constituted on the twenty-third day of April, one thousand eight hundred and sixty: 23 V., c. 1, s. 1, part, and s. 5, part.
- Three Rivers. (f) The city of Three Rivers, as it was constituted on the fifth day of December, one thousand eight hundred and fifty-nine, by section five of chapter two of the Consolidated Statutes of Canada, shall, together with all that portion of the parish of Three Rivers, from the south line of the township of St. Maurice to the River St. Lawrence, constitute the electoral district of the city of Three Rivers, and shall return one member: C. S. C., c. 2, s. 5;--28 V., c. 9, s. 2.

Sherbrooke.

(g) The town of Sherbrooke, as it was constituted on the said last mentioned date, by section six of said last mentioned statute, shall constitute the electoral district of the town of Sherbrooke, and shall return one member: C. S. C., c. 2, s. 6.

NOVA SCOTIA.

Electoral districts in Nova Scotia. 4. In the Province of Nova Scotia, each of the eighteen counties into which the Province of Nova Scotia was, on the first day of July, one thousand eight hundred and sixty-seven, divided, shall be an electoral district, and of the said electoral districts the electoral districts of Halifax, Picton and Cape Breton shall each return two members, and the other fifteen of the said electoral districts shall each return one member: See B. N. A. Act, 1867, s. 40, sub-s. 3;-35 V., c. 13, s. 2, part.

NEW BRUNSWICK.

Electoral districts in New Brunswick. teen counties into which New Brunswick was, on the first day of July, one thousand eight hundred and sixty Chap. 6.

seven, divided, including the city and county of St. John, shall be an electoral district, and the city of St. John shall also be a separate electoral district, and of the said electoral districts, the electoral district of the city and county of St. John shall return two members, and the other fourteen of said electoral districts, including the city of St. John, shall each return one member: See B. N. A. Act, 1867, s. 40, sub-s. 4;-35 V., c. 13, s. 2, part.

PRINCE EDWARD ISLAND.

6. In the Province of Prince Edward Island each of the Electoral discounties following, that is to say :—Prince county, Queen's tricts in prince Edcounty and King's county, as they were respectively con-ward Island. stituted on the twenty-sixth day of June, one thousand eight hundred and seventy-three, shall be an electoral district and shall each return two members: See Imperial Orders in Council, passed 26th June, 1873, p. ix. of Statutes of 1873.

BRITISH COLUMBIA.

7. In the Province of British Columbia there shall be five Electoral diselectoral districts, which shall be designated and constituted tricts in as follows, that is to say :--

(a) The electoral district of New Westminster, which shall New Westconsist of New Westminster district and the coast district, ^{minster.} as defined in a public notice issued from the Lands and Works Office in the said colony, on the fifteenth day of December, one thousand eight hundred and sixty-nine, by the desire of the Governor, and purporting to be in accordance with the provisions of the thirty-ninth clause of the "Mineral Ordinance, 1869;"

(b) The electoral district of Cariboo, which shall consist of Cariboo. Cariboo district and Lillooet district, as specified in the said public notice;

(c) The electoral district of Yale, which shall consist of Yale. Yale district and Kootenay district, as specified in the said public notice;

(d) The electoral district of Victoria, which shall consist of Victoria. those portions of Vancouver Island known as Victoria district, Esquimalt district and Metchosin district, as defined in the official maps of those districts which are deposited in the Land Office, Victoria, and are designated respectively, "Victoria District Official Map, 1858," "Esquimalt District Official Map, 1858," and "Metchosin District Official Map, 1858:" Vancouver.

(e) The electoral district of Vancouver, which shall consist of all the remainder of Vancouver Island, and all such islands adjacent thereto, as were formerly dependencies of the late colony of Vancouver Island;

Number of members. And of which electoral districts the electoral district of Victoria shall return two members, and the other electoral districts shall each return one member: 35 V., c. 13, s. 2, *part*.

MANITOBA.

Electoral districts in Manitoba. 8. In the Province of Manitoba there shall be five tricts in Manielectoral districts, which shall be designated and constituted as follows, that is to say :--

Selkirk.

(a) The electoral district of Selkirk, which shall consist of the municipalities of Rhineland, North Dufferin, South Dufferin, Lorne, Louise, Argyle, Derby, Brandon, Turtle Mountain, Dennis and Souris;

Marquette.

(b) The electoral district of Marquette, which shall consist of the municipalities of Portage, Norfolk, Westbourne, Cypress, Beautiful Plain, Minnedosa, Riding Mountain, Shoal Lake and Russell;

Provencher.

(c) The electoral district of Provencher, which shall consist of the municipalities of Cartier, Morris, Montcalm, Emerson, Youville, Hanover, LaBroquerie, Hespeler, Ste. Anne, Taché, St. Norbert and St. Boniface, and of all the territory lying east of the said municipalities of Ste. Anne, LaBroquerie and Emerson, and west of the Lake of the Woods;

Lisgar.

(d) The electoral district of Lisgar, which shall consist of the municipalities of Assiniboia, Belcourt, St. François Xavier, Macdonald, Kildonan, St. Paul, Springfield, St. Laurent, Woodlands, Rockwood, Fairford, Gimli, S Andrews, Plessis and Varennes, and all the territory lying east of the said municipalities of St. Andrews and Springfield, and west of the Lake of the Woods and the Winnipeg. river;

Winnipeg.

(e) The electoral district of Winnipeg, which shall consist of the city of Winnipeg and the municipality of Fort Rouge: Provided, that any tract of land annexed to and made part of the city of Winnipeg by Act of the Legislature of Manitoba, extending the limits of that city, shall, by such extension, become part of the electoral district of Winnipeg, and detached from the electoral district of Lisgar or Provencher, as the case may be,—

And each of which electoral districts shall return on^{Θ} member. 45 V., c. 3, s. 3.

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GENERAL PROVISIONS.

4. Every town, village, township or place lying within Towns, villathe territorial limits of any electoral district, and not specifically included in any other electoral district by this Act, shall be and be taken to be part of the electoral district in which it is so locally situate. 45 V., c. 3, s. 5, part.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
C. S. L. C., c. 75. 23 V., c. 1 26 V., c. 7 27-28 V., c. 54 28 V., c. 9 28 V., c. 9 29 V., c. 55 31 V., c. 78 32-33 V., c. 45 32-33 V., c. 45 35 V., c. 13 36 V., c. 29 37 V., c. 12 39 V., c. 11	 ss. 1, 5, 6, 7 and 10, part. s. 1, part s. 1, part s. 1, part s. 1, part s. 1, part and s. 2. s. 1, part s. 1, 2 and 3 and sub-ss. 1, 2, 3 and 4 of s. 4. 	s. 2. ss. 1, 3 and part of 2. s. 2. a. 2.	Provincial. do do do do do ao	

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CHAPTER 7:

An Act respecting Elections of Members of the House of Commons.

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

SHORT TITLE. 1. This Act may be cited as "The Dominion Elections

Short Title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,-

(a) The expression "election" means an election of a member to serve in the House of Commons;

(b) The expression "electoral district" means any place in Canada entitled to return a member to the House of Commons;

(c) The expression "revising officer" means a revising officer appointed under the provisions of "The Electoral Franchise Act," or of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign and intituled "An Act respecting the Electoral Franchise," for the place referred to in the context, and competent to do the thing required.

New.

Act." 37 V., c. 9, s. 135.

(d) The expression "polling district" means a polling district as constituted under the provisions of "The Electoral Franchise Act," or of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign and intituled "An Act respecting the Electoral Franchise.", New.

(e) The expression "list of voters" or "voters' list" means the certified copy of the list or corrected list of voters for a polling district furnished to the returning officer or any deputy returning officer under "The Electoral Franchise Act," or the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign and intituled "An Act respecting the Electoral Franchise."

New.

"Elector." "Voter." (f) The expression "elector" or "voter" means any person entitled to vote at any election under the provisions of this Act or of "The Electoral Franchise Act," or of the Act passed in the session held in the forty-eighth and

"Election."

"Electoral district."

"Revising officer."

"List of voters." "Voters' list." 69

forty-ninth years of Her Majesty reign and intituled "An Act respecting the Electoral Franchise." New.

(g) The expression "judge" includes Chief Justice, and "Judge." when used with reference to to the Province of Ontario also includes the Chancellor. New.

(h) The expression "personal expenses," as used in this "Personal ex-Act with respect to the expenditure of any candidate in penses." relation to the election at which he is a candidate, includes the reasonable travelling expenses of such candidate, and the reasonable expenses of his living at hotels, or elsewhere, for the purpose of and in relation to such election. 37 V., c. 9, ss. 125 and 130.

ISSUE OF ELECTION WRITS AND APPOINTMENT OF RETURNING OFFICERS.

3. Every writ for the election of a member of the House writ of Elecof Commons shall be dated and be returnable on such tion and days as the Governor General determines and shall be Beturning days as the Governor General determines, and shall be Officers. addressed to such person as the Governor General ap-points; and such person shall be the returning officer at the election to which such writ relates: Provided always, Proviso. that if the person to whom the writ has been addressed refuses, or is disqualified or unable to act, the Governor General may appoint another person to be such returning officer. 45 V., c. 3, s. 6.

4. The Governor General shall, except as hereinafter men- Day of nomitioned, fix the day for the nomination of candidates at the nation of can-election, and shall at every general election, fix one and the didates, how election, and shall, at every general election, fix one and the fixed. same day for the nomination of candidates in all the electoral districts, except in the electoral districts in the Province of Exceptions. British Columbia, and in the electoral districts of Algoma. in the Province of Ontario, and of Gaspé and of Chicoutimi and Saguenay, in the Province of Quebec. 37 V., c. 9, s. 2, part : 45 V., c. 3, s. 7, part.

The exception as to Manitoba under the original Act is omitted at the suggestion of the Parliamentary Committee.

5. The day so fixed by the Governor General shall be Day to be named in the writs of election for the several electoral mamed in the Writs. districts respectively, to which such day applies. 37 V., c. 9, s. 3.

6. The writs of election shall be in the form A, in the Form of Writ, first schedule to this Act, and shall be transmitted by mail &c. to the respective returning officers, unless otherwise ordered by the Governor General. 37 V., c. 9, s. 4.

7. None of the persons hereinafter mentioned shall be Who shall not appointed returning officers, or deputy returning officers, Officers. election clerks or poll clerks, that is to say :---

(a) Members of the Queen's Privy Council for Canada or of the Executive Council of any of the Provinces of Canada;

(b) Members of the Senate or members of the Legislative Council of any of the Provinces of Canada;

(c) Members of the House of Commons or members of the Legislative Assemblies of the several Provinces of Canada;

(d) Ministers, priests or ecclesiastics of any religious faith or worship;

(e) Judges of the courts of superior, civil or criminal jurisdiction, or judges of any county or district court, insolvent court or vice-admiralty court, or revising officers;

(f) Persons who have served in the Parliament of Canada in the session immediately preceding the election, or in the then present session of Parliament;

(g) Sheriffs, registrars or other persons who have been found guilty by the House of Commons, or by any court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty under this Act, "The Electoral Franchise Act," or the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign and intituled "An Act respecting the Electoral Franchise." 37 V., c. 9, s. 5.

The words in italics are suggested in consequence of the enactment of "The Electoral Franchise Act."

None of the persons hereinafter mentioned, unless they are sheriffs, registrars, town clerks or assessors, shall be obliged to act as returning officers, deputy returning officers, election clerks or poll clerks, that is to say :---

(a) Professors in any university, college, high school, or academy;

(b) Physicians or surgeons;

(c) Millers;

(d) Postmasters, customs officers, or clerks in post offices or customs offices;

(e) Persons of sixty years of age or upwards;

(f) Persons who have previously served as returning officers at the election of a member for the House of Commons. 37 V., c. 9, s. 6.

Who shall not be bound to act as such.

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DUTIES OF RETURNING OFFICERS AND DEPUTY RETURNING OFFICERS AND THEIR CLERKS.

9. The returning officer shall, on receiving the writ of Indorsing election, forthwith indorse thereon the date on which he receipt, and receives the same, and before taking any further action turning thereon, he shall take the oath of office in the form B in the Officer. first schedule to this Act. 37 V., c. 9, s. 7.

10. The returning officer, by a commission under his Appointment hand, and in the form C in the first schedule to this Act, Clerk. shall appoint an election clerk, and may, at any time during the election, appoint, in the same manner, another election clerk, if the one so appointed resigns, refuses or is unable to perform his duties as such clerk. 37 V., c. 9, s. 8.

11. The election clerk shall assist the returning officer in Duty of Elec-the performance of his duties, and act in his stead as tion Clerk. returning officer, whenever the returning officer refuses or is disqualified or unable to perform his duties, and has not been replaced by another. 37 V., c. 9, s. 9.

12. The election clerk shall, before acting as such clerk, Oath of office. take the oath of office in the form D in the first schedule to this Act. 37 V., c. 9, s. 10.

13. The returning officer for each electoral district shall, Returning forthwith on the receipt of the writ of election, obtain from officer to obtain a copy of the revising officer or revising officers for the electoral dis-list of voters, trict for the second officer of the second of the sec trict for which he is returning officer, at least one copy of &c., and fix the list of voters as finally revised and certified by the revis- tions. ing officer or revising officers and then in force, for each of the polling districts in such electoral district, and a copy of the order of the revising officer or revising officers dividing the electoral district into polling districts, and shall forthwith thereafter fix a polling station in and for each of such polling districts in a central and convenient place therein. 48-49 V., c. 40, s. 46.

Re-drafted.

14. Subject to the provisions hereinafter contained the Posting up proclamation hereinafter required shall be posted up in proclamation. all the electoral districts, at least eight days before the day fixed for the nomination of candidates; and the day Polling days. for holding the polls shall be the seventh day next after the expiration of the day fixed for the nomination of candidates, that is on the same or corresponding day of the week next after that on which the nomination has taken place, or if such seventh day is a statutory holiday, then on the next following day not being a Sunday or a statutory holiday :

Nomination and polling days in B.C., Algoma and Gaspé.

and Sague-

Cases of unforeseen

delays pro-vided for.

nay.

2. In the electoral districts in the Province of British Columbia, and in the electoral districts of Algoma, in the Province of Ontario, and Gaspé, in the Province of Quebec, the returning officers shall fix the day for the nomination of candidates, and also the day and places for holding the polls: the nomination in any of the said electoral districts shall take place not less than fifteen days or more than thirty days after the proclamation hereinafter required has been posted up, and the day for holding the polls shall be not less than fifteen days or more than thirty days after the day on which the nomination is to take place,neither the day of nomination nor the day of posting the proclamation being reckoned:

In Chicoutimi 3. In the electoral district of Chicoutimi and Saguenay the nomination shall take place not less than eight days, or more than fifteen days after the proclamation; and the day of holding the polls shall be not less than eight days, or more than fifteen days after the day on which the nomination is to take place. 37 V., c. 9, s. 12; -45 V., c. 3, s. 7, part.

> 15. Whenever from unforeseen accident, delays, or otherwise, the proclamation hereinafter mentioned cannot be posted up so as to leave the required delay between the posting up of the proclamation and the nomination day appointed by the Governor General, or by the returning officer, as the case may be, or whenever any candidate dies after being nominated and before the close of the polls, the returning officer may fix another day for the nomination of candidates,which day shall be the nearest day possible after allowing the number of days required by the next preceding section between the posting up of the proclamation and the nomination day; and in every such case the returning officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the causes which occasioned the postponement of the election. 37 V., c. 9, s. 13.

Proclamation by Returning Officer.

16. Within twenty days after the reception of the writ in the electoral districts of the Province of British Columbia, and in the electoral district of Algoma, in the Province of Ontario, and in those of Gaspé and Chicoutimi and Saguenay, in the Province of Quebec, and within eight days after such reception in the other electoral districts of Canada, the returning officer shall, by a proclamation under his hand, issued in the English and French languages in every electoral district in the Province of Quebec and in the Province of Manitoba, and in the English language only in the other electoral districts indicate,-

(a) The place and time fixed for the nomination of candidates;

(b) The day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded;

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(c) The several polling stations fixed by him, and the territorial limits to which they respectively apply;

(d) The time when and the place where the returning officer will sum up the number of votes given to the several candidates.

Such proclamation shall be in the form E, in the first Form. schedule to this Act. 37 V., c. 9, s. 14; -45 V., c. 3, s. 7, part.

17. The returning officer shall cause the said proclama- How to be published. tion to be posted up at four of the most prominent and published. conspicuous places in each city, town, village (or ward of such city, town or village, when it is sub-divided into wards), and at four of the most prominent and conspicuous places in each parish, township or division of parish or township township, within the electoral district for which the election is to take place. 37 V., c. 9, s. 15.

18. The place fixed for the nomination of candidates shall Place of be the court house, city or town hall, or some other public or nomination. private building, in the most central or most convenient place for the majority of the electors of each electoral district. 37 V., c. 9, s. 16.

NOMINATION OF CANDIDATES.

19. The time appointed for the nomination of candidates Hours for shall be from the hour of twelve at noon until the hour of nomination. two in the afternoon of the day fixed for that purpose. V., c. 9, s. 17.

20. No qualification in real estate shall be required of No real proany candidate for a seat in the House of Commons of Canada, perty qualifi-but such candidate shall be either a natural born subject of quired of the Queen, or a subject of the Queen naturalized under an candidate. Act of the Parliament of Great Britain, or of the Par- Proviso: liament of the United Kingdom, or of the Legisla-He must be a ture of one of the Provinces of Upper Canada, ject. Lower Canada, Canada, Nova Scotia, New Brunswick, Manitoba, British Columbia or Prince Edward Island, or of the Parliament of Canada :

2. No revising officer for any electoral district or portion Revising offiof an electoral district while he is such revising officer, or cernot to be a for two works the second district while he is such revising officer. for two years thereafter, shall be a candidate for a seat in the House of Commons of Canada for any such electoral district for which, or for any portion of which he is or has been such revising officer. 37 V., c. 9, s. 20;-48-49 V., c. 40, s. 12.

Form of nomination.

21. Any twenty-five electors may nominate a candidate or as many candidates as are required to be elected for the electoral district for which the election is held, by signing a nomination paper in the form F, in the first schedule to this Act, stating therein the names, residence and addition or description of each person proposed, in such manner as sufficiently to identify such candidate and by causing the said nomination paper to be produced to the returning officer at the time and place indicated in the said proclamation or to be filed with the returning officer as hereinafter mentioned :

Re-drafted at the suggestion of Parliamentary Committee.

2. Each candidate shall be nominated by a separate nomination paper; but the same electors, or any of them, may subscribe as many nomination papers as there are members to be elected :

Nomination papers may be filed with Re-

Each candidate sepa-

rately.

Votes for candidates not nominated, null.

Consent of candidate named.

Deposit by candidates.

How to be dealt with.

3. Such nomination papers may also be filed with the returning officer at any other place, and at any time turning Officer between the date of the proclamation and the day of nomina at other places tion, with the same effect as if produced at the time and place fixed for the nomination ; and at the close of the time for nominating the candidates, the returning officer shall deliver to every candidate or agent of a candidate applying for the same, a duly certified list of the names of the several candidates who have been nominated; and any votes given at the election for any other candidates than those 50 nominated shall be null and void. 37 V., c. 9, s. 18.

> 22. No nomination paper shall be valid and acted upop by the returning officer unless it is accompanied by the consent in writing of the person therein nominated, except when such person is absent from the Province in which the election is to be held, in which case such absence shall be stated in the nomination paper; and-

> Unless a sum of two hundred dollars is deposited in the hands of the returning officer at the time the nomination paper is filed with him; and the receipt of the returning officer shall, in every case, be sufficient evidence of the production of the nomination paper, of the consent of the candidate and of the payment herein mentioned :

> 2. The sum so deposited by any candidate shall be 18 turned to him in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favor of the candidate elected, otherwise it shall belong to Her Majesty for the public used of Canada; and the sums so paid and not returned at herein provided, shall be applied by the returning officer towards the payment of the election expenses; and 81 account thereof shall be rendered by him to the Auditor General of Canada. 37 V., c. 9, s. 19;-45 V., c. 3, s. 8.

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23. The returning officer shall require the person or one Nomination or more of the persons producing or filing as aforesaid any be attested. such nomination paper to make oath before him, that he or they know that the several persons who have signed such nomination paper are electors duly entitled to vote; and that they have signed the same in his or their presence; and that the consent of the candidate has been signed in his or their presence, or that the person named as candidate is absent from the Province, as the case may be :

2. Such oath may be in the form G, in the first schedule to Form of oath. this Act, and the fact of its having been taken shall be stated on the back of the said nomination paper. 37 V., c. 9, s. 21.

24. Whenever only one candidate, or only such a number Return when of candidates as are required by law to be elected to repre- no more can-sent the electoral district for which the election is held members to have been nominated within the time fixed for that purpose, be elected. the returning officer shall make his return to the Clerk of the Crown in Chancery that such candidate or candidates, as the case may be, is or are duly elected for the said electoral district,-of which return he shall send within fortyeight hours a duplicate or certified copy to the person or persons elected; and such return shall be in the form H, in the first schedule to this Act. 37 V., c. 9, s. 22.

25. The returning officer shall accompany his return to Report with the Clerk of the Crown in Chancery with a report of his return. proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act. - 37 V., c. 9, s. 23.

PROCEEDINGS ON GRANTING OF POLL.

26. If more candidates than the number required to be Poll, and elected for the electoral district are nominated in the man-notice thereof. ner required by this Act, the returning officer shall grant a poll for taking the votes of the electors, and shall cause to be posted up notices of his having granted such poll, indicating the names, residences and occupations of the candidates so nominated, in the order in which they are to be printed on the ballot papers hereinafter mentioned; which notices shall, as soon as possible after the nomination, be placarded at all the places where the proclamation for the election was posted up, and shall be in the form I, in the first schedule to this Act. 37 V., c. 9, s. 24. Form.

27. Any candidate nominated may withdraw at any time Withdrawal after his nomination, and before the closing of the poll, by of candidates. filing with the returning officer a declaration in writing to that effect, signed by himself; and any votes cast for the candidate who has so withdrawn shall be null and

If no more remain than there are members to be elected.

void: and if, after the withdrawal, there remains but one candidate, or no more than the number to be elected, then the returning officer shall return as duly elected the candidate or candidates so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll if such withdrawal is filed on the polling day. 37 V., c. 9, s. 25.

28. Whenever a poll has been granted, the same shall be opened at the hour of nine of the clock in the forenoon, and kept open until five of the clock in the afternoon of the day fixed for holding it; and the votes at the several polling stations shall be given on that day, and by ballot. 37 V., c. 9. s. 26.

Ballot papers, **29.** The ballot of each voter shall be a printed paper, in form of. this Act called a ballot paper, with a counterfoil, showing the names and description of each candidate alphabetically arranged in the order of their surnames, or if there are two or more candidates with the same surname, in the order of their first names; the names and description of each candidate shall be set forth in the ballot paper as they have been set forth in the nomination paper, and the ballot paper and counterfoil shall be in the form J, in the first schedule to this Act. 41 V., c. 6, s. 3.

30. On a poll being granted, the returning officer shall,—

(a) Appoint, by a commission under his hand, in the form K, in the first schedule to this Act, one deputy

officer for each polling district in the electoral district, who shall, before acting as such, take the oath of office in the form L. in the first schedule to this Act:

- List of voters. (b) Furnish each deputy returning officer with copy of the list of voters in the polling district for which he is appointed,-such copy being first certified by himself or by the revising officer for such electoral district or portion of an electoral district in which such polling district is situate;
- (c) Deliver to each deputy returning officer, two days at least before the polling day, a ballot box to receive the ballot papers of the voters,-which ballot box shall be made of some durable material, with one lock and key, and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the box is unlocked:
- Ballot papers. (d) Furnish each deputy returning officer with sufficient number of ballot papers (all being of the same description and as nearly as possible alike), to supply the number of voters on the list of such polling district, and with the necessary materials for voters to mark their ballot papers;

Duties of Returning Officer when a poll is granted. Deputies.

Ballot boxes.

Hours for polling.

(e) Furnish each deputy returning officer with at least ten Directions for copies of printed directions, in the form *M*, in the first sched-voters. ule to this Act, for the guidance of voters in voting,—which printed directions the deputy returning officer shall, before or at the opening of the poll, on the day of polling, cause to be posted up in some conspicuous places outside of the polling station, and also in each compartment of the polling station. 37 V., c. 9, s. 28;—41 V., c. 6, s. 2, part;—48-49 V., c. 40, s. 40, part.

31. Whenever the returning officer fails to furnish to If ballot box the deputy returning officer for any polling district the is not furnished. deputy returning officer shall cause one to be made. $37 V_{.,}$

32. Each deputy returning officer shall forthwith Poll Clerk. appoint by commission under his hand in the form N, in the first schedule to this Act, a poll clerk, who, before acting as such clerk, shall take the oath in the form O, in the first schedule to this Act. 37 V., c. 9, s. 31.

33. Whenever any deputy returning officer refuses or is Poll Clerk to unable to act, the returning officer may appoint another in certain person to act in his place as deputy returning officer; and cases. if no such appointment is made, the poll clerk without taking another oath of office, shall act as deputy returning officer:

2. Whenever the poll clerk acts as deputy returning And appoint a officer, he shall, by a commission in the form P, in the first under him. schedule to this Act, appoint a poll clerk to act in his stead, who shall take the oath required by the next preceding section of this Act. 37 V., c. 9, s. 32.

34. The poll, when granted, shall be held in each poll-Where the ing district in a room or building of convenient access, with held. an outside door for the admittance of the voters, and having, if possible, another door through which they may leave after having voted; and one or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot paper. 37 V., c. 9, s. 33.

PROCEEDINGS ON POLLING DAY.

35. Each deputy returning officer shall open the poll Hours assigned to him at the hour of nine of the clock in the for polling. forenoon and keep the same open until five of the clock in the afternoon; and shall, during that time, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling place. 37 V., c. 9, s. 34.

Who may be present in the polling station.

36. In addition to the deputy returning officer and the poll clerk, the candidates and their agents (not exceeding two in number for each candidate in each polling station), and, in the absence of agents, two electors to represent each candidate on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given, during the whole time the poll remains open :

Agents authorized in writing.

candidates.

Provided always, that any agent bearing a written authorization from the candidate, shall always be entitled to represent such candidate in preference to, and to the exclusion of any two electors who might otherwise claim the right of representing such candidate under this section. 41 V., c. 6, s. 4.

Who may act **37.** Any person producing to the returning officer or as agents for deputy returning officer, at any time, a written authority from a candidate to represent him at the election or at any proceeding of the election, shall be deemed an agent of such candidate within the meaning of this Act. 37 V., c. 9, s. 36, part.

> 38. One of the agents of each candidate, and, in the absence of such agent, one of the electors representing each candidate, if there is such elector, on being admitted to the polling station shall take the oath to keep secret the names of the candidates for whom any of the voters has marked his ballot paper in his presence, as hereinafter required,-which oath shall be in the form Q, in the first schedule to this Act. 37 V., c. 9, s. 36, part.

39. At the hour fixed for opening the poll, the deputy Opening the poll: shewing returning officer and the poll clerk shall, in the presence and locking of the candidates, their agents and such of the electors as are present, open the ballot box and ascertain that there are no ballots or other papers in the same, after which the box shall be locked, and the deputy returning officer shall keep the key thereof. 37 V., c. 9, s. 37.

Calling voters.

ballot box.

Who shall be entitled to vote.

40. Immediately after the ballot box is locked, as $abov^{\Theta}$ provided, the deputy returning officer shall call upon the electors to vote. 37 V., c. 9, s. 38.

PERSONS ENTITLED TO VOTE.

41. Subject to the provisions hereinafter contained all persons whose names are registered on the lists of voters for polling districts in any electoral district, in force under the provisions of "The Electoral Franchise Act," or of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign and intituled "An Act respecting the Electoral Franchise," on the day of

Oath of secrecy. Chap. 7.

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the polling at any election for any such electoral district, shall be entitled to vote at any such election for such electoral district and no other persons shall be entitled to vote thereat. 48-49 V., c. 40, ss. 87 and 89, parts. Redrafted.

PERSONS NOT ENTITLED TO VOTE.

42. The judges of every court now existing or hereafter Certain created whose appointments rest with the Governor General judges may shall be discussion in the discussion of the discus shall be disqualified and incompetent to vote at any elec-

2. The following persons shall be disqualified and incom- And certain petent to vote at any election for the electoral district for officers and which or for a portion of which they hold their offices or tain cases. positions respectively :---

(a.) Revising officers, returning officers, and election Election officers. clerks:

(b.) Any person who at any time either before or during Agents, $\mathbf{s}_{c.}$, the election has been or is employed at the same election or of candidates. in reference thereto by any candidate or by any person whomsoever as counsel, attorney, solicitor, agent or clerk at any polling placested, attorney, solicitor, agent or clerk at any polling place at any such election, or in any other capacity whatsoever, and who has received or expects to receive either before, during or after the said election from any candidate or from any person whomsoever for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment employment, or any promise, pledge or security whatsoever for any sum of money, fee, office, place or employment;

Except that the returning officer at any election may as Exception in hereinafter provided vote in the case of an equality of votes cases of ties. between candidates. 37 V., c. 9, s. 39 ;-48-49 V., c. 40, s. Redrafted.

WHERE ELECTORS SHALL VOTE.

43. Each elector shall, subject to the provisions contained in where electhe next following section of this Act, be entitled to vote only at tors shall vote. the polling station of the polling district, or one of the polling districts upon the list of voters for which his name is entered as such voter and at no other; and the deputy returning officer shall secure the admittance of every elector into the polling station, and shall see that he is not impeded or molested at or about the polling station. 37 V., c. 9, s. 41.

44. The returning officer, on the request of any elector Provision as entitled to vote at one of the polling stations, who is to election appointed deputy returning officer or poll clerk, or who agents en-is named the is named the agent of any of the candidates for a poll- titled to vote.

ing station other than the one where he is entitled to vote shall give to such elector a certificate that such deputy returning officer, poll clerk or agent is entitled to vote at such election at the polling station where such elector is stationed during the polling day, and on the production of such certificate such deputy returning officer, poll clerk or agent shall have the right to vote at the polling station where he is placed during the polling day, instead of at the polling station of the polling district where he would otherwise have been entitled to vote: but no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such deputy returning officer, poll clerk or agent during the day of polling. 37 V., c. 9, s. 42.

POLL.

Regulations for voting and conduct of elector and deputy returning officer.

45. Not more than one elector for each compartment shall, at any one time, enter the room where the poll is held, and each elector upon so entering shall declare his name, sur name and addition, which shall be entered or recorded by the poll clerk in the *poll-book* provided for that purpose, which shall be kept in the form \hat{R} , in the first schedule to this Act; and if the same are found on the list of voters for th^{0} polling district of such polling station, he shall receive from the deputy returning officer a ballot paper, on the back of which such deputy returning officer has previously put his initials, so placed that when the ballot is folded they can be seen without opening it; and on the counterfoil to which he has placed a number corresponding to that placed opp^o site the voter's name in the poll-book :

Oath to be taken by voter if required.

the poll clerk, one of the candidates or one of their agents, or by any elector present, shall, before receiving his ballo paper, take the oath of qualification in the form S, in the first schedule to this Act, which oath the deputy returning officer and poll clerk are each hereby authorized to administer: 3. The deputy returning officer shall instruct the elector

2. Such elector, if required by the deputy returning officer

Deputy elector.

returning offi-cer to instruct how and where to affix his mark, and how to fold his ballo paper, but without inquiring or seeing for whom the elector intends to vote, except in the case provided for in se^{σ} tion forty-nine of this Act. 41 V., c. 6, s. 5.

This section is amended as indicated to carry out the provisions of "The Elector ral Franchise Act.

Mode of voting and marking ballots, &c.

46. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments of the poll ing station and there mark his ballot paper, making a CTOP with a pencil on any part of the ballot paper within the division (or if there is more than one to be elected, within

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the divisions) containing the name or names of the candidate or candidates for whom he intends to vote, and shall then fold up such ballot paper so that the initials on the back can be seen without opening it and hand it to the deputy returning officer, who shall without unfolding it, ascertain by examining his initials and the number upon the counterfoil, that it is the same which he furnished to the elector, and shall first detach and destroy the counterfoil, and shall then immediately, and in the presence of the elector, place the ballot paper in the ballot box. 41 V., c. 6,

47. Every elector shall vote without undue delay, and Despatch shall quit the polling station so soon as his ballot paper has to be used. been put into the ballot box. 37 V., c. 9, s. 46.

48. Every elector who takes his ballot paper out of the Penalty for polling station shall incur a penalty of two hundred dol- away ballot lars. 41 V., c. 6, s. 7, part. paper.

49. The deputy returning officer on application of any Voters unvoter who is unable to read or is incapacitated by blindness able to mark or other who is unable to read or is incapacitated by blindness their voting or other physical cause from voting in the manner pre-papers. scribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the sworn agents of the candidates, or of the sworn electors representing them in the polling station, and of no other person, and by placing such ballot paper in the ballot box; and the deputy returning officer shall require the voter making such application, before voting to make oath of his incapacity to vote without such assistance, in the form following, that is to say :----

"I solemnly swear (or if he is one of the persons entitled Oath of voter by law to affirm in civil cases, solemnly affirm) that I am ^{in such case.} unable to read and to understand the ballot papers so as to mark the same, (or) that I am incapacitated by physical cause (as the case may be) from voting without the assistance of the deputy returning officer :"

2. Whenever the deputy returning officer does not under-Interpreter to stand the language spoken by any such elector claiming to be sworn in cases vote, he shall swear an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to

3. The deputy returning officer shall enter in the poll- Deputy to book opposite the names of the voters whose ballot papers for marking have been so marked, in addition to what is required in by him. the fifty-first section of this Act, the reason why each such ballot paper was marked by him. 41 V., c. 6, s. 8.

When name of registered voter is subject of an undecided appeal. **50.** In the event of any person desiring to vote at any election whose name is registered on the list of voters for any polling district in the electoral district for which such election takes place, whose right to have his name registered on such list as a voter and to vote, appears by the list of voters to be the subject of an undecided appeal under the provisions of "The Electoral Franchise Act," or of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign and intituled "An Act respecting the Electoral Franchise," the deputy returning officer shall number the ballot paper of such person, and shall place opposite to his name in the poll book, a number corresponding to the number so placed upon such ballot paper:

When claim of excluded voter is subject of an undecided appeal. 2. In the event of any person desiring to vote at any election whose name has been excluded from the list of voters for any polling district in the electoral district for which such election takes place, and the exclusion of whose name from such list appears by the list of voters to be the subject of an undecided appeal under the provisions of "The Electoral Franchise Act," or the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign and intituled "An Act respecting the Electoral Franchise," he shall be entitled to receive a ballot paper and to vote and the deputy returning officer shall receive his ballot paper and shall number the same and place opposite to the name of such person in the poll-book a number corresponding to the number so placed upon such ballot paper:

Oath to be taken in such case.

3. Every such person if required by the deputy returning officer, the poll clerk, one of the candidates or one of the^{ir} agents, or by any elector present, shall before receiving his ballot paper, take the oath of qualification in the form T, in the first schedule to this Act. 48-49 V., c. 49, s. 87, part. Re-drafted.

Entry of names of electors voting.

51. The poll clerk shall enter in the poll-book, to be kept by him as aforesaid, opposite the name of each elector voting, the word "Voted," as soon as his ballot paper has been deposited in the ballot box and he shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each elector to whom the oath of qualification has been administered, and the words "Refused to be sworn" or "Refused to take the oath or to affirm. 37 V., c. 9, s. 49.

Voter refusing to be sworn.

^{ing} **52.** No voter who has refused to take the oath of qualification required as aforesaid, when requested so to do, shall receive a ballot paper or be admitted to vote. 37 V., c. 9, s. 51.

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53. No person shall vote more than once in the same Voting more electoral district at the same election, but each elector may than once in same electoral vote for as many candidates as are required to be elected to district forrepresent the electoral district for which the election is bidden. held. 37 V., c. 9, s. 52.

54. If a person, representing himself to be a particular Elector in elector named on the list of voters, applies for a ballot whose name namer after a ballot another has applicant another person has voted as such elector, the previously applicant, upon taking the oath in the form U, in the first voted. schedule to this Act, and otherwise establishing his identity to the satisfaction of the deputy returning officer, shall be entitled to receive a ballot paper, on which the deputy returning officer shall put his initials, together with a number commender shall put his initials. number corresponding to the number entered on the poll book opposite the name of such voter, and he shall thereupon be entitled to vote as any other elector :

2. The name of such voter shall be entered in the Entry on poll poll book, and a note shall be made of his having voted book. on a second ballot paper issued under the same name, and of the oath of qualification having been required and made, as well as of any objections made on behalf of any and which of any objections made on behalf of any and which of the candidates. 37 V., c. 9, s. 53;-48-49 V., c. 40,

55. A voter who has inadvertently dealt with the bal-Elector spoil-t name with the con- ing his ballot lot paper given him, in such manner that it cannot be con- ing his ballot veniently used to the doputy paper. veniently used, may, on delivering the same to the deputy paper. returning officer, obtain another ballot paper in the place of that so delivered up. 41 V., c. 6, s. 9.

PROCEEDINGS AFTER CLOSE OF THE POLL.

56. Immediately after the close of the poll, the deputy Counting returning officer shall, in the presence of the poll clerk and Officers. the candidates and the candidates or their agents—and if the candidates and their agents or any of them are absent, then in the presence of such, if any, of them as are present, and of at least three electors, -open the ballot box and proceed to count the number of votes given for each candidate; and in doing so he Rejecting shall reject all ballot papers which have not been supplied ballots. by the deputy returning officer, all those by which votes have been given for more candidates than are to be elected, and all those upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning officer in the cases hereinbefore provided for:

2. The other ballot papers being counted, and a list kept of Duty of D.R. the number of votes given to each candidate, and of the O. after counting the votes. number of rejected ballot papers, all the ballot papers indicating the votes given for each candidate respectively, except

as in this section is hereinafter provided, shall be put into separate envelopes or parcels, and those rejected, those spoiled and those unused shall be put *respectively* into separate envelopes or parcels, and all such envelopes or parcels being indorsed so as to indicate their contents, shall be put back into the ballot box :

Ballots of voters whose claims are subjects of appeal.

3. The deputy returning officer shall also, in counting the ballots, place in two separate envelopes or parcels the two classes of ballot papers, of persons whose right to have their names registered upon the list of voters and to vote at such election, and of persons the exclusion of whose names from the said list as voters are respectively the subjects of undecided appeals under "The Electoral Franchise Act," or the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign and intituled "An Act respecting the Electoral Franchise," as hereinbefore mentioned, and shall keep a list of each of the said classes of ballots, and shall indorse the said envelopes or parcels so as to indicate their contents, and seal them and place them in the ballot box. 41 V., c. 6, s. 10 :- 48-49 V., c. 40, s. 37, part. Re-drafted.

Objections to

57. The deputy returning officer shall take a note of every ballot papers. objection made by any candidate, or his agent or any elector present, to any ballot paper found in the ballot box, and shall decide every question arising out of the objection : and the decision of such deputy returning officer shall be final, subject to reversal on petition questioning the election or return :

To be numbered.

2. Each objection to a ballot paper shall be numbered. and a corresponding number placed on the back of the ballot paper, and initialed by the deputy returning officer. 37 V., c. 9, s. 56.

Statement, &c., to be in-closed in ballot box by Returning Officer.

58. The deputy returning officer shall make out a state ment of the accepted ballot papers, of the number of votes given to each candidate, of the ballot papers counted which were deposited by persons whose right to be registered on the list of voters and to vote, and by persons the exclusion of whose names from the list of voters appeared by the said list to b_1^{ℓ} the subjects of undecided appeals, as aforesaid, of the rejected ballot papers, of the spoiled and returned ballot papers, and of those unused and returned by him; and he shall make and keep a copy of such statement, and inclose in the ballot box the original thereof, together with the list of voters used by him, the poll-book and a certificate in such poll-book imme diately following the name of the person last entered on such poll-book as having voted or applied for a ballot paper, of the total number of persons who voted, and shall also inclose in Chap. 7.

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the ballot box such other lists and documents as have been used at such election :

2. The ballot box shall then be locked and sealed, and Delivery of ball ballot box shall then be locked and sealed, and Delivery of ballot boxes shall be delivered to the returning officer, or to the election R. O., &c. clerk, who shall receive or collect the same, and if both of them are unable so to do, then to one or more persons specially appointed for that purpose by the returning officer, who shall, on delivering the ballot boxes to the return- Oath of pering officer, take the oath in the form V, in the first schedule son delivering ballot box.

3. The deputy returning officer and the poll clerk shall Oaths to be respectively take the oaths in the forms W and X, in the first statement. schedule to this Act, which shall be annexed to the statement above mentioned. 37 V., c. 9, s. 57.

59. The several deputy returning officers, on being Certificates to requested so to do, shall deliver to each of the candidates, their repretheir agents or, in the absence of such candidates or agents, sentatives. to the electors present representing the candidates, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers. 37 V., c. 9, s. 58.

DECLARATION OF RETURN BY RETURNING OFFICERS.

60. The returning officer at the place, day and hour ap- Summing up binted have returning officer at the place, day and hour ap- Summing up and the of votes by pointed by his proclamation, and after having received all the of votes by ballot have a proclamation, and after having received all the of votes by ballot boxes, shall proceed to open them, in the presence of Officer. the election clerk, the candidates or their representatives, if present, or of at least two electors, if the candidates or their representatives are not present, and to add together the number of votes given for each candidate, from the statements contained in the several ballot boxes returned by the deputy returning officers of the ballot papers counted by them:

2. The candidate who, on the summing up of the votes, Declaration is found to have a majority of votes shall be then declared thereon. elected. 37 V., c. 9, s. 59.

61. Whenever, on the final addition of votes by the Casting vote returning officer, an equality of votes is found to exist of Returning between any time of a construction and the addition between any two or more of the candidates, and the addition of a vote would entitle any of such candidates to be declared elected, the returning officer shall give such additional or casting vote. 37 V., c. 9, s. 60.

62. If the ballot boxes are not all returned on the Adjournment day fixed for adding up the number of votes given to the if ballot boxes several condition of the several conditions the several condition of the several conditions and the several conditions of the several conditions are missing. several candidates, the returning officer shall adjourn the proceedings to a subsequent day,-such subsequent day

not being more than a week later than the day originally fixed for the purpose of adding up the votes. 37 V., c. 9, s. 62.

Provision in case of loss of ballot boxes.

63. If the ballot boxes or any of them have been destroyed, lost, or for any other reason are not forthcoming within the delay so fixed, the returning officer shall ascertain the cause of the disappearance of such ballot boxes, and shall call on each of the deputy returning officers whose ballot boxes are missing, or on any other person having the same, for the lists, statements and certificates, or copies of the lists, statements and certificates of the number of votes given to each candidate required by this Act, the whole verified on oath,—which oath the returning officer is hereby authorized to administer; and if such lists or statements, or any of them or copies thereof, cannot be obtained, he shall as certain, by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling places, and he shall return the candidate having the majority of votes,—and shall mention specially in his report to be sent with the return, the circumstances accompanying the disappearance of the ballot boxes, and the mode by which he ascertained the number of votes given to each candidate. 37 V., c. 9, s. 63.

RE-COUNT OR FINAL ADDITION BY JUDGE.

64. If, within four days after that on which the return ing officer has made the final addition of the votes for the purpose of declaring the candidate (or candidates) elected, it is made to appear on the affidavit of any credible witness, to the judge of the county court of any county or union of counties or to the judge of any judicial district in which the electoral district or any part thereof is situated, or in the Province of Quebec to a Judge of the Superior Court ordin. arily discharging his duties in any judicial district in which the electoral district or any part thereof is situated, that such witness believes that any deputy returning officer at any election in such electoral district in counting the votes—(1) has improperly counted; or (2) has improperly rejected any ballot papers at such election; or (3) that any person voted at such election whose name was included on any list of voters used at such election, or whose name was excluded from any such list, and whose right to havehis name so included on the said list, or the exclusion of whose name from such list, as the case may be, appeared by such list to be the subject of an appeal pending and unde cided under the provisions of "The Electoral Franchise Act," or of the Act passed in the session held in the forty, eighth and forty-ninth years of Her Majesty's reign and intituled "An Act respecting the Electoral Franchise," and that judgment has been rendered on such appeal deciding

Provision for re-count or final addition of votes by a Judge.

Grounds for application.

that such person was not entitled to have his name so registered upon the said list, or that the name of such per-, son was properly excluded therefrom, as the case may be; or (4) that the returning officer has improperly summed up the votes,—and if the applicant deposits within the said Security for time, with the clerk of the county or district court or with costs. the prothonotary of the said Superior Court in the said judicial district as the district, as the case may be, the sum of one hundred dollars as security for the costs, in respect of the re-count, or final addition, of the candidate appearing by the addition to be elected, the said judge shall appoint a time within four days Time to be after the round judge shall appoint a time within four days appointed. after the receipt of the said affidavit by him to re-count the appointed. votes if the said application is made in respect of either of the first three grounds of application, or to make the final addition, if the said unds of application, or to make the final addition, if the said application is made in respect of the last mentioned ground of application is made in respect of the last mentioned ground of application, as the case may be, and shall give Notice. notice in writing to the candidates or their agents of the time and place at the same, or and place at which he will proceed to re-count the same, or to make much he will proceed to re-count the same, and shall to make such final addition, as the case may be, and shall Order of summon and summon and command the returning officer and his election Officers. clerk to attend then and there with the parcels containing the ballots and there with the parcels statements of the ballots used at such election, or the original statements of the deputy with the deputy of the deputy with the deputy returning officers, as the case may be, and also with a dulu conservation officers, as the case may be and also with a duly certified copy of the formal order or judgment on any such appeal and copy of the formal order or judgment on any such appeal, as above mentioned, in respect of or in consequence of which such recount is to take place, which command the Duty of R. O. and his clerk. returning officer and his election clerk shall obey:

2. If any such appeal in respect of any person whose Extension of time is entered name is entered on the poll book as having voted at such time. election is not decided before the expiration of the said four days allowed a recount, days allowed for the making of an application for a recount, the time for the making of an application for a recount the time for the making of such application for a recount on the making of such application for a recount on the ground of the result of the decision of any such appeal shall appeal shall be extended for and until the expiration of six days after the decision of any such appeal :

3. The said judge, the returning officer and his election Who may be clerk, and each candidate and his agent appointed to attend re-count or such re-count of such re-count of votes, or such final addition by the judge, or final addition. in case any candidate cannot attend, then not more than one agent of such candidate, and if the candidates and their agents are absent, then at least three electors, shall be present at such re-count or final addition of the votes :

4. At the time and place appointed, and in the presence Making final the said and place appointed, and in the presence Making final of the said persons, if they attend, the said judge shall proceed addition or to make such a such as the said judge shall proceed addition of the opening to make such final addition according to section sixty of this packets of Act, or to possible to be addition according to section sixty of the packets of Act, or to recount all the votes or ballot papers returned by ballots and the several d the several deputy returning officers, as the case may be, and the votes. shall, in the latter case, open the sealed packets containing -(1) the used ballot papers which have been counted,

including those classes of ballot papers deposited by persons hereinbefore mentioned, whose right to have their names regis tered on the lists of voters and to vote, or the exclusion of whose names from the said lists of voters appeared by the lists used at the election to be the subjects of undecided appeals; (2) the rejected ballot papers; (3) the spoiled ballot papers. and no other ballot papers:

Proceedings to be continu-0119

Exception.

During ex-cluded time documents to

5. The judge shall, as far as practicable, proceed con tinously, except on Sunday, with such final addition of re-count of the votes, allowing only time for refreshment, and excluding (except so far as he and the persons aforesaid agree) the hours between six o'clock in the afternoon and nine on the succeeding forenoon ; and during such excluded time and recess for refreshments, the said judge shall place the be under seal. ballot papers and other documents relating to the election close under his own seal and the seals of such other of the said persons as desire to affix their seals, and shall otherwise take precautions for the security of such papers and docu ments:

Mode of proceeding with the re-count.

6. The judge shall, in the case of a re-count, proceed to recount the votes according to the rules set forth in section fifty. six of this Act, and shall, if the said re-count takes place if respect of the third ground of application for a re-count herein before mentioned, also open the said packages containing the ballot papers deposited by persons who voted at such elect tion and whose right to have their names registered on the said lists and to vote, or the exclusion of whose names from the said lists as aforesaid appeared by the lists of voters used a the election to be the subject of an undecided appeal under the provisions of "The Electoral Franchise Act," or of the Act passed in the session held in the forty-eighth and forty ninth years of Her Majesty's reign and intituled "An Act respecting the Electoral Franchise," and shall ascertain for whom such of the said persons, in respect to whom it has been decided by any judgment on appeal, that they had no right to have their names so registered on any such list of voters or to vote, or that their names were properly excluded from the said lists of voters, voted at such election, and shall strike off the votes of such persons according to the judgments on appeal from the number of votes polled at such election tor the candidate or candidates for whom such persons voted thereat, and shall verify or correct the ballot paper account and statement of the number of votes given for each candi date; and upon the completion of such re-count, or as soon as he has so ascertained the result of the poll, he shall see up all the said ballot papers in separate packets:

Certificate of result.

7. The judge shall forthwith certify the result of such final addition or re-count to the returning officer, who shall then declare to be elected the candidate having the higher number of votes; and in case of an equality of votes the returning officer shall give the casting vote:

Casting vote of R.O.

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8. The returning officer, after the receipt of notice from Return not to the judge of such final addition or re-count of ballots, shall be made until Judge's cerdelay making his return to the Clerk of the Crown in tificate is Chancements his return to the Clerk of the judge of received. Chancery until he receives a certificate from the judge of received. the result of such final addition or re-count; and upon receipt of such certificate, the returning officer shall proceed to make his return in the form Y, in the first schedule to

9. If such re-count or *final* addition does not so alter the As to costs sult of +1 and dispose result of the poll as to affect the return, the judge shall and disposal order the cost order the costs of the candidate appearing to be elected to be paid by the candidate appearing to be elected to be paid by the applicant, and the said deposit shall be paid out to the applicant, and the said deposit shall be paid out to the said candidate on account thereof, so far as necessary; and the judge shall tax the costs on giving his decision; and if the deposit is insufficient, the party in whose favor costs the deposit is insufficient, the party in the favor costs are allowed shall have his action for the balance. 41 V., c. 6, s. 14;-48-49 V., c. 40, s. 87, part.

This section is amended throughout so as to provide for the proceedings on a laddition by the ind final addition by the judge as well as for a re-count of votes as was evidently con-templated in the original active and is also re-drafted so as to embody and carry templated in the original section, and is also re-drafted so as to embody and carry into effect the provisions of 48-49 V., c. 40, s. 37, *part*, and the suggestions of the

ELECTION RETURN AND PUBLICATION THEREOF.

65. The returning officer shall, immediately after the Return of xth day of sixth day after the final addition by him, unless before that candidate time he receives notice that he is required to attend before a ceptin case of judge for the purpose of a *final addition or* re-count by such Judge for a *judge* of the votes given at the election, transmit his return to re-count, or the Clerk of the Current in Chancery that the candidate the Clerk of the Crown in Chancery, that the candidate final addition. having the largest number of votes has been duly elected, and shall argest number of votes has been duly elected, and shall forward to each of the respective candidates a duplicate duplicate or copy thereof, and such return shall be in the Form of return. form Y, in the first schedule to this Act :

2. The returning officer shall accompany his return to Report by the Clerk of the Crown in Chancery with a report of his pro-ceedings ceedings, in which report he shall make any observation he thinks proper as to the state of the ballot boxes or ballot papers as received by him :

3. The returning officer shall also transmit to the Clerk Certain docuof the Crown in Chancery, with his return, the ballot papers, sent with the original statements of the several deputy returning return. officers, hereinbefore referred to, together with the lists of voters and a line districts and all all books used in the several polling districts, and all other lists and documents used or required at such election, or which have been transmitted to him by the deputy returning officers :

4. Such return and report shall be sent through the How sent. post office, after being registered. 41 V., c. 6, s. 11, part.

66. The Clerk of the Crown in Chancery shall, on receiving the return of any member elected to the House of Commons, give notice in the next ordinary issue of the Canada Gazette of the name of the candidate so elected. 37 V., c. 9. s. 64.

BALLOT BOXES, BALLOTS AND ELECTION DOCUMENTS, AND PRESERVATION THEREOF.

Duty of Clerk of the Crown in Chancery of papers, &c.

67. The Clerk of the Crown in Chancery shall retain in his possession the papers transmitted to him by any as to retention returning officer, with the return, for at least one year, if the election is not contested during that time, and, if the election is contested, then for one year after the termination of such contestation. 37 V., c. 9, s. 65.

68. The property of the ballot boxes, ballot papers,

envelopes and marking instruments procured for or used at

Property of ballot boxes. åc.

ballot boxes

after election.

any election, shall be in Her Majesty. 37 V., c. 9, s. 69. Custody of

69. After the close of every election the returning officer shall cause to be deposited in the custody of the sheriff or of the registrar of the county or registration division in which the nomination was held, the ballot boxes used at the election; and the sheriff or registrar shall, at the next ensuing election, deliver such ballot boxes to the returning officer named for such election. 37 V., c. 9, s. 71.

SECRECY OF VOTING.

70. Every officer, clerk and agent in attendance at 3 **Provisions** for maintenance polling place, shall maintain and aid in maintaining the secrecy of the voting at such polling place; and no such officer, clerk or agent shall, before the poll is closed, communicate to any person any information as to whether any person on the list of voters has or has not applied for a ballot paper or voted at that polling place:

Interfering with voter marking ballot paper.

of secrecy.

2. No officer, clerk, agent or other person, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate for whom any voter at such polling place is about to vote or has voted :

Communicating information.

3. No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate for whom any voter at such polling place is about to vote or has voted :

Secrecy respecting counting of votes.

4. Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting; and no such officer, clerk or agent Chap. 7.

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shall attempt to obtain at such counting any information, or community of such counting, as communicate any information obtained at such counting, as to the conditional information in any particular to the candidate for whom any vote is given in any particular

5. No elector shall, except in the case provided for in Inducing section forty-nine, show his ballot paper, when marked, to any play ballot paper, when marked, to any play ballot person so as to allow the name of the candidate for whom paper. he votes to be allow the name of the candidate for whom paper. he votes to be known; and no person shall, directly or indirectly ;; a indirectly, induce or endeavor to induce any voter to show his ballot paper after he has marked the same :

6. Every one who violates any of the provisions of this Punishment ction shall be who violates any of the provisions two hun-for contravely section shall be liable to a penalty not exceeding two hun- for contraven-dred dollars dred dollars, and to imprisonment for any term not exceeding six months.

six months, and to imprisonment for any term not careful of pay-ing such penalty. 37 V., c. 9, s. 72;-41 V., c. 6, s. 7, part.

71. No person who has voted at an election shall, in any Secrecy of Sal proceeding who has voted at an election or return, be vote protected. legal proceeding questioning the election or return, be vote protect-required to state questioning the election or return, be ed. required to state for whom he voted. 37 V., c. 9, s. 77.

72. No person shall be allowed to inspect any ballot In what cases only ballot in the only ballot only ballot in the only ballot is the forward of the forw paper in the custody of the Clerk of the Crown in Chan-paper may be only ballot in what cases cery, except under the rule or order of a superior court inspected: or a judge thereof, which rule or order may be granted by Judge cath court or index to improve setisfied by evidence on required such court or judge on being satisfied by evidence on required papers is required for the inspection or production of such ballot therefor. papers is required for the purpose of instituting or main-taining a proceed for the purpose of instituting to ballot taining a prosecution for an offence in relation to ballot papers, or for the purpose of instituting of papers, or for the purpose of instituting of the purpose of the pur papers, or for the purpose of a petition which has been filed questioning the purpose of a petition which has been filed questioning an election or return : and any such rule or order for the ; order for the inspection or return : and any such made subject to perform or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inerview conditions as to persons, time, place and mode of inspection or production, as the court or judge making the section or production, as the court or judge making the same, thinks expedient, and shall be obeyed by the Cloub science, thinks expedient, and shall be obeyed. $41 V_{\rm e} c. 6, s. 12.$ by the Clerk of the Crown in Chancery. 41 V., c. 6, s. 12.

KEEPING THE PEACE AND GOOD ORDER AT ELECTIONS. 73. Each returning officer and each deputy returning Returning ficer from the time of officer until the day D. R. officer from the time of officer until the day D. R. officer from the time of officer until the day officer and the former of the time of the ti officer from the time he takes the oath of office until the day Officers and after the closing of the election, shall be a conservator of to be conser-ing peace invested with the day of the election of the peace appertaining to a vators of the peace invested with all the powers appertaining to a vators of peace. justice of the peace. 37 V., c. 9, s. 81.

74. Such returning officer or deputy returning officer May command ay require the area of the peace, con-assistance, &c. may require the assistance of justices of the peace, con-stables or other persons present, to aid him in, maintaining peace and good order at the lastice and may also, on a Special conpeace and good order at such election; and may also, on a Special con-requisition mode requisition made in writing by any candidate, or by his stables. agent, or by any time writing by any candidate, or by his stables. agent, or by any two electors, swear in such special con-stables as he door we lectors, swear in such special constables as he deems necessary. 37 V., c. 9, s. 82.

May arrest disturbers.

75. Such returning officer or deputy returning officer may arrest or cause to be arrested by verbal order, and $plac^{0}$ in the custody of any constables or other persons, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until any hour not later than the close of the poll. 37 V., c. 9, s. 83.

May demand offensive weapons. **76.** The returning officer or deputy returning officer may, during the nomination day and polling day at anY election, require any person within half a mile of the place of nomination or of the polling station, to deliver to him any firearm, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person and every person who refuses to deliver such weapon shall be liable to a penalty not exceeding one hundred dollars, and to imprisonment for a term not exceeding three months in der fault of payment of such penalty. 37 V., c. 9, s. 84.

Punishment of battery within two miles of poll.

Strangers not

to enter poll-

ing districts

77. Every one who is convicted of a battery, committed during any day whereon any election, or any poll for any election, is begun, holden or proceeded with, within the distance of two miles of the place where such election of such poll is begun, holden or proceeded with, is guilty of an aggravated assault, and shall be punished accordingly. 37V., c. 9, s. 85.

78. Except the returning officer, the deputy returning officer, the poll clerk and the constables and special constables appointed by the returning officer, or the deputy returning officer, for the orderly conduct of the election of poll and the preservation of the public peace thereat, no person, who has not had a stated residence in the polling district for at least six months next before the day of such election, shall come during any part of the day, upon which the poll is to remain open, into such polling district armed with offensive weapons of any kind, such as firearms, swords, staves, bludgeons or the like; and no person being in such polling district, shall arm himself, during any part of the day, with any such offensive weapon, and thus armed approach within the distance of one mile of the place where the poll for such polling district is held, unless called upon so to do by lawful authority. 37 V., c. 9, s. 86.

Entertainment of electors forbidden.

Flags &c., not to be furnished or carried. **79.** No candidate, or any other person, shall, at any election, either provide or furnish drink or other refreshment at the expense of such candidate, to any elector during such election, or pay for, procure or engage to pay for any such drink or other refreshment. $37 V_{..} c. 9, s. 87$.

80. No candidate or any other person, shall furnish or \sup^{p} ply any ensign, standard or set of colors, or any other flag, to or for any person or persons whomsoever, with intent that th^{θ}

same shall be carried or used in such electoral district on the $\frac{1}{2}$ day of election, or within eight days before such day, or during the colling, by during the continuance of such election or the polling, by such person or any other person, as a party flag to distinguish the barrow it any other person, as a party flag to distinguish the bearer thereof and those who follow the same as the supporters of such candidate, or of the political or other opinions entertained, by such candidate; and no person shall, for any reason, carry or use any such ensite the person shall, for any reason, carry or use any such ensign, standard, set of colors or other flag, as a party flag, with an and and set of colors or other flag. party flag, within such electoral district on the day of any such election such election or polling, or within eight days before such day, or during polling, or within eight days before such day, or during the continuance of such election. 37 V., c.

81. No candidate or any other person, shall furnish or sup-y any ribbon date or any other person, shall furnish or sup-favors not to be furnished ply any ribbon, label or like favor, to or for any person whom-soever, with intervention of the favor of the favor of used or worn. soever, with intent that the same should be worn or used or worn. within such alterna that the same should be worn or pollwithin such electoral district on the day of election or poll-ing, or with: ing, or within eight days before such day, or during the continuance of eight days before such berson, or any other continuance of such election, by such person, or any other person, as a such election, by such person, or any other the wearer as the person, as a party badge to distinguish the wearer as the supporter of such candidate, or of the political or other opinions entertained, by such opinions entertained, or supposed to be entertained, by such candidate. candidate; and no person shall use or wear any ribbon, label, or other c label, or other favor, as such badge, within such electoral district, on the district, on the day of any such election or polling, or within eight days had day of any such election or polling, or within eight days before such day, or during the continuance of such election. 37 V., c. 9, s. 89.

82. Every one who offends against any of the provisions Punishment the four sould who offends against any of the provisions Punishment of the four sections next preceding, is guilty of a mis-vention. demeanor, and liable to a penalty not exceeding one hundred dollars, or to: dollars, or to imprisonment for a term not exceeding three months or to imprisonment for a term not exceeding three 37 V., c. months, or to imprisonment for a term not executing V., c. 9, s. 90

88. No spirituous or fermented liquors or strong drinks Taverns to be all be sold on the closed, and c shall be sold or given at any hotel, tavern, shop or other no intoxicat-place within the limit at any hotel, tavern, shop or other no intoxicatplace within the limits of any polling district, during the ing liquors to whole of the polling day at any election for the House of be sold on Commons. and even Commons, and every one who violates the provisions of this section shall be live one who violates the provisions of this section shall be liable, for every such offence, to a penalty Punishment. of one hundred dollars, and to imprisonment for a term not exceeding size and to imprisonment of such penalty. exceeding six months in default of payment of such penalty.

PREVENTION OF CORRUPT PRACTICES AND OTHER ILLEGAL

84. The following persons are guilty of bribery and shall Certain acts to be deemed bribery. be punishable accordingly :-to be deemed bribery.

Giving money, &c., to procure votes.

(a) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavor to procure, any money or valuable consideration, to or for any. voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting, or corruptly does any such act on account of such voter having voted or refrained from voting at any election ;

Promising to procure employment.

(b) Every person who, directly or indirectly, by himself, or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure, or to endeavor to procure any office, place or employment, to or for any voter, or to or for any other person in order to induce such voter to vote, or refrain from voting, or corruptly does any such act as aforesaid, on account of any voter having voted or refrained from voting at any election;

Giving

(c) Every person who, directly or indirectly, by himself or money, &c., to by any other person on his behalf, makes any gift, loan, of any person. offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure of endeavor to procure the return of any person to serve in the House of Commons, or the vote of any voter at any election :

Procuring return in consequence.

Advancing money to be used in bribery.

(d) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavors to procure the return of any person to serve in the House of Commons, or the vote of any voter at any election;

(e) Every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery or corrupt practices at any election, or who knowingly pays or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery or corrupt practices at any election :

Punishment for such offences. Proviso : as to lawful expenses.

And every person so offending is guilty of a misdemeanor, and shall also forfeit the sum of two hundred dollars to any person who sues for the same, with costs : Provided always, that the actual personal expenses of any candidate, his expenses for actual professional services performed, and bond fide payments for the fair cost of printing advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a violation of this 37 V., c. 9, s. 92. Act.

85. The following persons are also guilty of bribery, and Certain acts by voters shall be punishable accordingly :--

(a) Every voter who, before or during any election, directly Receiving indirectly receiving any his behalf money, &c or indirectly, himself or by any other person on his behalf, money, &c., receives, agrees or contracts for any money, gift, loan or ing an elec-valuable consid valuable consideration, office, place or employment, for tion. himself or any other person, for voting or agreeing to vote, or for refraining the person, for voting or agreeing at any or for refraining or agreeing to refrain from voting at any election.

(b) Every person who, after any election, directly or Or after an directly binner bis behalf, election. indirectly, himself or by any other person on his behalf, election. receives any voted or refreience or valuable consideration for having voted or refrained from voting, or for having induced any other person the direction voting of the voting at any election :

other person to vote or refrain from voting at any election : And every person so offending is guilty of a misde- Punishment eanor, and the person so offending is guilty of a misde- for such of two hundred offences.

meanor, and shall also forfeit the sum of two hundred offences. dollars to any person who sues for the same, with costs. $37 V_{\odot}$ $_{\odot}$ $_{\odot}$ $_{\odot}$

86. Every candidate who corruptly, by himself or by or Offence of treating defined with any other person, or by any other ways or means on defined. his behalf, at any time either before or during any election, directly or indidirectly or indirectly gives or provides, or causes to be given or provided or provided, or is accessory to the giving or providing, or pays wholly or is accessory to the giving or providing, or pays wholly or is accessory to the giving or provident of any meat, drink, refreshing part any expenses incurred for any meat, in drink, refreshment or provision to or for any person, in order to be elected or provision to or for the purpose of order to be elected or for being elected, or for the purpose of corruptly ind corruptly influencing such person or any other person to give or refrain for the person or any other person to give or refrain from giving his vote at such election, is guilty of the official giving his vote at such election, is guilty of the offence of treating, and shall forfeit the sum of Penalty. two hundred dollars to any person who sues for the same, with same, with costs, in addition to any other penalty to which he is liable therefor under any other pro-vision of this A the liable therefor under any other provision of this Act: and on the trial of an election petition, Votes to be there shall be attend on the trial of an election petition, votes to be there shall be struck off from the number of votes given for struck off on such candidate, one vote for every person who has voted tion. and is proved on such trial to have corruptly accepted or taken any such taken any such meat, drink, refreshment or provision :

2. The giving or causing to be given to any voter on the Giving meat nomination day or day of polling on account of such voter electors. having voted or being about to vote, any meat, drink or refreshment or any meat or any meat or any meat of the such voter to refreshment, or any money or ticket to enable such voter to procure refreshment in the procure refreshment is a unlawful act, and procure refreshment, or any money or ticket to enable such vote to the person so offer 1, shall be deemed an unlawful act, and Penalty. the person so offending shall forfeit the sum of ten dollars for each offence the same, with for each offence to any person who sues for the same, with costs. 37 V., c. 9, s. 94.

87. Every one who, directly or indirectly, by himself Threats of by any other who, directly or indirectly, by himself Threats of indirectly or indirectly, by himself threats of forhidden. or by any other person on his behalf, makes use of, or violence, &c., forbidden.

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threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who, by abduction, duress or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence, and is guilty of a misdemeanor, and shall also forfeit the sum of two hundred dollars to any person who sues for the same, with 37 V., c. 9, s. 95. costs.

Paying for conveyance of voters to poll illegal.

Undue influence

Punishment.

Penalty.

Disqualification of voters offending.

88. The hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate or by any person on his behalf, to convey any voter or voters to or from the poll, or to or from the neighborhood thereof, at any election, or the payment, by any candidate or by any person on his behalf, of the travelling and other expenses of any voter, in going to or returning from any election, are unlawful acts; and every candidate or person so offending shall forfeit the sum of one hundred dollars to any person who sues for the same; and any voter hiring any horse, cab, cart, wagon, sleigh, carriage or other conveyance for any can didate, or for any agent of a candidate, for the purpose of conveying any voter or voters to or from the polling place or places, shall, ipso facto, be disqualified from voting at such election, and shall, for every such offence, forfeit the sum of one hundred dollars to any person who sues for 37 V., c. 9, s. 96. the same.

89. Every one who, at an election of a member of the Personation. House of Commons of Canada, does any of the following acts, that is to say :-

> (a). Applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person; or-

> (b). Having voted once at any such election, applies at the same election for a ballot paper in his own name-

Penalty.

Is guilty of personation and shall be liable to a penalty not exceeding two hundred dollars and to imprisonment for a term not exceeding six months. 37 V., c. 9, s. 74, part. Re-drafted.

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90. Every candidate who corruptly, by himself or by or Subornation with any other person on his behalf, compels or induces or of persona-endeavort endeavors to induce any person to personate any voter, or to take any false oath in any matter wherein an oath is required under this Act, is guilty of a misdemeanor, and shall, in addition to be is liable addition to any other punishment to which he is liable for such offence, forfeit the sum of two hundred dollars to Penalty. any person who sues for the same. 37 V., c. 9, s. 97.

91. The offences of bribery, treating, or undue influence, Certain any of such any other Act offences or any of such offences, as defined by this or any other Act offences to be of the Parliament of Canada, personation or the inducing tices. any person to commit personation, or any wilful offence against any commit personation, or any wilful offence against any one of the seven sections of this Act next pre-ceding. are ceding, are corrupt practices within the meaning of this $A_{ct.}$ 37 V and V

Act. 37 V., c. 9, ss. 75 and 98.

92. If, on the trial of an election petition, claiming the Votes to be at for any a trial of an election petition, claiming the Votes to be seat for any person, a candidate is proved to have been struck off can-treating, or undpair of any person on his behalf, of bribery, bribery, &c., treating, or undue influence in respect of any person who in certain voted at such algorithmic influence in respect of any person who is cases. voted at such election, or if any person retained or employed for reward by for reward by or on behalf of such candidate for all or any of the purposes of such election, as agent, clerk, messenger, or in any other or in any other employment, is proved on such trial to have voted at such all such all such as a such all such voted at such election, there shall, on the trial of such election petition. be start there shall, on the trial of such election to petition, be struck off from the number of votes appearing to have been given by the for every person have been given to such candidate, one vote for every person who voted et at to such candidate. who voted at such election, and who is proved to have been so bribed. treated so bribed, treated or unduly influenced, or so retained or employed for 10^{-10} V c 9 s. 73.

employed for reward as aforesaid. 37 V., c. 9, s. 73. 98. If it is found by the report of any court, judge or other Corrupt prac-ibunal for the date of his tribunal for the trial of election petitions, that any corrupt date or his practice has been also been als practice has been committed by any candidate at an election, agent to void or by his agent

or by his agent, whether with or without the actual know- election. ledge and consent of such candidate, the election of such candidate if he let of such candidate, the sound 37 V., c. 9, candidate if he has been elected shall be void. 37 V., c. 9, 8. 101.

94. If, on the trial of any election petition, any candidate Employing proved to have is proved to have personally engaged any person at the elec-been guilty of tion to which such patiently engaged any person at the elec-been guilty of tion to which such petition relates, as a canvasser or agent in corrupt prac-relation to the electric relates, as a canvasser or agent in corrupt pracrelation to the election, knowing that such person so engaged tices. has within eight years previous to such engagement, been found guilty of any competent legal found guilty of any corrupt practice, by any competent legal tribunal, or by the report of any judge or other tribunal for the trial of election petitions, the election of such candidate if he has been elected at the election of such candidate

if he has been elected shall be void. 37 V., c. 9, s. 103.

95. The provisions of the three sections next preceding Effect of corshall not, except as to the personal acts of the candidates rupt practice and the acts of agents of candidates, done with the know- acts at previ-ous elections.

ledge and consent of such candidates, apply to any case by reason of any acts done at any election other than the election to which the petition relates. 38 V., c. 10, s. 5. Re-drafted.

Effect of corrupt practice by a candidate.

96. If it is proved before any court, judge or other tribunal for the trial of election petitions, that any corrupt practice has been committed by or with the actual knowledge and consent of any candidate at an election, or if he is convicted before any competent court of the misdemeanor of bribery of undue influence, he shall be held guilty of corrupt practices, and his election, if he has been elected, shall be void, and he shall, during the seven years next after the date of his being so proved or found guilty, be incapable of being elected to, and of sitting in the House of Commons, and of voting at any election of a member of that House, or of hold ing an office in the nomination of the Crown or of the Governor General in Canada. 37 V., c. 9, s. 102.

97. If, on the trial of any election petition questioning Disqualificadate guilty of the election or return for any electoral district, any candisubornation of date or other person is found by the report of the judge, by personation. himself or his agents with his actual knowledge and consent to have aided, abetted, counselled or procured the commission at such election of the offence of personation by any person, his election, if he has been elected, shall be declared null and void; and such candidate or such other person shall be incapable of being elected or sitting in the House of Commons for any electoral district during the continuance of the Parliament for which the election is held, and during 37 V., c. 9, s. 76, part. the then next Parliament.

It is recommended that this section be made the same as to disqualification as s. 96

Punishment corrupt practices.

98. Every person other than a candidate, found guilty of of others than any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the eight years next after the time at which he is so found guilty, be incapable of being elected to, and of sitting in the House of Commons, and of voting at any election of a member of the House of Commons, of of holding any office in the nomination of the Crown or of the 37 V., c. 9, s. 104. and 5. Governor General in Canada. 76. part.

See note to next preceding section.

Removal of disqualification procured by perjury.

99. If at any time after any person has become disqualified under this Act, the witnesses or any of them, on whose testimony such person has so become disqualified, are con victed of perjury in respect of such testimony, such person may move the court before which such conviction takes place, to order, and such court shall, upon being satisfied that such disqualification was procured by reason of such

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Perjury, order that such disqualification shall thenceforth cease and determine; and the same shall cease and determine accordingly. 37 V., c. 9, s. 105. The words "upon the prosecution of such person" are omitted.

OFFENCES AND PENALTIES.

100. Every one who,-

(a) Forges, counterfeits, fraudulently alters, defaces or Forgery of undulently alters, defaces or forgery of the ballot pape fraudulently destroys any ballot paper or the initials of the ballot papers. deputy returning officer signed thereon, or-

(b) Without authority supplies any ballot paper to any Without authority supplies any ballot paper to any Without authority supperson, or— (c) Fraudulently puts into any ballot box any paper other Putting into an the ballot box ballot box ballot box plying ballot ballot paper.

(d) Fraudulently takes out of the polling place any ballot Fraudulently taking out taking out ballot paper. paper, or ballot paper.

(e) Without due authority destroys, takes, opens or other- Interference ise interference with ballot papers with ballot wise interferes with any ballot box or packet of ballot papers with ballot boxes. then in use for the purposes of the election, or-

(f) Attempts to commit any offence specified in this Attempts. section,_

Is guilty of a misdemeanor; and shall, if he is a return- Contraven-g officer docution to be m ing officer, deputy returning officer or other officer engaged tion to be mis-at the election by returning officer or other officer engaged themeanor, and at the election, be liable to a fine not exceeding one thou- how punish-sand dollars of the liable to a fine not exceeding the thou- how punishsand dollars or to imprisonment for any term less than two able. years with a simple such years with or to imprisonment for any term loss the fine : and if t without hard labor, in default of paying such fine; and if he is any other person, to a fine not exceeding five hundred difference of the not exceeding not five hundred dollars or to imprisonment for any term not exceeding size of the imprisonment for any term not exceeding six months, with or without hard labor, in default of paying such fine. 37 V., c. 9, s. 68.

101. If any returning officer wilfully delays, neglects Liability of refuses during during officer wilfully delays, neglects Liability of Officer not in the original during officer not in the or refuses duly to return any person who ought to be Returning returned to serve in the terminal during for any electoral turning candireturned to serve in the House of Commons for any electoral turning candi-district, such ported to be a determined on date elected. district, such person may, if it has been determined on date elected. for such electoral distriction petition respecting the election for such electoral district, that such person was entitled to have been returned have been returned, sue the returning officer who has so wilfully delayed, sue the returning officer who has such wilfully delayed, neglected or refused duly to make such return of his closet return of his election, in any court of record in the Province in which such electorel any court of record in the Province from which such electron, in any court of record in the store from him a sum of fine brack district is situate, and recover from him a sum of five hundred dollars, together with all damages

Proviso.

he has sustained by reason thereof, and costs, provided such action is commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial of the petition relating to such election. 37 V., c. 9, s. 106.

102. Every one who unlawfully, either by violence or stealth, takes from any deputy returning officer or poll clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, in, to or upon, or aids, counsels or assists in so taking, destroying, injuring or obliterating, or making any erasures, addition of names, or interlineation of names, in, to or upon, any list of voters, pollbook or writ of election, or any return to a writ of election, or any report, certificate or affidavit, or any document or paper, made, prepared or drawn out according to or for the purpose of meeting the requirements of this Act or any of them, is guilty of felony, and liable to imprisonment for any term not exceeding seven years; and it shall not be necessary in any indictment for such offence, to allege that the article in respect of which the offence is committed, is the property of any person. 37 V., c. 9, s. 107.

103. Every one who aids, abets, counsels or procures the commission by any person of the offence of personation shall be liable to a penalty not exceeding two hundred dollars and to imprisonment for a term not exceeding six months. 37 V., c. 9, s. 74, *part*. Re-drafted.

ay not **104.** Every returning officer or deputy returning officer gents of an electoral district, and every partner or clerk of either of them, who acts as agent for any candidate in the management or conduct of his election for such electoral district, is guilty of a misdemeanor. 37 V., c. 9, s. 124.

105. Every officer and clerk who is guilty of any wilful
 misfeasance or any wilful act or omission in violation
 of this Act, shall forfeit to any person aggrieved by such misfeasance, act or omission, a sum not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person :

2. Every returning officer, deputy returning officer, election clerk or poll clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this Act, shall, for each such refusal or neglect, forfeit the sum of two hundred dollars to any person who sues for the same. $37 V_{-7}$ c. 9, ss. 70 and 108.

Stealing or tampering with election documents.

Felony. Punishment.

Aiding or abetting personation.

Who may not act as agents for candidates.

Punishment of misfeasance, &c., by election officers.

Neglect of duty by election officers.

Penalty.

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CRIMINAL AND CIVIL PROCEDURE.

106. All penalties and forfeitures (other than fines in Recovery of penalties and cases of misdemeanor) imposed by this Act, shall be recoverable or enforceable with full costs of suit, by any person who sues for the same by action of debt or information, in any court of competent jurisdiction in the Province in which the cause of the cause of competent jurisdiction in the interior and in default of payment of the amount with a tribin the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common gaol of the county or district for any term less than the sound of the county or district are sooner less than two years, unless such penalty and costs are sooner paid : but the recovery of any paid: but no action or information for the recovery of any such penalty or forfeiture shall be commenced unless the person suing for the same has given good and sufficient security, to the amount of fifty dollars, to indemnify the defendant for the defendant for the costs occasioned by his defence, if the person mine 37 V. c. 9, s. person suing is condemned to pay the same. 37 V., c. 9, s.

107. It shall be sufficient for the plaintiff, in any action What allega-suit under +1. be sufficient for the plaintiff, in any action What allegaor suit under this Act, to allege in his pleading or declaration sure sary in sure that the defender of the sum of money suits for that the defendant is indebted to him in the sum of money suits for thereby demand is indebted to him in the sum of money suits for thereby demanded, and to allege the particular offence in penalties. respect of which the action or suit is brought and that the defendant has the action or suit is brought and that the

defendant has acted contrary to this Act, without mentioning the writ of electric contrary to this Act, without mentioning the writ of election or the return thereof. 37 V., c. 9, s. 110.

108. In any such civil action, suit or proceeding, the Evidence of arties to the such civil action, suit or wives of such husbands and wives. parties to the same and the husbands or wives of such husbands and parties respectively. parties respectively, shall be competent and compellable to give evidence, to the same extent and subject to the same exceptions as the same Province; but exceptions as in other civil suits in the same Province ; but Proviso. such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the party or person giving it. 37 V., c. 9, s. 111.

109. No person shall be excused from answering any No excuse of aestion put to 1. shall be excused from answering any No excuse of allowed for question put to him in any action, suit or other proceeding, allowed for in any court or him in any action, suit or other proceeding, allowed for in any court, or before any judge, commissioner or other not answering tribunal, touching or commission on the conduct questions in proceedings tribunal, touching or concerning any election, or the conduct questions in proceedings person the rest. of any person thereat, or in relation thereto, on the ground touching elecof any person thereat, or in relation thereto, on the ground to any privilege, or on the ground that the answer to such tions. question will tend to criminate such person; but no answer given by any control on the ground given by any person claiming to be excused on the ground of privilege and the claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate him the ground that such answer will tend to criminate himself, shall be used in any criminal proceeding against such against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the with gives to the witness a certificate that he claimed the right to be excused on site be excused on either of the grounds aforesaid, and made full and true answer of the grounds aforesaid, and made full and true answers to the satisfaction of the judge, commissioner or tribunal. 37 V., c. 9, s. 99.

Criminal Court may certain cases.

110. Any criminal court before which any prose Court may cution is instituted for any offence against the pro-prosecutor in visions of this Act, may order payment by the defendant to the prosecutor of such costs and expenses as appear to the court to have been reasonably incurred in and about the conduct of such prosecution; but the court shall not make such order, unless the prosecutor before or upon the finding of the indictment or the granting of the information, enters into a recognizance with two sufficient sureties, in the sum of five hundred dollars, and to the satisfaction of the court, to conduct the prosecution with effect and to pay the defendant his costs in case he is acquitted. 37 V., c. 9, s. 112.

Or to defendant acquitted.

Allegation and evidence

of corrupt

practice.

111. In case of an indictment or information by a private prosecutor for any offence against the provisions of this Act if judgment is given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, which costs shall be taxed by the proper officer of the court in which the judgment is given. 37 V., c. 9, s. 113.

112. In any indictment or prosecution for bribery or undue influence, or any other corrupt practice, and in any action or proceeding for any penalty for bribery or undue influence or any other corrupt practice, it shall be sufficient to allege that the defendant was, at the election, at or in connection with which the offence is intended to be alleged to $ha^{r\theta}$ been committed, guilty of bribery or undue influence or any other corrupt practice, describing it by the name given to it by this Act or otherwise as the case requires; and in any criminal or civil proceeding in relation to any such offence, the certificate of the returning officer shall be sufficient evidence of the due holding of the election and of any person named in such certificate having been a candidate thereat. 37 V., c. 9, s. 114.

Production of Writ of Election, &c., not required in suits under this Act.

113. It shall not be necessary on the trial of any suit of prosecution under this Act, to produce the writ of election or the return thereof, or the authority of the returning officer founded upon any such writ of election, but general evidence of such facts shall be sufficient evidence : and if the original ballet the original ballot papers or other papers are required the clerk or registrar of the court having cognizance of the election petition may, at the instance of any of the parties thereto, notify the Clerk of the Crown in Chancery : produce the same on the day fixed for the trial, and the said Clerk of the Crown in Chancery shall, on or before the said day, deposit the same with such clerk or registrar, taking his receipt therefor. 41 V., c. 6, s. 15.

114. The Clerk of the Crown in Chancery may deliver Clerk of the Chancery may certified copies of any writ, lists of voters, poll-books, returns,

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reports and other documents in his possession relating to any deliver certielection, except ballot papers; and such copies so certified fied copies of shall be shall be received as primâ facie evidence before any election papers, which indre an Canada shall be evijudge or court, and before any court of justice in Canada. shall be evi-37 V and before any court of justice in Canada. 37 V., c. 9, s. 116.

115. Whenever it appears to the court or judge trying an Power of Court or election petition, that any officer, elector or other person Gourt or has violated any of the provisions of this Act,—for which an election violation mathematical and the provision of this Act, and the petition to imsuch officer, elector or other person, is petition to imliable to a fine or penalty (other than fines and penalties penalties. imposed for any offence amounting to a misdemeanor or felony) any offence amounting to a misdemeanor or felony), such court or judge may order that such officer, elector. or othe elector, or other person shall be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge :

2. If, on the day so fixed by the summons, the person sum- Proceedings oned doos moned does not appear, he shall be condemned, on the in such cases. evidence already adduced on the trial of the election petition, to pay such a grad adduced on the trial of the election petition, to pay such fine or penalty as he is liable to pay for such violation and fine or penalty as he is liable to pay for such violation, and in default of paying such fine or penalty, to the imprisonment is default of paying such fine or penalty, to the imprisonment imposed in such case under the provisions of this Act.

³. If on the day so fixed the person so summoned does Trial. appear, the court or judge, after hearing such person and such evidence as in the formation of the second s evidence as is adduced, shall give such judgment as to law and justice appertains :

4. All fines and penalties recovered under this section shall Appropriation of fines. belong to Her Majesty for the public uses of Canada:

5. No fine or penalty shall be imposed under this section if Exception. it appears to the court or judge that the person has already been sued in the court or judge that the person has already been sued in respect to the same offence, nor shall any such fine or penalty proved only by fine or penalty be imposed for any offence, nor shan any by the evidence is the same offence proved only by a semicircular the evidence or admission of the person committing it.

116. No indictment for bribery or undue influence, Bribery, &c., Prsonation or attend to bribery or undue influence, Bribery, &c., personation or other corrupt practice shall be tried before Q. S., &c. any Court of Quarter Sessions or General Sessions of the Peace. 37 V., c. 9, s. 118.

117. Every prosecution for any misdemeanor under this Limitation of ct, and every posti-Act, and every action for any misdemeanor under this Limitation of penalty given by the, suit or proceeding for any pecuniary cutions and ming for the same, suits, &c. penalty given by this Act to the person suing for the same, suits, &c. shall be commenced within the space of one year next after the act committed the act commenced within the space of one year and is prevented by the and not afterwards (unless the same is prevented by the withdrawal or absconding of the defendant out of the invited withdrawal or absconding of the defendant out of the jurisdiction of the court), and when commenced shall be presented on without wilful shall be proceeded with and carried on without wilful delay. 37 V., c. 9, s. 119.

ELECTION EXPENSES.

118. No payment (except in respect of the personal expenses of a candidate), and no advance, loan or deposit, shall be made by or on behalf of any candidate at any election, before or during or after such election, on account of such election, otherwise than through an agent or agents, whose name or names, address or addresses, have been declared in writing to the returning officer, on or before the nomination day, or through an agent or agents to be appointed in his or their place, as herein provided; and any person who makes any such payment, advance, loan of deposit otherwise than through such agent or agents, is guilty of a misdemeanor:

Names of agents to be published.

Ifagent cannot act.

No payment to be made except

through au-

thorized agent.

> 2. The returning officer shall publish on or before the nomination day the name and address or the names and addresses of the agent or agents appointed in pursuance of this section :

> 3. In the event of the death or legal incapacity of any agent appointed in pursuance of this section, the candidate shall forthwith appoint another agent in his place, giving notice to the returning officer of the name and address of the person so appointed, which shall be forthwith published as hereinbefore provided, by the returning officer. 37 V., c. 9, s. 121.

119. All persons who have any bills, charges or claims

Bills and right to be barred.

Provision in case of death of claimant.

Provision if there is no agent.

Candidate to authorise payment.

claims to be sent in within upon any candidate for or in respect of any election, shall send one month, or in such bills, charges or claims within one month after the day of the declaration of the election, to such agent or agents as aforesaid; otherwise such persons shall be barred of their right to recover such claims, and every or any part thereof: Provided always, that in the event of the death, within the said month, of any person claiming the amount of any such bill, charge or claim, the legal representative of such bill. claim shall send such person in charge or let within one month after his obtaining probate or otherwise ters of administration, or of his becoming the able to act as such legal representative, otherwise right to recover such claim shall be barred as aforesaid : and provided also, that such bills, charges and claims shall and may be sent in and delivered to the candidate, if and so long as, during the said month, there shall, owing to death or legal incapacity, be no such agent : and provided also, that no such bill, charge or claim shall be paid without the authority 31 of the candidate, as well as the approval of the agent. V., c. 9, s. 122.

Publication of detailed

120. A detailed statement of all election expenses incurred by or on behalf of any candidate, including such expected payments as aforesaid, shall, within two months after the statement of election described of the expenses. election (or whenever by reason of the death of the expenses. creditor no bill has been sent in within such period of two months, then within one month after such bill has been sent in), be made out and signed by the agent, or if there is more than one, by every agent who has paid the same (including the same by him.) (including the candidate in cases of payments made by him,) and delive the candidate in cases of payments made by him,) and delivered with the bills and vouchers relative thereto to the returning officer; and the returning officer for the time being shall and solution within fourteen being shall, at the expense of the candidate, within fourteen days, insert days, insert, or cause to be inserted an abstract of such state-ment. with a ment, with the signature of the agent thereto, in some newspa-per publish. per published or circulating in the electoral district where the election model or circulating in the electoral district who makes election Was held: and any agent or candidate who makes Penalty for default in default. default in delivering to the returning officer the statements default. required by this section shall incur a penalty not exceeding twenty double so makes detwenty dollars for every day during which he so makes de-fault: and are for every day during which he so makes to fault; and any agent or candidate who wilfully furnishes to the returning magent or candidate who wilfully furnishes to the returning officer any untrue statement is guilty of a misde-meanor. and officer any untrue statement is guilty of a misdemeanor: and the said returning officer shall preserve all Bills, &c., to such bills and the said returning officer shall preserve all Bills, &c., to such bills and vouchers, and during the six months next after be preserved. they have been delivered to him, shall permit any voter to inspect the to inspect the same on payment of a fee of twenty cents. $7 V_{...c.} q$

FEES AND EXPENSES OF RETURNING OFFICERS AND OTHERS.

121. The fees and expenses in the second schedule to this Fees for ser-ct mentioned and expenses in the second to the several bursements. Act mentioned and no others, shall be allowed to the several bursements. officers therein mentioned, respectively, for their services and disbursement disbursements at any election :

Provided always, that if it appears to the Governor in Governor in equate or in sufficient of the provisions made in this section are inad- Council may make new for which they are tariff, and reequate or insufficient for the purposes for which they are tariff, and re-intended (that is not for the purposes for which they are tariff, and re-sent the purposes for which they are tariff, and re-vise and set to the purpose of the purpose o intended (that is a fair and just but economical remuneration amend it. for the services performed), the Governor in Council may make a tariff performed), the Governor in council may make a tariff of fees, costs and expenses to be paid and allowed to return the costs and expenses to be paid and allowed to returning officers, and other persons employed at or with respect to returning officers, and other persons employed at or with respect to elections under this Act, and may, from time to time respect to elections under this Act, and may, from time to time, revise and amend such tariff, which shall then be substituted as respects any be substituted for that above mentioned, as respects any election held from that above mentioned, as respects any election held after the making or the revising or amending thereof: but a correct making or the revising or amendment thereof; but a copy of any such tariff and of any amendment thereof shall be let 1 for any such tariff and of any amendment thereof shall be laid before the House of Commons at the then next session of Dark next session of Parliament. 37 V., c. 9, s 126, part.

122. Such fees, allowances and disbursements shall be Fees, &c., to General, directed to the officer, by warrant of the Governor be paid out of Consolidated Consolidated Consolidated Finance and Receiver Revenue General, directed to the Minister of Finance and Receiver Revenue General, ont of the Minister of Finance and Receiver Revenue General, out of the Consolidated Revenue Fund of Canada, Fund.

and shall be distributed by such returning officer to the several officers and persons entitled to the same under the provisions of this Act,—which distribution he shall report to the Governor General through the Secretary of State : and the returning officers shall certify the correctness of the ac^r counts of their respective deputy returning officers. $37 V_{\gamma}$ c. 9. s. 126. part.

Fees, &c., may be increased in certain electoral districts. 123. Whenever an election is held for the electoral district of Gaspé or of Chicoutimi and Saguenay, in the Province of Quebec, or for the electoral district of Algoma or South Essex in the Province of Ontario, or for any electoral district in either of the Provinces of Manitoba or British Columbia and it appears to the Governor in Council that the fees and allowances above provided for are not sufficient remuneration for the services required to be performed, the Governor in Council may authorize the payment of such further and additional sum or sums of money for such services as are considered just and reasonable compensation therefor. 37 V., c. 9, s. 126, part.

GENERAL PROVISIONS.

124. One copy of this Act, and of such instructions approved by the Governor in Council as are required to carry out the elections according to the provisions of this Act, (with a copious alphabetical index prefixed), for the returning officer, and one for each of the deputy returning officers shall be transmitted by the Clerk of the Crown in Chancery, with the writ of election, to each returning officer. 41 V., c. 6, s. 16.

125. The Clerk of the Crown in Chancery may cause to be made for each electoral district such a number of ballot boxes as are required; or may give to the returning officers such instructions as are deemed necessary to secure ballot boxes of a uniform size and shape, and also as to the mode of making the compartments in the polling stations,—such instructions being first approved of by the Governor in Council. 41 V., c. 6, s. 17.

Mode of giving notices. 126. When the returning officer or any deputy returning officer is by this Act required or authorized to give and public notice, and no special mode of giving the same is mentioned, he may give the same by advertisement, placards handbills or such other means as he thinks best calculated to give the information to the electors. 37 V., c. 9, s. 128.

Candidate may act as his own agent.

127. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, may assist his agent in the performance of such duties, and 107

may be present at any place at which his agent may, in pursuance of the at any place at which his agent may, in Pursuance of this Act, be authorized to attend. 37 V., c. 9, 8, 79

128. No election shall be declared invalid by reason of Mistakes of non-compliance with the provisions of this Act as to the form only not taking of the taking of the poll or the counting of the votes, or by reason elections. of any want of qualification in the persons signing a nomi-nation paper. nation paper received by the returning officer, under the provisions of this Act, or of any mistake in the use of the forms contained. forms contained in the schedules to this Act, if it appears to the tribunal is the schedules to this the question that the the tribunal having cognizance of the question that the election was a ving the principles election was conducted in accordance with the principles laid down :: conducted in accordance with the principles laid down in this Act, and that such non-compliance or histake did not of Act, c. 9, mistake did not affect the result of the election. 37 V., c. 9, s. 80.

129. Whenever in this Act any expressions are used, requir-As to pro-g or authorizing that any act informing that any act in present ing or authorizing any act to be done, or inferring that any act visions requir-or thing is to be done in the presence of the agents of the of agents, &c. candidates, such expressions shall be deemed to refer to the presence of and expressions shall be deemed to refer to the presence of such agents of the candidates as are author-ized to attend ized to attend, and as have, in fact, attended at the time and place where and as have, in fact, attended at the time and place where such act or thing is being done; and the non-attendance of the act or thing is being done; and the nonattendance of any agents or agent at such time and place shall not if_{+1} done, invalshall not, if the act or thing is otherwise duly done, invalidate in any $\frac{37}{V}$ C. 9. s. 79.

130. Any affidavit required to be made for any of the Administra-trooses of ministration of oath purposes Any affidavit required to be made for any of the Auministra-for taking affidavit may be sworn before any commissioner tion of oaths. for taking affidavits in any of the superior courts of any of the Provinces for any of the superior courts of any of the Provinces of Canada; and any person before whom it is hereby required Canada; and any person before whom it is hereby required or intimated by any form in the first schedule to this Act 11 or intimated by any form or any affirmation to this Act, that any oath is to be taken, or any affirmation made in the any oath is to be taken. made in the manner herein provided, shall have power to administer the same and shall administer the same gratui-tously : and the same and shall administer the same gratuitously; and the returning officer at any election shall have power to administer the same and shall administer the same grant of the same and shall administer the same administ power to administer any oath or affirmation required by this Act with this Act with respect to such election; and the deputy returning officer may administer such oath or affirmation, except such as is may administer such oath or affirmation. except such as is required to be administered to the return-ing officer 37 W ing officer. 37 V., c. 9, s. 127.

131. Every executory contract, or promise, or under- Contracts or king, in any way of or depending promises retaking, in any way referring to, arising out of or depending fating to elec-upon any election referring to, arising out of or depending fating to elecupon any election under this Act, even for the payment tions void. of lawful expenses, or the doing of some lawful act, shall be

void in law. 37 V., c. 9, s. 100. 132. Whenever it appears to the satisfaction of the Provision for overnor in Connect appears to the satisfaction of a transmission of a finformation of the provision of a transmission of the provision for the p Governor in Council, at the time when an election of a transmission member to represent either of the electoral districts of Gaspé respecting elections by

telegraph, in certain places and seasons in Quebec.

or of Chicoutimi and Saguenay in the House of Common⁵ is about to be held, that communication by water between the Island of Anticosti or the Magdalen Islands, as the case may be, and the mainland, may probably be interrupted during such election by the severity of the season, he may direct that all necessary instructions and information relating to such election may be transmitted by telegraph by the returning officer to the deputy returning officer of officers, and by him or them to the returning officer, so that he may be informed of the number of votes given for each candidate, and of all other matters relating to the election, and be enabled to return the candidate having the majority or to make such other return as the case requires ; and the Governor in Council may make such order as to the details of the proceedings at or relating to such election to be s^0 transmitted by telegraphic communication, as to him seems proper for best attaining the purposes of this enactment. 45 V., c. 3, s. 9.

As to Provincial laws touching elections.

133. No enactment or provision contained in any Act of the legislature of the late Province of Canada, or any of the Provinces now composing the Dominion of Canada, respecting elections of members of the elective house of the legistrature of any such Province, shall apply to any election of a member or members of the House of Commons. 37 V, c. 9, s. 133, part.

FIRST SCHEDULE.

Α.

Writ of Election.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith;—To the sheriff (registrar or other returning officer, as the case may be) of the county (or as the case may be) of , GREETING:

Whereas, by the advice of Our Privy Council for Canada, we have ordered a Parliament to be holden at Ottawa, on the day of next, (omit this preamble, except in the case of a general election). We command you that, notice of the time and place of election being duly given, you do cause election to be made according to law of a member (or as the case may be) to serve in the House of Commons of Canada, for the electoral district of

, (except in case of a general election, insert here in the place of , deceased, or otherwise, stating the cause of vacancy) and (except in the electoral districts mentioned in section four) that you do cause the nomination of candidates at such election to be held on the

next, and do cause the name (or names) of such member (or members) when so elected, whether he (or they) are used to cause the barrier of the source lark of the they) are present or absent, to be certified to our Clerk of the Crown in Chancery, as by law directed.

Witness, Our Right Trusty and Well-beloved, &c., Governor General (or Administrator of the Government) of our Dominion of Canada of Canada, at our City of Ottawa, the day of Lord 18 year of Our Reign and in the year of Our

Indorsement.

Received the within Writ on the day of 18. (Signed), A. B.,

Sheriff of (or as the case may be),

37 V., c. 9, sch. Form A ;-41 V., c. 6, s. 18. Returning Officer.

В.

Oath of the returning officer.

I, the undersigned, A. B., returning officer for the electoral strict of district of the persons permitted by law to affirm in civil cases, solemnly affirm) that I are to act as affirm) that I am legally qualified according to law to act as returning officer field listic of returning officer for the said electoral district of and that I will for the said electoral district of and that I will act faithfully in that capacity, without partiality from a faithfully in that capacity.

partiality, fear, favor or affection; So help me God.

(Signature), A. B., **Returning Officer**

Certificate of returning officer having taken oath of office.

I, the undersigned, hereby certify that on the day o electoral district of , 18 , A. B., the returning officer for the me, the case required me, the oath (or affirmation) of office, in such case required of a returning officer, by section nine of "The Dominion Elections Act."

In testimony whereof, I have delivered to him this certificate.

37 V., c. 9, sch. Form B. (Signature), C. D., Justice of the Peace.

110 C.

Commission of an election clerk.

To E. F. (set forth his legal addition and residence). Know you, that in my capacity of returning officer for the electoral district of , I have appointed, and do hereby appoint you to be my election clerk, to act in that capacity according to law, at the approaching election for the said electoral district of , which election will be opened by me, on the day of the month of 18

Given under my hand this day of , in the year 18

(Signature),

A. B., Returning Officer.

37 V., c. 9, sch. Form C.

D.

Oath of the election clerk.

I, the undersigned, E. F., appointed election clerk for the electoral district of , solemnly swear (or if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm), that I will act faithfully in my said capacity as election clerk, and also in that of returning officer if required to act as such according to law, without partiality, fear, favor or affection: So help me God.

(Signature), E. F., Election Clerk.

Certificate of the election clerk having taken the oath of office.

I, the undersigned, hereby certify that on the day of , 18 , E. F., election clerk for the electoral district of , took and subscribed before me, the oath (or affirmation) of office required in such case, of an election clerk, by section *twelve* of "The Dominion Elections Act."

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature),

C. D., Justice of the Peace.

or A. B.,

Returning Officer.

37 V., c. 9, sch. Form D.

111 E.

Proclamation of the returning officer declaring the time and place fixed for the nomination of candidates, and also the day for opening the poll, and the polling stations and polling districts.

PROCLAMATION.

Electoral District of

, to wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that, in obedience to Her Majesty's $W_{\rm with}$ Majesty's Writ to me directed, and bearing date the day of

electors at (describe the place where the nomination is to take place) in 11 (describe the place where the nomination is to take place), in the county (or township, or in the city or town) from noon until two of the clock in the afternoon, for the purpose of nominating a person (or persons, as the case may be) to reason of Commons of Canada; be), to represent them in the House of Commons of Canada; and that is and that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be opened on the demotet

day of the month of from the hour of nine in the forenoon till five of the clock in the afternoon in each of the polling districts, that is to

For the polling district No. 1, consisting of (or bounded as follows, or otherwise describing it clearly) at describing the polling station :--

(and so continuing for all the other polling districts and stations in the electoral district).

And further, that on the shall open the ballot boxes, sum up the votes given for the several condition several candidates and return as elected the one (or as the case may be) having the majority of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at day of , in the year 18 .

, this

(Signature), A. B.,

37 V., c. 9, sch. Form E.

Returning Officer.

Nomination paper, &c.

We, the undersigned electors of the electoral district of hereby nominate (names, residence and additions or descriptions of person or persons nominated) as a candidate at the election now about to be held of a member to represent the said electoral district in the House of Commons of Canada.

Witness our hands at in the said electoral distric^t, this day of 18.

Signed by the said electors, in presence) of , of (additions.) }

Signatures with residence and additions.

I, the said , nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at , this day of 18.

Signed by the said nominee, in presence of , of , (additions). Signature.

37 V., c. 9, sch. Form F.

Oath of attestation of the nomination paper.

I, A. B., of , (addition) solemnly swear (or if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I know (mentioning the names of the signers known to him), and that they are duly registered as voters for the electoral district of , and entitled to vote at an election of a member to serve in the House of Commons of Canada, and that they respectively signed the foregoing (or within) nomination paper in my presence; and further (if the case be so), that I know the said , thereby nominated as a candidate, and that he signed his consent to the nomination in my presence.

Sworn (or affirmed) before me, at , day of { (Signature,) A.B. , this , 18 C. D., Justice of the Peace.

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This form may be varied according to circumstances, the intention of the Act being complied with; and the assent of the candia. candidate may be sworn to by a separate elector, if the facts require it to be so. 37 V., c. 9, sch. Form G.

н

Return when there are no more candidates than members to be

I hereby certify that the member (or members) elected for written Writ, is (or are) A. B. of in of maneer). having been nominated (or the other or all other candidates having Withdrawn, as the case may be).

37 V., c. 9, sch. Form H. (Signed), R. O., Returning Officer.

I.

Notice of poll being granted, and of candidates nominated

NOTICE.

Electoral district of

. to wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll has been demanded at the election normal that a poll has been demanded at the election now pending for the same, and that I have granted as such poll; and further, that the persons duly nominated as candidates at it candidates at the said election, and for whom only votes will be received, are,-

1. JOHN DOE, of the Township of Nepean, County of arleton Vocanity Carleton, Yeoman.

2. RICHARD ROE, of the Town of Prescott, County of Grenville, Merchant.

8. GEOFFREY STILES, of 10 Sparks Street, Ottawa, Phy-cian ^{sician}.

4. JOHN STILES, of 3 Elgin Street, Ottawa, Barrister-at-w. law.

As in the nomination papers.

8

Of which ALL persons are hereby required to take notice, and to govern themselves accordingly.

Given under my hand at in the year 18	this .	day of
-		

(Signature),

A. B., Returning Officer.

37 V., c. 9, seh. Form HH.

J.

Ballot paper.

· Election for the electoral district of	18 .
DOE John Doe, Township of I. Nepean, County of Car- leton, yeoman.	
ROE Richard Roe, of Town of II. Prescott, County of Gren- ville, Merchant.	
STILES Geoffrey Stiles, of 10 III. Sparks Street, Ottawa, Physician.	
STILES John Stiles, of 3 Elgin IV. Street, Ottawa, Barrister- at-law.	

The names of the candidates will be as in the nomination paper. There is to be no margin on the left side of the ballof paper; and the horizontal division lines will be carried to the edge of the paper on the right side. The elector is supposed to have marked his ballot paper in favor of Richard Roe. The dotted line will be a line of perforations for easily detaching the counterfoil.

41 V., c. 6, s. 19 part.

115

К.

Commission of a deputy returning officer.

To G. H. (insert his legal addition and residence.)

Know you, that in my capacity of returning officer, for the electoral district of and do hereby appoint you to be deputy returning officer for the polling district number , of the said electoral votes of the electors by ballot according to law, at the polling at it electors by ballot according to law, at the polling station, to be by you opened and kept for that pur-pose, and more than the prepose, and you are hereby authorized and required to open and hold you are hereby authorized and required to alling disand hold the poll of such election for the said polling dis-trict on the poll of such election for the said polling dis o'_{clock} in the forenoon, at (here describe particularly the place in the forenoon, at (here describe particularly the there to keep the place in which the poll is to be held), and there to keep the said poll said poll open during the hours prescribed by law, and to take at 11 open during the hours prescribed by law, and to take at the said polling place, by ballot, in the manner by law promit said polling place, by ballot, in the said law provided, the votes of the electors voting at the said polling place, and after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot box sealed with your seal, and inclosing the other duties and box sealed with your seal, and inclosing the ballots, envelopes, list of voters, poll-book, and other doorne with this comother documents required by law, together with this com-

of Given under my hand, at

hand, at , this , in the year 18 .

day

. (Signature,)

A. B., Returning Officer.

37 V., c. 9, sch. Form J.

L.

Oath of deputy returning officer.

I, the undersigned G. H., appointed deputy returning officer, for the polling district, No. , of the electoral district of , solemnly swear (or, being solemnly affirm) that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favor or affection. So help me God.

> (Signature,) G. H., Deputy Returning Officer.

Certificate of a deputy returning officer having taken the oath of office.

I, the undersigned, hereby certify that on the day of the month of , G. H., deputy returning officer for the polling district No. of the electoral district of , took and subscribed the oath (or affirmation) of office, required in such case of a deputy returning officer, by section *thirty* of "The Dominion Elections Act."

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature,) C.D., Justice of the the Peace.

> or A. B., Returning Officer.

37 V., c. 9, sch. Form K.

Μ.

Directions for the guidance of electors in voting.

The voter is to vote only for one candidate, unless two members are to be returned for the electoral district, in which case he may vote for one or for two candidates as he thinks fit.

The voter will go into one of the compartments, and with a pencil there provided, place a cross in the division con^{-1} taining the name or names of the candidate or candidates for whom he votes, thus \times .

The voter will then fold the ballot, so as to show a portion of the back only, with the number and the initials of the deputy returning officer; he will deliver it to the deputy returning officer, who will place it in the ballot box. The voter will then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper he may return it to the proper officer, who, on being satisfied of the fact, will give him another.

If the voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper by which he can afterwards be identified, his vote will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station or fraudulently puts any other paper into the ballot box than the ballot paper given him by the deputy returning officer, he will be subject to be punished by fine of five hundred dollar hundred dollars or by imprisonment for a term not exceeding site or by imprisonment hard labor. 41 V. exceeding six months with or without hard labor. 41 V., c. 6, s. 19, part.

N.

Commission of a poll clerk.

To I. J. (insert his legal addition and residence.)

Know you, that in my capacity of deputy returning officer for the polling district, No. , of the electoral district appoint you to be poll clerk for the said , I have appointed, and do hereby polling

Given under my hand, at , this day of , in the year 18

> (Signature,) G. H., Deputy Returning Officer.

37 V., c. 9, sch. Form L.

0.

Oath of poll clerk.

I, the undersigned, I. J., appointed poll clerk for the polling district, No. , of the electoral district of do solemnly swear (or, if he is one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that I will got f in affirm in civil cases, do solemnly affirm) that I will act faithfully in my capacity of poll clerk, and also in that of down in the of down in the state of d also in that of deputy returning officer if required to act as such such, according to law, without partiality, fear, favor or affection. So help me God.

(Signature,)

I. J., Poll Clerk.

Certificate of the poll clerk having taken the oath. I, the undersigned, hereby certify that on the day of the month of

polling district, No. , of the electoral district of took and subscribed before me the oath (or

affirmation) of office required of a poll clerk in such cases by section *thirty-three* of "The Dominion Elections Act."

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature,) C. D., Justice of the Peace. or A. B., Returning Officer. or G. H., Deputy Returning Officer.

37 V., c. 9, sch. Form M.

Ρ.

Commission of a poll clerk by a poll clerk acting as deputy returning officer.

To

of (insert his residence and legal addition).

Know you that in my capacity of acting deputy returning officer for the polling district No. of the electoral district of , in consequence

of the decease (or incapacity to act, or as the case may be) of the deputy returning officer for the said polling district, whose poll clerk I was, I have appointed, and do hereby appoint you to be poll clerk for the said polling district, No.

Given under my hand at this day of in the year 18.

(Signature), P. C., Poll Clerk, acting as Deputy Returning Officer.

The oath and certificate of its having been taken will be the same as in the case of a poll clerk appointed by the deputy returning officer.

37 V., c. 9, sch. Form N.

Oath of agent of a candidate, or of elector representing a candidate.

I, the undersigned, G. H., agent for (or elector representing) J. K., one of the candidates at the election now pending for the electoral district of f, solemnly swear (or, if h^e is one of the persons permitted by law to affirm in civil cases,

Q.

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solemnly affirm) that I will keep secret the names of the candidates of the polling station candidates for whom any of the voters at the polling station in the pollice whom any of the voters at the polling station in the polling district No. in my presence at this election. So help me God. , marks his ballot paper

> (Signature), G. H.

Sworn (or affirmed) before me, at of

> A. B., Returning Officer. or Justice of the Peace.

this

day

³⁷ V., c. 9, sch. Form NN.

		For	m o	f po	ll-book.	,					
25 24 24 24 24 24 24 24 24 24 24 24 24 24	NAMES OF THE VOTERS.	Addition or occupation.	Place of residence.	Owner or tenant or other qualification.	Nume of parent, if the voter is qualified as the son of a farmer or other owner of read property.	Subjects of undecided appeals.	Objections.	Sworn or affirmed.	Voters refusing to be sworn or to affirm.	Voters voting after others have voted in their names	Remarks.

R.

rorm ().

S.

Form of Oath of Qualification of a person whose name is registered as a voter on the List of Voters.

I, (A. B.), solemnly swear (or if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm),-

1. That I am the person named, or purporting to be named, by the name of (and if there are more persons than one of the same name on

said list, inserting also his addition or occupation) on the list of voters now shown to me (showing list of voters to such person) and that I am entitled to vote at this election:

2. That I am a British subject (by birth or naturalizationr as the case may be):

3. That I have not voted before at this election, either ^{at} this or at any other polling place :

4. That I have not received anything nor has anything been promised me, either directly or indirectly, either to induce me to vote at this election or for loss of time, travelling expenses, hire of team or for any other service connec^r ted therewith:

5. That I have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting:

6. (Also if such person is registered upon the list of voters, and tenders his vote as a farmer's scn or the son of an owner of real property other than a farmer) that I am resident with my father (or if his father is dead, with my mother) upon the farm (or other real property) in respect of which I am regist tered on the said list of voters. So help me God. New.

Т.

Form of oath of qualification of a person whose name has been excluded from the list of voters and which exclusion appears by the list of voters to be the subject of an undecided appeal.

I, (A. B.,) solemnly swear (or if he is one of the persons per mitted by law to affirm in civil cases, solemnly affirm),—

1. That I (stating residence, post office address and addition or occupation) duly applied before the revising officer for the electoral district of (or portion of an electoral district, as the case may be, in which the polling district where such person applies for a ballot paper is situated) to have my name registered on the list of voters for this polling district (or in the case of the first lists made for such electoral district or portion of an electoral district) on the list or one of the lists of voters for such electoral district, or portion of an electoral district, under the provisions of "The Electoral Franchise Act," (or of the Act passed in the session held in the forty"

eighth and forty-ninth years of Her Majesty's reign and intituted. Franchise." intituled "An Act respecting the Electoral Franchise," as the case may be):

2. That my application to have my name so registered Was refused; that I have duly appealed from such decision of the soil of the said revising officer, pursuant to the provisions of the

3. That I am a British subject (by birth or naturalization, as the case may be):

4. That I have not voted before at this election, either at this or at any other polling place :

5. That I have not received anything nor has anything been promised me, either directly or indirectly, either to induce me to vote at this election or for loss of time, travelling expenses, hire of team or for any other service connected therewith :

6. That I have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting:

7. (Also if the claim of such person to be entitled to be registered on the list of voters and to vote, and if the subject of such appeal is the exclusion of his name from such list as a farmer's son or as the son of an owner of real property other than a farmer) that I farmer) that I am resident with my father (or if his father is dead with a resident with my father (or if his father is dead, with my mother) upon the farm or other real property in respect of which I have made my claim and appeal thereas the bist of voters. thereupon to be registered as aforesaid on such list of voters. So help me God. New.

TI.

Oath of identity by voter receiving a ballot paper, after another has voted in his name.

I solemnly swear, (or, if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I am A. B. of on the list of voters (or the exclusion of whose name from the list of voters (or the exclusion of whose name from the (as on the list of voters) whose name is entered list of voters is the subject of an undecided appeal under the provisions of " The subject of an undecided appeal under the the subject of a provisions of "The Electoral Franchise Act," as the case may be) now show ~ The Electoral Franchise Act," as the case may be) now shown me. So help me God. 37 V., c. 9, sch. Form P.

Oath of messenger sent to collect the ballot boxes.

, messenger appointed by C. D., return, I. A. B., of , in the Province of ing officer, for the electoral district of , do solemnly swear (or, if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm) that now delivered the several boxes to the number of by me to the said returning officer have been handed to me by the several deputy returning officers at the present election for the said electoral district (or by-here insert the names of the deputy returning officers who have delivered the said boxes), that they have not been opened by me, or any other person, and that they are in the same state as they were when they came into my possession. (If any change has taken place the deponent shall vary his deposition by fully stating the circumstances).

> (Signature), A. B.

Sworn (or affirmed) and subscribed before me, at day of , in the year 18

> (Signature), X. Y., Justice of the Peace. or A. B., Returning Officer, or G. H.,

Deputy Returning Officer.

37 V., c. 9, sch. Form PP.

Oath of the deputy returning officer after the closing of the poll.

I, the undersigned, deputy returning officer for the polling district No. , of the electoral district of

, do solemnly swear (or, if he is one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that to the best of my knowledge and belief, the poll-book kept for the said polling district, under my direction, hath been so kept correctly; and that the total number of votes , and that, to polled in the said *poll-book* is the best of my knowledge and belief, it contains a true and exact record of the votes given at the polling station in the said polling district, as the said votes were taken thereat that I have faithfully counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the report, poll-book, packets of ballot papers, and other documents required by

this

W.

law to be returned by me to the returning officer, have been faithfully and the ballot faithfully and truly prepared and placed within the ballot box, as this oath (or affirmation) will be, to the end that the said bellet said ballot box, being first carefully sealed with my seal, may be the second ing to may be transmitted to the returning officer according to law.

> (Signature), G. H., Deputy Returning Officer.

Sworn before me at , this

, in the county of , 18 . day of

(Signature), X. Y., Justice of the Peace. or, A. B., Returning Officer.

37 V., c. 9, sch. Form Q.

Χ.

Oath of the poll clerk after the closing of the poll.

I, the undersigned, poll clerk for the polling district No. , of the electoral district of swear (or, if he is one of the persons permitted by law to affirm in civil and he is one of the persons permitted by law in and in civil cases, do solemnly affirm) that the poll-book in and for the soid direction of G.H., who has acted as deputy returning officer therein be G.H., who has acted as deputy returning officer therein, has been so kept by me under his direction as aforesaid and indement; aforesaid, correctly and to the best of my skill and judgment;

that the total number of votes polled in the said *poll-book* is belief, it contains a true and exact record of the votes given at the polling station in the said polling district (as the case may be), as the said votes were taken at the said poll by the said deputy returning officer.

(Signature), I. J., Poll Clerk.

Sworn (or affirmed) and subcribed before me, at in the year 18 . , day of

> (Signature), X. Y., Justice of the Peace. or, A. B., Returning Officer. or, G. H., Deputy Returning Officer.

37 V., c. 9, sch. Form R.

Y.

Return after a Poll has been taken.

I hereby certify that the member (or members) elected for the electoral district of , in pursuance of the within written writ, as having received the majority of votes lawfully given, is (or are) A. B., &c., (names, &c., as in the nomination papers).

> (Signed,) R. O., Returning Officer.

37 V., c. 9, seh. Form S.

SECOND SCHEDULE.

FEES OF RETURNING OFFICERS AND OTHERS.

To returning officers, when no poll is taken.

1. For the personal services of the returning officer, forty dollars.

2. For the personal services of the election clerk, four dollars.

3. For one constable, if considered necessary, one dollar.

4. For printing proclamations, actual cost.

5. For posting proclamations, not less than four in each polling district, for each mile necessarily travelled from place to place, as allowed to sheriffs on summoning jurors, ten cents.

6. For each mile necessarily travelled by returning office¹ and election clerk in going to and returning from the $pla^{c\theta}$ of nomination, ten cents.

7. For use, when a public building is not obtainable, of private building for nomination—actual outlay not exceeding four dollars.

To returning officers when polls are taken.

8. For the personal services of the returning officer, six^{ty} dollars.

9. For the personal services of the election clerk, eight dollars.

10. For services of one constable, if considered necessary at the nomination, one dollar.

11. For printing proclamations, lists of candidates, and directions to voters, actual cost.

12. For posting proclamations (as in item five) per mile, ten cents.

13. For each mile necessarily travelled posting up any vertisement mile necessarily travelled posting and swearadvertisement to be so posted up, in appointing and swearing the deputy returning officers, and furnishing them with ballot protection officers is a printed diwith ballot veputy returning officers, and furnishing di-rections for boxes, ballot papers, envelopes, printed directions for the guidance of voters and lists of voters, ten

14. For each mile necessarily travelled for collecting the fillet here and for both poll, and for ballot boxes and lists of voters, used at each poll, and for swearing the deputy returning officers after the close of the poll, ten cents.

15. For each mile necessarily travelled by returning officer and election clerk in going to and returning from the place of nomination, ten cents.

16. For copies of lists of voters duly certified by the proper officer, ten cents per folio of one hundred words.

' 17. For each certificate of such proper officer, fifty cents.

18. For making up and transmitting returns to the Clerk of the Crown in Chancery, postage and telegrams, actual

19. For services necessary under section sixty-three,—a reasonable sum to be determined by the Governor in

20. For use, when a public building is not obtainable, of ivate building four private building for nomination—outlay not exceeding four

21. For ballot boxes when furnished by him, and for allot percent and boxes when furnished by him, and for ballot papers and envelopes, and for any other disbursements absolutely required and not hereinbefore provided for, actual

To deputy returning officers.

22. For swearing the poll clerk before and after the polls, ^{one} dollar.

23. For taking the polls, four dollars.

24. For services of poll clerk, two dollars.

25. For services of one constable, if considered necessary, one dollar.

26. For mileage of deputy returning officer and poll clerk in going to and returning from the polling station, neither exceeding in any case twenty miles, each mile, ten cents.

27. Actual expenses incurred for the use of polling stations, not exceeding ten dollars in cities, or four dollars in other constituencies.

28. For making compartment or screen in polling-roo^m, not exceeding three dollars. 37 V., c. 9, s. 126, *part*.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
37 V., c. 9	All except s. 2, part, s. 13, s. 29, s 31, s. 40, s. 44, s. 50, ss. 120 and 129,	s. 29, s. 31, s. 40, s. 44, s. 50, s. 120, and s.	s. 129	Interpretation Act.
38 V., c. 10	125 and 125, 133, part, s. 134. Section 5	134.	All but s. 5, ss. 6 and 8, and a portion of s. 2.	
41 V., c. 6.	All but s. 1, part of s. 2 and s. 11.	and s. 11.		
45 V., c. 3	Ss. 6, 7, 8 and 9.	s. 5, part	Ss. 1 to 4 and subs. 1, of s. 5.	Act respecting represents tion in House of Commons.
46 V , c. 4	All.			
48-49 V., c. 40	S. 11, part, s. 12, ss. 37, 39, 40 and 46, parts, and s. 60.		Remainder	Electors. Franchise Act.

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CHAPTER 8.

An Act respecting Controverted Elections of Members of the House of Commons.

• HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as w_8 . follows :---

SHORT TITLE.

1. This Act may be cited as "The Dominion Controverted Short title. Elections Act." 37 V., c. 10, s. 2.

INTERPRETATION.

2. In this Act, unless the context otherwise requires :- Intrepreta-tion. (a) The expression "the Speaker," means the Speaker of "The Honse of Speaker is Speak the House of Commons; and when the office of Speaker is Speaker." vacant, or when the Speaker is absent from Canada or is unable to act, the Clerk of the House of Commons, or any other officers of the House of Commons, or the duties of the other officer for the Ulerk of the House of Common, the Clerk of the said House, shall be deemed to be substituted for and included double the Speaker " for and included in the expression "the Speaker ;" (b) The expression "member," means a member of the "Member." House of Commons of Canada ; (c) The expression "election," means an election of a "Election." member to serve in the House of Commons of Canada; (d) The expression "electoral district," means an electoral "Electoral district." district entitled to return a member or members; (e) The expression "candidate," means any person elected "Candidate." to serve as a member, and any person who has been nominated as a candidate at an election ; (f) The expression "corrupt practices," or "corrupt prac- "Corrupt e," means acts is "corrupt practices," or "corrupt practices." tice," means acts in reference to elections which are declared to be corrupt practices by "The Dominion Elections Act," or any other Act of the Parliament of Canada, or recognized as such by the common law of Parliament; (g) The expression "rules of court," means rules made as "Rules of Court." hereinafter mentioned; (h) The expression "prescribed," means "prescribed by "Prescribed." this Act, or by the rules of court made under this Act;"

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"Olerk of the (i) The expression "Clerk of the Court," means the Clerk of the Crown, Chief Clerk, Registrar, or Prothonotary, or any officer of the court prescribed for the purpose in question;

"The court." (j) The expression "the Court," as respects Elections in the several Provinces hereinafter mentioned, respectively means the courts hereinafter mentioned, or any judges thereof, that is to say:—

In Ontario. (1.) In the Province of Ontario, the Court of Appeal for Ontario, or the High Court of Justice for Ontario;

In Quebec. (2.) In the Province of Quebec, the Superior Court for Lower Canada;

In N. S. (3.) In the Province of Nova Scotia, the Supreme Court of that Province;

In N. B. (4.) In the Province of New Brunswick, the Suprem⁰ Court of that Province ;

In Manitoba. (5.) In the Province of Manitoba, Her Majesty's Court of Queen's Bench of that Province;

In B. C. (6.) In the Province of British Columbia, the Suprem⁶ Court of British Columbia;

In P. E. I. (7.) In the Province of Prince Edward Island, the Supreme Court of Judicature for that Province;

And each of the said courts respectively, shall, subject to
 the provisions of this Act, have the same powers, jurisdio tion and authority with reference to an election petition and
 the proceedings thereon, as if such petition were an ordinary cause within its jurisdiction;

The names of the Courts in Ontario are according to the Judicature Act.

(k) The expression "the Judge," means the judge trying the election petition or performing any duty to which the enactment in which the expression occurs has reference, and the expression "judge" includes the Chief Justice of the Court, and the Chancellor of Ontario. 37 V., c. 10, ss. 3 and 5.

VENUE.

Venue in Quebec.

3. In the Province of Quebec, the cause of action shall be held to have arisen at the place where the election was held, and the election petition shall be presented to the court in the judicial district in which such place lies. 37 V., c. 10, s. 3, part.

ROTA.

Rotation of judges and

4. The rotation or order in which any duties, assigned by this Act to a single judge, shall be performed by the judge^e

Powers of the court to be as in ordinary cases, when not otherwise provided.

"The Judge."

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of the court respectively, and in Ontario the distribution of courts for duty cases under the distribution of courts for under this cases under this Act between "The Court of Appeal for under this Ontario" Justice for Ontario" shall, if not prescribed by the law of the province or the practice of the court, be arranged by the judges. 37 V., c. 10, s. 6, part.

PETITIONS.

5. A petition complaining of an undue return, or undue Election petitions. By election of a member, or of no return, or of a double return, or whom to be of any uple fember, or of no return, or of a double return, or whom to be of any unlawful act by any candidate not returned, by which made. he is alleged to have become disqualified to sit in the House of Comm of Commons, at any election, may be presented to the court by any one or more of the following persons:-

(a) A person who had a right to vote at the election to high +bwhich the petition relates ; or-

(b) A candidate at such election :

And such petition is, in this Act, called an election peti-Proviso; as to tion: Provided always, that nothing herein contained shall prevent the sitting member from objecting under section twelve of the petition twelve of this Act, to any further proceeding on the petition by reason of the ineligibility or disqualification of the peti-tioner on the ineligibility or disqualification of the petitioner, or from proving under section forty-two hereof, that the patitical the petitioner was not duly elected. 37 V., c. 10, s. 7.

6. A petition under this Act, complaining of no return, Petition com-av be present under this Act, complaining of no return, Plaining of no may be presented, and shall be deemed to be an election return. Petition within the meaning of this Act, and such order may be made the may be made thereon by the court or judge as is deemed expedient for compelling a return to be made; or the court or indre man or judge may allow such petition to be tried in the manner herein provided with respect to ordinary election petitions.

7. Whenever any election petition complains of the con- When Return duct of any returning officer, such returning officer shall, shall be re-for all the pure. for all the purposes of this Act, except the admission of spondent. respondents in his place, be deemed to be a respondent.

8. Two or more candidates may be made respondents to Two or more the same patition candidates the same petition, and their cases may, for the sake of con- candidates venience be tried their cases may, for the sake of con- may be revenience, be tried at the same time; but as regards the spondents. security required under the next following section of this Act, and for all other purposes of this Act such petition shall be down and for all other purposes of this Act such reshall be deemed to be a separate petition against each respondent. 37 V., c. 10, s. 41.

Presentation of election petitions.

Form and contents.

9. The following provisions are made with respect to the presentation of an election petition under this Act :--

(a) The petition may be in any prescribed form; but if or in so far as no form is prescribed, it need not be in any particular form, but it must complain of the undue election or return of a member, or that no return has been made, or that a double return has been made, or of matter contained in any special return made, or of some such unlawful act as aforesaid by a candidate not returned, and it must be signed by the petitioner, or all the petitioners if there are more than one;

Time for pre-

(b) The petition must be presented not later than thirty days after the day of publication in the Canada Gazette of the receipt of the return to the writ of election by the Clerk of the Crown in Chancery, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other act of bribery to have been committed by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practice, in which case the petition may be presented at any time within thirty days after the date of such payment or act so committed; and in case any such petition is presented, the sitting member, whose election and return is petitioned against, may, not later than fifteen days after service of such petition against his election and return, file a petition complaining of any unlawful and corrupt act by any candidate at the same election who was not returned and who is not a petitioner, and on whose behalf the seat is not claimed :

How presented.

(c) Presentation of a petition shall be made by delivering it at the office of the clerk of the court, during office hours, or in any other prescribed manner:

Security to be given.

(d) At the time of the presentation of the petition, security for the payment of all costs, charges and expenses that may become payable by the petitioner, that is to say :---

(1.) To any person summoned as a witness on his behalf; or -

(2.) To the member whose election or return is complained of (who is hereinafter referred to as the respondent); or—

(3.) To the returning officer, if his conduct is complained of; or--

(4.) To the candidate not elected, whose conduct is complained of as aforesaid,— Chap. 8.

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Shall be given on behalf of the petitioner :

(e) The security shall be to the amount of one thousand Security. dollars, and shall be given by a deposit of money with the and how given. clerk of the court : given.

(f) The deposit shall not be valid unless it is made in gold Gold or in or Dominion coin or Dominion notes, being a legal tender under the Dominion notes. Statutes of Canada at the time when the deposit is made:

(g) The clerk of the court shall give a receipt for such deposit which shall be evidence of the sufficiency thereof:

(h) On the presentation of the petition, the clerk of the Copy of peti-burt shall a presentation of the petition, the clerk of the Copy of peti-tion to Return court shall send a copy thereof by mail to the returning ing Officer. officer of the electoral district to which the petition relates, who show in such electoral who shall forthwith publish the same in such electoral district. 37 V., c. 10, s. 8.

10. Notice of the presentation of a petition under this Notice to re-ct, and of the presentation of a petition under this spondents. Act, and of the presentation of a petition under this spondents. Petition shall with a copy of the spondents. Petition, shall, within five days after the day on which the Petition has been presented, or within the prescribed time, or within such longer time as the court, or any judge thereof thereof, under special circumstances or difficulty in effecting service all in the respondent or effecting service, allows, be served on the respondent or respondents. If service cannot be effected on the Service of respondent or at his or notice. respondents. If service cannot be effected on the service, their domicilar respondents either personally or at his or notice. their domicile within the time granted by the court or judge, then it must be the superson or in such then it may be effected upon such other person, or in such other manual definition of other manner as the court or judge, on the application of the Detitionar difference of the detitionar difference of the detition of the detiti

The words "by the petitioner," in line 7, are omitted as being to some extent contradictory to section twelve.

11. An election petition under this Act, and notice of the Service to be the of the present entries of the deposit as in civil date of the presentation thereof, and a copy of the deposit mattern. receipt shall be contained to the manner receipt shall be served as nearly as possible in the manner in which a main free served as nearly as possible in the manner in which a writ of summons is served in civil matters, or in such other with 10×40 . such other manner as is prescribed. 37 V., c. 10, s. 40.

12. Within five days after the service of the petition and Preliminary objections to resting the accompanying days after the service of the petition. the accompanying notice, the respondent may present in petition. writing any preliminary objections or grounds of insuffici-ency which he has to urge against the petition or the petitioner, or against any fact her proceeding thereon, and Petitioner, or against any further proceeding thereon, and shall, in such against any further proceeding thereof for shall, in such case, at the same time, file a copy thereof, for How decided, the petitioner, and the court or judge shall hear the parties upon such chieft. parties upon such objections and grounds, and shall decide the same in the sam the same in a summary manner. 37 V., c. 10, s. 10.

13. Within five days after the decision upon the pre-Respondent answer. liminary objections, if presented and not allowed, or on the

Petition at issue.

expiration of the time for presenting the same, if none are presented, the respondent may file a written answer to the petition, together with a copy thereof for the petitioner, but whether such answer is or is not filed, the petition shall be held to be at issue, after the expiration of the said $fi^{\gamma\theta}$ days, and the court may, at any time thereafter, upon the application of either party, fix some convenient time and place for the trial of the petition. 37 V., c. 10, s. 11.

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PRELIMINARY EXAMINATION OF PARTIES.

14. Any party to an election petition, whether petitioner or respondent, may, at any time after such petition is at issue, before or pending the trial thereof, be examined by or before a judge or an examiner, in the manner hereinafter directed, by a party adverse in point of interest, touching any matter raised by such petition; and any party so ex amined may be further examined on his own behalf, in relation to any matter respecting which he has been examined in chief; and when one of several petitioners of respondents has been so examined, any other petitioner of respondent, united in interest, may be examined on his own behalf, or on behalf of those united with him in interest, to the same extent as the party so examined; but such in explanatory examination shall be proceeded with mediately after the examination in chief, and not at any 31 future period, except by leave of the court or a judge. V., c. 10, s. 14.

Candidate claiming seat may be examined.

How examin-

ations shall be conducted.

15. Whenever a petition has been filed claiming the seat for a candidate, such candidate, although not a party to the petition, may be orally examined as if he was a petitioner. 37 V., c. 10, s. 15.

16. Any party to be examined orally, under the pro^{ro} visions of this Act, shall be so examined by or before judge, a judge of a county court, a master in chancery, clerk of the crown, or special examiner of the court in which such election petition is pending, or before any barrister-at-law named for the purpose by the court or the judge; and such examination shall take place in the presence of the parties, their counsel, agents or attorneys; and the party so examined orally shall be subject to cross-examination and re-examination; and such examination, cross-examination and re-examination shall be conducted as nearly as possible in the mode now in use in superior courts on a trial of an action or hearing of a cause, or in the Province of Quebec at the trial of a civil cause by a jury. 37 V., c. 10, s. 16.

Form of depositions to be narrative.

17. The depositions taken upon any such oral examination tion as aforesaid, shall be taken down in writing by the examiner, not ordinarily by question and answer, but in the

When and how parties to petition may be ex-

Proviso.

form of a narrative, and when completed shall be read over to the without the presence of the to the witness, and signed by him, in the presence of the partice and signed by him, in the presence of the parties, or of such of them as think fit to attend,—and in case the with one of them as think fit to attend, the said depositions, the witness refuses or is unable to sign the said depositions, then the control of them as think nt to attenue, then the control of them the control of them the control of them the control of them the control of the then the examiner shall sign the same; and such examiner may upon may upon every examination, state any special matter to the court if he there is an instance of the court if he thinks fit. It shall be in the discretion of the examiner to include the second s examiner to put down any particular question or answer, if Questions may there appeared to be put down there appears to be any special reason for so doing; and be put down any question to be any special reason for so doing; and in certain the request cases. any question which is objected to shall, at the request cases. of either party, be noticed or referred to by the examiner in or upon the noticed or referred to by the shall state his in or upon the depositions; and he shall state his opinion the opinion the depositions; and ne shall such and if received to the counsel, agents, attorneys or parties; and if requested by either party he shall refer to such state-ment on the counsel, agents, attorneys of party he shall refer to such state-27 V \approx 10 s. 17. ment on the face of the depositions. 37 V., c. 10, s. 17.

18. When the examination before the examiner is con-Depositions to uded +1 by the signa- betransmitted cluded, the original depositions authenticated by the signa-ture of such ture of such examiner, shall be transmitted by him to the office of the court to be there filed; and any party to the petition the court of t petition may have a copy thereof, or of any part or portion thereof thereof, upon payment for the same in such manner as is prescribed in payment for the same in such manner as is prescribed by the court in that behalf. 37 V., c. 10, s. 18.

19. The attendance of a party or other person for oral Compelling examination or cross-examination before the examiner, may attendance of tecum, in like many of subpana ad testificandum or duces persons to be tecum, in like manner as the attendance of such party or per- examined. son at the trial of the petition may be compelled, and any party or post the petition may be compelled, and any party or person upon being served with such writ shall be bound to attend before the examiner; but such party or Derson shall a person shall be entitled to the like payment for attendance and expenses as if he had been subpœnaed to attend upon the trial. 37 V., c. 10, s. 19.

20. The sheriff, gaoler or other officer, having the custody Persons in any prices or other officer, having the custody. of any prisoner, may take such prisoner for examination custody. before the over, may take such prisoner for examination custody. before the examiner, may take such prisoner for outside ordered by the interval by the such authority of this Act, if so ordered by the such authority of this Act, if so ordered by the such authority of the such authorit

ordered by the court or a judge thereof. 37 V., c. 10, s. 20. 21. Forty-eight hours' notice of any such oral examin- Notice of ation or cross-examination shall be given to the opposite examination. party or parties. 37 V., c. 10, s. 21.

22. Any party or person who refuses or neglects to Neglecting to tend at the time to ensure the second seco attend at the time and place appointed for his examina-ing to asser, ing to asser, to be sworn to be contion or cross-examination, or who refuses to be sworn to be conor to answer any lawful question put to him by the tempt. examiner, or by any person entitled so to do, or his counsel, agent attorned as for a conagent, attorney or solicitor, may be punished as for a contempt of court: Provided always, that if any witness witness may demurs or all in the question demur to demurs or objects to any question put to him, the question demur to questions.

be taken down.

Question and so put, and the demurrer or objection of the witness thereto shall be taken down by the examiner, and transmitted by him to the officer of the court to be there filed; and the validity of such demurrer or objection shall be decided by the court or judge; and the costs of and occasioned by such demurrer or objection shall be in the discretion of the court or judge. 37 V., c. 10, s. 22.

Use of depositions.

Proviso.

23. Any party to a petition shall be entitled to use, upon the trial of such petition, depositions taken by or before the examiner, in accordance with the provisions of this Act. Provided, that where such party uses any portion of a dep sition so taken, it shall be competent for the party against whom it is used to put in the entire evidence so taken, well that in chief as that in explanation. 37 V., C. 10, s. 23.

PRODUCTION OF DOCUMENTS.

Production. inspection and copies of documents.

tions.

Rule for production, how obtained.

24. Any party to any election petition, whether petitioner or respondent, may, at any time after such petition is at issue, before or pending the trial thereof, obtain a rule of order of the court or of the judge, requiring the adverse party to produce within ten days after the service thereof under oath, all documents in his custody or power relating to the matters in question, saving all just exceptions; and to deposit the said documents with the clerk of the court and upon such documents being produced, the party requir ing such production, or his agent, attorney or solicitor, may Proviso; as to inspect the same and take examined copies thereof: Provided that when any person upon whom a rule or order to produce has been served wishes to avail himself of any such exception as above mentioned, he shall in his aff davit on production, assign a sufficient reason why hø should not produce and deposit the same in manner afore said. 37 V., c. 10, s. 24.

> 25. Such rule shall be a rule in the nature of a side bar rule, and shall issue in vacation as well as in term, and may be obtained on the last as well as other days of term; and such rule or order shall be dated the day of the week, month and year on which the same was drawn up and need not specify any other time or date; and such rule or order may be obtained by the party requiring the same his agent, attorney or solicitor, from the clerk of the court 37 V., c. 10, s. 25.

Service of rule. 26. The rule or order for the production of documents shall not require personal service, and it shall be sufficient to serve the same upon the agent, attorney or solicitor of the party. 37 V., c. 10, s. 26.

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27. The affidavit on production to be made by the party Affidavit on he has here been production. who has been served with the rule or order for production, production. may be in the form or to the effect of the schedule to this A_{ct} where A_{ct} and A_{ct} Act, varied as the facts require. 37 V., c. 10, s. 27.

28. Any party who neglects or refuses to obey a rule or Penalty for der for the party who neglects or refuses to obey a rule or Penalty for order for the production of documents may be punished as disobedience. for a contempt of court. 37 V., c. 10, s. 28.

TRIAL OF PETITIONS.

29. The clerk of the court shall, as soon as possible, List of peti-tions at issue and a bit is to be made. make out a list of all petitions presented under this Act, to be made. and which and which are at issue, placing them in the order in which they was a copy of they were presented, and shall keep at his office a copy of such list (presented, and shall keep at his office a lostion list), open such list (hereinafter referred to as the election list), open to the :to the inspection of any person making application; and such petitions, as far as conveniently may be, shall be tried in the order of N. c. 10, in the order in which they stand on such list. 37 V., c. 10, s. 19

30. When under this Act more petitions than one are All petitions presented relating to the same election or return, all such same election petitions chall in the same election or return, all such same election Petitions shall, in the election list, be bracketed together, to be bracket-and shall hall, in the election list, be bracketed rogether. and shall be dealt with, as far as may be, as one petition; but such petitions shall stand in the election list in the place where the last presented of them would have stood if it had been the only one presented as to such election or return with the only one presented as to such election of V = 10 s return, unless the court otherwise orders. 37 V., c. 10, s.

31. Every election petition shall be tried by one of the Trai of petition. judges of the court, without a jury: and it shall be com-Petent for the judge, on such trial, to decide any question raised as to the admissibility of the evidence offered, or to receive such evidence under reserve, and subject to adjudication at the final hearing :

2. The trial of an election petition shall take place in the Place of trial. electoral district, the election or return for which is in question: Provided always, that if it appears to the court Proviso. that special circumstances exist, which make it desirable that the petition should be tried elsewhere than in such electoral district it electoral district, the court may appoint such other place for the trial as appears most convenient:

3. Notice of the time and place at which an election Notice of trial. petition will be tried shall be given in the prescribed manner, not less than fourteen days before that on which the trial is to take place:

4. The judge at the trial may adjourn the same from time Adjourn-time and the trial may adjourn the same ments. to time, and from any one place to another, in the same ments.

electoral district, as to him seems convenient. 37 V., c. 10^{-1} s. 13.

When trial shall be commenced. **32.** The trial of every election petition shall be commenced within six months from the time when such petition has been presented and shall be proceeded with from day to day until such trial is over; but if at any time it appears to the court or a judge, that the respondent's presence at the trial is necessary, such trial shall not be commenced during any Session of Parliament; and in the computation of any time or delay allowed for any step or proceeding in respect of any such trial, or for the commencement thereof as aforesaid, the time occupied by such Session of Parliament shall not be included:

Substitute for 2. If at the expiration of three months after such petition rase of delay. has been presented the day for trial has not been fixed, any elector may, on application, be substituted for the petitioner on such terms as the court or a judge thinks just. 38 V., c. 10, s. 1 and s. 2, part. Re-drafted.

- Enlargement. **33.** The court or a judge may, notwithstanding anything in the next preceding section, from time to time enlarge the time for the commencement of the trial, if, on an application for that purpose supported by affidavit, it appears to such court or judge that the requirements of justice render such enlargement necessary:
- No trial during term. 2. No trial of an election petition shall be commenced of proceeded with during any term of the court of which the judge who is to try the same is a member, and at which such judge is by law bound to sit. 38 V., c. 10, s. 2, part. Re-drafted.
- Reception and attendance of judge. **34.** The judge shall be received and attended at the plac^{θ} where he is about to try an election petition under this Act, if he is not resident there, in the same manner, so far as circumstances will admit, as if he were about to hold a sitting of the Provincial court of which he is a member. ³⁷ V., c. 10, s. 46.
- Powers of the **35.** On the trial of an election petition and in other proceedings under this Act, the judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority as a judge of one of the superior courts for the Province in which such election was held, sitting in term, or presiding at the trial of an ordinary civil suit, and the court held by him for such trial shall be a court of record. 37 V., c. 10, s. 48.

Inquiry as to **36.** Unless the judge otherwise directs, any charge of corrupt prac- corrupt practices may be gone into, and evidence in relation

thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt Practices. 37 V., c. 10, s. 37. **37.** Witnesses shall be subpœnaed and sworn in the same Witnesses how summar admit as in cases do and sw

manner, as nearly as circumstances admit, as in cases ed and sworn. within the jurisdiction of the superior courts in the same Province. 37 V., c. 10, s. 49.

38. On the trial of an election petition under this Act, Compelling attendance of some the atten- witnesses. the judge may, by order under his hand, compet the atten- witnesses. dance of any person as a witness who appears to him to have been of person as a witness who appears to him to have been concerned in the election to which the petition relates and concerned in the election to which the petition

relates, and any person who refuses to obey such order is guilty of contempt of court :

2. The judge may examine and re-examine any Examination. witness so compelled to attend or any person present, although much much may be not called and although such witness or person is not called and examined by any party to the petition ; and after the examination of a witness as aforesaid by the judge, such witness witness may be cross-examined by or on behalf of the peti-tioner and 87 V c. 10, s. 50. tioner and respondent, or either of them. 37 V., c. 10, s. 50.

39. No person shall be excused from answering any ques- Witness not to be excused from answering any ques- witness not to be excused tion put to him under this Act, touching or concerning any from answer-election. or the election, or the conduct of any person thereat, or in relation ing by any thereto on the thereto, on the ground of any privilege, or that the answer privilege. to such question of any privilege, or that the answer privilege. to such question will tend to criminate such person; but Proviso: as to no answer at the background of any privilege, or that the answer at the background of anno answer given by any person claiming to be excused on use of an-the ground of primiting to be excused on use of an-swers. the ground of privilege, or that such answer will tend to criminate himself upge, or that such answer will proceeding criminate himself, shall be used in any criminal proceeding against any such person, other than an indictment for per-jury if the sector of the s jury, if the judge gives to the witness a certificate that he claimed the right to be excused on the grounds aforesaid, and made capit to be excused on the grounds aforesaid, and made full and true answers to the satisfaction of the judge. 37 V., c. 10, s. 52.

40. The reasonable expenses incurred by any person in Expenses of pearing to give appearing to give evidence at the trial of an election peti-tion under this A tion under this Act, according to the scale allowed to witnesses on the lett, according to the scale allowed to witnesses on the trial of civil actions in the superior courts in the same Province, may be allowed to such person by a certificate matrix, may be allowed to such person by a certificate under the hand of the judge or of the clerk of the court: and could be allowed to such person of the clerk of the and such expenses, if the witness was called and How paid. examined by the judge, shall be deemed part of the expenses of providing the judge, shall be deemed part of the expenses of providing a court, and in other cases shall be deemed costs of the same in the cases shall be deemed eosts of the party calling the witness, and shall be taxed against such party calling the witness, and sname against such party interested in the trial of such petition, as the judge determines. 37 V., c. 10, s. 53.

41. The judge may, in his discretion, employ a short-Short-hand writer to have given by writer may hand writer to take down the oral evidence given by writer may be

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employed to take down oral evidence.

If the seat is claimed for person not returned.

Decision and

certificate of judge.

37 V., c. 10, s. 51. 42. On the trial of a petition under this Act complaining of an undue return and claiming the seat for any person, the respondent may give evidence to show that the election

such person was undue in the same manner as if he had 37 V., C. presented a petition complaining of such election. 10. s. 66.

JUDGE'S REPORT.

43. At the conclusion of the trial the judge shall deter mine whether the member whose election or return is com plained of or any and what other person was duly returned or elected, or whether the election was void, and other matters arising out of the petition, and requiring his deter mination, and shall, except only in the case of appeal here inafter mentioned, within four days after the expiration eight days from the day on which he shall so have given his decision, certify in writing such determination to the Speaker, appending thereto a copy of the notes of the evi dence, and the determination thus certified shall be final to all intents and purposes. 37 V., c. 10, s. 29;-38 V., C. 10. s. 3.

Judge's report if corrupt practices are charged.

To be certified

to Speaker.

41. When any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition relates, the judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker, as follows :---

- (a.) Whether any corrupt practice has or has not been the the proved to have been committed by or with the knowledge and consent of any candidate at such election, stating the name of such candidate, and the nature of such corrupt practice;
- (b.) The names of any persons who have been proved at the trial to have been guilty of any corrupt practice :
- (c.) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have extensively prevailed at the election to which the petition relates;
- (d.) Whether he is of opinion that the inquiry into th^{θ} circumstances of the election has been rendered incomplete by the action of any of the parties

witnesses at the trial of the petition, and the expense of

employing such short-hand writer shall be costs in the case

the petition, and that further inquiry as to whether corrupt practices have extensively prevailed is desirable. 37 V., c. 10, s. 30;-39 V., c. 10, s. 1.

45. The judge may, at the same time, make a special Special report port to +1 of the course time report to the Speaker as to any matters arising in the course tion. of the trial, an account of which ought, in his judgment, to be submit, 27 V = 27 V = 210 s. 31. be submitted to the House of Commons. 37 V., c. 10, s. 31.

PROCEEDINGS OF SPEAKER UPON JUDGE'S REPORT.

46. The Speaker shall, at the earliest practicable moment Speaker's ter he was speaker shall, at the earliest practicable moment speaker's duty on response of any, duty after he Speaker shall, at the earliest practicable moment operates of the receives the certificate and report or reports, if any, ceiving directions and judge's cert of the court or judge, give the necessary directions and judge's certi-adopt all +1. adopt all the proceedings necessary for confirming or alter-ficate. ing the return, or except as hereinafter mentioned, for the issue the issuing of a writ for a new election (for which purpose the Speaker may address his warrant, under his hand and seel Speaker may address his warrant, under his for for and seal, to the Clerk of the Crown in Chancery), or for otherwise carrying the determination into execution, as circumstances require. 37 V., c. 10, s. 36, part.

47. The Speaker shall, without delay, communicate to To inform the House of Control House. the House of Commons the determination, report and cer-thereon; and when the judge makes a special report, the If there is a House of Communication of the special report of such a special report. House of Commons may make such order in respect of such special report.

special report, as they think proper. 37 V., c. 10, s. 36, part.

48. When the judge, in his report on the trial of an When the ection paties is only that account practices his only on the trial of a sector when the sector paties are account practices his only of the sector paties are accounted by the sector paties of the sector paties are accounted by the s election petition under this Act, states that corrupt practices that corrupt have, or that there is reason to believe that corrupt practices that corrupt have extension to believe that corrupt practices have practices have believe that corrupt practices have believe that believe tha have extensively prevailed at the election to which the prevailed, &c., petition relates, or that he is of opinion that the inquiry new writ to into the circumstances of the election has been rendered in-order of the complete by the action of any of the parties to the petition, House of Com-and that first and that further inquiry as to whether corrupt practices mons. have extensively prevailed is desirable, no new writ shall issue for a state of the issue for a new election in such case except by order of the House of Gamma and the such case are a such as the su House of Commons. 39 V., c. 10, s. 2.

SPECIAL CASE.

49. When, upon the application of any party to an elec-Special case on petition doubt the application of any party to such may be stated tion petition duly made to the judge, it appears to such may be stated. judge, that the case raised by the petition can be conve-niently stated as a raised by the petition can be conveniently stated as a special case, such judge may direct the proceedings same to be so stated as a special case, such judge shall, as far as thereupon. same to be so stated; and any such special case shall, as far as thereupon. possible be based by the source of the possible, be heard before such judge, who shall thereupon give such indem such judgment as to justice appertains; and in case the de-

cision is final the judge shall certify to the Speaker his decision on such special case, in the manner and within the time specified in section forty-three of this Act. 37 V., c. 10, s. 32.

APPEALS.

Appeal to Supreme Court.

50. An appeal shall lie to the Supreme Court of Canada under this Act by any party to an election petition who is

From judgment on preliminary objection.

Proviso

From judgment on quesfact.

Deposit in

dissatisfied with the decision of the court or a judge :---(a) From the judgment, rule, order or decision of any court or judge on any preliminary objection to an election petin tion, the allowance of which objection has been final and conclusive and has put an end to such petition, or which objection if it had been allowed would have been final and

conclusive and have put an end to such petition : Provided always that, unless the court or judge appealed from other wise orders, an appeal in the last mentioned case shall not operate as a stay of proceedings, nor shall it delay the trial of the petition ;

(b) From the judgment or decision on any question of law38 V., tion of law or or of fact of the judge who has tried such petition. c. 11, s. 48, part ;-42 V., c. 39, s. 10. Re-drafted

51. The party so desiring to appeal shall, within eight case of appeal days from the day on which the court or judge has given such decision, deposit with the clerk of the court which gave such decision or of which the judge who gave such decision is a member or with the proper officer for receiving moneys paid into such court, at the place where the hearing of the preliminary objections or where the trial of the petition took place, as the case may be, if in the Province of Quebec, and at the chief office of the said court, if in any other Province, the sum of one hundred dollars as security for costs, and also a further sum of ten dollars as a fee for making up and transmitting the record to the Supreme Court of Canada:

Transmission of record to Supreme Court.

2. Upon such deposit being so made the said clerk of other proper officer shall make up and transmit the record of the case to the Registrar of the Supreme Court of Canada, who shall set down the said appeal for hear ing by the Supreme Court of Canada at the nearest con venient time and according to any rules of the Supreme Court of Canada in that behalf made under "The Supreme and Exchequer Courts Act :"

Preliminary proceedings in appeal.

3. The party so appealing shall, within three days after the said appeal has been so set down as aforesaid m within such further time as the court or judge by whom such decision are a line with the such decision appealed from was given or by whom the Petition was tried allows, give to the other parties to the said Petition affected allows, give to the other particle attorneys, solicitation affected by such appeal, or the respective attorneys, solicitors or agents by whom such parties were represented on the hearing of such preliminary objections or at the trial the trial of the petition, as the case may be, notice in Writing of the petition, as the case may be, notice in writing of such appeal having been so set down for hearing as aforesaid and may in such notice if he so desires, limit the solution of the soluti limit the subject of the said appeal to any special and defined question or questions; and the appeal shall thereupon Appeal to be be heard or questions; and the appeal shall thereupon Appeal to be be heard and determined by the Supreme Court of Canada, heard and de-which shall pronounce such judgment upon questions of Supreme law or of court Court. law or of fact, or both, as in the opinion of such court Court. ought to have been given by the court or judge whose de-cision is have been given by the court or judge whose decision is appealed from; and the Supreme Court of Canada may make the supreme court of Canada may make such order as to the money deposited as afore-said, and said, and as to the costs of the appeal as it thinks just; and in case : in case it appears to the court that any evidence duly tendered at the trial was improperly rejected, the court may cause the trial was improperly rejected, the court or a judge the witness to be examined before the court or a judge thereof, or upon commission :

4. The Registrar shall certify to the Speaker of the House Report to the Speaker. of Commons the judgment and decision of the court upon Speaker. the several questions as well of fact as of law, upon which the court of questions as well of fact as of law, upon which the court or judge appealed from might otherwise have deter-mined and courties appealed from might otherwise have determined and certified his decision in pursuance of this Act, in the same more than the same more the same more than the same more the same the same manner as the said court or judge should other-Wise have a difference of the said court of judge should otherwise have done, and with the same effect; and the judg- Decision to ment and docide, and with the same effect; and the judg- be final. ment and decision of the Supreme Court of Canada shall be final. 38 V., c. 11, s. 25, part, and s. 48, part.

COSTS.

52. All costs, charges and expenses of and incidental to Costs of prothe presentation of an election petition under this Act, and under this to the presentation of an election petition under this Act, and under this to the proceedings consequent thereon, with the exception Act. of such costs, charges and expenses as are by this Act other-Wise provide, charges and expenses as are by this act otherwise provided for, shall be defrayed by the parties to or those operations and in such those opposing the petition, in such manner and in such proportions as the petition, in such manner and had to the discut or judge determines—regard being had to the disallowance of any costs, charges or expenses which in the disallowance of any costs, charges have been which, in the opinion of the court or judge, have been caused by the opinion of the court or judge, allocations or caused by vexatious conduct, unfounded allegations or unfounded in the petitioner unfounded objections, on the part either of the petitioner or the respondent, and regard being had to the discourage-ment of another that the burden of ment of any needless expense by throwing the burden of defraving it has been defraying the same on the parties by whom it has been caused wheth caused, whether such parties are or are not on the whole successful.

2. The costs may be taxed in the prescribed manner, but How taxed and recover according to the same principles as costs are taxed between and recovered.

parties in actions in the superior courts, and such costs shall be recoverable in the same manner as the costs in the said actions in the same Province, or in such other manner as is prescribed. 37 V., c. 10, s. 60.

53. If costs are awarded in favor of any party against any petitioner, such party shall, after the expiration of thirty days from the rendering of the decision by the judge, or, in case of an appeal, by the Supreme Court of Canada, upon the production of a certificate of taxation from the proper officer, be entitled to receive out of the deposit the amount taxed to him as aforesaid, if the aggregate of the costs taxed against the said petitioner, certificates whereof are within the said period of thirty days filed with the registrar, clerk or other proper officer, does not exceed the deposit, or if the total amount of the said certificates so filed as aforesaid exceeds the deposit, then his proportion thereof; and in the event last aforesaid, such party shall be entitled forthwith to issue execution, according to the practice in ordinary cases, against the petitioner's goods or lands, for the residue 37 V., e. 10, s. 61. of the costs so taxed to him as aforesaid.

54. In appeals under this Act, to the Supreme Court of Canada, the said court may adjudge the whole or any part of the costs in the court below to be paid by either of the parties; and any order directing the payment of such costs shall be certified by the Registrar of the Supreme Court of Canada to the court in which the petition was filed, and the same proceedings for the recovery of such costs may there upon be taken in the last mentioned court as if the order for payment of costs had been made by that court or by the judge before whom the petition was tried. 39 V., c. 26, s. 16.

55. If, on the trial of any election petition under this Act, it is determined that the election is void by reason of any act of an agent committed without the knowledge and consent of the candidate, and that costs should be awarded to the petitioner in the premises, the agent may be condemned to pay such costs; and the court or judge shall order that such agent shall be summoned to appear at a time fixed in such summons, in order to determine whether such agent shall be condemned to pay such costs :

2. If, at any time, so fixed, the agent so summoned $d_{1\sigma}^{oes}$ not appear, he shall be condemned, on the evidence already adduced, to pay the whole or a due proportion of the costs If he appears, awarded to the petitioner; and if he appears, the court of judge after hearing the parties and such evidence as adduced, shall give such judgment as to law and justice appertains:

Process to recover costs.

3. The petitioner shall have process to recover such costs against such agent in like manner as he might have such

Recovery of costs against petitioner out of deposit.

Or if deposit insufficient, by execution.

Supreme Court may adjudge that costs be paid fully or in part by either party.

Recovery of such costs.

When agent may be made to pay costs.

Summons to agent.

If he does not

appear.

8. When there are more petitioners than one, no applica- All petitioners on to withdraw a must join in must join in with drawal. tion to withdraw a petition shall be made except with the withdrawal. consent of all the petitioners. 37 V., c. 10, s. 54.

liable to pay the costs of the respondent, unless the court or

6. Subject as aforesaid, a substituted petitioner shall stand Effect of substituted petitioner shall stand Effect of in the same position, as nearly as may be, and be subject to the same position, as nearly as may ..., it is same liabilities as the original petitioner: 7. If a Petition is withdrawn, the petitioner shall be Costs.

5. If no such order is made with respect to the security If not ordered. given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition and antipetition, and subject to the like conditions, shall be given on behalf of the like conditions have before he proceeds on behalf of the substituted petitioner before he proceeds With his patients substituted petitioner before he proceeds with his petition, and within the prescribed time after the

4. The court or judge may, if it or he thinks fit, substitute Additional petitionan and may be ordered as Petitioner any such applicant as aforesaid, and may be ordered in also, if the providence and the applicant as aforesaid, and may be ordered in the opinion of the certain cases. also, if the proposed withdrawal is, in the opinion of the certain cases. court or judge, induced by any corrupt bargain or considera-tion, by order a tion, by order direct that the security given on behalf of the original potiti may be income shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the original the extent of the sum named in such security, the original petitioner shall such assess of the substituted Petitioner shall be liable to pay the costs of the substituted

court or judge to be substituted as a petition relates. tioner so desirous of withdrawing the petition:

make an application for the withdrawal of his petition: ³. On the hearing of the application for withdrawal, any Substitution erson, when hearing of the application for withdrawal, any Substitutione Person, who might have been a petitioner in respect of the ota petitioner. election to which the petition relates, may apply to the court or in the petition relates, may apply to the peti-

2. No such application shall be made until the prescribed To be after notice has a policity of the prescribed To be after notice. notice has been given, in the electoral district to which notice. the petition relates, of the intention of the petition:

as the petition is then before the court or before the judge of the Court for trial) non is then before the court or before the judge of the Court for trial) upon special application made in and at the or the Judge. prescribed manner, time and place :

WITHDRAWAL AND ABATEMENT OF ELECTION PETITIONS. 56. No election petition under this Act shall be with-Withdrawal drawn without the leave of the court or judge (according to be by leave as the petition.

process against the respondent; and no process shall issue against the respondent; and no process until after the return of V = 10, s. 4. return of process against such agent. 38 V., c. 10, s. 4.

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Report to Speaker if withdrawal is corrupt. 57. In every case of withdrawal of an election petition, under this Act, if the court or judge is of opinion that the withdrawal of such petition was the result of any corrupt arrangement or in consideration of the withdrawal of any other petition, the court or judge shall report such opinion to the Speaker, stating the reasons therefor and the circum stances attending the withdrawal. 37 V., c. 10, s. 55.

Abatement by death of petitioner. **58.** An election petition under this Act shall be abated by the death of a sole petitioner, or of the survivor of several petitioners:

Costs.

2. The abatement of a petition shall not affect the liability of the petitioner for the payment of costs previously in curred:

Notice of abatement.

3. On the abatement of a petition, the prescribed notice of such abatement having taken place shall be given in the electoral district to which the petition relates; and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the court judge, in the prescribed manner, and at the prescribed time and place, to be substituted as a petitioner:

Substitution of new petitioner. 4. The court or judge may, if it or he thinks fit, substitute as a petitioner any such applicant who is desirous being substituted, and on whose behalf security to the same amount is given as is required in the case of a new petition. 37 V., c. 10, s. 56.

Abatement by death, &c., of respondent.

59. If before or during the trial of any election petition the funder this Act, any of the following events happens in the case of the respondent, that is to say,—

(a) If he dies;

(b) If the House of Commons has resolved that his seat is vacant;

(c) If he gives notice to the court or judge in and at the prescribed manner and time, that he does not intend to oppose or further to oppose the petition;

(d) If he is summoned to Parliament as a member of $t^{b\theta}$ Senate,—

Notice.

New respondent. Notice of such event having taken place shall be g_{ad}^{irea} in the electoral district to which the petition relates, and within the prescribed time after the notice is g_{iven} , the person who might have been a petitioner in respect of the election to which the petition relates, may apply to court or judge to be admitted as a respondent to oppose the petitical and a substantian and sposed of petition or so much thereof as remains undisposed of, and such thereof as remains undisposed of, and such person shall, on such application, be admitted accordingly to oppose such petition or such undisposed of portion the portion of portion thereof, either with the respondent, if there is one, or in place of peror in place of the respondent; and any number of per-sons. not sons, not exceeding three, may be so admitted; and if either Adjournment of such and three, may be so admitted and if either Adjournment of such and the shall of trial. of such events happens during the trial, the judge shall of trial. happened means in order that notice that such event has happened may be given as herein provided; and the person Liability of or person or persons so admitted shall be subject to the same liability new respon-as the room admitted shall be subject to the same liability dent. as the respondent with respect to any costs thereafter incurred. 37 V., c. 10, s. 57.

60. A respondent who has given the prescribed notice Respondent has be a respondent who has given the prescribed notice Respondent not opposing the not opposing the prescribed not opposing the prescribed not prescr that he does not intend to oppose or further oppose the petition. petition, shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and House has have a vote in the House of Commons until the House has been informed of the report on the petition; and the court which such notice the court or judge shall, in all cases in which such notice has been in judge shall, in all cases in which such notice has been given in the prescribed time and manner, report the same time in the prescribed time and manner, report the same to the Speaker. 37 V., c. 10, s. 58.

61. When an election petition under this Act complains Double a double and election petition under this Act complains Double of a double return, and the respondent has given notice in return, and the prescribed with and the respondent has given notice in return, and the prescribed with a prescribed with the pr the prescribed time and manner that it is not his intention not opposing. to oppose the petition, and no party has been admitted, in pursuance the petition, the net the petition. then the pursuance of this Act, to oppose the petition, then the Petitioner, if there is no petition complaining of the other member rot member returned on such double return, may withdraw his petition between the such double return, may withdraw his Petition, by notice addressed to the prescribed officer, and upon such withdrawal, the prescribed officer shall report the fact to the Gramman shall, the fact to the Speaker, and the House of Commons shall, thereas thereupon, give the necessary directions for amending the said double give the necessary directions for amending the said double return, in such manner as the case requires. 37

RULES OF COURT.

62. The judges of the several courts in each Province Judges of the several courts in each province Judges of the make respectively, or a majority of them, may, from time to time, rules. make, revoke and alter general rules and orders (in this Act referred to a relate general rules and orders of referred to as rules of court), for the effectual execution of this Act and act and the this Act and of the intention and object thereof, and the regulation of the intention and object thereof, and the regulation of the practice and procedure and costs with respect to clother practice and procedure and the respect to election petitions and the trial thereof, and the certifying and reporting thereon :

2. Any general rules and orders made as aforesaid, and Their effect. not inconsistent with this Act, shall be deemed to be within the power the powers conferred by this Act, shall be deemen to be the roked be set of the set of t voked, be of the same force as if they were herein enacted:

To be laid beof Commons.

Practice in

vided for.

3. Any general rules and orders made in pursuance of fore the House this section, shall be laid before the House of Commons within three weeks after they are made, if Parliament is then sitting, and if Parliament is not then sitting, within three weeks after the beginning of the then next Session of Parliament. 37 V., c. 10, s. 44.

63. Until rules of court have been made by the judges of the several courts in each Province in pursuance of this Ach cases not proand so far as such rules do not extend, the principles, practice and rules on which election petitions touching th_1^{θ} election of members of the House of Commons in England were, on the twenty-sixth day of May, one thousand eight hundred and seventy-four, dealt with, shall be observed so far as consistently with this Act they can be observed by the said courts and the judges thereof. 37 V., c. 10, s. 45.

GENERAL PROVISIONS.

64. The court or a judge shall, upon sufficient cause being shown, have power on the application of any of the parties to a petition, to extend, from time to time, the period limited by this Act for taking any steps or proceedings by such party. 37 V., c. 10, s. 43.

65. The travelling expenses of the judge, and all expenses incurred by the sheriff or other officer in consequence of any sitting for the trial of an election petition, and providing a court room and accessories, shall be defrayed in like manner as ordinary travelling expenses of the judge in the Province are payable by Canada. 37 V., c. 10, s. 47.

66. Every person who, according to the law of the $\frac{\text{Pr}^{\sigma}}{1 \text{ to}}$ vince in which the petition is to be tried, is entitled to practise as an attorney-at-law or solicitor, before the superior rior courts of such Province, may practise as attorney, solici tor or agent, and any person who, according to such law, entitled to practise as a barrister-at-law or advocate before such courts, may practise as counsel, in the case of such petition, and all matters relating thereto, before the court or judge in such Barrier 37 V., c. 10, s. 67;-38 V., c. or judge in such Province. 10, s. 7.

67. An election petition may be presented, and the trial to acceptance of an election petition under this Act shall be proceeded with, notwithstanding the acceptance by the respondent of an office of profit under the G an office of profit under the Crown, or the resignation of his seat, but the respondent seat, but the respondent may, notwithstanding anything this or any other Act this or any other Act contained, accept office at any time

Extension of time may be given.

Travelling and other expenses.

Who may practise in cases under this Act.

Chap. .

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after the election, subject always to the provisions of the ninth section of "The Act respecting the House of Commons." 37 V., c. 10, s. 38, part.

68. All elections shall be subject to the provisions of To what elec-is A_{ct} the provision of To what electhis Act, and shall not be questioned otherwise than in ac- tion this Act applies. cordance herewith. 37 V., c. 10, s. 63, part.

SUMMARY TRIAL OF CORRUPT PRACTICES AT ELECTIONS.

69. If, on the trial of an election petition relating to Persons appearing to the election the trial of an election based of Commons, it is indee to base the election of a member of the House of Commons, it is judge to have determined that any person has been guilty of a corrupt prac-tice within that any person has been guilty of a corrupt prac-tice within that any person has been guilty of a corrupt practice within the meaning of this Act, or if, on such trial, tices, to be there is in the meaning of this Act, or 11, on such that, these, to be available that the opinion of the judge sufficient evidence summary available that any person has been guilty of such corrupt summary bractice as a for summary brack on the summa practice as aforesaid to warrant his being put on his trial, trial, trial, to appear at all order that such person shall be summoned -the time not being more than thirty days from the date of the summons, and the place being the nearest convenient court house or other available room,—in order to be sum-marily trial of other available room,—in the specified in the marily tried for the offence, which shall be specified in the summons. 39 V., c. 9, s. 1.

70. The judge may, by recognizance, bind such person May be bound appear at the twice and may, by recognizance and may, by by recognizance and may by by recognizance and may. to appear at the said time and place to be tried, and may, by zance so to recognizance, bind such person may be very appear. recognizance, bind any person whom he considers necessary appear. to be examined touching the matter, to attend at the said time and all and any person whom he constructs in the said time and place, and give evidence upon the trial; and any forsuch recognizance shall be of the same effect, and any for-feiture there is a shall be of the same effect. feiture thereof shall be enforced in the like manner, and any refusal to get refusal to enter into the same shall entail the same conse-guences of the same shall entail the same consequences, as if the recognizance had been given, or required in any of the in any of the superior courts having criminal jurisdiction Within the D. Superior courts having criminal jurisdiction within the Province in which the election was held. 39 V.,

71. The judge shall, forthwith after the issue thereof, Issue of the Port to the Second hereorted report to the Secretary of the Province in which the election be reported by Was held, for the in the interval of the Province in which the election be reported by was held, for the information of the Lieutenant Governor, the judge. and also to the Secretary of State of Canada for the information of the Governor General, the fact of the issuing of such summons. 39 V., c. 9, s. 3.

72. The County Attorney, or other officer on whom in Witnesses to the like duty Would have charged with an indictable offence and by whom. the like duty would have devolved, shall subpœna to attend at the trial of the election at the trial the witnesses who, at the trial of the election Petition don the witnesses who, at the trial of the charge, and Petition, deposed to any facts material to the charge, and

such other witnesses as he thinks requisite to prove the charge. 39 V., c. 9, s. 4.

Counsel for prosecution.

fails to appear, trial

Summary

fore whom.

73. The Attorney General of Canada shall instruct counsel to assist the local authorities in the due prosecution of the accused. 39 V., c. 9, s. 5.

74. If the accused, being duly served a reasonable time before the time fixed for the trial, or being bound by If the accused may proceed. recognizance to appear to be tried, fails to appear at the time and place fixed for the trial, the trial may be proceeded with in his absence. 39 V., c. 9, s. 6.

75. The judge, or, if he is unable to attend, then under trial and judg-ment, and be- at request some other judge competent his election petition for any district this Act to try an of the Province within which the electoral district in question is situate, or being one of the judges of a \sup^{σ} ior court having criminal jurisdiction within such Province, shall, without a jury and in a summary manner, try the accused, and shall, after hearing the counsel for the prosecution and also (if the accused is present), such accused of his counsel, and also such evidence as is adduced on either side, give such judgment as to law and justice appertains 39 V., c. 9, s. 7.

76. The judge shall be received and attended at the trial Reception, &c., of judges. in the same manner, as far as circumstances admit, and attended at the same manner. if he were holding a sitting of the Provincial court of which he is a member. 39 V., c. 9, s. 8.

77. The travelling expenses of the judge and any expenses ses necessarily incurred by the sheriff or other officer in connection with the trial, shall be defrayed out of any moneys provided by Parliament for the purpose. 39 V., c. 9, s. 9.

Judge's court to be a court of record.

Record of trial to be filed.

78. The judge trying the accused is for all the purposed of of such trial and the proceedings connected therewith, 1of relating thereto, hereby constituted a Court of Record, under the name of "The Court for the summary trial of corrupt practices at Elections," and shall, subject to the provisions of this Act have the corrections this Act, have the same powers, jurisdiction and authority as if he were sitting in any superior court having criminal jurisdiction within the Province; and the record of and such case shall be filed among the records of such supering court, as indictments are and as part of such records. V., c. 9, s. 10.

79. Witnesses shall be summoned or subpœnaed and Summoning and swearing sworn in the same manner as nearly as circumstances

Expenses of trial, &c., how payable.

Chap. 8.

admit, as in cases in a superior court having criminal jurisdiction within the Province. 39 V., c. 9, s. 11.

80. Any witness, summoned or subpœnaed to attend Witnesses and give evidence at the trial, whether for or against the bound to at-accused at the trial, whether for or against the evidence. accused, shall be bound to attend, and remain in attend- evidence. ance through the bound to attend, and remain in attend- evidence. ance throughout the whole trial; and if he fails so to do, he shall he have be proshall be held guilty of contempt of court and may be pro-ceeded again you contempt of court and may be pro-

ceeded against therefor accordingly. 39 V., c. 9, s. 12.

81. Upon proof to the satisfaction of the judge of the Proceedings service of the subpæna upon any witness who fails to attend, witnesses and that the subpæna upon any witness who fails to attend, witnesses and that the presence of such witness is material to the disobeying the ends of incide presence of such witness is material to the disobeying the ends of justice, he may, by his warrant, cause such witness court. to be apprehended and forthwith brought before him to give evidence to be apprehended and forthwith brought before him to give evidence and to answer for his disregard of the subpœna; and such and to answer for his disregard of the subpœna; and such witness may be detained on such warrant before the judge or in the common gaol with a view to secure his presence presence as a witness, or in the discretion of the judge he may he role. may be released on a recognizance with or without sureties conditioned for his appearance to give evidence and to answer for his appearance to give evidence and to answer for his default in not attending as for a contempt:

2. The judge may, in a summary manner, examine into and Fine and imdispose of the charge of contempt against such witness, who, for contempt. if found guilty thereof, shall be liable to a fine not exceeding one hundred to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding and dollars or to imprisonment for a term not. exceeding ninety days, with or without hard labor, or to both.

82. In case of conviction of a corrupt practice the offender Punishment of all be sonted offender if shall be sentenced to imprisonment in the common gaol offender if convicted. for a term not exceeding three months with or without hard labor and to a fine not exceeding two hundred dollars and to pay the costs of the prosecution—which shall be taxed by the costs of the prosecution of the judge; taxed by the proper officer under the direction of the judge; and if the cost of the expiraand if the said fine and costs are not paid before the expira-tion of such the fine and costs are not paid before the expiration of such term, then to imprisonment for such further time as they there months. time as they remain unpaid, not exceeding three months.

83. All fines recovered under this Act shall belong to Application er Maiestry for 41 Her Majesty for the public uses of Canada. 39 V., c. 9, s. 15. of fines. 84. No such summons, in respect of a corrupt practice, Provision, if hall be issued summons, in respect of a corrupt practice, Provision, if here already

shall be issued or prosecuted if it appears to the court or offender has judge that a criminal judge that a criminal prosecution for the same matter against tried. the same person has been tried before the issue of the summons. 39 V., c. 9, s. 16.

85. Upon the issue of any such summons, any criminal Pending proprosecution pending in any other court in respect of the stayed. same matter shall be stayed. 39 V., c. 9, s. 17.

86. No person tried under the provisions of this Act for any such corrupt practice shall be subject to be otherwise Proviso; as to criminally prosecuted in respect of the same matter; but nothing in this section contained shall affect any disqualification imposed on such person under the operation of any 39 V., c. 9, s. 18. statute.

SCHEDULE.

(Form of Affidavit on production of Books and Papers.)

In the (name of Court)

Election	for	holden on the	day of	A.D.
I,	of	make oath an		

1. That I have in my possession or power the documents $\frac{1}{4}$ relating to the matters in question set forth in the first and second parts of the first schedule hereto annexed;

2. I object to produce the said documents set forth in the second part of the said first schedule;

3. (State upon what grounds objection is made, and verify the facts as far as may be);

4. I have had, but have not now, in my possession of power the documents relating to the matters in question set forth in the second schedule hereto annexed ;

5. The last mentioned documents were last in my posses sion or power on (state when);

6. (State what has become of the last mentioned documents, to whom they have been given, and in whose possession they now are);

7. According to the best of my knowledge, remembrance, information and belief, I have not now, and never had in my own possession, custody or power, or in the posses sion, custody or power of my agents or attorneys, agent of attorney, or in the possession, custody or power of any other person on my behalf, any deed, account, book of accounts, minutes, voucher, receipt, letter, memorandum, paper, or writing or one come of writing, or any copy of or extract from any such document or other document whatever, relating to the matters in q_{de}^{ues} tion, or any of them, or wherein any entry has been made

Offender not to be twice tried. disqualification.

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relative to such matters, or any of them, other than and except the documents set forth in the first and second schedule hereto annexed.

Sworn, &c.

(Annex the schedules mentioning the documents in question) 37 V., c. 10, schedu!e.

, 0. 10,	schedu!e.			
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
³⁸ V., c. 10	62, and part of 8. 63.	-	s. 62	Interpretation Act.
³⁵ V., c. 9	48		Remainder 8. 19	Supreme and Exchequer Courts Act. Inquiry into corrupt prac-
$\begin{array}{cccccccccccccccccccccccccccccccccccc$	8s. 1 and 2 s. 16 s. 10		Remainder Remainder Remainder	Supreme and Exchequer Courts Act.

CHAPTER 9.

An Act respecting inquiries as to Corrupt Practices at Elections of Members of the House of Commons.

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

1. Whenever the House of Commons, by address, represents to the Governor General that a judge in his report on the trial of an election petition under "The Dominion Controverted Elections Act," states that corrupt practices haver or that there is reason to believe that corrupt practices have extensively prevailed at the election, or that he is of opinion that the inquiry into the circumstances of the election has been rendered incomplete by the action of any of the parties to the petition, and that further inquiry as to whether corrupt practices have extensively prevailed is desirable,-or when ever the House of Commons by address represents to the Governor General that a petition has been, within sixty days after the publication in the Canada Gazette of the receipt of the return to a writ of election, by the Clerk of the Crown in Chancery (if Parliament is sitting at the expiration of the period of sixty days, or, if Parliament is not then sitting oť within fourteen days after the then next meeting Parliament), presented to the House of Commons, signed by any twenty-five or more electors of the district, stating that no petition charging the existence of corrupt practices has been presented under "The Dominion Controverted Elections det" and that tions Act," and that corrupt practices have, or that there is reason to believe that corrupt practices have, extensively prevailed at the election, and having annexed thereto a solemn declaration under the statute in that behalf, signed by the petitioners, stating that they are such electors, and that the allocation of the that the allegations of the petition are true to the best of their knowledge and half of knowledge and belief, --- and when the House of Commons, by such address, prays the Governor General to cause inquiry to be made under this Act by one or more judges of the Supreme Court of C the Supreme Court of Canada, or by one or more judges, competent under "The Dominion Controverted Elections Act, to try an election petition in the Province within which the district in question is situate, or by one or more persons named in such address in such address,—such persons being county court judges, on being barristors at least being barristers-at-law or advocates of not less than seven years standing, and not holding any office or place of profit under the Crown the Crown under the Crown,-the Governor General may appoint one of

On address from House of Commons for inquiry as to corrupt practices at an election, Commission of inquiry to issue.

Who may be appointed commissioners. Chap. 9.

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more of such judges or such person or persons, as the case may be, to be a commissioner or commissioners for the purpose of making inquiry into the existence of such corrupt practices. practices; and if any of the commissioners so appointed in case of die, resign and if any of the commissioners appointed or decease or inability of die, resign or become incapable to act, the surviving or inability of continuing on become incapable to act, the surviving or inability of continuing commissioners or commissioner may act in such any commis-inquiry as in the such any commissioner may act in such any commis-inquiry as in the such as inquiry as if they or he had been solely appointed to be viving or commissioner the supposes of such tinuing comcommissioners or a commissioner for the purposes of such tinuing com-inquiry. Act concerning missioners to inquiry; and all the provisions of this Act concerning missioners to the commission the commissioners appointed to make any such inquiry shall be tob shall be taken to apply to such surviving or continuing commissioners or commissioner, and in case a sole com-missioner; missioner is originally appointed, then to such sole commissioner. 39 V., c. 10, s. 3.

2. Every commissioner shall, before taking any other step Commis-under this Act, take an oath in the form following, that is to of office. say:-"I, A.B, do swear that I will truly and faithfully exe-"cute the area by the 'Act respect-"" ing inquiries as to corrupt practices at elections of Members of the II ", "ng inquiries as to corrupt practices at elections of the House of Commons," according to the best of my Knowledge of Commons," according to the best of my " knowledge and judgment. So help me God;" and every such oath shall be taken before a Judge of the Supreme Court Before whom of Canada on the taken before a Judge of the Supreme Court be taken. of Canada or before a judge competent to try an election petition for any district of the Province within which the district in question is situate. 39 V., c. 10, s. 4.

3. The commissioners may appoint, and at their pleasure Secretary to commission. dismiss, a secretary, and so many clerks, messengers and officers as are thought necessary by the Minister of Justice them; and the remuneration of such persons shall be fixed by the Gourant and the remuneration of such persons shall be fixed by the Governor in Council. 39 V., c. 10, s. 5.

4. The commissioners shall, upon their appointment, or Proceedings ithin a reasonable to time hold of commiswithin a reasonable time afterwards, from time to time, hold sioners. Meetings for the meetings for the purposes of the inquiry at some convenient place with the purposes of the inquiry at some convenient place within the district or within ten miles thereof, and may adjourn such meetings from time to time, and from place to place within the district or within ten miles thereof, as to place Within the district or within ten miles thereof, as to them soome of their them seems expedient; and they shall give notice of their Notice. appointment and of the time and place of holding their first meeting by approximation of the time and place of holding their first meeting by publishing the same in two newspapers in general signification in the same in the neighborhood general circulation in the district or the neighborhood thereof: Provided always, that they shall not adjourn the Proviso; as to inquiry for a state of the shall not adjourn the adjourninquiry for any period exceeding one week, without the adjourn-approbation of the week without the adjourn-ments, a approbation of the Minister of Justice; and they may, with to place of the approbation of the Minister of Justice; and they may, with to place of the approbation of the Minister of Justice; and tney may, where we were the purposes of Justice Minister of Justice, hold meetings for sitting. the purposes of deliberation, in the capital city of the Pro-vince with: vince within which the district is situate, or in the City of time to time, as they Ottawa, and adjourn the same, from time to time, as they deem proper. 39 V., c. 10, s. 6.

5. The commissioners shall, by all such lawful means a

to them appear best, with a view to the discovery of the

truth, inquire into the manner in which the election,

if the report or petition has referred to two or mon elections, the latest of such elections, has been conducted and whether any corrupt practices have been committed such election, and if so the nature and particulars of such

practices; and if they find that

practices have been committed at the election into which

they are hereinbefore authorized to inquire, they make

vious election, and so, in like manner, from election to election as far back as they think fit; but if, upon

inquiry concerning any election, they do not find that

have been guilty of any corrupt practice thereat, with the particulars thereof, and all other things whereby in their the opinion the truth may be better known touching the

like inquiries

39 V., c. 10, s. 7.

Duties of commissioners.

In certain cases inquiry may extend to former elections.

corrupt

make the

premises.

But in such cases only.

corrupt practices have been committed thereat, they shall not inquire concerning Report to the not inquire concerning any previous election; and the shall, from time to time, report to the Governor General the Governor evidence taken by them, and what they find concerning the and particulars to be conpremises; and especially they shall report with respect to tained in it. each election the names of all persons whom they find the

Report to be laid before Parliament.

6. Every report shall be laid before Parliament within fourteen days after such report is made, if Parliament sitting at the expiration of the said period of fourteen days, or if Parliament is not then sitting, within fourteen days after the then next meeting of Parliament. 39 V., c. 10, s. 8.

under 7. The commissioners may, by examine and their hands and seals, or under the hand and seal is a summons attendance of any one of them, require the attendance before them, at witnesses place and reasonable it place and reasonable time specified in the summons tion of papers. of any person whose evidence in their or his judgment may be material to the subject matter of the inquiry, and require any person to be require any person to bring before them such books, paper the deeds and writings as appear necessary for arriving at the truth of the matters to be a set of the truth of the matters to be inquired into; and all such persons shall attend the commissioners, and shall answer all questions put to the difference of the di all questions put to them by the commissioners touching the matters to be inquired into, and shall produce all books papers, deeds, and writings required of them and in their custody or under their control according to the tenor of the summons. 39 V., c. 10, s. 9.

To swear witnesses.

8. The commissioners, or one of them, shall administer an oath or an affirmation, where an affirmation would be admitted in a court of institution admitted in a court of justice, to every person examined before them. 39 V., c. 10, s. 10, part.

Power to

corrupi

concerning the latest Pro

9. No person called as a witness shall be excused from Witness not lowering a second data as a witness shall be excused from Witness and the excused from Witness answering any question relating to any corrupt practice at excused from the election for question relating to any corrupt practice at answering on the election forming the subject of inquiry, on the ground certain that the amount of the subject of inquiry or tend to criminate ground that the answer thereto may criminate or tend to criminate grounds. himself. himself: Provided always, that when any witness Proviso: answers every question relating to the matters aforesaid witness which he is required to answer, and the answer to tending to which may every which may criminate, or tend to criminate him, he shall be criminate entitled to receive from the commissioners, under their obtain a hands, a certificate hands, a certificate stating that he was, upon his examina- certificate. tion, required by them to answer one or more questions relating to the relating to the matters aforesaid, the answer or answers to which crime matters aforesaid, the answer or answers to which criminated, or tended to criminate him, and had answered are information, answered every such question; and if any information, Effect of such indictment very such question; and if any information, certificate. indictment or penal action is at any time thereafter pending corrupt in any court or penal action is at any time increased practices any court against such witness in respect of any corrupt to the time of his practices committed by him previously to the time of his giving his and the second sec giving his committed by him previously to the third has been evidence, at any election concerning which he has been so examined, the court shall, on production and proof of examined, the court shall, or productions, and and proof of such certificate, stay such proceedings, and may, in its al. may, in its discretion, award to him any costs to which he has been put: Provided, that no statement made by any Proviso; as to person in anomy provided, that no statement by the commissioners statements made by person in answer to any question put by the commissioners statements shall, except in the statement in the admis- witnesses. shall, except in the case of an indictment for perjury, be admis-witnesses. sible in evidence in any legal proceeding. 39 V., c. 10, s. 11.

10. If any person, on whom any summons has been Punishment Tyed by the leaving of persons served by the delivery thereof to him, or by the leaving disobeying disobeying disobeying of at his appear before the summons of thereof at his usual place of abode, fails to appear before the summons of commission of the place of abode, fails to appear before the summons of the summons of the summons of the summary of the summa commissioners at the time and place specified therein, commis-then if the courts the time and place specified therein, sioners. then if the commissioners are judges of any of the courts hereinhofore and any hereinbefore referred to, any of such commissioners and any court of which any one of them is a member, may proceed against the proceed if he manner as if he against the person so failing in the same manner as if he had failed to so failing in the same manner as process had failed to obey any writ of subpæna, or any process lawfully issuing from the court to which such judge belongs, or from such judge; and if the commis- If the com-sioners are not much index they may certify such not judges. sioners are not such judge; and if the commis- if the com-default under their barry judges, they may certify such not judges. default under their hands and seals, or under the hand and seal of any competent to seal of any one of them, to any court or judge competent to try an election of them, to any court or judge competent to try an election petition under "The Dominion Controverted Elections Act," in the Province within which the district in question is situate, whereupon such court or judge shall a situate in manner aforesaid : Judge shall proceed against such person in manner aforesaid : aud if any proceed against such person in manner aforesaid, or and if any person so summoned to attend as aforesaid, or for refusing appeared before summoned to attend as aforesaid, or for refusing appeared before summoned to attend as aforesaid. having appeared before the commissioners, refuses to be or produce sworn or to make the commissioners put to him by papers, &c. sworn or to make answer to any question put to him by papers, &c., them touching the matters in question, or to produce and show to them show to them any papers, books, deeds or writings in his possession any papers, books, deeds or writings in his possession or under his control, which they deem necessary to be produced, or if any person is guilty of any contempt or being guilty of any contempt so the commissioners, or their office, the commissioners shall contempt.

have the same powers, to be exercised in the same way, any such court or judge under like circumstances arising the course of proceedings in an election petition under said Act may by law exercise in that behalf: and all officer concerned in the administration of justice shall give the aid and assistance in matters within the scope of their dur to the commissioners in the execution of their office. V., c. 10, s. 12.

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ion **11.** The commissioners may, if they deem fit, award to any witness, summoned to appear before them, a reasonable sum for travelling expenses and maintenance, according to a scale which shall be fixed by the Governor in Council, and they shall certify to the Minister of Justice the name of any such witness, and the sum awarded. 39 V., c. 10, s. 13.

12. The Governor in Council may order the payment of the necessary expenses of any inquiry under this Act; and every commissioner not being a judge shall be paid at the conclusion of the inquiry, besides his travelling and other expenses, such sum as is fixed by the Governor of Council; and every commissioner shall, after the making of the report hereinbefore directed, lay before the Governor of Council a statement of the number of days he has been actually employed in the inquiry, together with an account of his travelling and other expenses; and any payments by this Act authorized shall be made out of any moneys provided by Parliament for that purpose. 39 V., c. 10, s. 14.

13. The commissioners shall have such and the like protection and privileges in case of any action brought against them for any act done or omitted to be done in the execution of their duty, as are given by any Act in force justices of the peace acting in the execution of their office 39 V., c. 10, s. 15.

Report of Commissioners that any person has been guilty of corrupt practice.

Proceedings in consequence. 14. Whenever it appears by the report of the commissioners under this Act that any person named by them has been guilty of a corrupt practice and has not been furnished by them with a certificate of indemnity, such report, with the evidence taken by the commissioners, shall be laid before the Attorney General of Canada, who shall, if in his opinion there is sufficient evidence available for a prosecution certify such opinion to the Secretary of State, who shall thereupon communicate the report with the evidence to the Lieutenant Governor of the Province in which the election was held; and the Attorney General of Canada shall instruct counsel to assist in any prosecution which is thereon insituted by the local authorities charged with the administration of justice. 39 V., c. 9, s. 19.

Duty of officers of justice.

Remuneration of witnesses.

Payment of necessary expenses of commissioners.

Out of what funds.

Protection of commissioners.

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Chap. 9.

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15. The person or persons presenting a petition to the Petitioner ouse of Common or persons presenting a petition to the Petitioner House of Commons under this Act, shall deposit with the s1,000 with accountant of the relation of the second dollars, the Account accountant of the House the sum of one thousand dollars, the Account-and such matter the House the sum of one thousand dollars, the Accountand such petition shall not be received by the House of ant. Commons unless such deposit has first been made; and there shall here shall h there shall be attached to the said petition on its presenta-tion a cortic tion a certificate, given under the hand of the said account-ant, certificate, given under the hand of the said accountant, certifying that the said deposit of one thousand dollars has been duly made. 42 V., c. 6, s. 1.

16. Whenever, by the report of the commissioner or Application commissioners appointed to investigate and inquire into of the money the matters and appointed to investigate and inquire into if the petithe matters appointed to investigate and inquire in the point of the petition was set forth in such petition, it appears that the tionerfails. petition was not well founded, and that corrupt practices had not extensively prevailed within the electoral district referred to in the prevailed within the electoral district referred to in the petition, at the election referred to much therein, the said sum of one thousand dollars or so much thereof thereof as is required for the purpose, shall be applied to pay the arrequired for the purpose, shall be applied to Pay the expenses of the inquiry, and the balance remaining after naving after paying such expenses shall be paid to the person or persons will be character and the person or persons who made such deposit. 42 V., c. 6, s. 2.

17. Whenever, by the report of the commissioner or com- Money to be returned to inspine into the him if he missioners appointed to investigate and inquire into the him if he function that the peti-succeeds. matters appointed to investigate and inquire into the succeeds. tion was well a such petition, it appears that the peti-succeeds. tion was well founded and that corrupt practices had exten-sively proveil founded and that corrupt practices had extensively provailed within the electoral district referred to in the petitical district referred to and that the referred to and the said the petition, at the election referred to therein, the said sum of one thousand dollars shall h

Persons who	June dollars shall be	e paid back to the person
	deposited the same.	42 V., c. 6, s. 3.
		, ,

Proposed to he Consolidated.	Part Consolidated.	Left for Repeal.	Consolidated elsewhere.	To be Con∙olidated with.
³ 9 Ý ^{.,} c. 9 ⁴ 2 V., c. 6	s. 19. All except ss. 1 and 2, and part of 10 Whole Act.		ss. 1 and 2	Dominion Con- troverted Electiong Act.

CHAPTER 10.

An Act respecting the Senate and House of Common⁹.

HER Majesty, by and with the advice and consent of the senate and House of Commons of Canada, enacts follows :--

DEMISE OF THE CROWN.

Parliament not to be dissolved by demise of the dissolved by the demise of the Crown, but such Parliament crown. Ball continue, and may meet, convene and sit, proceed and act, notwithstanding such demise of the Crown, in the same manner as if such demise had not happened. 31 V., c. 24

Right to prorogue, &c., not affected. abridge the power of the Crown, to prorogue or dissolve the Parliament of Canada. 31 V., c. 22, s. 2.

PRIVILEGES AND IMMUNITIES OF MEMBERS AND OFFICE

3. The Senate and the House of Commons respectively, and the members thereof respectively, shall hold, enjoy and exercise such and the like privileges, immunities and powers as, at the time of the passing of "The British North America Act, 1867," were held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom, and by the members thereof, so far as the same are consistent with and not repugnant to the said Act, and also such privileges, immunities and powers as are from time to time defined by of the Parliament of Canada, not exceeding those at the time of the passing of such Act held, enjoyed and exercised by by Commons House of Parliament of the United Kingdom and the members thereof respectively. 31 V., c. 23, s. 1.

This Section is amended at the suggestion of the Parliamentary Committee in accordance with the Imperial Act, 38-39 V., c. 38.

Such privileges to be noticed judicially. **4.** Such privileges, immunities and powers shall be p_{at}^{at} of the general and public law of Canada, and it shall not necessary to plead the same, but the same shall in all courts in Canada and by and before all judges be taken notice of judicially. 31 V., c. 23, s. 2.

Printed copy of journals to be evidence thereof.

5. Upon any inquiry touching the privileges, immunities and powers of the Senate and of the House of Commons of any member thereof respectively, any copy of the jour

Privileges, immunities and powers of the Senate and House of Commons defined. Chap. 10.

nals of the Senate or House of Commons, printed or purporting to be printed by the order of the Senate or House of Commons at his interest of such journals Commons, shall be admitted as evidence of such journals by all constant on proof being by all courts, justices and others, without any proof being given $+b_{cd}$ = 1 V c 23, s. 3. given that such copies were so printed. 31 V., c. 23, s. 3.

6. Any person who is a defendant in any civil or In suit, &c., iminal person who is a defendant in any civil or In suit, &c., criminal proceedings commenced or prosecuted in any Judge to stay manner for the publi- proceedings that manner for or on account of or in respect of the publi- proceedings, cation of a count of or in respect of the publication of a count of or in respect of the publication of a count of a c cation of any report, paper, votes or proceedings, by such the publica-person or by his servant, by or under the authority of tion was by the Senate of the publication of the publicat the Senate or by his servant, by or under the authority of uon was by court in which House of Commons, may bring before the either House. court in which such proceedings are so commenced or prosecuted which such proceedings are first giving prosecuted or before any judge of the same, first giving twenty-four hours' notice of his intention so to do to the prosecutor or plaintiff in such proceedings or to his attorney or solicitor or plaintiff in such proceedings or to me and of the Speaker or Clerk of the set of the case may be, Clerk of the Senate or House of Commons, as the case may be, stating the Senate or House of Commons, as the case may be, stating that the report, paper, votes or proceedings, as the case may here the report, paper, votes or proceedings, as the case may be, in respect whereof such civil or criminal proceedings have been commenced or prosecuted, was or were published to order or published by such person or by his servant, by order or under the authority of Commons, as under the authority of the Senate or House of Commons, as the case month the case may be, together with an affidavit verifying such Certificate; and such court or judge shall thereupon im-mediately and such court or judge shall thereupon the mediately stay such civil or criminal proceedings, and the same and the stay such civil or criminal proceedings, and the same and every writ or process issued therein shall be and shall be description of the shall be deemed and taken to be finally put an end to, determined and taken to be finally put an N., c. determined and taken to be finally put an 23, s. 4

7. If any civil or criminal proceedings are commenced And also on proof of coror prosecuted for or on account or in respect of the publica- rectness of the publica copy. tion of any copy of such report, paper, votes or proceedings, copy. the defendant law before the defendant at any stage of the proceedings may lay before the court of proceedings or proceedings, the court or judge, such report, paper, votes or proceedings, and such report, paper, votes or proceedings, and such copy with an affidavit verifying such report, paper, votes of such copy; and votes or proceedings, and the correctness of such copy; and the court are in the correctness of such copy; and the court or proceedings, and the correctness of such correct, and hal proceedings shall immediately stay such civil or criminal proceedings while or process hal proceedings, and the same and every writ or process issued therein, shall be and shall be deemed to be finally put an and and shall be deemed to be finally put an end to, determined and superseded by virtue of this A_{ct} , g_{1} ∇ Act. 31 V., c. 23, s. 5.

8. In any civil or criminal proceeding commenced or What proof osecuted a proceeding commenced of any may be may prosecuted for printing any extract from or abstract of any under the such report printing any extract from or abstract of any under the such report, paper, votes or proceedings, such report, paper, plea of be shown that any be given in evidence, and it may in action for be shown that any be given in evidence published bond publishing be shown that such extract or abstract was published bond publishing fide and with fide and without malice, and if such is the opinion of the extracts, jury, a worder of and if such is the opinion of the ports, &c. Jury, a verdict of not guilty shall be entered for the ports, &c. defendant. 31 V., c. 23, s. 6.

INDEPENDENCE OF PARLIAMENT.

9. Except as hereinafter specially provided—

No person holding an ment of Canada .---

(a) No person accepting or holding any office, commission or employment, permanent or temporary in the service lument under the Government of Canada, at the nomination of the Crown the Govern- or at the nomination of the Crown or at the nomination of any of the officers of the Government of Canada, to which any salary, fee, wages, allowanch emolument, or profit of any kind is attached;

Nor any Sheriff, &c.,-

(b) No Sheriff, Registrar of Deeds, Clerk of the Peace, of County Crown Attorney in any of the Provinces of Canada Shall be eligible as a member of the House of Commons,

2. Nothing in this section shall render ineligible, as afore

or shall sit or vote therein :

Shall be a member of the House of Commons.

to members of said, any person holding any of the following offices, that the Majesty's to again the following offices, that the second to say : President of the Privy Council, Minister of Finance Privy Council holding cerand Receiver General, Minister of Justice, Minister of Militian tain offices.

Certain officers may resign one office and cept another within a month without vacating their seats.

tration.

out salary or emolument not to vacate

and Defence, Secretary of State, Minister of Interior, Minister of Railways and Canals, Minister of Public Works, Postmaster General Winister of Public Works Postmaster General, Minister of Agriculture, Minister Inland Revenue Minister of G Inland Revenue, Minister of Customs or Minister of Marine, and Fisheries, or any office which is hereafter created to be held by a member of the Queen's Privy Council of Canada and entitling him to be a Minister of the Crown as shall disqualify him to sit or vote in the House of Common provided he is elected while he holds such office and is not otherwise discussion otherwise disqualified: 3. Whenever any person holding the office of President of the Privy Council, Minister of Finance and Received General Minister of Luction Market and Received

General, Minister of Justice, Minister of Militia and Defender Secretary of State, Minister of the Interior, Minister of Rail ways and Canals, Minister of Public Works, Postmaster General Minister of Aminister of Public Works, Postmaster General, Minister of Agriculture, Minister of Inland Reventer Minister of Customs, or Minister of Marine and Fisher of or any office which is hereafter created, entitling him be a Minister of the Grown and h be a Minister of the Crown, and being at the same time member of the House of Commons, resigns his office, and within one month after his resigns his office, the within one month after his resignation accepts any of the said offices. he shall not thereby said offices, he shall not thereby vacate his seat, unless Administration of which he and a new Administration has been formed and has occupied the said offices

4. Nothing in this section shall render ineligible any p_{tb}^{er} of office of the son holding any office, commission or employment of tioned in sub- nature or description matrice in subtioned in sub- nature or description mentioned in paragraph (a) of sub-sec. (a) with-section one of this section section one of this section, as a member of the House of Commons, or shall discussion Commons, or shall disqualify him from sitting or voting therein, if by his commission or the therein, if by his commission or other instrument of app,

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ment it is declared or provided that he shall hold such seat in House office come is declared or provided that he shall hold such seat in House office, commission or employment without any salary, fees, of Commons. wages, allowances, emolument or other profit of any kind, attached 11 attached attached thereto. 41 V., c. 5, s. 1;-42 V., c. 7, s. 13, part;-

47 V., c. 14, s. 1.

10. No person, directly or indirectly, alone or with No contractor, any other, by himself or by the interposition of any Government trustee or the himself or by the interposition of Canada to trustee or third party, holding or enjoying, undertaking of Canada to or executing any contract or agreement, expressed or implied, with or for its contract or agreement, expressed or implied, with or for the Government of Canada on behalf of the Crown or the Government of Canada on behalf of the Crown, or with or for any of the officers of the Government of Canada, with or for any of the officers of Canada is to be of Canada, for which any public money of Canada is to be paid, shall, for which any public money of Canada is to be paid, shall be eligible as a member of the House of Commons, or shall site be eligible as a member of the House of Commons, or shall sit or vote in the said House. 41 V., c. 5, s. 2.

11. If any such person hereinbefore declared ineligible as Election of disqualified nerson to be a member of the House of Commons, is nevertheless returned person to be as a member, his election and return shall be null and void. void.

12. If any member of the House of Commons accepts any Member be-coming disoffice or commission, or is concerned or interested in any qualified to contract account of the House of Commons accepts any memory coming dis-contract account of the House of Commons accepts any memory dis-contract account of the House of Commons accepts any memory dis-contract accepts any member of the House of Commons accepts any memory dis-contract accepts any member of the House of Commons accepts any memory dis-contract accepts any member of the House of Commons accepts any memory dis-contract accepts any member of the House of Commons accepts any memory dis-contract accepts any member of the House of Commons accepts any memory dis-contract accepts any member of the House of Commons accepts any memory dis-contract accepts any member of the House of Commons accepts any memory dis-contract accepts any member of the House of Commons accepts any memory dis-contract accepts any member of the House of Commons accepts any memory dis-contract accepts any member of the House of Commons accepts any member of the House of the commons accepts and the House of Commons accepts any member of the House o contract, agreement, service or work which, by the *ninth* or vacate his lenth section from the section of the tenth section of this Act, renders a candidate incapable of seat. being elected to, or of sitting or voting in the House of Commons, or knowingly sells any goods, wares or merchandise to, or partial and goods and the flower partial of Canada, to, or performs any service for the Government of Canada, or for any of the officers of the Government of Canada, for which are a final or to be paid, for which any public money of Canada is paid or to be paid, Whether any public money of Canada is expressed or whether such contract, agreement or sale is expressed or implied and contract, agreement or sale is expressed or continuous, implied, and whether the transaction is single or continuous, the seat of whether the transaction is single or continuous. the seat of such member shall thereby be vacated, and his election shall the seat of such member shall thereby be vacated, and his $41 \text{ V}_{..} \text{ c. 5, s. 4}$ election shall thenceforth be null and void. 41 V., c. 5, s. 4

13. If any person disqualified or declared incapable of being Penalty on person dis-ected to person disqualified. elected to, or of sitting or voting in the House of Commons qualified, by the minut by the ninth or tenth section of this Act, or if any person sitting or duly elected or tenth section of this Act, or ontinue a duly elected, who has become disqualified to continue a voting. member or to sit or vote, under the next preceding section of this Act, nevertheless sits or votes, or continues to sit an evertheless sits or votes or continues to sit or vote therein, he shall thereby forfeit the sum of two hundred der en which he so sits hundred dollars for each and every day on which he so sits or votes; and such sum shall be recoverable from him by able. any person who sues for the same in any court of compe-tent circit.

tent civil jurisdiction in Canada. 41 V., c. 5, s. 5. 14. The four sections of this Act, next preceding, shall As to acts

extend to any transaction or act begun and concluded during a recess of Parliament. 41 V., c. 5, s. 6. done in recess.

15. This Act shall not extend to disqualify any person as Shareholders a member of the House of Commons by reason of his being corporated

companies not disqualified.

Exception.

Government contracts to contain a member shall become interested therein.

Penalty for contravention.

Further exceptions.

Persons on whom contracts devolve, &c.

Lenders of money to Government, &c.

a shareholder in any incorporated company having a contract or agreement with the Government of Canada, except any company which undertakes a contract for the building of any public work, and any company incorporated for the construction or working of any part of the Canadian Pacific 41 V., c. 5, s. 7. Railway.

16. In every contract, agreement or commission to be made, entered into or accepted by any person with the clause that no Government of Canada, or any of the departments or officers of the Government of Canada, there shall be inserted an express condition, that no member of the House of Commons shall be admitted to any share or part of such contract, agreement or commission, or to any benefit to arise therefrom ; and in case any person who has entered into or accepted, or who shall enter into or accept any such contract, agreement or commission admits any member or meme bers of the House of Commons to any part or share thereof, or to receive any benefit thereby, every such person shall for every such offence forfeit and pay the sum of two thousand dollars, recoverable with costs in any court of competent jurisdiction by any person who sues for the same. 41 V., c. 5, s. 8.

> 17. Nothing contained in this Act shall apply or extend to render ineligible or disqualify as a member of the House of Commons.—

> (a). Any person on whom the completion of any contract or agreement, expressed or implied devolves by descent or limitation, or by marriage, or as devisee, legatee, executor of administrator, until twelve months have elapsed after the same has so devolved on him. or-

(b). Any contractor for the loan of money or of securities for the payment of money to the Government of Canada under the authority of Parliament, after public competition, or respecting the purchase or payment of the public stock or debentures of Canada, on terms common to all persons, or-

(c). Any officer of the militia, or militiaman, not received Militia officers ing any salary or emolument out of the public money of and men. Canada, except his daily pay when called out for drill or on active service, or allowances, or sums paid for enrolment, and any pay or remuneration allowed him for the care of arms or for drill instruction :

Provided, such person, contractor, militia officer or man, is Proviso. not otherwise ineligible or disqualified. 41 V., c. 5, s. 9; 47 V., c. 14, s. 4, part.

18. No person who is a member of the Senate, shall di-Members of rectly or indirectly, knowingly and wilfully be a party to, or Senate not to become conbe concerned in, any contract under which the public money tractors with of Canada is to be paid : and if any person, who is a member of the South be paid : and if any person, who is a member of the Senate, knowingly and wilfully becomes a party to or concerned, knowingly and wilfully becomes a party to or concerned in any such contract, he shall forfeit the Penalty for sum of two L and such contract, he shall forfeit the realty for sum of two hundred dollars for each and every day during tion. which he continues to be such party or so concerned; and such such such such such party or so concerned; and such sum may be recovered from him by any person who sues for the same, in any court of competent jurisdiction in Canada. D Canada: Provided always, that this section shall not render Proviso: as any senator lived always, that this section shall not render proviso: as any senator liable for such penalties, by reason of his being a being or agreement any incorporated company, having a contract members of companies of company and contract members of companies and c or agreement with the Government of Canada, except any companies company which undertakes a contract for the building of any except O. P. tion or work, and any company incorporated for the construc-public Work work and any company incorporated for the construc-public Railway. tion or work, and any company incorporated for the construction $\psi_{\rm public}$ works. 41 V, c. 5 and on y part of the Canadian Pacific Railway. 41 V., c. 5, s. 10.

19. No person shall be liable to any forfeiture or penalty Limitation of suits for suits for the negatives. imposed by this Act, unless proceedings are taken for the penalties. recovery thereof within twelve months after such forfeiture or Density is a such that thereof within twelve months after such forfeiture to T = 5 = 11. or penalty has been incurred. 41 V., c. 5, s. 11.

EXAMINATION OF WITNESSES.

20. Witnesses may be examined upon oath or upon Examination firmation is a may be examined upon oath at be bar of the of Senate. afirmation, if affirmation is allowed by law, at the bar of the of Senate. Senate, and for that purpose the Clerk of the Senate may ad-minister and for that purpose the Clerk of the Senate may administer such oath or affirmation to any such witness. 31 V.,

21. Any select committee of the Senate or House of Com- And before ons to mile by either mittees on mons to which any private Bill has been referred, by either mittees on House. respectively private Bill has been referred, by either mittees on the second private Bills has been referred. House, respectively, may examine witnesses upon oath or private Bills affirmation, if affirmation is allowed by law, upon matters House. relating to such Bill, and for that purpose the chairman or any mambers of Bill, and for that purpose the chairman or any member of such committee may administer such oath or affirmation of such committee may administer such oath V = 24 ss. 2 and 3.

or affirmation, to any such witness. 31 V., c. 24, ss. 2 and 3. 22. Whenever any witness or witnesses is or are to be Examination

examined by any other committee of the Senate or House affirmation of Commons affirmation of Commons, and the Senate or House of Commons before other has resolved, and the Senate or House of Commons before other has resolved that it is desirable that such witness or committees. Witnesses shall be examined upon oath, such witness or witness shall be examined upon oath, such witness or Witnesses shall be examined upon oath, such witnesses shall be examined upon oath or affirmation is allowed by law; and such oath or By whom affirmation chall be allowed by law; and such oath or By whom affirmation is allowed by law; and such oath of Bywnom member of administered by the chairman or any administered. member of any such committee, as aforesaid. 39 V., c. 7,

23. Every such oath or affirmation shall be in the forms Forms of oath, and R forms with the form 30 V + 6.7. **8.** A and B respectively, in the schedule to this Act. 39 V., c. 7, s. $\frac{1}{8c}$. 111

SPEAKERS' SALARIES.

Speakers' salaries. 24. The following salaries shall be payable to the officers hereinafter mentioned respectively :--

(a) To the Speaker of the Senate the sum of four thousand dollars per annum;

(b) To the Speaker of the House of Commons the sum of four thousand dollars per annum. 36 V., c. 31, s. 14.

INDEMNITY.

Members' indemnity. **25.** In each Session of Parliament there shall be allowed to each member of the Senate and House of Commons, attending at such Session, ten dollars for each day's attendance, if the Session does not extend beyond thirty days; and if the Session extends beyond thirty days, then there shall be payable to each member of the Senate and House of Commons attending at such Session a sessional allow ance of one thousand dollars and no more. 36 V., c. 31, s. 13, part.

Deductions for non-attendance.

What shall be reckoned as days of attendance.

26. A deduction at the rate of eight dollars per day sh_{1av}^{hall} be made from such sessional allowance, for every day on which the member does not attend a sitting of the House of which he is a member, or of some committee thereof, if the House sits on such day; but each day during the Session, after the first on which the member attends aforesaid, on which there has been no sitting of such House in consequence of its having adjourned over such day, or of upich the more day, or of upich the more day. which the member was in the place where the Session was held, but was prevented by sickness from attending any such sitting as aforesaid, shall be reckoned as a day of attendance at such Session, for the purposes of such indem nity; and a member shall, for the said purposes, be held to be at the place where the Session is held, whenever he is within ten miles of such al ten miles of such place. 31 V., c. 3, s. 2;-36 V., c. 31, s. 18 part.

Allowance for less than 31 days' attendance.

27. A member shall not be entitled to the said sessional allowance for less than thirty-one days' attendance reckoned as aforesaid, but his allowance for any less number of days shall be ten dollars for each day's attendance. 31 V., c. 3, s. 3;—36 V., c. 31, s. 13, part.

How the indemnity shall be payable.

28. The said compensation may be paid, from time to time, as the member becomes entitled to it, to the extent of seven dollars for each day's attendance as aforesaid, but the remainder shall be retained by the clerk or accountant of the proper House, until the close of the Session, when the final payment shall be made. 31 V., c. 3, s. 4; -39 V., c. 8, s. 1.

29. If any person is, from any cause a member of either Case of a member for House for a part only of any Session, then provided he is a member for member for upwards of thirty days during such Session, he session pro-shall be entitled shall be entitled to the sessional allowance hereinbefore vided for. mentioned, subject to the deduction aforesaid for non-attend-ance as a distribution of eight dollars ance as a member, and also to a deduction of eight dollars for each day of such Session before he was elected or appointed day of such Session before he was the case may appointed or after he ceased to be a member, as the case may be; but it after he ceased to be a member, as the case may be; but if he is a member for only thirty days or less, he shall be only the is a member for only thirty days attendance shall be entitled only to ten dollars for each day's attendance at such south the second state of the seco at such Session, whatever is the length thereof. 31 V., c. 3, s. 5; 36 V., c. 31, s. 13, part.

30. There shall also be allowed to each member of the Allowance for make and while allowed to each member of the Allowance for mileage. Senate and of the House of Commons ten cents for each mileage. mile of the distance between the place of residence of such member and distance between the place of residence of such member and the place at which the Session is held, reckon-ing such a the place at which the Session is held, reckoning such distance going and coming, according to the nearest mail nearest mail route, which distance shall be determined and Certified built oute, which distance shall be determined and certified by the Speaker of the Senate or House of Commons, as the case may be. 31 V., c. 3, s. 6.

31. The sum due to each member at the close of any Final pay-ssion shall in by the Clerk ment at the Session shall be calculated and paid to him by the Clerk ment at the House of Communication of the senator, or by the Accountant of the Session. House of Commons, if he is a member of the House of Commons, if he is a member of the House of Commons, if he is a member of the House of accountant or on his making and signing, before the clerk or accountant or assistant account and signing, before the clerk or accountant or as assistant accountant of the House of which he is a member, as the case monitories of the House of which he is a member, as the case may be, or a justice of the peace, a solemn declara- Declaration to to be hard of the be made. tion to be kept by the Clerk of the Senate or Accountant of the be made. House of Computer the number of House of Commons, as the case may be, stating the number of days' attend days' attendance and the number of miles of distance accord-ing to the ing to the nearest mail route as determined and certified by the Speaker for the said the Speaker, for which such member is entitled to the said allowance and the amount of such allowance, after deducting the number of days, if any, which are to be deducted any more in days, if any, which are to be deducted any more in days if any makes and such declaraunder any preceding section of this Act; and such declara-tion may be in the section of this Act; and such declaration may be in the form C in the schedule to this Act, and shall have the form C in the schedule to this form. shall have the same effect as an affidavit in the same form. 31 V., c. 3, s. 7;-31 V., c. 27, s. 12, part.

32. There is hereby granted to Her Majesty out of any Grantfor pay-mappropriated more granted to Her Majesty out of any Grantfor pay-ing the allowunappropriated moneys forming part of the Consolidated ance. Revenue Fund of Canada an annual sum, sufficient to enable Her Majesty to advance to the Clerk of the Senate and to have and Receiver and to pay over to the Minister of Finance and Receiver General for the South State of Finance and Receiver General, for the Senate and House of Commons respectively, such such sum such sums as are required to pay the estimated amount of the sessional and the sessional are required to pay the estimated amount of a sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the estimated amount of the sessional are required to pay the sessional a the sessional allowance hereinbefore mentioned. 8, 8, 8;-31 V., c. 27, s. 12, part.

38. The clerk of the Senate and the Accountant of the Officers to account for all moneys moneys re-House of Commons shall respectively account for all moneys moneys re-

ceived by them.

received by them under this Act, in the same manner as for moneys advanced to them for the contingent expenses of the Senate and House of Commons, and they may, respectively, apply any surplus thereof to the payment of such con_{h} tingent expenses, and may supply any deficiency of such estimated amount out of any moneys in their hands respect ively, applicable to the payment of such contingent er penses. 31 V., c. 3, s. 9; -31 V., c. 27, s. 12, part.

PRINTING.

Estimates for House of Commons.

34. An estimate shall annually be prepared by an officer printing of the acting for that purpose under the sanction of the Senate and Senate and House of Compared by an one and House of Commons, of the sums which will probably ing required to be provided by Parliament for the printing services during the year commencing on the first of July of each year, which shall be transmitted to the Minister he Finance and Receiver General for his approval and shall or laid before Parliament with the other estimates for the year. 31 V., c. 27, s. 3.

35. The sums voted by Parliament for the printing of Parliament shall be paid over to and held by the Minister of Finance and Receiver General, for printing services; for these services an account shall be opened in one of and banks of Canada, and in such name as the Senate and House of Commence in the Senate are House of Commons direct : and such sums deemed necessary shall be paid or transferred to the name of the person so selected as the work progresses, to be counted for in the printing account annual balance sheet. 31 V., c. 27, s. 6.

SCHEDULE.

FORM A.

"The evidence you shall give on this examination shall the truth the whole truth be the truth, the whole truth, and nothing but the truth So help von God 20 V So help you God. 39 V., c. 7, s. 4, part.

FORM B.

You do solemnly, sincerely and truly affirm and declared that the evidence you shall give on this examination shall be the truth the mode to the the truth, the whole truth, and nothing but the truth. New.

FORM C.

I, A. B., one of the members of the Senate (or House of monos), solemnly declare that I Commons), solemnly declare, that I reside at

miles, as determined by the Speaker of this House, from where the Session of the Decider

where the Session of the Parliament of Canada gan on the one thousand which began on the day of eight hundred and was held-

Disposal of moneys voted for the Printing of Parliament.

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That the first day during the said Session on which I was the present, at where the said Session was held, was the dav of one thousand eight hundred and

That on the said day and on each day of the said Session, after the said day and on each day of the said House T att day on which there was a sitting of the said House, I attended such sitting, or a sitting of some com-mittee the address of the sitting of a sitting of some committee thereof, * except only on which t which I was prevented by sickness from attending as afore-said, thouse Prevented by sickness from attending as afore-*** said, though I was then present at

(Signature), Declared before me at

A.B.

this day of one thousand eight hundred and

C.D.,

clerk (or accountant or assistant accountant) of the Senate (or the House of Commons) or Justice of the Peace for the (re the case may be)

If the member attended a sitting of the House or of some committee on every sitting day after the first on which he to ***:---and if so attended, omit the words from * his non-attendance was not on any day occasioned by sick-ness omit the words from * ness, omit the words from ** to ***

If the person making the declaration became or ceased to be a member after the commencement of the Session, Vary the facts upon which vary the form, so as to state correctly the facts upon which the sum days of a state correctly the facts upon which a state correctly the facts upon which the sum due to the member is to be calculated. 31 V., c. 3, sch.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
$\begin{array}{c} 31 \text{ V}., \text{ c } 3 \dots \\ 31 \text{ V}., \text{ c } 2 \dots \\ 31 \text{ V}., \text{ c } 22 \dots \\ 31 \text{ V}', \text{ c } 23 \dots \\ 31 \text{ V}', \text{ c } 23 \dots \end{array}$	ss. 2 to 9 and schedule. The whole. The whole	ss. 10, 11 and 13.		
$\begin{array}{c} 31 \ V, & c. \ 22 \\ 31 \ V', & c. \ 22 \\ 31 \ V', & c. \ 23 \\ 31 \ V', & c. \ 24 \\ 31 \ V', & c. \ 27 \\ 31 \ V', & c. \ 31. \end{array}$			Remainder	AnAct respect- iug the House of Commons.
39 17	· · · · · · · · · · · · · · · · · · ·	Part of s. 13 and ss. 15 and 16. s. 3	Remainder of	
	 8s. 1 to 11 Part of sec. 13. s. 1 and part of s. 4. 		ss. 12 to 15	AnAct respect- ing the House of Commons.
	s. 1 and part of s. 4.			

CHAPTER 11.

An Act respecting the Representation of the Province of Manitoba in the Senate.

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

1. The Province of Manitoba shall be represented in the Senate of Canada by three members, until it has according to decennial census, a population of seventy-five thousand souls, and from thenceforth it shall be represented therein by four members. 33 V., c. 3, s. 3. First part omitted as effete.

-				
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
33 V ., c. 3	Part of s. 3	Part of s. 3	Remainder	Act respecting Manitoba.

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CHAPTER 12.

An Act respecting the House of Commons.

 $H_{\text{the s}}^{\text{ER}}$ Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, eracts as follows :___

DISQUALIFICATIONS AS MEMBERS.

1. No person who, on the day of the nomination at any Members of a Legislative Commons, is a member of any Legislature a sembly of any not eligible and the day of th Legislative Council or of any Legislative Assembly of any not eligible as Province Council or of any Legislative Assembly of any not eligible as the House of the House of Province now included, or which is hereafter included the House of the within the Dominion of Canada, shall be eligible as a mem- Commons. ber of the T ber of the Dominion of Canada, shall be eligible as a mem- commons. Nominated of Commons, or shall be capable of being void. nominated or voted for at such election, or of being elected to or of sitt: or of sitting or voting in the House of Commons, and if any one so declared ineligible is, nevertheless, elected and returned a Commons, his returned as a member of the House of Commons, his election shall member of the House of Commons, his election shall be null and void. 35 V., c. 15, s. 1;-36 V.,

2. If any member of a Provincial Legislature, notwith-Votes record-anding his at member of a Provincial Legislature, notwith-Votes record-ed for person individual standing his disqualification as in the next preceding section ineligible hereof mention such under s. 1 hereof mentioned, receives a majority of votes at any such under s. I election dual election, such majority of votes at any such under s. the returning of votes shall be thrown away, and to be thrown away. the returning officer shall return the person having the next proster of the shall return the person having the next greatest number of votes, provided he is otherwise eligible. 35 V., c. 15, s. 2.

3. If any member of the House of Commons is elected A Member of appointed to any Legislative Assembly, or is elected or Commons elected or Commons elected or Commons appointed a month. appointed a member of any Legislative Assembly, or is elected of commons appointed a member of any Legislative Council and accepts elected or appointed the Beat his cluster of Commons set in a F the seat, his election as a member of the House of Commons seat in a Pro-shall therewoon here a member of the House of Commons seat in a Proshall thereupon become null and void, and his seat shall be vincial Legis-election as if here writ shall issue forthwith for a new accepting it, election, as if he was naturally dead: Provided always, to vacate his that any mombre of a naturally dead is provided always, to vacate his commons. that any member of the House of Commons, so elected or Commons. appointed without the House of Commons, so elected or Commons. appointed without his knowledge or consent, and who, Proviso, as to without taking his seat in the Provincial Legislature, elected or within ten days after has not in the provincial definition appointed Within ten days after having been notified of his election appointed or appointment after having been notified of his election appointed or appointment, or if he is not within the Province at the without their knowledge. time, then within ten days after his arrival within the Province Province, resigns his seat and notifies the Speaker of the House of Commons of such resignation, he shall hold his seat in the II seat in the House of Commons as if no such election or appointment to a commons as if no such election or appointment to a seat in a Provincial Legislature had been

Penalty on persons hereby declared ineligible, sitting or voting in the House of Commons.

4. If any person who is by this Act declared ineligible a^{5} member of the House of Commons, or incapable of sitting or voting therein, nevertheless so sits or votes, he shall forfeit the sum of two thousand dollars for every day he sits or votes ; and such sum may be recovered from him by any person who sues for the same, by action in any form allowed by law in the Province in which the action is brought, in any court having jurisdiction. 36 V., c. 2, s. 3.

RESIGNATION OF MEMBERS.

Members of House of Commons may resign their seats, and how.

5. Any member of the House of Commons who wishes to resign his seat, may do so by giving, in his place in the House, notice of his intention to resign,—in which case, and immediately after such notice has been entered by the clerk on the journals of the House, the Speaker shall forthe with address his warrant, under his hand and seal, to for Clerk of the Crown in Chancery, for the issue of a writ hor the election of a new member in the place of the member resigning : or -

Further provision in such case.

Warrant for new writ of election.

Resignation to vacate seat.

Proceedings ber wishes to resign and there is no Speaker, or he is himself the Speaker.

2. Such member may address and cause to be delivered his to the Speaker a declaration of his intention to resign 100 seat, made in writing under his hand and seal before witnesses which declaration witnesses, which declaration may be so made and delivered either during a Session of Parliament, or in the interval between two Sessions,—and the Speaker shall, upon received ing such declaration, forthwith address his warrant, under his hand and seal, to the Clerk of the Crown in Chancery, for the issue of a writ for the election of a new member the place of the member so resigning, and a writ shall is not accordingly,—and an entry of the declaration so deliver of to the Speaker shall be thereaft to the Speaker shall be thereafter made in the journals the House :

3. The member so tendering his resignation shall be held have vacated big spot or do a line with the sector of the to have vacated his seat, and shall cease to be a member of the House 41 V a 5 a 12 41 V., c. 5, s. 12, part. House.

6. If any member of the House of Commons vishes par when a mem-ber wishes to liamont and there is the interval between two Sessions of per liament, and there is then no Speaker, or if such member is himself the Speaker is himself the Speaker,—he may address and cause to delivered to any two mombers of the terms and cause to any two mombers of the terms and cause to be delivered to any two members of the House, the declaration before mentioned of his interview. before mentioned of his intention to resign; and such two members, upon receiving such day members, upon receiving such declaration, shall forth with address their warrant under the address their warrant, under their hands and seals, to the Clerk of the Crown in Clerk Clerk of the Crown in Chancery, for the issue of a new writ for the election of a member in the for the election of a member in the place of the member is notifying his intention to review. notifying his intention to resign, and such writ shall issue accordingly —and the member of the memb accordingly,—and the member so tendering his resignation shall be held to have vector his shall be held to have vacated his seat and shall cease to be s member of the House 41 V member of the House. 41 V., c. 5, s. 13.

Seat vacated.

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7. No member shall tender his resignation while his Not to resign ection is lawfull to the expiration while election is contested. election is lawfully contested, or until after the expiration while election of the time during which it may by law be contested on &c. part.

VACANCIES.

8. If any vacancy happens in the House of Commons by Proceedings are death of vacancy happens in the House of Commons, the in case of vacancy by proceedings any office, the vacancy by the death of any member, or by his accepting any office, the vacancy by proceeding by proceeding by any member death or ac-Speaker, on being informed of such vacancy by any member death or ac-of the Hone being informed of such vacancy by any member death or acof the House in his place,—or by notice in writing under ceptance of shall forthwith address his warrant to the Clerk of the lower in Cheven in Cheven in Cheven in the shall forthwith address his warrant to the Clerk of the shall for the s Crown in Chancery for the issue of a new writ for the shall issue to fill the vacancy, and a new writ shall issue accordingly :

2. If, when such vacancy happens, or at any time there- If there is no after before the Speaker's warrant for a new writ has issued, is absent, or there is no Speaker's warrant for a new writ has issued, is absent the member is there is no Speaker of the House, or if the Speaker is absent the member is from Canad from Canada, or if the member whose seat is vacated is him-self the Speaker of the member whose seat is vacated is him-speaker. self the Speaker,—then, any two members of the House may address their — then, any two members of the House may address their warrant, under their hands and seals, to the Clerk of the C Clerk of the Crown in Chancery, for the issue of a new writ for the election of a member to fill such vacancy, and such wit shall ison writ shall issue accordingly. 41 V., c. 5, s. 14.

9. A warrant may issue to the Clerk of the Crown in Warrant for hancery for the dection of a filling a Chancery for the issue of a new writ for the election of a filling a . member of the House of Commons to fill any vacancy curring before first meeting of Parliament thereafter by reason of the death general elecfirst meeting of Parliament thereafter, by reason of the death general elec-or acceptonic of meeting of Parliament thereafter, by reason of the death general elecor acceptance of office of any member; and such writ may tion. issue at any time after such death or acceptance of office :

2. The election to be held under such writ, shall not in Proviso: any manner affect the rights of any person entitled to con-saving right test the previous of any person entitled to con-saving right. test the previous election; and the report of any judge, to contest. appointed to try such previous election, or of the Supreme Court of Canada in case of an appeal, shall determine Effect of re-whether the member who has so died or accepted office, or trying the any other person was dolor accepted office, or trying the environment of the second se any other person, was duly returned or elected thereat, — petition. Which determination of euch memwhich determination, if adverse to the return of such member, and in favor of any other candidate, shall avoid the election ball avoid the return ball avoid the election held under this section, and the candidate declared duly elected where this section, and the candidate declared to duly elected at the previous election shall be entitled to take his cost at the previous election shall be entitled to take his seat as if no such subsequent election had been held. 41 V., c. 5, s. 15.

INTERNAL ECONOMY.

In case of dissolution, until another is chosen.

10. The person who fills the office of Speaker at the time Speaker to act of any dissolution of Parliament, shall, for the purposes the following provisions of this Act, be deemed to be the Speaker until a Speaker is chosen by the new Parliament. 31 V., c. 27, s. 8, part.

Speaker and four other Commissioners to act.

How appointed, &c.

Quorum.

or absence of Speaker.

Estimate to be made by the Clerk.

And by the Sergeant at Arms.

To be submitted to the Speaker.

Speaker to prepare an Estimate.

Estimates to be submitted to Minister of Finance, &c.

11. The Speaker of the House of Commons for the time being, and any four members of the Queen's Privy Cour cil for Canada, for the time being, appointed by the Gover nor in Council as commissioners under this Act (they and each of them being also members of the House of Commons, and the names and offices of whom and their appointment as commissioners shall be communicated by message from the Governor General to the House of Commons in the first week of each Session of Parliament, shall be commissioner for the purposes of the following sections of this Act, and any three of the said commissioners, whereof the Speaker of the House of Commons for the time being shall be one, may carry the said provisions into execution, and in the event of Case of death the death, disability, or absence from Canada of the Speaker during any dissolution or prorogation of Parliament, any three of the commissioners may carry the said provisions into execution. 31 V., c. 27, s. 1 and s. 8, part.

> 12. An estimate shall annually be prepared by the Clerk of the House of Commons of the sums which will probably be required to be provided by Parliament for the payment of the indemnity and mileage of members, and of salaries allowances, and contingent expenses of the House, and of the several officers and clerks thereof under his direction, and of the stationery of the House, during the year commencing on the first day of July in each year; and at estimate shall annually be prepared by the Sergeant at Arms of the House of Commons of the sums which will probably be required to be provided by Parliament for the payment of salaries or allowances of the messengers, door keepers and servants of the House under his direction, and of the contingent expenses under his direction, during the year as aforesaid ; and such estimates shall be sub mitted to the Speaker for his approval, and shall be subject to such approval and shall be subject to such approval and to such alterations as the Speaker thereupon considers proper ; and the Speaker prepare an estimate of the sums requisite for the several shall purposes aforesaid, and shall sign the same, and such several estimates of the Cloub Science Science and such several estimates of the Clerk, Sergeant-at-Arms and Speaker, shall be transmitted by the S be transmitted by the Speaker to the Minister of Finance and Receiver General for his approval, and shall be had severally before the House of Commons with the other estimates for the year. 31 V., c. 27, s. 2.

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18. All sums of money voted by Parliament upon such sums voted or stimates of Commons, payable in reestimates or payable to members of the House of Commons, payable in re-under the "Act respecting the Senate and House of Commons" bers' In-shall be paid shall be paid over to and held by the Minister of Finance demnity, tobe and Receiver General, subject to the order of the com- order of Com-missioners of the com- order of the shall missioners. missioners, or any three of them, of whom the Speaker shall missioners. be one, and shall be paid or transferred to them or their order at any three of them, of whom the product of them or their order at any time, and from time to time, in such sums as

they deem requisite. 31 V., c. 27, s. 4. 14. All the sums mentioned in the next preceding sec-Accountant to on, shall be sums mentioned in the next preceding sec-Accountant to be appointed. tion, shall be sums mentioned in the next preceding sec- Accountance missioners & paid according to the directions of the com-

missioners from time to time, and the Speaker shall appoint an officer from time to time, and the Speaker successful the Accountant for that purpose, who shall be called the shall take from Accountant of the House of Commons, and shall take from To give secu-him such so of the House of Commons, and shall take from To give secuhim such security for the faithful discharge of his duties as rity. the commissioners think fit, and an account shall be opened in one of the banks of Canada, in the name of the said account from time to said accountant : and the commissioners shall, from time to Advance of the barks of Canada, in the manner to Advance of the bark deem necessary for money to A countant. time, pay or transfer such sums as they deem necessary for money to Ac-that purpose the sums as they deem necessary for money to Acthat purpose, to the credit of the said accountant, by an countant, &c. order signed by the Speaker and two others of the commis-sioners and by the Speaker and two others of the commissioners; and in case of the death or removal from office of In case of any such and in case of the death or removal from to his credit in death or removal from to his credit in death or removal from the such and the such and the such as a such as any such accountant, the moneys standing to his credit in valof the account after the moneys standing to his credit in death or remothe account aforesaid shall be forthwith paid by such bank Accountant. to the commissioners. 31 V., c. 27, s. 5.

15. If the sums voted by Parliament are in any year Surplus ore than sum voted by Parliament are in any year Surplus more than sufficient to pay and discharge all charges re-paid to after the end of the S after the end of the Session, after retaining in their hands a General. sum sufficient to answer all demands in respect of the same, which are like to answer all demands in respect of the then which are likely to arise before the beginning of the then next Session next Session, pay the surplus to the Minister of Finance and Receiver Go, pay the surplus to the Minister of Finance and Receiver General, to the credit of the Consolidated Revenue Fund of Canada. 31 V., c. 27, s. 7.

OFFICERS.

16. If any complaint or representation is at any time Speaker may ade to the Speaker or representation of the misconduct suspend or remove, as the made to the Speaker for the time being, of the misconduct suspend or or unfitness of each of the time being, of the misconduct remove, as the or unfitness of any clerk, officer, messenger or other person case may be, attendant on the yr clerk, officer, messenger or other may any Clerk, Officer or Mes attendant on the House of Commons, the Speaker may Officer or Mes-such person : and if the made into the conduct or fitness of senger, guilty the person : and if the made into the conduct or fitness of senger, guilty such person; and if thereupon it appears to the Speaker of miscon-that such person; but thereupon it appears to the speaker of duct. that such person; and if thereupon it appears to the open to hold his situation the Guilty of misconduct, or is unfit to hold his situation, the Speaker may, if such clerk, officer, messenger messenger or other person has been appointed by the Crown, suspend him and report such suspension to the Governor General and report such suspension to the Governor General, and if he has not been appointed by the Crown, the Speaker if he has not been appointed by the Crown, 31 the Speaker may suspend or remove such person.

Clerk and other officers, to take oath of allegiance.

17. The Clerk of the House of Commons shall subscribe and take before the Speaker, the oath of allegiance, and all other officers, clerks and messengers of the House of Commons shall subscribe and take before the Clerk of the House of Commons, the oath of allegiance; and the Clerk of the House of Commons shall keep a register of all such oaths. 31 V., c. 27, s. 10.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with,
	ss. 1, 2, 4, 5, 7, 8, 9 and 10.	s. 11	ss. 3, 6, 1 2	An Act respecting and Senate of House Commons.
	whole Act. ss. 1, 2, 3 ss. 12, 13, 14 and 15.		ss. 1 to 11	An Act respecting and Senate of Commons.

CHAPTER 13.

An Act respecting the Office of Speaker of the House of Commons.

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

1. Whenever the Speaker of the House of Commons, from Speaker ness or other the Speaker of the House of Commons, from Speaker heaving to leave the chair me illness or other cause, finds it necessary to leave the chair chair may day, he may call day, he may call upon the Chairman of Committees, or, in to act during the basence when the basence to take the his absence. his absence, upon the Chairman of Committees, or, in to act during thair and to act any member of the House, to take the his absence. chair and to act as Deputy Speaker during the remainder of such day such day, unless the Speaker himself resumes the chair be-fore the close the Speaker himself resumes the chair be-

fore the close of the sittings for that day. 48-49 V., c. 1, s. 1.

2. Whenever the House is informed by the Clerk at the In case of ble of the maximum the House is informed by the Clerk at the In case of anaroidab table of the unavoidable absence of Mr. Speaker, the Chair absence of Man of Committee absence of Mr. Speaker, and shall the Speaker man of Committees, if present, shall take the chair and shall the Speaker, relation to all the and exercise the authority of Speaker in the Deputy such. relation to all the proceedings of the House, as Deputy such. Speaker, until the meeting of the House on the next sitting day, and so the meeting of the House on the next sitting day, and so on from day to day on the like information being given to the two day to day on the like otherwise orders : being given to the House until the House otherwise orders : Provided +1 - the House until the House otherwise orders to the twenty-Provided, that if the House adjourns for more than twenty- Proviso. four hours that if the House adjourns for more than duties and an entry speaker shall continue to perform the duties and exercise the authority of Speaker for twenty-four hours only can be authority of Speaker for twenty-four 42.49 V c. 1, s. 2.

hours only after such adjournment. 48-49 V., c. 1, s. 2.

3. If, at any time during a Session of Parliament the Validity of Peaker is town time during a Session of Parliament the Validity of acts done Speaker is temporarily absent from the House, and a Deputy while the Deputy absent from the House, and a Deputy while the Deputy absent from the House and exercises the Deputy while the Deputy absent from the House and exercises the Deputy while the Deputy absent from the House and exercises the Deputy while the Deputy absent from the House and exercises the Deputy absent from the House and exercis Speaker is temporarily absent from the House, and a Doparty which authority of Speaker thereupon performs the duties and exercises the Deputy Speaker thereupon performs the Character authority of Speaker authority of Speaker the Character authority of Speaker the Character authority of Speaker authority authority of Speaker authority authority of Speaker authority of Speaker authority of Speaker, as hereinbefore provided, or pursuant the Chair. to the standing orders or other order or a resolution of the House even in or by the House, every act done and proceeding taken in or by the H_{ouse} , in the done and proceeding taken in or by the state in the state of the state o House in the exercise of its powers and authority, shall be as valid and effectual as if the Speaker himself was in the chair, and chair; and effectual as if the Speaker himsell was in document issued, signed or published by such Deputy in a solution of the House of Speaker in relation to any proceedings of the House of Commons of which which statute would be done, Commons, or which under any Statute would be done, act, shall have the published by the Speaker if then able to act, shall have the same effect and validity as if the same had been down the same effect and validity as if the same had been done, issued, signed or published by the Speaker for the time being. 48-49 V., c. 1, s. 3.

		176		Chap. 18
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
48-49 V., c. 1	The whole except s. 4.	s 4.		

CHAPTER 14.

An Act respecting the Library of Parliament.

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

1. All books, paintings, maps, and other effects in the Books, &c., Canada, or which the Senate and House of Commons of ^{vested in} Her the senate and House of Commons of ^{vested in} Her Canada, or which are hereafter added to the existing collec-tion, shall which are hereafter added to the use of both tion, shall be vested in Her Majesty, for the use of both Houses of De vested in Her Majesty. Houses of Parliament, and shall be kept in a suitable por-tion of the arritement, and shall be kept in a suitable for that tion of the Parliament, and shall be kept in a survey of the Parliament buildings appropriated for that Purpose. 34 V., c. 21, s. 1.

2. The direction and control of the Library of Parliament Administra-id of the off and of the officers and control of the Library of Parliament tion. be vested in the officers and servants connected therewith, shall be vested in the Speaker of the Senate and the Speaker of the House of the Speaker of the Senate and the Speaker of the House of Commons for the time being, assisted, during each session each session, by a joint committee to be appointed by the two Houses. 34 V., c. 21, s. 2.

8. The Speakers of the two Houses of Parliament, assisted Regulations the joint make may be mad by the joint committee, may, from time to time, make may be made. such orders and regulations for the government of the Library, and for the proper expenditure of moneys voted by Parliament the proper expenditure of moneys or other by Parliament for the purchase of books, maps or other articles to be the purchase of books, maps or other articles to be deposited therein, as to them seem meet, subject to the deposited therein, as to them seem meet, subject to the approval of the two Houses of Parliament. ³4 V_{., c}. 21, s. 3.

4. The officers and servants of the Library of Parliament Officers and servants for the Library of Parliament Officers and servants for the Library shall consist of :-the library.

(a.) Two officers, one of whom shall be called the General Librarian, and the other of whom shall be called the Parliamentary Librarian and the other of whom shall be appointed Parliamentary Librarian—which officers shall be appointed by joint commission which officers shall be appointed by joint commission, under the Great Seal, as Librarians of Parliament Parliament, and shall have equal powers as respects the control and management of the library;

(b.) Two first-class clerks;

- (c.) Two second-class clerks :
- (d.) Three third-class clerks;
- (e.) One chief messenger ;

(f.) Three messengers:

Salaries.

Appointment 2. All such officers and servants snall be appointed and tenure of the Governor in Council, and shall hold office during p^{leg} sure. 48-49 V., c. 45, s. 1.

Salaries and 5. The salary of each officer so appointed by joint com pay, how to be fixed, &c. mission shall be such sum not exceeding three thousand dollars, and of the chief messenger such sum not exceeding seven hundred dollars, as the Governor in Council directs and the salaries of the other officers and of the servants of the Library shall be fixed, from time to time, by the Gover nor in Council, according to the scale of salaries provided for in any Act or Acts relating to the Civil Service in force at the time of the passing of the Order in Council. 48-49 V. c. 45, s. 2. 6. The general librarian, parliamentary librarian, and Responsibility of officers and other officers and servants of the Library of Parliament shall be responsible for the faithful discharge of their official duties, as the same are defined by regulations agreed upon, as aforesaid, by the Speakers of the two Houses, and cop_{a1}^{p} 3¥ curred in by the said joint committee on the Library. V., c. 21, s. 5; --48-49 V., c. 45, s. 3.

7. The salaries of the officers and servants of the Library of Parliament, and any casual expenses connected therewith, shall be paid out of moneys provided by Parliament for that 34 V., c. 21, s. 6. purpose.

8. The supply of stationery required for the use of the Stationery. Library shall be furnished by the Government Stationery 34 V., C. office, and charged to the Houses of Parliament. 21, s. 7.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
3 4 V., c. 21 48-49 V., c. 45	cent s. S.			

CHAPTER 15.

An Act respecting the High Commissioner for Canada in the United Kingdom.

HER Majesty, by and with the advice and consent of the Senate Canada, enacts as Senate and House of Commons of Canada, enacts as $\frac{1}{2}$ follows :---

1. The Governor in Council may, under the Great Seal of Appointment anada, from time in Council may, under the Great Seal of Appointment of High Com-Canada, from time to time, appoint an officer to be called missioner. "The High Original Canada" who shall hold office "The High Commissioner for Canada," who shall hold office during pleasure. 43 V., c. 11, s. 1.

2. The High Commissioner shall,-

(1.) Act as representative and resident agent of Canada His duties the United Tribut execute nor in in the United Kingdom, and in that capacity execute nor in Council. such powers and perform such duties as are, from Council. time to time, conferred upon and assigned to him by the Governor in Council;

(2.) Take the charge, supervision and control of the Under Minis-migration of the charge, supervision and control of the Under Minisimmigration offices and agencies in the United Kingdom, culture. under the Minister of Agriculture;

(3.) Carry out such instructions as he, from time to Astofinancial and general receives of the interests of time, receives from the Governor in Council respecting the interests of Canada in Canada. commercial, financial and general interests of Canada in Canada. the United Kingdom and elsewhere. 43 V., c. 11, s. 2.

8. The High Commissioner shall receive a salary of not Remuneranore than ten thousand dollars per annum, and the same shall be parely shall be payable out of any unappropriated moneys forming part of the Ole out of any unappropriated moneys forming. Part of the Consolidated Revenue Fund of Canada. 43 V.,

S.	ilevenue i u	nu or Cana	ua. 40 v.,
Proposed to be Consolidated. 43 V., c. 11	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.

CHAPTER 16.

An Act respecting the Civil Service of Canada.

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

SHORT TITLE.

1. This Act may be cited as "*The Civil Service Act.*" 48-49Short title. V., c. 46, s. 1.

INTERPRETATION.

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

(a) The expression, "Head of a Department" means the "Head of a Minister of the Crown for the time being presiding over such Department." department ;

'Deputy Head.''

or The expression, "Deputy," "Deputy Head," "Deputy Head of the Department," means the Deputy of the Minister of the Communication of the (b)Minister of the Crown presiding over such department, and also includes the "Anditar of also includes the "Auditor General," in all cases in Which such meaning is not in the such meaning is such meaning is not inconsistent with his powers and duties under "The Consolidated Revenue and Audit Act." 48-49 $\sqrt{48}$ c. 46. s. 2.

CONSTITUTION OF THE CIVIL SERVICE.

3. The Civil Service, for the purposes of this Act, included that consists of all alors and consists of all alors and the second seco Of whom the Oivil Service and consists of all classes of employees, elsewhere in the North-West Territories, in or under the several shall consist. departments of the executive government of Canad and in the effect of the executive government of Canad included and in the office of the Auditor General, in the schedules A and B to this Act, appointed by the Governor in Council or other competent authority before hty first day of July, one thousand eight hundred and eight two. or thereafter annexed in the second sec two, or thereafter appointed in the manner provided by the Civil Service Act for the diameter of the diameter Civil Service Act for the time being in force, and such officers and employees in the N being in force, and hold officers and employees in the North-West Territories holding positions which it had ing positions, which, if held in other parts of Canada, would bring them under the provision bring them under the provisions of this Act, as the Gover nor in Council bring and the sector of this Act, as the Gover nor in Council brings under the provisions hereof. V., c. 46. s. 8 V., c. 46, s. 8.

As to North-West Territories.

Two

divisions.

4. The service shall be divided into two divisions :--

Interpretation.

The first or inside departmental division shall comprise Inside employees of those classes mentioned in schedule A, em-ployed on the schedule A and in ployed on the several departmental staffs at Ottawa, and in the office of the Auditor General :

The second or outside departmental division shall com- Outside division. prise employees of those classes mentioned in schedule B, division. and who are employed otherwise than on the departmental staffs at Ottawa. 48-49 V., c. 46, s. 4.

5. The Governor in Council may, from time to time, make Regulations general rules and regulations, not inconsistent with the to be made by provisions of the regulations, not inconsistent with the Order in Council. provisions of this Act, respecting the appointments and Council.

promotions of this Act, respecting the appointment matters part of the officers in the Civil Service and all other 12×10^{-10} M $\approx 46 \times 5$. matters pertaining thereto. 48-49 V., c. 46, s. 5.

6. The Governor in Council shall, from time to time, Governor in Council shall, from time to time, Governor in Sengers and other of officers, chief clerks, clerks, mes-determine determine that are required for the work-number of other or required for the work-number of the termine determine that are required for the work-number of the termine determine that are required for the work-number of the termine determine that are required for the work-number of the termine determine det sengers and other employees that are required for the work- number of ing of the civil employees. ing of the several departments in each division of the Civil employees. Service, but the collective amount of the salaries of each departments in each division of the salaries of each department. The collective amount of the salaries of each department shall, in no case, exceed that provided for by vote of Parliament for that purpose:

2. If the number of employees then attached to any depart- If the actual number in either the number around that ment in either division thereof is greater than the number exceeds that allowed to the division thereof is greater than the Cover- allowed. allowed to the department, as herein provided, the Gover- allowed. nor in Council shall name the persons to fill the several offices and it shall name the persons to fill the several shall name the persons to fill the several offices and it shall name the persons to fill the several sever offices; and the remainder shall be supernumerary clerks, Without he Without being eligible for increase of salary, of that class respectively. respectively in which they rank, and shall so remain until promoted in the manner herein provided or until severed from the service. 48-49 V., c. 46, s. 6.

7. Any person who is a member of the Civil Service, and As to em-ho was such who is a member of the Civil Service, and As to em-ployees on ployees on 20th July, who was such member on the twentieth day of July, one 20th July, thousand eight is a member on the twentieth day of July, one 20th July, thousand eight hundred and eighty-five, shall be classified 1885. In the class 48-49 V., c. in the class in which he has been appointed. 48-49 V., c.

BOARD OF EXAMINERS.

8. A Board of Examiners shall, from time to time, be Board of Exappointed by the Governor in Council, who, for the pur- aminers of candidates poses of this Act, shall be known and are hereinafter referred the service : to as "The Board," consisting of three members; and they their appoint-shall even in the Civil duties. shall examine all candidates for admission to the Civil duties. Service, and give certificates of qualification to such persons as are found qualified, according to such regulations as are such regulations of the such regulations in Council for the as are tound qualified, according to such regions the guidance in Council for the Suidance of the board :

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2. The Governor in Council may appoint a secretary to Secretary. the board, who may be one of the members of the board, a salary not exceeding one thousand dollars per annum, and may also appoint a clerk to assist the board, who holds certificate of having passed the qualifying examination, and who shall be a third-class clerk: 8. Each member of the board shall receive a salary of six Salary of members. hundred dollars per annum : 4. The members of the board, while engaged in their Travelling work, shall be paid such travelling expenses as are deter expenses. mined by the Governor in Council: 5. Such persons as are selected by the board to assist Assistants. them in the conduct of examinations shall receive such sum not exceeding five dollars a day, as is fixed by the Gover nor in Council: 6. The meetings of the board shall be held at such tim_{1ab}^{ee} Meetings. and the proceedings thereof shall be governed by such rules and regulations as the Governor in Council, from time time, determines : 7. The board shall be supervised by the Secretary of ate. 48-49 V $a = 10^{-10}$ Supervision of board. State. 48-49 V., c. 46, s. 8. 9. The Board may obtain the assistance of persons Who may be who have had experience in the education of the your of Canada and will appointed as assistants. of Canada, and with such assistance shall hold, cause to be held, periodical examinations for admission R. the Civil Service, in the cities of Halifax, St. John, N. B., Charlottetown, Orcher Willie of Halifax, St. John, N. mil Charlottetown, Quebec, Montreal, Ottawa, Toronto, Hamilton, London Winning, Weither Places and ton, London, Winnipeg, Victoria and such other places be

times of examinations.

Expenses, how paid. writing,

48-49 V., c. 46, s. 9.

APPOINTMENTS AND SALARIES IN THE SERVICE.

moneys previously voted by Parliament for that purpose.

are determined by the Governor in Council; it shall not be necessary to hold such examinations in all the said places, but the times and all but the times and places at which the examinations shall be held shall be determined, from time to time, by the Gover nor in Council; examinations shall, as far as possible, be of writing and the cost it

Conditions of appointment. During plea-sure and after examination.

10. Except as herein otherwise provided,—

(a.) All appointments to the Civil Service shall be dur ing pleasure, and no person shall be appointed of promoted to any it promoted to any place below that of a Deputy Head unloss he had Head unless he has passed the requisite examination tion and served the probationary term herein after mentioned:

and the cost thereof shall be defrayed out of

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(b.) No person shall be appointed to any place in the Limits as to first or inside departmental division of the Civil age. Service other than that of a Deputy Head, on probation or otherwise, whose age exceeds thirty-five years, or who has not attained, in case the appointment is to a lower grade than that of a third-class clerk, the full age of fifteen years, or in other cases, the full age of eighteen years. 48-49 V., c. 46, s. 10.

11. The Deputy Heads of departments shall be appointed Appointment by the Governor in Council, and shall hold office during Heads to be pleasure: but pleasure; but whenever such pleasure is exercised in during the direct; but whenever such pleasure is office, a pleasure the direction of removing a Deputy Head from his office, a pleasure. statement of the reasons for so doing shall be laid on the table of but the reasons for so doing shall be first fifteen table of both Houses of Parliament within the first fifteen 49.40 V c. 46, s. 11. days of the next following Session. 48-49 V., c. 46, s. 11.

12. The salaries of the Deputy Heads shall be determined Salaries. by the Governor in Council, according to the duties and responsibilities of the Deputy Heads shall be duties and responsibilities of their respective departments. The mini- Minimum. mum salary of their respective departments. num salary of a Deputy Head shall be three thousand two hundred doll hundred dollars, and the maximum salary shall be four Maximum. thousand dollars. 48-49 V., c. 46, s. 12.

13. The Deputy Head of each department shall, subject to Duties and powers of a powers of a powers of a direction of the dire the directions of the Head of the department, oversee and Deputy Head. direct the officer the Head of the department, oversee and Deputy Head. direct the officers, clerks and employees in the department, and shall because thereof, and shall have general control of the business thereof, and shall perform such other duties as are assigned to him by the Courter built of the 10^{10} M or 16^{10} M or 16^{10}

by the Governor in Council. 48-49 V., c. 46, s. 13.

14. In the absence of any Deputy Head, a chief clerk By whom per-duties of such Deputy The Head of the department shall perform the absence. duties of such Deputy Head, unless the performance of such duties is other in the deputy Head, unless the performance of such is other in the foregoing in the foregoing in the foregoing is other in the foregoing in the foregoing is other in the foregoi duties of such Deputy Head, unless the performance and there are provided for by the Governor in Council; and there shall be in the office of the Auditor General a chief clarber of the Auditor General chief clerk who shall, at all times, act for the Auditor General

in his absence. 48-49 V., c. 46, s. 14.

15. A chief clerkship in any department shall only be Chief clerkcreated by Order in Council, passed after-

(a.) The Deputy Head has reported that such an officer Condition of is necessary for the proper performance of the creation of office. public business in the department, stating the reasons on which he has arrived at that conclu-

(b.) The concurrence of the Head of the department in Concurrence of head, &c.

(c.) The salary has been voted by Parliament. $48-49 \sqrt[7]{r}$ c. 46, s. 15.

Salary.

16. The minimum salary paid to a chief clerk shall b^{θ} one thousand eight hundred dollars, with an annual increase of fifty dollars up to a maximum of two thousand four h^{un} dred dollars. 48-49 V., c. 46, s. 16.

17. A first-class clerkship shall only be created by Order in Council, passed on the report of the Deputy Head, concurred in by the Head of the department, setting forth the reasons for creating the office, and after the salary has been voted by Parliament. 48-49 V., c. 46, s. 17.

18. The minimum salary of a first-class clerk shall be one thousand four hundred dollars per annum, with an annual increase of fifty dollars up to a maximum of one thousand eight hundred dollars. 48-49 V., c. 46, s. 18.

19. A second-class clerkship shall only be created by Order in Council passed on the report of the Deputy Head, concurred in by the Head of the department, setting forth the reasons for creating the office, and after the salary has been voted by Parliament. 48-49 V., c. 46, s. 19.

20. The minimum salary of a second-class clerk shall be one thousand one hundred dollars per annum, with an annual increase of fifty dollars up to a maximum of one thousand four hundred dollars. 48-49 V., c. 46, s. 20.

21. A third-class clerkship, or the office of a messenger, ^s packer or a sorter, shall only be created by Order in Council passed on the report of the Deputy Head, concurred in for the Head of the department, setting forth the reasons by creating the office, and after the salary has been voted by Parliament. 48-49 V., c. 46, s. 21.

Salaries of hird-class clerks.

Of messengers, &c.

Initial salary and increase. 22. The minimum salary of a third-class clerk shall of four hundred dollars per annum, with an annual increase 49 fifty dollars up to a maximum of one thousand dollars. 48-49 V., c. 46, s. 22.

23. The minimum salary of a messenger, packer or sorter shall be three hundred dollars per annum, with an annual increase of thirty dollars up to a maximum of five hundred dollars. 48-49 V., c. 46, s. 23.

24. The salary of a clerk on appointment or promotion to any class shall begin at the minimum of such class, except in the case of third-class clerks, who may receive, addition, fifty dollars for each optional subject (not to exceed four) in which they have passed before their appointment,

Salary.

Second-class clerkship; condition of creation.

Salary.

Third-class clerkship,&c., condition of creation.

First-class clerkship; condition of creation. Chap. 16.

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and except in the case of lower grade permanent employees Promotion. who, upon the case of lower grade permanent employees Promotion. who, upon passing the qualifying examination, may be appointed the province of appointed third-class clerks, provided there is no increase of salary 48 40 V salary. 48-49 V., c. 46, s. 24.

25. The officers, clerks and employees mentioned in sche-Salaries to be ale B to the scale thereby regulated as dule B to this Act shall be paid according to the scale thereby regulated as per schedule B. established, and the salaries of officers, clerks and employees B in the second or outside division of departments other than the Custom of outside division of departments other than the Customs, Inland Revenue and Post Office Departments shall, sub: shall, subject to the provisions of any Act relating thereto, be fixed in a council. 48-49 V., be fixed in each case by the Governor in Council. 48-49 V., c. 46, 8, 95

26. No officer, clerk or employee shall receive any Conditions of Council passed on the increase. increase of salary except by Order in Council passed on the increase. report of the Deputy Head, concurred in by the Head of the department of the Deputy Head, concurred in by the Head of the department, stating that such officer, clerk or employee is deserving of such increase :

2. The increase of salary of any officer, clerk or employee May be sustherized and be been authorized under this Act for the then current year may be neglect. suspended by the Head of the department for neglect of duty or mission the Head of the department restored by duty or misconduct, and may be subsequently restored by such Head, but without arrears. 48-49 V., c. 46, s. 25.

27. The increase of salary shall be payable from the first From what ay of the office a second salary shall be payable from the first From what day of the official quarter next succeeding the date on which, time payable. from his length of service, any clerk or employee for whom encl whom such increase is recommended is eligible for such

2. In case of promotion, the increase of salary shall become In case of yable from 11 promotion, the increase of salary shall become In case of promotion. payable from the day on which such promotion takes place. promotion. 48-49 V., c. 46, s. 27.

28. No salary shall be paid to any member of the Civil Appointment must have Service whose appointment or promotion, or whose increase been accord-of salary after the pointment or promotion of the unit have been accordof salary after the first day of July, one thousand eight hun- ing to law. dred and eight dred and eighty-two, has not been made in the manner pro-vided has a transformed by the time of such vided by the Civil Service Act in force at the time of such appointment decive Act in force at the time of such appointment, promotion or increase. 48-49 V. c. 46, s. 28.

EXAMINATIONS.

29. Except as herein otherwise provided, no appointment No appointshall be made to either division of the Civil Service unless ment without examination. the person appointed has passed an examination, which shall be of two kinds-

The first or "preliminary" examination, to qualify for the Preliminary, for what apfollowing appointments :pointments.

Messengers in either division. Porters, Sorters. Packers. Letter Carriers, Mail Transfer Agents, Box Collectors, Tide Waiters. Assistant Inspectors of Weights and Measures, Temporary copyists, and-

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For such other offices in the lower grades as are deter mined by the Governor in Council:

The second or "qualifying" examination to qualify for Qualifying examination. the following appointments :---

Third-class clerkships in the first division;

Third-class clerkships and the offices of landing waiters and lockers, in the second division for Customs service :

Third-class clerkships and the office of exciseman, in the second division for Inland Revenue service;

Third class clerkships, railway and marine mail clerk ships, and the offices in the second division for Post Office service:

But nothing in this section shall be construed to prevent adjuster passing but Candidate candidates passing both examinations, at their option. 48-49may pass both examinations V., c. 46, s. 29. voluntarily.

30. No person shall be admitted either to the preliminary Conditions or qualifying examination until he has satisfied the board for preliminary or qualifying examination.

- (a.) That at the time appointed for such examination h^{θ} will, if the examination is for a place below that of a third-class clerk, be of the full age of fifteen years, and in other cases be of the full age of eighteen years eighteen years, and if for the inside departmental division, that his age will not then be more than thirty-five years;
- (b.) That he is free from any physical defect or diseasewhich would be likely to interfere with the pro per discharge of his duties;
- (c.) That his character is such as to qualify him for end ployment in the service. 48-49 V., c. 46, s. 30.

31. The preliminary and qualifying examinations shall To be held held not with this under regu be held under such regulations, not inconsistent with this under regula-Act, as are found in the found in th Act, as are, from time to time, made by the Governor in Council Council and published in the English and French languages in the Canada Gazette. 48-49 V., c. 46, s. 31. **32.** The examinations shall be open to all persons who To whom moly with the animation of age. shall be open to all persons of age. comply with the requirements of this Act as to proof of age, shall be open. health and character, and conform to the regulations made as herein provided, upon payment of such fees as are deter- rees. mined by the Governor in Council; and all examinations under the Governor in Council; and all examinations under this Act shall be held in the English or French In either language Act shall be held in the English or Hanguage language, or in both, at the option of the candidate. 48-49 language.

33. Notice of every examination to be held under this Act Notice of time and place of the English and D the Civil Service shall be published in holding. the English and French languages in the Canada Gazette at least one and French languages in the canada for the examination, least one month before the date fixed for the examination, and the notice so published shall state-

(a.) When and where the examination is to be held;

(b.) The subjects to which the examination will extend.

48-49 V., c. 46, s. 33.

84. Immediately after each examination a list of the per-Lists of persons who are found qualified shall be made out, and pub-lished in the Canada County 48.49 V c. 46. s. 34. lished in the Canada Gazette. 48-49 V., c. 46, s. 34.

NEW APPOINTMENTS.

35. Whenever it becomes necessary to make any appoint- Proceedings first appoint the classes to which it is herein provided that appointments appointments appointment appointment. first appointments shall only be made after qualifying exam- are required. ination, such necessity shall be reported to the Head of the department, necessity shall be reported to the Head of the such report being department by his Deputy; and upon such report being approved by his Deputy; and upon such report salary to have the Head of the department, and after the Balary to have the Head of the department, the Head of salary to be paid has been voted by Parliament, the Head of Selection of the department, the Head of Selection of candidates. the department shall select and submit to the Governor in Council for matching select and submit to the Governor in Council for probation, from the lists of qualified candidates made by the probation of the lists of qualified candidates made by the board, a person fitted for the vacant place:

2. The person so selected shall not receive a permanent Probation. appointment until he has served a probationary term of at least six months :

³. The Head of the department or the Deputy Head may, Rejection any time and of the department or the Deputy Head may, Rejection at any time during the period of probation, reject any clerk during pro-or employee approach during the period of probation, reject any clerk bation. 48-49 V., c. 46, or employee appointed to his department. 48-49 V., c. 46,

Report of Deputy Head as to competency.

36. No probationary clerk shall remain in any department more than one year, unless, at or before the end of that time, the Deputy Head signifies to the Head of the department in writing that the clerk is considered by him competent for the duty of the department :

Provision in case of rejection.

2. If he is rejected the Head of the department shall report to the Governor in Council the reasons for rejecting him, and another clerk shall thereupon be selected in like manner in his stead ; and the Head of the department shall decide whether the name of the person rejected shall of struck off the list as unfit for the service generally, a 48-49 V., C. 46 whether he shall be allowed another trial. s. 36.

37. When the Deputy Head of a department in which vacancy occurs reports, for reasons set forth in such As to offices requiring special qualireport,fications.

- (a.) That the qualifications requisite for such office or $e^{mr}_{1 \text{ of } 1}$ ployment are wholly or in part professional of technical:
- (b.) That the requisite qualifications are not possessed by any person then in the service of that department; and-

(c.) That it would be for the public interest that th^{θ} examination herein provided for should, as is gards such vacancy, be wholly or partially dis pensed with :

The Governor in Council may, without reference to the age of the person, if the Head of the department concurs Selection and appointment. such report, select and appoint such person as is deened best fitted to fill the vacancy, subject to such examination as is suggested in the report. as is suggested in the report; and such appointment shall be made from the Civil Service made from the Civil Service, if any person employed therein is found available From the service if is found available : available.

Exception as to certain enumerated officers.

2. City Postmasters ; Inspectors, Collectors and Preventive Officers in the Customs Department; Inspectors of Weight and Measures, Department; Cult and Measures; Deputy Collectors and Preventive Officers it the Inland Revenue Department, may be appointed with out examination and without of out examination and without reference to the rules for pro-motion herein prescribed. motion herein prescribed :

In what cases qualifying examination may be dispensed with.

3. The qualifying examination may be dispensed with in e case of any person actually in the dispensed with interval the case of any person actually and continuously employed on and since the first day of on and since the first day of July, one thousand eight hundred and eight two if the hundred and eighty-two, if the Deputy Head of the department. with the convert department, with the concurrence of the Head of the department, reports that the department, reports that the said employee has the requir

such percent in the place to be filled by him; and such person may receive an appointment in the Civil Service for which he is otherwise eligible, if at the date of such the date which he is otherwise eligible. of such temporary employment his age did not exceed thirty-five years. 48-49 V., c. 46, s. 87.

38. If a vacancy occurs in the office of the Auditor Gen-Vacancy in Auditor Gen-Vacancy occurs in the office of the Auditor Gen-Vacancy occurs in the office occurs in the occurs eral, the report required as to such vacancy shall be made to eral's office. the Minister of Finance and Receiver General. 48-49 V., c.

PROMOTIONS.

39. No promotion in either division of the Civil Service Promotion to be by examination under regula- ation under shall take place without special examination, under regula- ation under regulations. tions made by the Governor in Council:

2. Except as herein otherwise provided, such examina- To whom shall be a position below open. tion shall be open to any person who holds a position below ^{open}. that to which the promotion is to be made in either division of the source the vacancy to of the service of the department in which the vacancy to be filled have been such subjects be filled by promotion exists; and shall be in such subjects Subjects of examination as are determined from time to time for each department by the Governor in Council, and in such subjects, as by report of the Deputy Head of the department in Head of the department is to be made, concurred in by the Head of the department, are submitted to the board as best adapted to test the fitness of the candidates for the vacant

3. When the vacancy to be filled by promotion exists in In inside division. the inside division, the examination shall not be open to per-sons employed to be filled by promotion exists in in the division. sons employed in the outside division who, at the date of their first and the outside division who, at the thirty-five their first appointment, were of a greater age than thirty-five

4. In the case of barristers, attorneys, engineers, military May be dis-civil officers of barristers, attorneys, engineers, military May be disor civil, officers of artillery in the Militia Department and pensed with graduates of the D artillery in the Militia Department and pensed with graduates of the Royal Military College, architects, actuaries, sional men. land surveyors and draughtsmen, when employed or when seeking seeking promotion in the line of their profession, the exam-ination promotion in the line of their profession, the Deputy ination may be dispensed with on a report from the Deputy Head Head, concurred in by the Head of the department, that it

5. No such examination shall be required for the re-em- Special case syment or provide the de- of excisement ployment or promotion of excisemen who passed the de-partmental constraints of excisemen who passed the departmental examinations for the special class in the excise service back and the special class in the excise service before the first day of July, one thousand eight hun-

dred and eighty-two. 48-49 V., c. 46, s. 39.

40. Once in each year the Deputy Head of each depart- Yearly estiment shall make an estimate of the number of vacancies probable

vacancies, in first division. likely to occur therein during the ensuing year, in the first division in the classes of—

- (a.) Chief clerks;
- (b.) First-class clerks;
- (c.) Second-class clerks :

Additions. 2. To the number so estimated shall be added such further number as the Deputy Head of the department deems necessary to compensate for any death, failure of health, or other contingency:

In second 3. A similar estimate shall be made at the same time of the number of vacancies likely to occur in the second division, to which promotions can be made:

Use of estimate.

4. The numbers so estimated shall be those with reference to which the examinations for promotion shall be held, as herein provided. 48-49 V., c. 46, s. 40.

Notices of examinations. **41.** Notice of each examination for promotion in the service shall be published in the English and French languages in the *Canada Gazette* at least one month before the examination is to be held; and such notice shall state the number of promotions expected in each class in each division. 48-49 V., c. 46, s. 41.

Selectionfor vacancies in higher classes.

Proviso: if no officer is found fit.

Promotion subject to probation. 42. Except as herein otherwise provided, when any vacancy occurs in one of the higher classes, in either division, the Head of the department shall select from the list of successful candidates for promotion, the person whom he considers best fitted for the office, having due reference to any special duties incident to such office, to the qualification and fitness shown by the candidates respectively, during their examination, and to the record of their previous conduct in the service: Provided, that when no person employed in the department is found suitable for promotion therein, an examination shall be held of persons employed in the service of other departments with a view to the promotion being made as far as practicable from the service. 48-49 V., c. 46, s. 42.

43. Every promotion so made shall be subject to a probation of not less than six months; but at any time during the first year the Head of the department may reject the person promoted, or he may be definitely accepted at any time during the second period of six months after his promotion:

If rejected.

2. If the person so selected is rejected he shall then return to the performance of the duties in which he W^{BS} previously engaged. 48-49 V., c. 46, s. 43.

44. When any clerk who is promoted on probation is Further selection to be the transformed that the transformed select another in selection rejected, the Head of the department shall select another in ^{selection}. his stead from the candidates whose names still remain on the lists of on the candidates whose names still remain on the lists of qualified persons, made by the board. 48-49 V.,

45. During the period for which a clerk is promoted on His former robation the period for which a clerk is promoted on His former whether the period by him shall, duties, by many perprobation the duties of the office previously held by him shall, duties, by if necessary butters of the office previously held for that pur-formed. if necessary, be performed by a person selected for that pur-pose by the T performed by a person selected for that pur-48.49 V. c. 46, s. 45.

pose by the Head of the department. 48-49 V., c. 46, s. 45.

46. An exchange of positions between two officers serving Exchange of different divisions of the positions by in different departments, or in different divisions of the positions by ment by a transforf. ment by a transfer from another division of the same depart-ment or from some the same department or from another from another division of the same by the Governor in Canother department, may be authorized by the Governor in Council, to be made without examination of either officer ball be made either officer; but such exchange or transfer shall be made Condition. without increase exchange or transfer shall be made Condition. without increase of salary of either of the persons exchang-ing or transformed salary of either of shall be transferred ing or transferred; and no person shall be transferred at the date from an outside to an inside division, whose age at the date of his first and inside division, whose age at the date of his first appointment exceeded thirty-five years. 48-49 V., c. 46, s. 46

SUPERNUMERARY AND TEMPORARY CLERKS.

47. When, from a temporary pressure of work or from any Employment her cause the desistance of assistance of assistance in cases of other cause, the assistance of temporary clerks becomes in cases of temporary clerks becomes in cases of division, the temporary necessary in any branch of the first or second division, the temporary Head of the document of the first or second division, the temporary Head of the department may—if he is satisfied that such pressure. hecessity exists—on the requisition of the Deputy Head of the department on the requisition of the Deputy Head of the department, select from the lists of qualified candidates, for whom we have been found, for whom no vacancies have, up to that time, been found, such number of towned have, up to that time, been found, such number of temporary clerks as are required, or, if the list does not for temporary clerks as are required, or, other list does not furnish such a person, may employ any other person qualified in the such a person, may employ any other person qualified for the service in question; but such other Term of em-person shall not her the service in question and the ployment ployment limited, &c. person shall not be continued in such temporary employment limited, &c. after the period in which a preliminary or qualifying examination is held, unless he presents himself for examination and obtains a cortice of the presents himself the necessary and obtains a certificate of having passed the necessary

2. Persons who were in the temporary employment of the The same, veral departments are in the temporary employment of the the same, and rate of remunerations of the temporary employment of the the same, and rate of the temporary employment end and rate of the temporary employment end to the temporary end to the temporary employment end to the temporary end to the templot end to the t several departments on the first day of July, one thousand remuneration. eight hundred and eighty-two, may be continued in such employment so long as the Heads of the respective depart-nents deem ments deem necessary; the rate of remuneration to be haid for such to be the such paid for such temporary service shall not, however, exceed the minimum salary of a third-class clerk, unless the service to be performed at third-class clerk, unless the service to be performed is technical and requires special qualifica-tions; and and requires special qualifications; and such temporary employment shall not be con-sidered as giving the point appointment: sidered as giving any claim to permanent appointment:

Out of what funds payable.

8. The temporary and supernumerary clerks so employed shall be paid only out of money voted by Parliament of payment of the contingencies of the department, division of office of the service in which such clerks are employed, of out of money voted by Parliament for the construction M. works upon which they are employed. 48-49 V., c. 46, s. 41.

PRIVATE SECRETARIES.

Private secretaries of Ministers.

48. Any member of the Civil Service may be appointed he private secretary to the Head of a department, and may he appoint be paid an additional salary not exceeding six hundred dollars a year whilst so acting :

2. No salary shall be payable to any private secretary Salary must have been unless the amount has been voted by Parliament. V., c. 46, s. 48.

GENERAL PROVISIONS.

49. The Head of a department, and in his absence the approximate the approximate the approximate the second seco

Deputy Head of such department, and in his absence for chief clerk, clerk or other employee, leave of absence three purposes of recreation for

purposes of recreation for a period not exceeding three weeks in each year; and every such officer, clerk hall employee, whether in the first or second division, shall take the leave so granted at could be take the leave so granted at such time during each year as:

As to leave of absence.

voted.

In case of illness, &c.

officers for

cause.

In what cases.

the Head or Deputy Head of the department determines: 2. In case of illness or for any other reason which to him ems sufficient the Garage seems sufficient, the Governor in Council may grant of any officer, chief clerk clerk of a start any officer, chief clerk, clerk or other employee, leave g absence for a period not avoiding the employee, leave g 48-⁴⁹ V., c. 46, s. 49.

50. The Head of a department, and in his absence the Suspension of Deputy Head of such department, may,-

(a.) Suspend from the performance of his duty or from the ceipt of his salary any officer receipt of his salary any officer or employee guilty of mit conduct or negligence in the performance of his duty of mit conduct or negligence in the performance of his duties; (b.) Remove such suspension ; but no person shall receive y salary or pay for the time i

any salary or pay for the time during which he was under suspension : Removal of suspension.

Report in such cases.

2. All cases of suspension by the Deputy Head of t_{pe}^{the} department shall be reported by him to the Head of the department. 48-49 V or 46 a 50

51. No extra salary or additional remuneration of any nd whatsoever shall be paid kind whatsoever shall be paid to any Deputy Head, officer or employee in the Civil Source of the state of the In what cases or employee in the Civil Service of Canada, unless a sum has only additional pay shall be allowed.

55. No provision herein contained shall impair the Powers of the Governor dismiss any Governor dismiss any Council net the power of the Governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor dismiss and council net the power of the governor power of the Governor in Council to remove or dismiss any Council not Deputy Hood Cerror in Council to remove or dismiss any council not Deputy Head, officer, clerk or employee, but no such Deputy impaired. Head, officer, clerk or employee, but no such Deputy impaired. Governor in Head, officer, clerk or employee, but no such Deputy permanent is of a Proviso. permanent nature shall be removed from office except by authority of the office 48.49 V. c. 46, s. 55 authority of the Governor in Council. 48-49 V., c. 46, s. 55

54. Nothing contained in this Act shall prejudicially Act not to affect the salary or emoluments of any Deputy Head, officer, tain officers. clerk or employee in the Givit Connector of Connector appointed clerk or employee in the Civil Service of Canada, appointed on or before the Civil Service of Canada, appointed on or employee in the Civil Service of Canada, are dred and sight first day of July, one thousand eight hundred and eighty-two, so long as he is continued in office, nor shall eighty two, so long as he is continued in office, nor shall anything herein contained affect any salary or emolument anything herein contained affect any salary or emolument granted and fixed by any Act in force on the day in this southand the day fixed by any Act in force on the day in this section before mentioned. 48-49 V., c. 46, s. 54.

58. Any officer, clerk or employee who has resigned, shall As to officers eligible with a support of an signed and be eligible, without examination, under the authority of an signed and Order in Comparison of the same salary wishing to Order in Council, to re-enter the service, at the same salary wishing to re-in the class in role in the service. in the class in which he was serving at the time of such enter service. resignation, provided that funds are available for the payment of his salary. 48-49 V., c. 46, s. 52.

52. All payments of money to permanent employees, Certain pay-other than salaries, to be made under the provisions of this made only Act, and whether is the estimates sub-under Order Act, and whether specifically stated in the estimates sub- under Order mitted to Parlier specifically stated in the estimates sub- under Order mitted to Parliament, or payable under sub-section two of in Council. the next precediment, or payable under sub-section two of the next preceding section, shall be made only under the authority of the of section, shall be made only under the 49-49 V. c. 46, s. 53. authority of the Governor in Council. 48-49 V., c. 46, s. 53.

³. When the absence of any officer is not occasioned by Deduction leave of absence of other duties by the Government, by unauthorized number of absence. leave of absence or on account of illness certified by an absence. authorized medical practitioner, appointed by the Governor in Conneil for the practitioner of the second day of such in Council for that purpose, his salary for each day of such absence shall be absence about the purpose of the absence, shall be deducted from his monthly salary. 48-49 $V_{,c}$ c. 46 σ 51

^{2.} When the duties of any superior officer or clerk during Case of in-his absence, or by reason of his death, but not through super-annuation are by reason of his death, but not through super-by concerning duties of annuation, are continuously performed by an officer or clerk duties of of an informed of more superior. of an inferior class or junior rank, during a period of more superior. than three months, the officer or clerk performing such duties me duties may, on the report of the Deputy Head, concurred in by the Way, on the report of the Deputy Head, concurred in Council, by the Head of the department, under an Order in Council, and provide of the department, under an Order parliamentary and provided that funds are available under parliamentary vote for such payment, receive in addition to his ordinary pay, the dim payment, receive in addition to his ordinary pay, the difference between such ordinary pay and the pay of the office of the officer or clerk whose duties he has performed, for the time he has performed such duties :

been placed for that purpose in each case in the estimates submitted to and voted by Parliament :

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Attendance books to be kept; their usē.

56. There shall be kept in each department, and in the office of the Auditor General, at the seat of Government, and in each office of the second division, a book or books to called the attendance book, which shall be in such form a is determined by the Governor in Council, in which each officer, *clerk* and employee of such office or department shall sign his name, at such times as are determined by the Governor in Council. 48-49 V., c. 46, s. 56.

Oath of allegiance by officers and employees.

57. The Deputy Heads of departments and all officers chief clerks, clerks, messengers, sorters and packers of the Civil Service who have not already done so, and every Deputy Head, officer, chief clerk, clerk, messenger, sorter of packer hereafter appointed, before any salary is paid him, shall take and subscribe the oath of allegiance and also the oath contained in schedule C to this Act, or such other oath as is provided by some other Act, in that behalf:

Addition to oath in certain cases.

2. In the case of the Clerk of the Privy Council, and all officers, clerks and employees under him, and in the case of any officer clerk any officer, clerk or employee of whom the Governor the Council requires the same, there shall be added to the oath at the asterisks, in the form of the oath in the said schedule C, the words contained in schedule D to this Act:

Clerk of P.C. for Canada.

3. The Clerk of the Queen's Privy Council for Canada shall take and subscribe the said oaths before the Governor the General or some one appointed by him to administer the same:

4. In the case of persons residing or coming to reside at Before whom the city of Ottawa, the oaths shall be taken and subscribed in Ottawa. before the Clerk of the Privy Council:

5. In other cases the oaths may be taken and subscribed before a justice of the peace or other proper authority who shall forward the same to the Clerk of the Privy.Council:

Register.

And else-

where.

6. The Clerk of the Privy Council shall keep a register of all such oaths. 48-49 V., c. 46, s. 57.

Annual report by Secretary of State. and what it must show.

Further particulars.

58. The Secretary of State shall lay before Parliament within fifteen days after the commencement of each session, a report of the proceedings of the Board of Examiners under this Act during the this Act during the preceding year, which report shall include a copy of the arrest include a copy of t include a copy of the examination papers, a statement of all examinations held and of the examinations held and of the number of candidates at each, and the names of the and the names of the successful candidates, and also the rules and regulations and also the rules and regulations made during the year under the provisions of section five of this Act :

2. The Secretary of State shall lay before Parliament in like manner a return of the names and salaries of all persons appointed to on monor the line and salaries of all persons the appointed to or promoted in the Civil Service during the Chap. 16.

said year, specifying the office to which each has been appointed or promoted. 48-49 V., c. 46, s. 58.

59. The Secretary of State shall cause to be printed each Yearly Civil year a list, to be called the Civil Service List of Canada, of be printed and persons are a list of Civil laid before all persons employed in the several departments of the Civil laid before Service together the two Houses of Service, together with those employed in the two Houses of Parliament. Parliament, upon the first day of July next preceding, showing the dates of their several appointments and promotions, their and shall lay the their age, rank in the service, and salary; and shall lay the same before Parliament within the first fifteen days of each session. 48-49 V., c. 46, s. 59.

SCHEDULE A.

(a.) Deputy Heads of departments;

(b.) Officers who have special professional or technical qualifications;

(c.) Chief clerks;

In.

(d.) First-class clerks;

(e.) Second-class clerks;

(f.) Third-class clerks;

(g.) Messengers, packers and sorters. 48-49 V., c. 46, sch. A.

SCHEDULE B.

All the officers, clerks and employees hereinafter enumerated and such other officers in the lower grades as are determined by Order in Council:

CUSTOMS.

Coli -				Scale of S	Salaries.
Collectors Surr	-		salary from	\$1,600 (to 2,500
Surveyors Chief clerks Clerks		-	" " .	400 1	to 4,000
Clark clerks	-		- "		to 2,500
Clerks Chief L		-	"		to 2,000
Chief Landing Waiters	-		- "		to 1,200
Landing Waiters Gaugers		•	"		to 1,200
	-		- "	400 1	to 1,000
		-	"	600 1	to 1,200
	-		- "	800 t	to 1,200
181		-	"	400 t	to 800

					S	Scale of Salaries. \$800 to $1,000$00$
Tide Surveyors -		•		-	salary from	\$800 to 1,00
Tide Waiters -	-		-			400 to 200
Messengers		-		-	"	200 to 000
Appraisers -	-		-		"	$\begin{array}{c} 200 \text{ to} \\ 800 \text{ to} \\ 2,000 \\ 600 \text{ to} \\ 1,500 \end{array}$
Assistant Appraisers		-		•	**	600 to 1,50°

INLAND REVENUE.

Chief Inspector	-	\$2,800
Inspectors		\$1,600 to 2,500 500 to 2,200 500 to 2,200
Collectors	-	
Clerks (Accountants) Special Class Excisemen	-	400 to 1,200 600 to 1,200 1,200
First, Second and Third-class Excisemen	-	600 to $1,000$
Probationary Excisemen Messengers	-	200 to 500

To which may be added for surveys of important manu factories an additional salary for the special class Excisemen who perform that duty, not exceeding \$200 per annum.

POST OFFICE.

Post Office Inspectors.

Chief Inspector	\$2,800 2,200 2,400 2,600 2,000 2,200 2,200 2,400
1st Class, on appointment	2,200
After 10 years' service	2,600
" 20 " 2nd Class, on appointment	2,000
After 10 years' service	2,200
" 20 "	2,400

Assistant Post Office Inspectors.

On appointment, \$1,200, with an annual increase of \$⁵⁰, a maximum of \$1,600 to a maximum of \$1,600.

The scale of salaries of clerks in Post Office Inspectors offices shall be the same as for clerks in City Post Offices:

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Railway Mail Clerks.

	On A me	ppoint- nt.	After 2 years service in any	class of Railway Mail Clerks.	After 5 years service in any	class of Railway Mail Clerks.	After 10 years service in any class of Railway Mail Clerks.	
	Day Service.	Night Service.	Day Service.	Night Service.	Day Service.	Night Service.	Day Service.	Night Service.
Chief Clerks	\$	\$	\$	\$	\$	\$	\$	\$
lst Class	1,000		1,200		1,350		1,500	
² nd Class	720	880	800	1.000	8 80	1,100	960	1,200
3rd Class	60 0	720	640	800	720	880	800	1 ,0 00
To Clerks other it	480	600	520	640	560	700	640	800

not exceeding half a cent per mile for every mile travelled on duty in the Post

			Mar	ine M	l ail C	Clerks.	•			
1		tuiodda yrae Aft u 2 ye: 0		After After 2 years. 5 years.		Af 10 y	`ter ears.	After 15 years.		
/	Salary.	Trip Allow- ance.	Salary	Trip Allow- ance.	Salary.	Trip Allow- ance.	Salary.	Trip Allow- ance.	Salary.	Trip4 Allow- ance.
lst Class 2nd Class	-	\$ 80	\$ 540	\$ 80	\$ 600	\$ 80	\$ 800	\$ 100	\$ 1,000	\$ 100
NoreTr		•50	420	50					· • • • • • • • • •	

Marine Mail Clerks.

• Only one-half, or \$25, to be allowed whilst learning duty. eans the round voyage from Quebec or Halifax to Liverpool and

City Postmasters.

0	
Class 1, where postage collections exceed—	
1 Where need	
Postage collections exceed	
Bo confections exceed—	
do 2 \$80,000	ቆ0 ሮስስ
40 9 \$ \$80.000	
$\begin{array}{cccccccccccccccccccccccccccccccccccc$	0 2400
	0
d_0 , d_0 40,000 to 60,00	A 9.900
	0 4,400
$do = \frac{4}{2}$, $do = 20,000$ to $30,000$	
to to 5, do 20,000 to 40,00	0 2000
	•••••
	.0 1 400
to \$1,800, as the Postmaster General determinisions or porceived by any allow	U 1,400
alan , as the Posta	mí
108 and 108 master (Joneral determined	nes. 'L'hese
his so shall not 1	
Algebra Hol De Sinnlom out of her over allow	(a)) 00 m
and the second premented by any allow	ances, com-
Perquisitos1	,
salaries shall not be supplemented by any allow missions or perquisites whatsoever.	

. . .

Assistant Postmasters.

Class	1	\$2,000
do	2	1,00
do	3	1,400
do	4	1,100
do	5\$1,100 to	1,**

Clerks in City Post Offices.

3rd Class, \$400 by annual increase of \$40 to \$800.

2nd Class, \$900 by annual increase of \$50 to \$1,200.

1st Class—Specific duties in each case with fixed salaries to be determined by the Postmaster General: no salary shall be less than #1 200 ----be less than \$1,200 or more than \$1,500;

Superintendent of Letter Carriers not to exceed \$800;

Mail transfer agents, \$400, with an annual increase of \$40 to a maximum of \$600;

Letter Carriers, Messengers, Box Collectors and Porters, \$360 to \$600 by annual increase of \$30.

DEPARTMENT OF JUSTICE.

Inspector of Penitentiaries.

The same scale as Post Office Inspector. 48-49 V., c. 4^{6} , h. B. sch. B.

SCHEDULE C.

"I (A.B.), solemnly and sincerely swear that I will faith fully and honorthy faith the second state of "fully and honestly fulfil the duties which devolve upon and that I will not ask, or receive " me as "any sum of money, services, recompense or matter or think "whotsoor dim the "whatsoever, directly or indirectly, in return for what "have done or may do in the directly of the done of the do "have done or may do in the discharge of any of the duties "of my said office creat "of my said office, except my salary or what may be allowed "me by law or by control of the salary or what may be allowed "me by law or by an Order of the Governor in Council; So help me God." 48-49 V., c. 46, sch. "* *

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SCHEDULE D.

(After the asterisks in schedule C.)

"And that I will not, without due authority in that "behalf, disclose or make known any matter or thing which "comes to my knowledge by reason of my employment as "(as the case may be)." 48-49 V., c. 46, sch. D.

			-	
Proposed to be Consolidated.	uiteu.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
⁴⁸⁻⁴⁹ V., c. 46	The whole ex- cept s. 60.	s. 60.		
			<u> </u>	

CHAPTER 17.

An Act respecting the Superannuation of persons en ployed in the Civil Service of Canada.

ER Majesty, by and with the advice and consent of $t_{as}^{b\theta}$ Senate and House of Commons of Canada, enacts follows :--

SHORT TITLE.

1. This Act may be cited as "The Civil Service Superannuo" Short title. tion Act." 46 V., c. 8, s. 18.

APPLICATION OF ACT.

2. The Civil Service, for the purposes of this Act includes Who shall be deemed civil and consists ofservants.

(a) All officers, clerks and employees in or under the rel donate and employees in or under the relation of the relation ofPersons under several departments of the Executive Government who Civil Service paid a yearly salary, and to whom "The Civil Service Act" applies;

Certain per-sons in the outside service.

Act.

(b) All such officers, clerks and employees of the second outside division of the Given and the second or outside division of the Civil Service, as the Governor in Council from time to the in Council, from time to time, designates, and to whom "If" Civil Service Act" does not apply, and who are paid yearly salary and employed in an established capacity;

(c) The permanent officers and servants of the Senate and House of Commons, and the permanent officers and servants employed in the Library of Parliament, who, for the pur poses of this Act, shall be deemed to be in the Civil Service, saving all rights and privileges of either House in respect to the appointment of the same of either House in respect to the appointment or removal of its officers and servants;

(d) All persons now contributing to the superannuation nd: Present con. tributors to fund; the fund.

(e) All persons to whom this Act is by some other Act declared to apply. 46 V., c. 8, s. 1.

SUPERANNUATION.

8. The Governor in Council may grant to any person ho has served in an entitle may grant to any person who has served in an established capacity in the difference of the service for ten years or unworks. Conditions of allowance. Service for ten years or upwards, and who has attained the

Officers and servants of

Senate and Commons.

Certain others.

Chap. 1

age of sixty years, or is incapacitated by bodily infirmity from properly performing his duties, a superannuation allowance calculated on his average yearly salary during the then lost the following the then last three years, and not exceeding the following rates, that is to say :--

(a) If he has served for ten years, but less than Rates of even years eleven years, an annual allowance of ten-fiftieths of such allowance. average salary, and if for eleven years and under twelve years, an annual allowance of eleven fiftieths thereof, and in like manual allowance of eleven-fiftieths thereof, and in like manner a further addition of one-fiftieth of such average salary for the thirty-five salary for each additional year of service up to thirty-five Maximum years, when additional year of thirty-five fiftieths rate for 35 years. years, when an annual allowance of thirty-five fiftieths rate for 35 years. may be granted; but no addition shall be made for any years. service beyond thirty-five years;

(b) If the service has not been continuous, the period or Breaks in Frieds during the been interrupted service not to be court periods during which such service has been interrupted service not shall not be counted. shall not be counted, and the Order in Council made in any such case at the order in the council made in any such case shall be laid before Parliament at its then current

or next ensuing session. 46 V., c. 8, s. 2.

4. The Governor in Council may, in the case of any Governor in Council may, in the case of thirty council may person who entered the Civil Service after the age of thirty Governor in years, as being possessed of some peculiar professional or of persons other qualification other qualifications or attainments required for the office to appointed on which he was appointed, and not ordinarily to be acquired special quali-in the public source and the ordinarily representations. in the public service, add to the actual number of years' fications. exceeding ten, as is considered equitable, for reasons stated in the Order in as is considered equitable, and such additional in the Order in Council made in the case; and such additional number of years shall be taken as part of the term of service on the shall be taken as part of the term of such service on which the superannuation allowance of such person shall be taken as part of the superannuation allowance of such person shall be computed; and the Order in Council in any such case shall be computed; and the order in the current such case shall be laid before Parliament at its then current

or next ensuing session. 46 V., c. 8, s. 3.

5. The superannuation of every civil servant shall be Preliminary by receded by Preliminary by Treasury preceded by an inquiry by the Treasury Board-Treasury

(a) Whether the person it is proposed to superannuate is Board. eligible within the meaning of this Act; and

(b) Whether his superannuation will result in benefit to the service, and is therefore in the public interest; or-

(c) Whether it has become necessary in consequence of his mental or physical infirmity :

2. No civil servant shall be superannuated unless the Report of Reasury Road and Shall be superannuated unless the Report of Treasury Board reports that he is eligible within the mean-Board. ing of this Act and the that he is eligible within the meaning of this Act and that such superannuation will be in the Public interest. 46 V., c. 8, s. 4.

6. A deduction towards making good the superannuation peductions lowances between the from salari allowances hereinbefore mentioned, shall be made from the from salaries.

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salary of every person in the Civil Service to whom this Act applies, at the rate of two per centum per annum on such salary, if it is six hundred dollars or upwards, and of one and a-quarter per centum per annum thereon, if it is less than six hundred dollars, and the sum so deducted shall form part of the Consolidated Revenue Fund of Canada; but such deduction shall be made only during the first thirty-five years of service. 46 V., c. 8, s. 5.

7. The full superannuation allowance shall only quisite for full granted to persons who have been subject to the said ded allowance. tion during ten years or upwards,—the superannuation allowance of any person who has not paid it, or has paid it for a less period, being subject to a diminution of one has centum for every year less than ten during which he has not paid it, except that the superannuation allowance of any person hereafter retiring, shall not be subject to any such diminution by reason of his not having paid abatement hereinbefore mentioned, during any year or year 46 V., c. 8, s. 6. after his first thirty-five years of service.

Compulsory retirement.

Allowance conditional on good service.

Right of dismissal not impaired.

Diminution when Deputy Head reports unsatisfactory service.

Gratuity

Gratuity in case of bodily injury on duty.

8. Retirement shall be compulsory on every person ad whom the superannuation allowance hereinbefore mentioned is offered, and such offer shall not be considered as implying any censure upon the person to whom it is made; nor shall any person be considered any person be considered as having any absolute right in such allowance, but it shall be granted only in consideration if of good and faithful service during the time upon which it is calculated:

2. Nothing herein contained shall be understood as in the intervention of a structure the shall be understood as intervention of the shall be understood a pairing or affecting the right of the Governor in Council V, dismiss or remove any person from the Civil Service. 46 V, c. 8, s. 7.

9. If the Head of a department reports with respect b^{0} any person employed in his department, and about to the superannuated from any person because the superannuated fr superannuated, from any cause other than that of ill-head or age, that the source of a large that the or age, that the service of such person has not been satisfied tory, the Governor in Governor in Governor tory, the Governor in Council may, as to him seems in and the seems in the second grant such person a superannuation allowance less that that to which he would be that to which he would have otherwise been entitled. V., c. 8, s. 8.

10. If any person to whom this Act applies, is constrained allowance not from any infirmity of mind or body, to quit the Civil Service earned. before the period of mind or body, to quit the Civil Service before the period at which a superannuation allowand might be granted him the G might be granted him, the Governor in Council may allow him a gratuity not exceeding one month's pay for each your of his service and if any and of his service; and if any such person is so constrained are quit the service before and quit the service before such period, by reason of severe bodily injury received with and the service bodily injury received with and the service before such period. bodily injury, received without his own fault, in the discharge

Proviso.

Ten years' con

allowance. Diminution for less period of contribution. Exception.

REPORT OF SUPERANNUATIONS.

16. The Minister of Finance and Receiver General shall Annual return y before Parliament Finance and Receiver General shall Annual return lay before Parliament, within fifteen days after the com- to be made to mencement of each contract the statement of all supermencement of each session thereof, a statement of all superannuations and retiring allowances in the Civil Service

15. The allowances and gratuities granted under this Act Payment of all be payable onto allowances. Fund of shall be Payable out of the Consolidated Revenue Fund of allowances. Canada. 46 V., c. 8, s. 14.

14. In any case of doubt the Governor in Council may, by Discretionary power of energy or special or special general or special regulations, determine to what persons the Governor in provisions of this Agulations, determine to what persons the Governor in provisions of this Act do or do not apply, and the conditions Council. on which, and the manner in which, they shall apply in any case or class of the manner in which, they shall apply in any case or class of cases. 46 V., c. 8, s. 13.

18. Service in an established capacity in any of the Service before Confederadepartments of the Executive Government or offices of the Confederation to be included in the counted. Legislature of any of the Provinces now included in the counted. Dominion of Canada, before such Province became a portion thereof by constant of the constant of the such province became a portion thereof, by any person who has thereafter entered the Civil Service, shall be reckoned in computing his period of service for the service for service for the purposes of this Act. 46 V., c. 8, s. 12.

12. Every person who receives a superannuation allow-Pensioners under sixty under sixty liable to se ance, and is under the age of sixty years, and is not disabled by liable to serve bodily or mental the age of sixty years, and is not disabled by liable to serve bodily or mental infirmity, may be called upon to fill, in any if required, part of Canada, any public office or situation for which his of loss of previous services of the service of th previous services render him eligible, and which is not lower allowance. in rank or emolument than that from which he retired ; and, if he refuses if he refuses or neglects so to do, he shall forfeit his said allowance. 46 V., c. 8, s. 11.

11. If any person to whom this Act applies is removed Provision for abolition of abolition of big office for abolition of the office reducfrom office in consequence of the abolition of his office for office, reduc-the purpose of the abolition of the department tion of staff, the purpose of improving the organization of the department tion of staff, which had improving the organization of the department tion of staff, to which he belongs, or is removed, or retired from office to promote an belongs, or is removed, or retired from office to promote efficiency or economy in the Civil Service, the Governor in Course of the such gratuity or super-Governor in Council may grant him such gratuity or superannuation allowance as will fairly compensate him for his loss of manual and the second secon loss of office, not exceeding such as he would have been entitled to be not exceeding such as he would have been entitled to if he had retired in consequence of permanent infirmity of he had retired in consequence of bis actual infirmity of body or mind, after adding ten years to his actual term of service. 46 V., c. 8, s. 10.

one-fifth of his average salary during the then last three Years. 46 V., c. 8, s. 9.

of his public duty, the Governor in Council may allow him a gratuity not exceeding three month's pay for every two years' service, or a superannuation allowance not exceeding one-fifth of 1, or a superannuation allowance the then last three

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within the year, giving the name and rank of each person superannuated or retired, his salary, age and length of ser vice, the allowance granted to him on retirement, the cause of his superannuation and whether the vacancy has been subsequently filled, and if so, whether by promotion or by a new appointment, and the salary of the new appointee. 46 V., c. 8, s. 15.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
36 V., c. 8	The whole, ex- cept s. 16.	s . 16.		

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CHAPTER 18.

An Act respecting Public Officers.

 $H^{\text{ER}}_{\text{Senate and House of Commons of Canada, enacts as}}$ follows :-

COMMISSIONS.

1. Upon the demise of the Crown, it shall not be necessary Proclamation renew and demise of the Crown, it shall not be necessary Proclamation to renew any commission by virtue whereof any officer of for renewal of Canada or one of the Crown, it shall not be necessary recumissions. Canada or any commission by virtue whereof any once or pro-commissions, fession draw functionary in Canada held his office or pro-commissions, the crown draw of the commission of the commissio fession during the previous reign; but a proclamation shall the crown. be issued by the Governor General, authorizing all persons in office a second commissions under in office as officers of Canada who held commissions under the late Souther of Canada who held commissions and the late Sovereign, and all functionaries who exercised any profession bereign, and all functionaries to continue in profession by virtue of any such commissions to continue in the due exercise of their respective duties, functions and professional suffice : and the professions; and such proclamation shall suffice; and the Oath of Alle-incumbents al. If when the proclamation shall suffice and the Oath of Alleincumbents shall, as soon thereafter as possible, take the giance to be usual and custor, as soon thereafter as possible, take the giance to be usual and customary oath of allegiance, before the proper

officer or officers thereunto appointed :

2. Upon such proclamation being issued, and oath taken, Effect of such and event shall proclamation. each and every such officer of Canada and functionary shall continue in the lawful exercise of the duties and functions of his office the lawful exercise of the duties and functions of his office or profession, as fully as if appointed *de novo* by commission derived from the Sovereign for the time being ; and all acts are being in the sovereign for the time being ; and all acts and things bond fide done and performed by such incumbents in the due and incumbents and things bond fide done and performed of faithful porter respective offices, and in the due and profesfaithful performance of their duties, functions and profes-sions between the proclamasions, between the time of such demise and the proclama-tion so to be the time of such demise and the proclamation so to be issued—such oath of allegiance being duly taken—shall issued—such oath of allegiance and valid taken-shall be deemed to be legally done, and valid accordingly. 31 V., c. 36, s. 1.

2. Nothing in the preceding section shall prejudice or in Rights of the Urown saved. anywise affect the rights or prerogative of the Crown, with respect to any affect the rights or prerogative of the Crown, with respect to any office or appointment derived or held by authority from it, or prejudice or affect the rights or pre-rogatives the set of the right of t rogatives thereof in any other respect whatsoever. 31 V., c.

SECURITY BY PUBLIC OFFICERS.

3. Every person appointed to any civil office or employ-Bonds, with ent, or commission appointed to any civil office or employ-Bonds, with given by person appointed to any civil office or employ-Bonds, with Ment, or commission in any public department of the sureties, to be Government of Canada, or to any office or employment of sons hereafter

certain public offices.

appointed to public trust, or wherein he is concerned in the collection receipt, disbursement or expenditure of any public money under the Government of Canada, and who by reason thereof is required to give security, with surety or sureties, or otherwise, shall, within one month after notice of such appointment, if he is then in Canada, or within three months if he is then in Canada, or within three months if he is the set of the months if he is then absent from Canada (unless he sooner arrives in Canada, and then within one month after such arrival), give and enter into a bond or bonds, or other security rity or securities, in such sum and with such sufficient surety or sureties as are approved of by the Governor of Council or by the principal officer or person in the office of department to which he is appointed, for the due perfor mance of the trust reposed in him, and for his duly account ing for all public areas ing for all public moneys intrusted to him, or placed under his control. 31 V., c. 37, s. 2.

Bonds given by officers of

4. Whenever any person is required, under this Act of under any other Act of the Parliament of Canada, or and be in the form other Act affecting officers of Canada, or by any order of the in Schedule. Governor in Council t Governor in Council, to give bond or security for the heet performance of the duties of any office to which he has been or is about to be or is about to be appointed, such person may either solely or together with solely, or together with any surety or sureties, as the case may be, give such security by bond to Her Majesty in the form A in the schedule to the form A in the schedule to this Act, or to the like effect. 35 V., c. 19, s. 1.

5. Whenever a bond made according to the form $A_{\text{bond}}^{\text{set}}$ How certain forth in the schedule to this Act, or any other bond of expressed to be made expressed to be made in pursuance of this Act, in referring therete contained in pursuance of this Act, in words shall be referring thereto, contains the form of words set forth be column "one" of the said form, such bond shall the understood in such bonds. construed and have the same effect as if it contained the form of words ent forth form of words set forth in column "two" of the said form. 35 V., c. 19, s. 2.

Recitals :--genders, numbers, &c.

forms of

6. Any recitals may be inserted prior to the condition of e bond, and the femining and the the bond, and the feminine gender may be substituted for the masculine or the relevant the masculine, or the plural number for the singular, or and versa, in any form in the first versa, in any form in the first column of the said form, be corresponding changes shall in the first column of the said form, be corresponding changes shall, in such case, be taken to and made in the corresponding form in the correspondence of the corresp made in the corresponding form in the second column; and any express exceptions or currentia any express exceptions or qualifications or additions, made introduced or annoved in the first introduced or annexed in the first column, shall be taken be made in the correspondence be made in the corresponding form in the second column. 35 V. c. 19 \approx 3 35 V., c. 19, s. 3.

As to bonds not taking effect under this Act.

7. Any bond or part of a bond which does not take effect virtue of the three sections of the three sections by virtue of the three sections of this Act next preceding, shall nevertheless be an affinite the section of th shall nevertheless be as effectual to bind the oblig of therein so far as the rule of the start therein, so far as the rules of law and equity will permit, 4 if the said sections had not have if the said sections had not been passed. 35 V., c. 19, s.

8. Every surety in any such bond shall make the affidavit Attestation, the form D to the deposit and in the form B, in the schedule to this Act or to the deposit and every bonds. effect thereof, before a justice of the peace, and every bonds. such bond or security shall be proved as to the due execution and delivery of the same, by an affidavit of the attesting Witness model of the same, by an affidavit of the attesting witness, made before a justice of the peace; and every such bond or something a justice of the peace there are the peace there are the peace of the peace there are the peace of the peace bond or security, with the several affidavits thereunto annexed, shall be recorded at full length in the Department of the Social be recorded at full length in the manner hereinof the Secretary of State of Canada, in the manner hereinafter mentioned; and the original bond or security and the affidavite it and the original bond or security and the affidavits thereunto annexed shall, after such registration, be denosited the secretary of be deposited in the said Department of the Secretary of State of Canada :

2. Every such bond or security, and the affidavits Time within the reter and the affidavits Time which it is the security as afore be done. thereto annexed, shall be recorded and deposited as afore- be done. said, within one month after being entered into or given, if the Derect one given, and the derect of the person one month after being entered into or given, resides and whose behalf it is entered into or given, resides or is in Canada; and if he is absent from Canada, then with: then within three months after being entered into or given, unless and then unless such person arrives sooner in Canada, and then within $c_{1} = c_{2} + c_{3} +$ Within one month after such arrival. 31 V., c. 37, s. 3;-43 V., c. 3, s. 1, part.

9. The Secretary of State shall make an entry, and Entry of bond all, if contact the shall make an entry, and Entry of bond shall, if required, give a certificate, in writing, under and certi-to him to be registered as aforesaid, and therein shall men- of State. tion the day on which such bond or security is so registered, expression of which such bond or security is so registered, expressing also in what book, page or number the same is recorded :

². The Secretary of State shall, for the purpose of Separate book registering bonds or securities provide a separate to be kept for the purpose. registering bonds or securities provide a separation or security recorded therein, shall be numbered; and the day of the model of the security recorded therein and every such bond or the day of the month and year when every such bond or security is month and year when every such bond or the margin of the security is registered, shall be entered in the margin of the said register book, and in the margin of the bond or security. The book, and in the margin of the bond or security: Provided always, that no bond or security given Proviso; as to by any person and always, that no bond or security given Proviso; as to the Majesty. Her heirs effect of bond as a lien. by any person, under this Act, to Her Majesty, Her heirs effect of bond or successors shall a this Act, to Her Majesty or greater lien or or successors, shall constitute any other or greater lien or claim upon the long. claim upon the lands or tenements, goods or chattels of such person, than if such bond had been given to one of Her Majesty's subjects :

3. The Secretary of State shall keep separate alpha- Alphabetical lists of names betical lists of the names of the principals and of the lists of names, to be kept. names of the sureties mentioned in such bonds or securities, with refer where the bonds with reference to the book, page or number where the bonds or securities to the book, page or number where the bonds or securities containing such names are to be found, and Order of shall enter the point. shall enter and register the said bonds or securities in the entry.

10. If any person, who, by reason of his appointment to

register and deposit any such bond or security as aforesaid, neglects to give such security, or to cause such bond of security to be duly registered and deposited in the manner and within the new of the security is the manner and within the security is the security is the security of the security of the security is the security of the sec and within the period in this Act prescribed, he shall of liable to forfeit the appointment, office, employment of commission, in respect whereof such security should have been given and such bond or security registered deposited as aforesaid; and his appointment or commission shall be roid from a long of the security registered side

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same order of time in which they respectively come to $h^{j\delta}$ 31 V., c. 37, s. 4. hands.

Commission or holding any such civil office, employment or commission may be in any public department, or of public trust as aforesaid declared void for nonwho, by reason of being concerned in the collection, receipt compliance disbursement or expenditure of any public money as afore to with this Act. said, is required or bound to give any such security, or id.

shall be void, from and after the time when the Governor General declares the Voidance not General declares the same to be void under this Act; of to annulacts such void under this Act; of such voidance shall not annul or make void any acting done.

ment or commission :

Exception ; case of loss of bond, &c.

New bond.

2. No such forfeiture shall take place by reason of and such bond or security not being registered or deposited if the proper sureties have been given and the proper bond made out and med bond made out, and when the failure of registry it deposit have arisen from the loss of such bond or security in the transmission thereof from a distance; but in ever of such case a new bard such case a new bond or security, specifying the reason deposited, within the like period, after the person giving such security receives notice of the loss (regard being hot to the place where he then is), as is required by this si for the registry thereof, if such loss had not occurred. V., c. 37, s. 5.

order, or other matter or thing done by such person during

the time he actually held such appointment, office, employ

Notice to be given of death, &c., of surety.

11. Every such person as aforesaid, who has given and bond or other security, with surety or sureties for the and execution of the trust remainder the trust rem execution of the trust reposed in him, or for duly account ing for public moneys comments in the duly account ing for public moneys coming to his hands, shall give the tice, in writing to the State tice, in writing, to the Secretary of State, or to the principal officer or person of the principal officer or person of the department to which he belongs, of the death hard he belongs, of the death, bankruptcy, insolvency, or rest dence out of Canada of any set dence out of Canada, of any surety or person bound for of with him in any such scenarit with him in any such security:

2. Such notice shall be given within one month after t_{i} at comes to the knowledge of - Such notice shall be given within one month after if fact comes to the knowledge of such person as aforesaid, if he then is or resides in Canada Delay for he then is or resides in Canada, or within three months if he is out of Canada — unless because the second giving notice. he is out of Canada,—unless he sooner arrives in Canada, and

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then within one month after such arrival; and any person Penalty for who pool who neglects to give such notice within such period as neglect. aforesaid challe give such notice within such period as neglect. aforesaid, shall forfeit, to the use of Her Majesty, one-fourth Part of the bankrupt. in-Part of the sum for which the surety so dead, bankrupt, in-solvent solvent or resident out of Canada, became security, recoverable in any court of competent jurisdiction, at the suit of

3. Every such person who, upon the death, bankruptcy, Neglect to provide ne insolvency or residence out of Canada of any surety, neglects surety, to give the security of another surety, to be approved in like manner as bankrupt. insolmanner as such surety dying or becoming bankrupt, insolvent or resident out of Canada, was approved, within such period free death. bankperiod from his having given notice of the death, bank-rupter of Canada of the forruptcy or insolvency, or residence out of Canada of the for-mer survey or insolvency, or residence out of canada of the former surety, as is by this Act limited for giving, registering and depositing the original security, or neglects to register Or to register and depositing the original security, or neglects to register within the bond,and depositing the original security, or neglects to register and deposit such Deriod for security of such new surety, within the bond, such period from his having given the security of such new surety as is, by this Act, limited for the registering and de-positing of the same regard positing of the original bond or security (the same regard forfeiture of being had to the original bond or security (the same regard forfeiture of a bond to the position of t being had to the place in which the person then is), appointment. shall be liable to forfeit the appointment, office, employment or commission of the security ought or commission, in respect whereof such new security ought to have been given, and such new bond or security regis-tered and d given, and such new bond or security registered and deposited as aforesaid; and his appointment or commission when the commission shall be void from and after the time when the Governor General declares the same to be void in like manner, and under and subject to such provisions as afore-⁸aid. 31 V., c. 37, s. 6.

12. When any person has become surety to the Crown How sureties r the due any person has become surety to the proper per-officers may for the due accounting for public moneys, or the proper per-officers may formance of counting for public moneys, as afore-relieve them formance of any public duty, by any such person as afore-relieve them-said, such any public duty, by any such person as afore-relieve them-formance of any public duty, by any such person as afore-relieve them-formance of any public duty, by any such person as afore-relieve themsaid, such surety, when no longer disposed to continue such further re-responsibility. responsibility, may give notice thereof to his principal, sponsibility. responsibility, may give notice thereof to his principal, sponsibility. responsibility and all accruing responsibility on the part of such person as such surety shall cease of the from the receipt of cease at the expiration of three months from the receipt of the last of the last of such notices, or upon the acceptance by the Crown of the control of t of the security of another surety, whichever first happens; and the principal shall, within one month from the receipt of the principal shall, within one month from the receipt of the last of such notices, give the security of an-other such the last of such notices, give the security of another surety, and register and deposit the bond of such new surety on it deposit the bond of such new surety, or in default of so doing, shall be liable to forfeit and be deprived of the appointment, office, employment or Voidance of commission in a commission. commission in respect whereof such new security ought to have been given, and such new bond or security registered and deposition of the security registered and deposited as aforesaid; and his appointment or com-mission shall be void from and after the time when the Governor Gibbe void, in like Governor General declares the same to be void, in like manner, and under and subject to such provisions as afore-

Governor may remit penalty in certain cases.

13. The Governor in Council may remit the forfeiture of penalty in any case in which the failure to give security of to register and deposit any bond or security under this Act has not arisen from any wilful neglect of the person bound to give, register or deposit the same:

Or may extend delay for giving security, &c.

2. If it appears to the Governor in Council that the period hereinbefore limited for giving the security of a new surety as aforesaid is, in consequence of particular accidents casualties or circumstances, insufficient, or that, by reason of the distance or loss of letters or illness, or the refusal of any surety to give the security, or of such surety not being deemed eligible and being rejected, or any other accident or casualty, further time will be necessary to enable the security of such new surety to be given,—the Governor in Council may allow such further port such further period for giving the security of such new surety as appears to him reasonable and proper:

But not for more than two months, and an entry must be made.

3. Such extended period shall in no case exceed t_{he}^{W0} and the months beyond the period allowed by this Act; precise period proposed to be allowed, together with an special grounds for allowing the same, shall be either en tered in the book in which the original security has been registered or indexed and it is a security has been a security has b registered, or indorsed on the back of the original bond the other security itself; and the person required to give the forsecurity of such new surety, shall not be subject to any interfer feiture or penalty for not giving the same within the time limited by this Act, if he gives it within the extended period so allowed as aforesaid. 31 V., c. 37, s. 8.

Governor may

14. The Governor in Council may approve of the security security given rity given, or the affidavit of qualification filed by any tc., after time public officer of Council 11 &c., after time public officer of Canada, although the same has been given limited. or filed after the time limited. the office or commission of such public officer shall to deemed not to have been deemed not to have been voided by such default, but to have remained and to work to such default, but to have remained and to remain in full force and effect. 31 V., c. 37, s. 9.

security, &c.

15. No act of any public officer of Canada, whose security has been given resistent in the security of the sec void or void- rity has been given, registered or deposited, or whose ited able for delay davit of qualification has been filed after the time limited by this Act, shall by such default be void or voidable. 31 V., c. 37, s. 10.

Within what times shall be registered.

16. When the securities of the principal and sureties ities executed have been executed at different times (whether they were at different taken in one and the same hand have been they were taken in one and the same bond, deed or other instrument or in different ones), the period limited for registering ine depositing such securities, shall be estimated from the time

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of execution thereof, by the person who was the last to execute the last bond, execute the bond, deed or other instrument, or the last bond, deed or other 31 V., c. deed or other instrument, as the case may be. 31 V., c.

17. No neglect, omission or irregularity, in giving or Neglect, &c., receiving the bonds or other securities, or in registering the bond or same, within the same, within the periods or in the manner prescribed by discharge this Act at the periods or in the manner prescribed bond or surety. this Act, shall vacate or make void any such bond or ^{surety}. security, or discharge any surety from the obligations thereof. 31 V., c. 37, s. 12.

18. All bonds or other securities hereby required to be Proper officer gistered apposited deposited deposited deposite and registered and deposited, shall be registered and deposited deposited by the proper of by the proper officer, notwithstanding the period prescribed even after for registerior expositor. bes expired : but delayexpired to the period prescribed even after for registering and depositing the same has expired; but but no exemp-no such registering and depositing the same has expired; but both or tion from no such registering and depositing the same has explicit, and the same has explicit, and the same has explicit the same bond or tion from other second terms and depositing of any such bond or tion from the same for feiture or penalty to other security shall be deemed to waive any forfeiture or penalty to penalty or shall be deemed to waive any forfeiture or penalty to ensue. penalty, or shall be deemed to waive any forfeiture or same are any forfeiture or same are registered and deposited from any forfeiture or penalty registered and deposited from any forfeiture of this Act. 31 V., penalty under any of the provisions of this Act. 31 V.,

19. Nothing in any of the preceding sections of this Act Act not to the giving of the preceding sections of this Act Act not to affect cases as to the giving of security shall apply to or affect any offi- specially cer of any done security shall apply to affect any offi- specially provided for cer of any department, with respect to which special provided for. provision is made by law, for the giving of security by its officers, and the exacting of security from them, unless such special provision does not extend or apply to such officer.

20. The Governor in Council may direct that whenever Governor in av public and council may direct that whenever Governor in Council may any public officer of Canada is required to give security as Council may aforesaid for the aforesaid, for the due performance of the trust reposed in security of him, and for him due performance of the trust reposed in security of the trust reposed in secu him, and for the due performance of the trust reposed in security of trusted to him or placed under his control, or for the due accepted for fulfilment in any many for the due accepted for fulfilment in any way of his duty, or of any obligation un- officers of Canada. dertaken towards the Crown, the bond or policy of Suarantee of any income to the company insugrantee of any incorporated or joint stock company, incorporated and empowered to grant guarantees, bonds, covenants or policies, for the integrity and faithful account-ing of multic officies, for the integrity and faithful accounting of public officers or other like purposes, and named in the Order in Constitution of the contract of the purposes of the security upon Order in Council, may be accepted as such security, upon such tormer in Council. such terms as are determined by the Governor in Council.

21. The Secretary of State shall cause to be pre-Statement of Canada. bonds to be bonds to pared, for the information of the Parliament of Canada, laid before within fifteen down of the Parliament of Session Parliament. within fifteen days after the opening of every Session Parliament. registered as a formation of all bonds or securities registered as aforesaid at his office, and of any changes or entries that,

entries that have been made in reference to the names and

residence of any sureties, and of the amounts in which they have become severally liable, since the period of the previous return submitted to the said Parliament. 31 V. c. 37, s. 15.

SCHEDULE.

FORM A.

KNOW ALL MEN BY THESE PRESENTS, THAT WE,

of in the County of in the Province of in the Dominion of Canada (hereinafter called "the principal"); and of of the of in the in the Province of

and

of the said of (hereinafter called "the sureties"), are respectively her and firmly bound unto our Sovereign Lady the Queen, heirs and successors, in the respective penal sums following that is to say :—"the principal" in the sum of dollars of lawful money of Canada, and each of "the sureties" a sum of dollars of like lawful money, to be paid our said Sovereign Lady the Queen, her heirs and successors for which said respective payments, well and faithfully be made, we severally—and not jointly, or each for the oth —bind ourselves, and our respective heirs, executors, our administrators, firmly by these presents, sealed with respective seals.

Dated this day of in the year of Our Lord one thousand eight hundred and , and in the year of Her Majesty's reign.

WHEREAS "the principal," having been appointed to the office or employment of is required by law to give security to the Crown for the due performance of the duties appertaining thereto; and sureties" have consented to become his sureties for such his performance of the said duties; and this bond is given in pursuance of "An Act respecting Public Officers":—

COLUMN ONE,

Now the condition of this obligation is that if "the principal" faithfully dis-charges the distinct the faithfully dis-Charges the duties of the said office and duly accounts for all moneys and proby virtue of the said office, this obliga-

Signed, sealed and } delivered in the } presence of

⁸⁵ V., c. 19, sch.

COLUMN TWO.

Now the condition of the above obliga-tion is such that, if "the principal," so appointed to the said office or employment as aforesaid, do and shall, from time to time and at all times, so long as he shall hold the said office or employment, or be and remain charged with the actual dis-charge of the duties appertaining thereto, or any of them, faithfully, honestly, and diligently do, perform, fulfil and dis-charge all and every such duties, in every respect, in accordance with the laws now in force in that behalf, as also all and singular such other duties as, by com-petent authority in that behalf, now are or hereafter shall or may be attached to the said office or employment, or imposed upon or required to be performed by the incumbent for the time being of the said office or employment, whether such last mentioned duties are regulated or imposed by any Act or Acts heretofore passed by the respective Legislatures of the late Province of Canada, or of either of the Provinces of Nova Scotia, New Bruns-wick, British Columbia or Prince Edward Island or which have been or may hereafter be passed by the Parliament of or in force in the Dominion of Canada, or by any Order in Council or regulations made under any such Act, and whether such duties are extended, increased or otherwise varied or altered, by any such Act or Acts, so to be passed, or by any such Order in Council or regulations as aforesaid, or are regulated or imposed, or are extended, increased or otherwise varied or altered by competent authority, and shall duly account for and pay over all such moneys or securities for money or valuable securities or property as shall come into his hands, custody or control, by virtue of or in consequence of his holding the said office; And further, if "the principal," upon his removal from, or his resignation of the said office or employment, or if (in the event of his death during his tenure of the said office or employment), his legal representatives, or some or one of them, do and shall quietly surrender and deli-ver up the same, and all the moneys, securities for money, valuable securities, or property, books, papers, instruments, instruc-tions, maps, plans, letters and writings, and other things whatever, which then may be, or ought to be, in his possession, custody or keeping, by virtue of or in consequence of his holding the said office, or relating or in any wise appertaining thereto, then the above obligation shall be null and void and of no effect, otherwise the same shall be and remain in full force and virtue.

AFFIDAVITS TO BE ANNEXED TO THE BOND.

Affidavit of Witness.

PROVINCE of

of) I,		in the
of	of the	of	111 1
To wit;	>	oť	

in the Province of

make oath and say that I was personally present, and did see the obligors in the above bond or writing obligatory named, duly execute the said instrument by sign ing, sealing, and, as their respective acts and deed delivering the same delivering the same; and that I am a subscribing witness to such execution.

SWORN before me, at the of in the said of this day of A.D. one thousand eight hundred and

a J.P. for the said *County*.

A separate Affidavit in this form shall be made by a wilness e execution by each oblight if it is to the execution by each obligor, if the same person does witness the execution by all of the witness the execution by all of them. 35 V., c. 19, sch.

FORM B.

	roum D.	
Province of County of to wit:	, I, A.B., the obligor (or one of th ties), in the annexed bond 1 make oath and say, as follows	

1. I am seized and possessed to my own use of real in al and personal) estate in the D , over and above real and personal) estate in the Province of Canada, of the actual value of \$ all charges upon or incumbrances affecting the same.

2. My Post Office address is as follows:

Sworn before me, at , in the , this County of dav of , A.D. one thousand eight hundred and J. P., for the County of , in the Province of

A separate Affidavit to be made by the obligor and by each Surety

31 V., c. 37, sch. ;-35 V., c. 19, sch.

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INDORSEMENT ON BOND.

The indorsement on the bond shall show :—1. The date of its receipt by the Secretary of State; 2. The names of is bound; 3. The date of the bond; 4. The office for the faithful discharge of the duties whereof it is given; 5. The the registration number; 6. The folio on which it is entered in recorded in the office of the Secretary of State, certified by $35 V_{,, c}$ 19, sch.

Proposed to be Consolidated.Part Consolidated.Left for Repeal.To be Consolidated elsewhere.To be Consolidated with.31 V., c. 36Whole Act ex- cept ss.3, 4 and 5 Whole Act ex- cepts.1.s. 3, 4, 5Act respecting oaths of alle- giance.35 V., c. 19ss. 1, 2, 3, 4, and s. 5. Part of s. 1.s. 5. Part of s. 1.s. 3, 4, 5					
35 V., c. 19 Whole Act ex-s. 1. giance.	Consolidated.	Consolidated.	for Repeal.	Consolidated	Consolidated
	³⁵ V., c. 19	whole Act ex-	s. 1.	s. 3, 4, 5	oaths of alle-

CHAPTER 19.

An Act respecting certain Contingent Charges of the Departments of the Public Service.

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

Short title.

What contingencies include. **1.** This Act may be cited as "The Contingencies Act." New.

2. The contingencies of each department of the civil service mean and include only—

(a) Subscriptions to and advertising in newspapers;

(b) The purchase of books of reference, maps, &c.;

(c) Telegraphing;

(d) Postages, freight and express charges;

(e) Wages of charwomen, and other expenses of cleaning offices;

(f) Travelling expenses, including cab hire;

(g) Extra clerks, to the extent sanctioned by "The Civil Service Act";

(h) Petty expenses, not exceeding in any Department, a sum apportioned by Order in Council. 31 V., c. 35, s. 1.

Deputy Heads to give orders for contingencies.

3. Whenever any contingency is required by any department, whether for an article to be furnished or service to be performed, the deputy head of the department shall apply therefor by requisition, in writing, to the person by whom the same is to be furnished or performed; and such requisition shall, whenever it can be so made, be antecedent to the delivery of the article or performance of the service. 31 V., c. 35, s. 3.

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Accountant of Contingencies, and, except as hereinafter mentioned, shall then be paid by him. 31 V., c. 35, s. 4.

5. Every such certificate shall expressly state that each What the certificate authority and in the account has been incurred by the shall expressauthority and upon the order of either the head or deputy ly state. head of the department, and that the articles or services charged for have been received or performed, and that the prices charged is and inst, prices charged are in his opinion, severally fair and just, and that the and that the expenditure incurred is necessary for the pub-lic service shall lic service; but the Accountant of Contingencies shall nevertheless investigate the account, and ascertain the Correct price investigate the account, and ascertain the correct price before paying the same; and the *Treasury Board* shall, from the treasury and the treasury and the same is a shall from the same is a shall of investigating the same is a shall be made of investigating the same is a shall be made of investigating the same is a shall be made of investigating the same is a shall be made of investigating the same is a shall be made of investigating the same is a shall be made of investigating the same is a shall be made of investigating the same is a shall be same is a shall be made of investigating the same is a shall be made of investigating the same is a shall be made of investigating the same is a shall be same is a shall shall, from time to time, prescribe the mode of investigating accounts accounts, and the standard by which the correct price shall be ascertained by the Accountant of Contingencies before such payment. 31 V., c. 35, s. 5. Treasury Board substituted for Board of Audut.

6. If it appears to the Accountant of Contingencies that Reference to by such account to the Accountant of Contingencies that Reference to the Auditor • If it appears to the Accountant of Contingencies that Reference to any such account is for a purpose not included under the Auditor above definition of contingencies, or that it is in excess of Treasury amount for which authority has been given, or that the or that there is any other error therein, he shall with-Generation and submit the account to the Auditor hold payment, and submit the account to the Auditor General; and if the Auditor General, after conference with the deputy if the Auditor General, after requisition, the deputy head of the department signing the requisition, is of opinion the department signing the same, is of opinion that there is any irregularity in the same, he shall submit it there is any irregularity at the same, and before payment. 31 he shall submit it to the *Treasury Board* before payment. 31 Treasury Board substituted for Board of Audit.

7. The deputy head of each department shall submit to Monthly acthe head thereof, monthly, an account in detail of the ex- Deputy Head. Penditure for contingencies, during the month. 31 V., c. 35, 8. 7.

8. The Accountant of Contingencies shall submit, monthly, Account to statement of all summer which is the the theory main advance and paid in adstatement of all sums which have been paid in advance and paid in ad-to be accounted for at vance. to be accounted for, and which remained unaccounted for at vance. the end of the latter is and which remained unaccounted for at vance. the end of the last preceding month. 31 V., c. 35, s. 8. $T_{reasoned}$ Treasury Board substituted for Board of Audit.

9. The Accountant of Contingencies shall render to the Account to uditor Contingencies shall render to the Account to Auditor General. Auditor General, monthly, a statement, in detail, accom-Multion General, monthly, a statement, in detail, accom-Multion General, monthly, a statement, in detail, accom-Multion General, Multion General, and of all sums paid by him during the Multion General and of all sums paid by him during the Multion Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and of all sums paid by him during the Multiple Statement, and statement, and statement, and statement all sums paid by him during the Multiple Statement, and statement all sums paid by him during the statement all sums paid by him during the statement, and statement all sums paid by him during the statement all sums pai Month, and of all moneys received, with a bank certificate of the balance of the balance of the month. 31 V., of the balance at his credit at the end of the month. 31 V., 35.8 o

Estimates for contingencies and applica-tion of sums voted.

buildings.

10. The estimates for contingencies of each department shall be prepared and submitted to Parliament separately but may be voted in one sum, and in that case, and so 5001 as conveniently may be after the same have been voted of Parliament, the Governor in Council shall assign a certain sum for defraying the contingencies of each department reserving a certain amount for general expenses, not specially applicable to any individual department, to be expended upon requisition and certificate of the Secretary of the Tree is sury Board, in such manner as is hereinbefore provided, a respect to the contingencies. 31 V., ^c respect to the contingencies of any department. 35, s. 10.

Secretary of Treasury Board substituted for Chairman of Civil Service Board-

11. All matters connected with the superintendence of the As to certain government buildings, at the seat of Government, other that expenses conthe heating, maintenance and repairs thereof, shall be most nected with Government charge of the Accountant of Contingencies, under the Trees sury Board, and such board shall make regulations in respect thereof subject to the thereof, subject to the approval of the Governor in Council. 31 V., c. 35, s. 11.

Treasury Board substituted for Civil Service Board.

- **12.** An account shall be laid before Parliament each $y_{a of}^{each}$ Account to shewing the amount expended under the several heads of service specified in the several heads of Parliament. service specified in the second section of this Act. $31 V_{..., C}$ 35, s. 17, part.
- **13.** This Act shall apply as well to the outside service of e several departments and in the outside service of Application of the several departments as to the departments of the civil service at the sect of Gamma Act. 31 V., c. 35, s. 18. service at the seat of Government.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	elsewhere.	To be Consolidated with.
31 V., c. 35	Section 1, ss. 3 to 11, inclusive, ss. 17 (part) and 18.		Remainder	S. 2, Act respect- ing Department of Public Works Remainder, De- respecting of Se- cretary of State.

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An Act respecting the Department of Justice.

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

1. There shall be a Department of the Civil Service of Department anada - the shall be a Department of the civil Service of Constituted Canada, which shall be called "The Department of Justice" Minister of over which is shall be called "The Department of Justice" Minister of Generate for the time Justice to over which shall be called "The Department of the time Justice to being which the Minister of Justice of Canada, for the time Justice to Commission be attybeing, appointed by the Governor General by commission be Atty.-Gen. under the Great Seal, shall preside; and the Minister of Justice of Attorney General Justice shall, ex-officio, be Her Majesty's Attorney General of Canada, and shall hold office during pleasure and shall have of the Department shall have the management and direction of the Department of Justice. 31 V., c. 39, s. 1.

2. The Governor in Council may also appoint an officer Deputy of the ho shall be used in Council may also appoint an officer Deputy of the Minister of Tustice "Minister of Tustice" who shall be called the "Deputy of the Minister of Justice" Minister of Justice. and such officers, clerks and servants as are requisite for the proper conficers, clerks and servants as are requisite for the proper conduct of the business of the department, all of clerks of the whom shall be the business of the department. whom shall hold office during pleasure. 31 V., c. 39, s. 4, Department. part, and s. 5.

follows :- he shall be the official legal adviser of the Gover- official legal hor General and the official legal adviser of the Gover official legal diviser of the Gover of th nor General and the legal member of Her Majesty's Privy adviser of the Council for and the legal member of the the administra-Council for Canada; he shall see that the administra-tion of Dall: he shall have the superintendence of all matters connected with the superintendence of all matters connected with the administration of justice in Canada, not within the jurisdiction of justice of the Provinces comthe jurisdiction of the Governments of the Provinces composing the same; he shall advise upon the legislative Acts and proceedings of each of the Legislatures of the As to legis-Provinces of Country of each of the Legislatures of the lative Acts. Provinces of Canada, and generally advise the Crown : and he all matters of law referred to him by the Crown; and he shall be charged generally with such other duties as are at General any time are duties. any time assigned by the Governor in Council to the duties. Minister of Justice. 31 V., c. 39, s. 2.

4. The duties of the Attorney General of Canada shall His powers as follows. To the Attorney General of Canada shall His powers and duties be as follows: He shall be entrusted with the powers Attorney and charged with the duties which belong to the office of General. the Attorney General of England by law or usage so far as the same and the same powers and duties are applicable to Canada, and also with the laws of the also with the powers and duties are applicable to Canada, several provers and duties which by the laws of the several Provinces belonged to the office of Attorney General "The British North of each Province up to the time when "The British North

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Advising Heads of Departments. Instruments under Great Seal. Penitentiaries and prisons. Litigation for the Crown. General duties.

America Act, 1867," came into effect, and which laws, under the provisions of the said Act, are to be administered and carried into effect by the Government of Canada; he shall advise the heads of the several departments of the Government upon all matters of law connected with such departments; he shall be charged with the settlement and approval of all instruments issued under the Great Seal of Canada; he shall have the superintendence of peniter tiaries and the prison system of Canada; he shall have the regulation and conduct of all litigation for or against the Crown or any public department, in respect of any subjects within the authority or jurisdiction of Canada; and he shall be charged generally with such other duties as are at any time assigned by the Governor in Council to the Attorney General of Canada. 31 V., c. 39, s. 3.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
31 V., c. 39	The whole, ex- cept s. 4, part.			

Chap. 21.

CHAPTER 21.

An Act respecting the Department of the Interior.

 H^{ER} Majesty, by and with the advice and consent of the senate and House of Commons of Canada, enacts as

1. There shall be a Department of the Civil Service of Department canada which shall be called "The Department of the In- of the Interior terior," over which it is the called "The Department of the In- constituted. terior," over which the Minister of the Interior, for the time being over which the Minister of the Interior, by commission being, appointed by the Governor General, by commission noder the Great Seal of Canada, shall preside; and he shall hold office double of Canada, shall preside; and he shall hold office during pleasure, and shall have the manage-ment of the D ment of the Department of the Interior. 36 V., c. 4, s. 1.

2. The Governor in Council may appoint an officer who Deputy of the shall be called the "Deputy of the Minister of the Interior," Minister, and other as are requisite for the officers, agents, clerks and servants officers may as are requisite for the proper conduct of the business of be appointed. the department, all of whom shall hold office during pleasure. 36 V., c. 4, s. 6, part, and s. 7.

8. The Minister of the Interior shall have the control and Minister to anagement management of the Interior shall have the control and manage the 36 V. c. 4 c. 0 the affairs of the North-West Territories. Territories,

4. The Minister of the Interior shall have the control and The Ordnance anagement of the Interior shall have the property of and other management of all Crown Lands which are the property of public lands. Canada, including those known as Ordnance and Admiralty Lands, including those known as Ordnance and Administration control of the Public lands not specially under the Railwane and Guide Works Department, the Department of Railways and Canals, or of that of Militia and Defence, and Exception. excepting also Marine Hospitals and Lighthouses and land connected in Marine Hospitals and Lighthouses and land connected therewith, and St. Paul's, Sable and Portage Islands. 36 V., c. 4, s. 4, part.

5. Persons employed in one branch of the department $\stackrel{\text{one branch}}{\text{may be directed by the minister to perform any duty in or may be employed in an other branch <math>40 \text{ V} = 9$, s. 11. with respect to any other branch. 40 V., c. 9, s. 11. 6. The Minister of the Interior shall annually lay before Yearly report Parliament within fifteen days after the meeting thereof, a to Parlia-report of the annually and affairs of the

report of the proceedings, transactions and affairs of the department 36 V. c. 4, department during the year then next preceding. 36 V., c. 4, 8, 11

Territories,

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		222		Unap.
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
36 V., c. 4	ss. 1, 2, 4 (part) 6 (part) 7 and 11. Section 11	parts of ss. 4 and 6.		Act respecting the Depart- ment of the Secretary of State. Act respecting the Geologi- cal Survey.
	<u> </u>			cal Sur

CHAPTER 22.

An Act respecting the Geological and Natural History Survey of Canada.

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

1. The Minister of the Interior shall have the control and Survey to be anaromouth of the Interior shall have the control and Survey to be management of the Geological Survey of Canada, and there under con-shall be a branch Geological Survey of Canada, where the of the shall be a branch of the Department of the Interior known ter of the as the Goological Survey of Canaua, and the formation of the Department of the Interior known ter of the Interior. as the Geological Survey Branch, which shall, under the Interior. control of the minister, take charge of and conduct the Geological Survey Branch, which shall, under the Geological Survey of Canada. 40 V., c. 9, s. 1.

2. The Governor in Council may, from time to time, Appointappoint a suitable person, to be the Director of the Geolog-muneration. ical Survey, with such assistants as are necessary to carry out the provisions of this Act. 40 V., c. 9, s. 5, part.

3. The objects and purposes of the survey and the museum Objects of the connection the museum Objects of the survey. in connection therewith shall be, to elucidate the geology ^{survey}. and mineralogy of Canada and to make a full and scientific examination of Canada and to make a full and scientific examination of the various strata, soils, ores, coals, oils and mineral and to make a 1011 and soils and mineral and of the various strata, soils, ores, coals, oils and mineral waters, and of its recent fauna and flora, so as to afford to the mining, metallurgical and other interests of the constthe country, correct and full information as to its character and resources. 40 V., c. 9, s. 2.

4. The persons in charge of the said survey shall—

(a) Collect, classify and arrange such specimens as are Collections the mineralogical a complete and exact knowledge of and arrange-ment the mineralogical a complete and exact knowledge of and arrangethe mineralogical resources of the several Provinces and ment thereof. Territorias Territories of Canada; carry on palæontological investigations, study and report upon the fauna and flora of Canada, study and report upon the fauna and flora of Canada, and make such other researches as will best tend Researches. to ensure the carrying into effect the object and purposes of this A_{ot} .

(b) Collect the necessary materials for a Canadian Materials for Museum. museum of natural history, mineralogy and geology; (c) Report, from time to time, in such manner and form Reports.

as the Minister directs, their proceedings under this Act, and furnish proper maps, diagrams, drawings and collections of specimens to illustrate the same. 40 V., c. 9, s. 3.

Duties of the ployed on it.

fore Parliament.

5. The Director of the Geological Survey shall, as soon and the decision of th as may be after the close of each calendar year, make a the report to the minister, of the proceedings and work of the survey for the year, and the results thereof, in such manner and form, and with such details, maps, diagrams and draw and To be laid be- ings as are requisite to elucidate the same; minister shall cause the same to be laid before Parliament with such remarks, explanations and recommendations as be thinks proper. 40 V. c. 9. s. 4.

Museum to be open to the public.

6. The museum shall be opened to the public from the o'clock in the forenoon until four o'clock in the afternoon daily, Sundays excepted, and shall be furnished with such books, instruments and apparatus as are necessary av; scientific reference, and for the prosecution of the survey and the Governor in Council may, from time to time, cause the enlargement of the museum, and the distribution and duplicate specimens to scientific, literary and educations, institutions in Canada and a scientific, literary and educations, 40 V., c. 9, s. 8. institutions in Canada and other countries.

Measurement and marks for topographical purposes.

7. The Director of the Geological Survey shall, for $\frac{b\theta}{b\theta}$ purpose of obtaining an accurate basis from which be geological and topographical features of the country may ascertained and for the summer of the country may ascertained, and for the purpose of connecting together local and partial surveys compared to the purpose of connecting together local and partial surveys, cause such topographical, geographical or other measurements or other measurements or observations to be made, and such monuments or marks to be placed, as are deemed necessary. 40 V., c. 9, s. 9.

Railway and canal companies to furnish plans and sections of their works.

8. All railway and canal companies over which the red liament of Canada has jurisdiction, shall, if incorporated after the twenty-second day of May, one thousand eight hit dred and sixty-eight, furnish to the Geological Survey, their out charge certified conjunction in the Geological Survey, their out charge, certified copies of all plans and sections of their surveys, and all such surveys; and all such companies theretofore incorporated shall furnish such plans and sections upon the demand he the Director of the Carlos and sections upon the demand he the Director of the Geological Survey, and at the cost of the Department 40 V = 0 Department. 40 V., c. 9, s. 10.

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Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidsted with.
40 V., c. 9	The whole, ex- cept part of s. 5 and ss. 6, 7, 11 and 12.	Part of s. 5 and ss. 6, 7 and 12.	Section 11	Act respecting the Department of ment of Interior.

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CHAPTER 23.

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An Act respecting the Department of Agriculture.

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

Agriculture. It a Department, called "The Department Department Agriculture. for constituted. of Agriculture," over which the Minister of Agriculture, for constituted. the time being, appointed by Commission under the Great Seal, shall have the manage-Seal, shall preside; and the minister shall have the manage- Minister. ment and direction; and the minister shall have the manage- Minister.

ment and direction of the department and shall hold office during pleasure. 31 V., c. 53, s. 1.

2. The Governor in Council may appoint an officer who Deputy of the mail be collected in Council may appoint of Agriculture, Minister and officers. shall be called the Deputy of the Minister of Agriculture, officers. and such other officers and clerks as are required for the proper conduct officers and clerks as are required for the proper conduct of the business of the department, all of whom shall be 53, s. 2.

whom shall hold office during pleasure. 31 V., c. 53, s. 2.

3. The duties and powers of the Minister of Agriculture, Duties and sall extend to the Parlia- powers of the Minister by the Parlia- trainfer. shall extend to the execution of laws enacted by the Parlia- Minister. Ment of Canada the execution of laws enacted by the Parlia- Minister. ment of Canada, and of orders of the Governor in Council, relating to the and of orders of the following section, relating to the subjects enumerated in the following section, as well as the subjects enumerated in the following section, as well as to the subjects enumerated in the following servants on the direction of all public bodies, officers and servants on the direction of all public bodies. servants employed in the execution of such laws and orders.

4. The following subjects shall be under the control and Subjects rection of the visit of the winder control of the Minisdirection of the Minister of Agriculture, that is to say :---

1. Agriculture ;

^{2.} Immigration and Emigration ;

³. Public Health and Quarantine ;

of the Minister.

^{5.} Arts and Manufactures ; ⁶. The Census, Statistics and the Registration of Statistics;

4. The Marine and Immigrant Hospital at Quebec;

7. Patents of Invention;

8. Copyright;

9. Industrial Designs and Trade Marks. 31 V., c. 53, s. 5.

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Duties and powers may be varied. 5. The Governor in Council may, at any time, assign and other duty or power to the Minister of Agriculture, and may also assign any of the duties or powers hereinbefore enume rated to any other member of the Queen's Privy Council for Canada. 31 V., c. 53, s. 6.

Annual report to the Governor.

6. The Minister of Agriculture shall make and submit ^{to} the Governor General an annual report of the proceedings of his department, to be laid before both Houses of Parliament within twenty-one days from the commencement of each session. 31 V., c. 53, s. 7.

Proposed to be Consolidated.	Part Consolidated,	Left for Repeal.	To be Consolidated elsewhere,	To be Consolidated with.
31 V ., c. 53	The whole, ex- cept ss. 3 and 8.	Sections 3 and 8 (repealing clause).		

CHAPTER 24.

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An Act respecting the Department of Marine and the Department of Fisheries.

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

1. There shall be a Department which shall be called Departments The Department which shall constituted. "The Department of Marine," and a Department which shall be called "The Department of Marine," and a Department which shall be called "The Department of Fisheries" over both of which the Minist the Minister of Marine and Fisheries for the time being, appointed 1 - if Marine and Fisheries for the time being, appointed by the Governor General by commission under Minister. the Great Seal, shall preside; and the minister shall have the management and direction of the said departments, and shall hold on 12 - 47 V. shall hold office during pleasure. 31 V., c. 57, s. 1;-47 V.,

2. The Governor in Council may appoint an officer who Deputy Min-tall be called the council may appoint and who shall afficers. shall be called the Deputy Minister of Marine and who shall officers. be the Deputy Head of the Department of Marine, and an officer who also have a finite of the Department of Fisheries, officer who shall be called the Deputy Minister of Fisheries, and who shall be called the Deputy Minister of Fisheries of the Department of Fisheries and the Deputy Head of the Department of Fisheries, and the Governor in Council may also appoint such other of the proper consuch other officers as are necessary for the proper conduct of the business of the said departments, all of whom shall hold $\frac{3}{57} \approx 2:-37$ V., shall hold office during pleasure. 31 V., c. 57, s. 2;-37 V., ^{c.} 23, s. 1;-47 V., c. 18, s. 2.

8. The duties, powers and functions of the Department Matters under Marine shall a powers and functions of the Department the control of of Marine shall extend and apply to the subjects and boards the Depart-and other shall extend and apply to the subjects and boards the Depart-Marine. and other public bodies, officers and other persons, and ment of services and under persons and ment of Marine. services and properties of the Crown, enumerated in the schedule to this Act, of which the said department shall have the control of which the said department shall have the control, regulation, management and supervision. $v_{v_{1}}^{\text{tue control, regulation, management}}$ $v_{v_{1}}^{\text{tue control, regulation, management}}$

4. The Department of Fisheries shall administer all laws Matters under lating to the only of Fisheries shall administer all laws the control of the Departrelating to the subject of sea, coast and inland fisheries and the Depart-the management population thereof and all ment of the management, regulation and protection thereof, and all ment of Governor in Connection thereof, and solution thereof, and things relating thereto, or assigned by the interest of the there is the transment of Governor in Council to the said department.

5. The minister shall invite tenders by public advertise- Tenders to be ent for the answer shall invite tenders by public advertise- Tenders to be Ment for the execution of all works, except in cases of pressing invited for 151

works and supplies.

emergency, in which delay would be injurious to the public interest, or where, from the nature of the work, it can be more expeditiously and economically executed by the officers and servants of the department; and the said minister shall also in like manner invite tenders for all contracts for supplies. 31 V., c. 59, s. 8;—33 V., c. 18, s. 6.

Security to be taken.

Provision when lowest tender is not taken.

6. The minister, whenever any public work is being carried out by contract under his direction, shall take all reasonable care that good and sufficient security is 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 whenever it seems to the minister inexpedient to let such work to the lowest tenderer, he shall report the same and obtain the authority of the Governor in Council, previous to passing by such lowest tender. 33 V., c. 18, s. 7.

Annual report to the Governor.

7. The minister shall make and submit to the Governor General, an annual report on all the works under his control, to be laid before both Houses of Parliament within fifteen days from the commencement of each Session, showing the state of each work and the amount received and expended in respect thereof, with such further information as is requisite. 33 V., c. 18, s. 5.

SCHEDULE.

The administration of any laws relating to the following subjects :----

1. Pilots and pilotage, and decayed pilots' funds;

2. Beacons, buoys, lights and lighthouses and their m^{ain} tenance;

3. Harbors, ports, piers and wharves, steamers and v^{es} sels belonging to the Government of Canada, except gunboats or other Vessels of War;

4. Harbor Commissioners and Harbor Masters;

5. Classification of vessels, and examination and granting of Certificates of Masters and Mates and others in the Mer chant service;

6. Shipping Masters and Shipping Offices;

7. Inspection of steamboats and Boards of steamboat inspection tion ;

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8. Inquiries into causes of shipwrecks;

9. Establishment, regulation and maintenance of Marine and Seamen's Hospitals and care of distressed seamen, and generally such matters as refer to the Marine and navigation of Canada. 31 V., c. 57, Schedule ;-47 V., c. 18, s. 3.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
31 V. 6 50				
³¹ V, c. 59	The whole, ex- cept ss. 3 and 4 and part of 5. Section 8	ss. 3 and 4 and part of s. 5.		
	Section 8	Section 3		Act respecting
³³ V., c. 18	ss. 5, 6 and 7		excepts 3.	lighthouses, bnoys and beacons.
			Remainder	ss. 8 and 9, Act respecting
				Expropri- ation. s. 4,
		İ	ļ	criminal law. Re-
				mainder, Act
37 V. C 22				respecting lighthouses buoys and
47 V., c. 18	Section 1 ss. 1, 2 and 3	Remainder. s. 4.		beacons.
		1	1	1

CHAPTER 25,

An Act respecting the Department of the Secretary of State.

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

DEPARTMENT OF SECRETARY OF STATE.

Department constituted : Secretary of State to preside.

1. There shall be a department which shall be called "The Department of the Secretary of State of Canada," over which the Secretary of State of Canada for the time being, appointed by the Governor General by commission under the Great Seal, shall preside; and the Secretary of State shall have the management and direction of the department, and shall hold office during pleasure. 31 V., c. 42, s. 1.

Under Secretary and officers.

General

duties of

Secretary.

2. The Governor in Council may also appoint an officer who shall be called the "Under Secretary of State," and such other officers as are necessary for the proper conduct of the business of the said department, all of whom shall hold office during pleasure. 31 V., c. 42, s. 2.

3. The Secretary of State shall have charge of the State correspondence, shall keep all State records and papers not specially transferred to other departments, and shall per form such other duties as are, from time to time, assigned to him by the Governor in Council. 31 V., c. 42, s. 3.

To be Registrar General.

His duties as such.

Deputy Registrar General and his duties. 4. The Secretary of State shall be the Registrar General of Canada, and as such shall register all instruments of summons, proclamations, commissions, letters patent, letters patent of land, writs and other instruments and documents issued under the great seal, and all bonds, warrants of extradition, warrants for removal of prisoners, leases, releases, deeds of sale, surrenders, and all other instruments requir ing registration:

2. The Governor in Council may, by commission under the great seal, appoint an officer who shall be called the "Deputy Registrar General of Canada," and shall hold office during pleasure; and such Deputy Registrar may sign and certify the registration of all instruments and documents required to be registered, and all such copies of the same or of any records in the custody of the Registrar General as Chap. 25.

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are required to be certified or authenticated as being copies of any instruments, documents or records as aforesaid. 48-49 $V_{...C}$ 2 \sim 1

5. The Governor in Council may, at any time, assign any Governor in f the duties and powers hereby assigned to and vested in transfer the Secretary of St. the Secretary of State, to any other member of the Queen's duties under Privy Council for Canada, and his department, and from the any other period appointed for the council Department. period appointed for that purpose by any Order in Council Department. such duties and powers shall be transferred to, and vested in such other member of the Queen's Privy Council for Canada and his department. 31 V., c. 42, s. 40.

6. The Secretary of State shall annually lay before Par-Yearly report liament, within ten days after the meeting thereof, a report to Parlia-of the proceeding the department

of the proceedings, transactions and affairs of the department $\frac{21}{2}$ V c 42, s. 41. during the year then next preceding. 31 V., c. 42, s. 41.

THE QUEEN'S PRINTER AND THE PUBLIC PRINTING.

7. The Governor in Council may, by Commission under Queen's Prin-le Great Soul of the Council may, by Commission under Queen's Prin-ter to be apthe Great Seal of Canada, appoint a Queen's Printer for pointed. Canada, who shall, Canada, appoint a Queen's Printer for pointed. Canada, who shall hold his office during pleasure. 32-33 V.,

8. The Queen's Printer shall be an officer of the Depart- To be an vision and direction of State, and shall, under the super- officer of the form such duties as are accorded to him by law, or by the tary of State form such duties as are assigned to him by law, or by the tary of State Governor in Grand are assigned to him by law, or by the tary of State Governor in Council, or by the Secretary of State. 33 V., c.

9. The Queen's Printer shall print and publish or His duties, cause to be printed and published, for the Government, &c. under his superintendence, the official Gazette of Canada, which shall grander the official Gazette, the which shall be known as the Canada Gazette, Statutes of Canada, and all such official and departmental and other papers, as he and other reports, forms, documents, and other papers, as he is reoning to be printed is required to print and publish, or cause to be printed and published to print and publish or cause to be printed and published by, or under the authority of the Governor in Council; and he shall perform all such other duties as are, from the duties are by the Governor in are, from time to time, assigned to him by the Governor in Council. Council: and whatever is printed under his superintend-ence, by authority of this Act, shall be held to be printed by him. 32-33 V., c. 7, s. 2.

10. All Proclamations issued by the Governor General or Certain docu-nder the contract of the under the authority of the Governor in Council, and all printed in the official notices. On the Governor in Council, and all printed in the Constant of the Governor in Council, and all printed in the constant of the Governor in Council, and all printed in the constant of the Governor in Council, and all printed in the council of the Governor in Council, and all printed in the council of the Governor in Council, and all printed in the council of the Governor in Council, and all printed in the council of the Governor in Council, and all printed in the council of the Governor in Council, and all printed in the council of the Governor in Council, and all printed in the council of the Governor in Council of the Governor in Council, and all printed in the council of the Governor in Council, and all printed in the council of the Governor in Council, and all printed in the council of the Governor in Council official notices, Orders in Council, regulations, advertisements Canada and documents, Orders in Council, regulations, advertisements, and Gazette. and documents relating to the Dominion of Canada, or Gazette. matters under the control of the Parliament thereof, and requiring the control of the Parliament thereof, and requiring publication, shall be published in the Canada

Gazette, unless some other mode of publication thereof is required by law. 32-33 V., c. 7, s. 3.

Powers of the

Receipts on account of Gazette.

contract.

11. The Governor in Council may, from time to time, pro-Council as to scribe the form, mode and conditions of publication of the Gazette. Canada Gazette and days Canada Gazette, and designate the public bodies, officers and persons to whom it shall be sent without charge, and regulate the price of the late the price of subscription thereto, and the charges to be naid for the publication of the sector of the sector of the subpaid for the publication of notices, advertisements and docar ments; and all sums payable for such last mentioned charges shall be paid in advance to the Queen's Printer and by him accounted for, and paid over to the Minister of Finance and Receiver General, in such manner as the Governor in Council directs, and shall form part of 5. 32-33 V., c. 7, s. 5 Consolidated Revenue Fund of Canada.

12. The printing, binding and other like work to be $d_{all}^{00^{0}}$ Printing, &c, under the superintendence of the Queen's Printer, sher to be done by except as hereinafter mentioned, be done and furnished under contracts to be entered into under the authority of he Governor in Council, in such form and for such time as for appoints after such and for such time as for appoints, after such public notice or advertisement lots tenders as he deems advisable; and the lowest tenders received from persons of the received from persons of whose skill and resources, and of the sufficiency of whose still and resources, and of the sufficiency of whose sureties for the due performance of the contract the Coverse of the contract the Governor in Council is satisfied, shall accepted. 32-33 V., c. 7, s. 6.

13. The Governor in Council may, from time to time Exception in for reasons to be stated in the Orders in Council, authorize certain cases printing and binding for the public service to be done with out tender and such Order out tender; and such Orders in Council and the expenditure under them shall be lotd a such orders in Council and the expenditor under them shall be laid before Parliament at its then next Session 32-33 V of the before Parliament at its then next 32-33 V., c. 7, s. 7. Session.

14. The expenses to be incurred under the provisions of this A_{ad} the seven sections of this Act next preceding, shall be pose out of such moneys as are another than the provision of the seven section of the seven second section of the seven section of the seven s out of such moneys as are appropriated for the purpose by Parliament, and shall be are appropriated for the purpose by Parliament, and shall be accounted for in like manner c. 32-33 V., C. 7, s. 8.

GOVERNMENT STATIONERY OFFICE.

15. There shall be a Stationery Office for the purposed hereinafter mentioned, and the same shall be attached to the Department of the Secretary of Streams of Streams Department of the Secretary of State, and shall be p_{tab}^{aced} under the superintendence of the placed under the superintendence of such officer or clerk of the department, as the Source of the department, as the Secretary of State directs; and of Governor in Council may and the Governor in Council may, subject to the provisions of "The Civil Service Act" "The Civil Service Act," appoint any clerks for assistance in the said office as are formed 31 V., c. 35, 5. 12; in the said office as are found expedient. -36 V., c. 4, s. 13, part.

Expenses under preceding sections.

Stationery office and management thereof.

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16. Such officer or clerk shall supply any articles of Stationery stationery to any department of the civil service, ac- Clerk to sup-cording to such department of the civil service, by the ery. cording to such regulations as are approved by the ery. Governor in Council, so often as such officer or clerk receives a requisition therefor, signed by the deputy head of such deputy the deputy supof such department; and he shall charge the quantity sup-plied and the shall charge the quantity supplied, and the value thereof, against such department; and Monthly ac-such officer of value thereof, against such department; and Monthly acsuch officer or clerk shall furnish an account, monthly, of count to the same respective shall furnish an account, monthly, and the same respective shall furnish an account and the same respective shall furnish and account and the same respective shall be account and the same respect the same respectively, to each deputy head of a department, Heads. accompanied by the several requisitions in respect of the several articles mentioned in the said account, and such dennty have been several account. deputy head shall, if the same is found correct, certify to the correct. the correctness of such account, and return it to such officer or clerk. 31 V., c. 35, s. 15, part.

GENERAL PROVISIONS.

17. Each deputy head of a furnish to the Department of the Secretary of State printing, &c., and variety of all articles commonly known as "Stationery," Heads. and of the probable amount, in value, of printing and bind-ing which ing which may be required for the purposes of each such department for the then ensuing financial year. 31 V., c.

18. The Secretary of State shall report to the Governor in Total esti-Council, the total probable amount, in quantities, qualities mates for and value council, and bind- Parliament. and value, required for the stationery, printing and bind- Parliament. ing for the departments of the civil service for such year, and a required in the Estiand a requisite sum therefor shall be placed in the Estimates as a separate item, under the head of Civil Government; and an apportionment in respect of each department Apportioned shall be made apportionment in respect of each department. shall be made by the Governor in Council, which may be to each De-increased or work the Governor in Council, which may be partment. increased or varied from time to time, so that the whole sum voted by Dall voted by Parliament in any year, together with the value of the stock on the shall further rethe stock on hand, is not exceeded; and he shall further re- Report to Port to the Grand, is not exceeded; and he shall further re- Report to Council; port to the Governor in Council, the mode or modes in which Governor in cured and performed and performance or services shall be pro- Council; and contracts for cured and performed and performance or services shall be pro- supplies or cured and performed, and the regulations under which ten- supplies or ders may be called and the regulations under which ten-supplies or work. ders may be asked for for the same respectively, and as to work. the terms of acceptance thereof, and as to the mode of collec-tion and it. tion and disposal of the waste paper of the several depart-ments and the waste paper of the several departments; and upon the approval by the Governor in Council supplies of such of such reports, any necessary supplies of stationery, to the of stationery extent of the approval by the Barliament may be approved by extent of the appropriation made by Parliament, may be approved by procured, and any necessary arrangements for printing and Governor in entered into and all stationers to procured shall be placed entered into; and all stationery so procured, shall be placed in the cost is directed, as in the custody of such officer or clerk as is directed, as hereinbefore mentioned. 31 V., c. 35, s. 14. In this section the Secretary of State has been substituted for the Civil Service Board, which no longer exists

Monthly accounts to be rendered to the Auditor General.

19. The officer or clerk charged with the superintend ence of the Stationery Office shall furnish a statement monthly, to the Auditor General, with the accounts and vouchers therefor, of all stationery purchased and of all articles supplied to articles articles supplied to articles artic articles supplied, to each department, during the preceding month, certified by the deputy head thereof as correct, ho the manner provided with respect to contingencies, "The Contingencies Act," and the Auditor General shall, quarterly, or more frequently, at his discretion, cause the stock of stationery in store to be checked, with the quantities purchased and supplied; and the Queen's Printer shall fur nish a like statement, monthly, to the Auditor General with ind accounts and vouchers therefor, of all printing and binding performed for each department during the preceding month, certified by the deputy head thereof as correct, in like mannet as hereinbetore provided. 31 V., c. 35, s. 16.

Accounts to be laid before Parliament.

20. An account shall be laid before Parliament each year, shewing the value of the stock of stationery on hand at the beginning of the year, the amount expended during the year for stationery, printing and binding, the amounts charged against each department, and the stock on hand at the end of the year. 31 V., c. 35, s. 17, part.

Application to outside service. 21. The provisions contained in the fourteen sections next preceding shall apply as well to the outside service of the several departments as to the departments of the Civil Service at the Seat of Government. 31 V., c. 35, s. 18.

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Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
31 V., c. 35	ss. 12 to 18 iuclus- ive, except part of 15.	Part of s. 15	Remainder	ACUTAN
31 V., c. 42	ss. 1, 2, 3, 40 and 41.	ss. 34, 35, 3 6, 39, and 42.		gent Act re s. 2, Act re specting De partment of Public
	The whole, ex- cept part of s. 1 and ss. 4 and 9.	s . 9.		Evidence Act
33 V., c. 6 36 V., c. 4 48-49 V., c. 2	Section 1 Section 13, part.	Section 2. Section 12 and part of s. 13.	Remainder	Act respecting the Depart ment of the Interior.
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CHAPTER 26.

An Act respecting the Department of Finance and the Treasury Board.

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

L. Unless the context otherwise requires, the expression Interpreta-"Minister of Finance" or "Receiver General," in any Act of the Parliament of Canada, or in any document, means the "Minister of Canada, or in any document, means the "Minister of Finance and Receiver General;" and the expression "To Finance and Receiver General;" and the expression "Deputy Minister of Finance," or the expression "Deputy Deputy Minister of Finance," or the expression "Deputy Receiver General," in any such Act or document as aforesaid as aforesaid, means the "Deputy of the Minister of Finance and Receiver General." 42 V., c. 7, ss. 2 and 3. The first part of each section omitted as effete.

DEPARTMENT OF FINANCE.

2. There shall be a department of the Civil Service of Can- Department constituted. ada, which shall be a department of the Civil Service of Can- Department. which shall be called "The Department of Finance," over constituted. which the Minister of Finance and Receiver General for the time being, appointed by the Governor General by com-mission mid the formed and the shall preside; and mission under the Great Seal of Canada, shall preside; and the said the said minister shall hold office during pleasure, and shall have the minister shall hold office during pleasure, 32-33 have the management and direction of the department. 32-33

3. The Department of Finance shall have the supervision, Duties of De-Introl and J. control and direction of all matters relating to the financial partment. affairs and direction of all matters relating to the first of Canado and public accounts, revenue and expenditure of they are not, by Canada, which are not, or in so far as they are not, by law, or by order of the Governor in Council, assigned to any other down other down of the Governor in Council, assigned to any other department of the Governor in Council, assignment duties as are for the civil service, and such other duties as are, from time to time, assigned to it by the Governor $1 \times 7 \times 21$. in Council. 32-33 V., c. 4, s. 2;-41 V., c. 7, s. 21.

4. The Governor in Council may appoint an officer who Deputy of the Receiver Governor in Council may appoint an officer who Deputy of the Receiver Governor in Council may appoint an officer who Deputy of the Name and servants as are Receiver General, and such officers, clerks and servants as are requisited. requisite for the proper conduct of the business of the depart-ment and 41 V., c. 7, 8.ment, all of whom shall hold office during pleasure. 41 V., c. 7, s.

5. The Deputy of the Minister of Finance and Receiver To keep cer-General shall, under the Minister of Finance and Receiver tain public General shall, under the Minister of Finance and Receiver tain public accounts. General shall, under the Minister of Finance and Receiver accounts.

Canada in England, and with the bank or banks receiving of paying public moneys, and the accounts of moneys paid for interest on Canadian stock, debentures or other Canadian securities. 41 V., c. 7, s. 19.

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6. The Deputy of the Minister of Finance and Receiver General shall classify all appropriations of public moneys and keep posted up a book to be called the appropriation book, containing an account, under separate and distinct heads, of every such appropriation, whether permanent on temporary, entering under each head the amounts drawn on account of such appropriation with the dates and names of the persons to whom payments are made; and shall, under the Minister of Finance and Receiver General, keep the public accounts of Canada. 41 V., c. 7, s. 20, part.

7. All returns and statements required from savings banks, chartered or other banks, and all other institutions required to make financial statements or returns, shall, when no other provision is made in that behalf, be transmitted to the Deputy of the Minister of Finance and Receiver General. 41 V., c. 7, s. 20, part.

8. All officers and clerks of and in the Department of Finance shall respectively have and perform such duties as are assigned to them by law, or by the Governor in Council, or by the Minister of Finance and Receiver Generals and such arrangements, distribution or union of the various duties, functions and business devolving on the several branches of the said department, or such amalgamation thereof, may be made, as the Minister of Finance and Receiver General, with the approval of the Governor in Council, from time to time directs. 32–33 V., c. 4, s. 3.

TREASURY BOARD.

9. There shall be a board to be called "The Treasury Board," consisting of the Minister of Finance and Received General, the Minister of Customs, the Minister of Inland Revenue the Minister of Revenue, the Minister of Justice, the Secretary of State of Canada, and one other of the Secretary of State the Canada, and one other of the Ministers composing the Queen's Privy Conneil for G Queen's Privy Council for Canada, to be nominated by the Governor in Council to the second se Governor in Council; the said Board shall act all Committee of the One of the Council Committee of the Queen's Privy Council for Canada, on of matters relating to finance matters relating to finance, revenue and expenditure, julic accounts which are public accounts, which are referred to it by the council, or to which the board third or to which the board thinks it necessary to call re-attention of the council attention of the council, and shall have power to or quire from any public. quire from any public department, board or officer, to other person or party bound by 1 other person or party bound by law to furnish the same ut, the Government any account is the same ut, the Government, any account, return, statement, document, or information which the or information which the board deems requisite for the due performance of its duties. 32-33 V., c. 4, s. 4, part; 48-49 V. c. 47, c. 1 48-49 V., c. 47, s. 1.

Public accounts.

Appropria-

tion book.

Certain returns to be sent to him.

Distribution of business.

Treasury Board, its constitution and duties. 237

10. The Minister of Finance and Receiver General shall Chairman and the chairman is the chairman and the Deputy Secretary of be the chairman of the Treasury Board; and the Deputy Secretary of Treasury Treasury Board. of the Minister of Finance and Receiver General, shall be ex- Board. officio the secretary thereof, and through him the board shall communicate with any public department, or officer, or other person 2000 T public department, c. 7, s. 18; other person. 32-33 V., c. 4, s. 4, part ;-41 V., c. 7, s. 18;

11. A plan of account books and accounts adapted to the Plan of acrequirements of each department or branch of the public made under service in order to be ach department or branch of the public made under service in order to exhibit, in a convenient form, the whole Treasury of the receipts and payments in respect of each vote, shall be deserved and payments in respect of the Treasury be designed under the superintendence of the Treasury Board; and the Governor in Council may, on report from the Treasure D Governor in Council may, on report from the Treasury Board, prescribe, from time to time, the manner Power of Gov-in which and prescribe, from time to time, the manner Power of Govin which each department of the public service shall keep council. its accounts. 41 V., c. 7, s. 23.

12. The Treasury Board may direct any officer or person Treasury aploved in any direct any officer or person Treasury direct hou employed in collecting, managing or accounting for any direct books branch of the revenue, to keep any books or accounts which and accounts it deems additional to keep any books or accounts which and accounts by officers, &c. it deems advisable to direct to be kept for the purpose of to be kept by obtaining and the to direct to be kept for the purpose of officers, &c. obtaining and furnishing any statistical information concerning and furnishing any statistical information thereof constitute or commerce of Canada, the public works 41 V c. 7. s. 24. thereof, or other matters of public interest. 41 V., c. 7, s. 24.

Proposed to be Consolidated.	Part Consolidated.	Left for Rspeal.	To be Consolidated elsewhere.	To be Consolidated with.
42 V., C. 7	both inclusive;		Remainder	Consolidated Revenue and Audit Act. Acts respect-
⁴⁸ -49 V., c 47	The whole.			ing the De- partments of Railways and Canals and Public Works.

CHAPTER 27.

An Act respecting the Public Revenue, the raising of loans authorized by Parliament, and the auditing the Public Accounts.

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

SHORT TITLE.

Short title. **1.** This Act may be cited as "The Consolidated Revenue and Audit Act." New.

INTERPRETATION.

Interpretation. "Public Moneys" or

"Revenue."

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

(a) The expression "public moneys," "public revenue" of "revenue," means and includes and applies to all revenue all the Dominion of Canada, and all branches thereof, and all public moneys, whether arising from duties of customs, excise or other duties,—or from the post office,—or from tolls for the use of any canal, railway or other public work,—or from fines, penalties or forfeitures,—or from any rents or dues,—or any other source whatsoever, whether such moneys belong to Canada or are collected by officers of Canada for or on account of or in trust for any Province forming part of Canada, or for the Government of the United Kingdom, or otherwise;

"Certify."

(b) The expression "certify" includes "examine and certify if found correct":

"Sub-accountant."

"Department." (c) The expression "sub-accountant" means any officer of person receiving or expending public moneys and accounting for the same to or through any minister or officer of any public department;

(d) The expression "Department," when used in con_{pr}^{ec} tion with the duty of preparing appropriation accounts, in cludes every public officer to whom the duties are assigned by the Treasury Board : 41 V., c. 7, s. 37, part.

Who shall be 2. Any officer, functionary or person whose duty it is subject to this to receive any moneys forming part of the revenue, or who Act.

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is intrusted with the custody or expenditure of any such moneys,—although he is not regularly employed in collecting, managing or accounting for the same,—shall be subject to the provide the accountto the provisions of this Act, so far as regards the account-ing for and ing for and paying over such moneys, whatever is the office or employment by virtue of which he receives, or is intrusted with by virtue of which he receives, or is intrusted with the same. 41 V., c. 7, s. 1, and s. 37, part.

CONSOLIDATED REVENUE FUND.

8. All public moneys and revenue over which the Parlia- What moneys shall form ment of Canada now has the power of appropriation, shall part of Con-form one Consolid is has the power of appropriation, shall part of Conform one Consolidated Revenue Fund to be appropriated for solidated Re-the public service of Canada, in the manner and subject to Charges the charges hereinafter mentioned, and in the following thereon.

First.—The costs, charges and expenses incident to the First, collec-illection management of explored to be collection, management and receipt thereof, subject to be reviewed, management and receipt thereof, subject to r is reviewed and audited in such manner as is hereby or is hereafter by law provided;

Second.—The annual interest of the public debts of the Second, pub-several Provinces of Canada, Nova Scotia and New Brunswick, at the Union;

Third.—The salary of the Governor General;

Fourth.—The principal and interest at a rate not exceed- Fourth, Intering four per cent. per annum of the loan of three million colonial Rail-pounds storling the thirty. pounds sterling, authorized by the Act passed in the thirtyfirst year of Her Majesty's reign, chapter thirteen, to be raised for the purpose of constructing the Intercolonial Railway, apon the guarantee of the payment of interest on such loan at a rete at a rate not exceeding four per centum per annum by the

Commissioners of Her Majesty's Treasury;

Fifth.—An annual sum at the rate of one per centum Fifth, sink-r annum annual sum at the rate of one per centum Fifth, sinkper annum, as a sinking fund on the entire amount of principal money of the loan herein last before mentioned;

Sixth.—Any sum issued out of the Consolidated Fund of Sixth, adthe United Kingdom under "The Canada Railway Loan Act, same. 1867," with the United Kingdom under "The Canada Railway Loan Act, same. 1867," With the interest thereon at the rate of five per centum

Seventh.—The sum of one million pounds sterling, which, Seventh, the the the sum of one million pounds sterling, which, Seventh, by the thirty-second section of the Act passed in the same. thirty-first year of Her Majesty's reign, chapter thirteen, the Government of Her Majesty's reign, chapter thirteen, the Government of Canada is empowered to raise for the com-pletion of the com-Pletion of the Intercolonial Railway, but without the guar-

Third, salary

of Governor

antee of the Commissioners of Her Majesty's Treasury, and 31 V., c. 32, s. 1. interest thereon :

A loan of six million dollars was authorized by 31 V., c. 31, s. 4, to rank after the above, but it was never raised. The provision has been treated by the Department of Finance as effete; and the charge next following was made to rank in its stead by 34 V., c. 3, s. 1.

Eighth.—The principal and interest of the loan author ized by the third section of the Act passed in the section held in the third. held in the thirty-second and thirty-third years of Her Majesty's reign, chapter one, not exceeding three hundred thousand pounds sterling, or one million four hundred and sixty thousand dollars sixty thousand dollars, with the guarantee of the Government of the United View ment of the United Kingdom, for the purpose of meeting w like sum, payable out of the Consolidated Revenue Fund, the Hudson's Bay Comment the Hudson's Bay Company, under a certain agreement with the said Company, mentioned in the Act last cited;

Ninth.-Such sums as are required to form a sinking Ninth, sinkfund at the rate of one per centum per annum on the entire ing fund. amount of the loan last mentioned; 32-33 V., c. 1, s. 3, 34 V., c. 3, s. 1.

Tenth.—Any sum issued out of the Consolidated Fund of the United Kingdom, under the Act of the Parliament Tenth, advance for same. Land) Loan Act, 1869," with interest thereon at the rate of five per centum per any of the rate of the five per centum per annum; 35 V., c. 5.

Eleventh.—The principal and interest of any loan $g_{\mu\nu}^{\mu\nu\sigma}$ anteed by the Treasury under the Act passed in the third Act seventh year of Her Majesty's reign, chapter two, and the mis of the Parliament of the H of the Parliament of the United Kingdom known as Canada (Public Works) Canada (Public Works) Loan Act, 1873;'

Twelfth.—Such sums as are required to form a sinking find the rate of one per cont per cont at the rate of one per cent. per annum on the entire amount of the loan guaranteed by the T Twelfth, sinking fund of the loan guaranteed by the Treasury as herein last before mentioned. mentioned :

Thirteenth.—Any sum issued out of the Consolidated Fund the United Kingdom under "" of the United Kingdom, under "The Canada (Public Works) Loan Act. 1873" with interest th Thirteenth. advance for Loan Act, 1873," with interest thereon at the rate of five per cent. per annum : 27 V same. 37 V., c. 2, s. 3. cent. per annum ; t₽ø

Fourteenth.—The yearly salaries of the Judges of Salaries of Judges of Su- Supreme and Exchequer Courts. 38 V., c. 11, s. 6, part.

It would appear that ninth and tenth are postponed by 37 V., c. 2, β , and rank after thirteenth, though such was not, apparently, the intention Parliament.

4. The grants payable to the several Provinces constitut's g the Dominion of Canada chall ing the Dominion of Canada shall be charged upon the Con-Grants to the Provinces to be a charge on the fund.

Eighth, loan to pay Hud-son's Bay Company.

Eleventh, Public Works loan guaranteed.

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solidated Revenue Fund of Canada, and payable out of any unappropriated. S1 ∇_{u} c. 32, s. 3. unappropriated moneys forming part thereof. 31 V., c. 32, s. 3. Names of Provinces are omitted and the section made general.

PUBLIC DEBT AND THE RAISING OF LOANS AUTHORIZED BY PARLIAMENT.

5. The Governor in Council may, from time to time, make Governor in council to such regulations as he deems necessary for the management make regula-of the public data he deems necessary for the management of the tions as to the of the public debt of Canada and the payment of the next debt and pay-interest theorem following section, —and may, subject to the provisions of a sink: of a sink: of a sinking fund or other means of securing the repay-ment of a sinking fund or other means of securing the repayment of any loans 'raised under the authority of Parliament,—and may appoint one or more fiscal agents of Fiscal agents, Canada in the City of London, England, or elsewhere, and agree with them as a final field of the allowed agree with them as to the rate of compensation to be allowed them for the interest on the them for negotiating loans and for paying the interest on the Public date with the manpublic debt and for other services connected with the management of the said debt,—and may pay the sums necessary to provide such sinking fund or other means as aforesaid, and such sinking fund or other means as aforesaid, and such compensation, out of the Consolidated Revenue Fund. 31 V., c. 32, s. 2.

6. Whenever, in any Act passed by the Parliament of How loans, anada, authority, any Act passed by the Parliament of How loans, &c., authority Canada, authority is given to the Governor in Council to ed by Parlia-raise, by way of loan, any sum of money for the public ser- ment may be vice, or the security of Council to the given for raised. vice, or the security of Canada is authorized to be given for raised. any sum of money deposited in any government savings bank, or otherwise intrusted for safe keeping to the Govern-ment of Government of Gov contrary in the Act by which such authority as aforesaid is given such the Act by which such authority as aforesaid is given, such sum shall, in the discretion of the Governor in Council he sum shall, in the discretion of the fol-Council, be raised or such security given, in one of the following ways, or partly in one and partly in another or others thereof, that is to say :--

(a) By the issue and sale, or the delivery as such security, By issue of debentment of and sale, or the delivery as such form. debentures. of debentures of Canada, which shall be in such form, debentures. for such separate sums, and at such rate of interest not exceeding and the principal and exceeding six per centum per annum, and the principal and interest the periods and interest whereof shall be made payable at such periods and places and a such periods and places, as the Governor in Council deems most expedient, and suband subject to such regulations as he sees fit to make; and such principal and interest shall be chargeable on the Consolidated Revenue Fund;

(b) By the issue and sale, or the delivery as such security, By issue of "Canada D of "Canada Dominion Stock," bearing such rate of interest Stock. not exceeding six per cent. per annum as is deemed and interest whereof shall be chargeable on the Consoli-16

dated Revenue Fund,—such stock not to be redeemable until the time fixed by the regulations hereinafter mentioned, but at and after that time to be redeemable at the option of the Governor in Council on giving six months notice of such redemption, and to be subject to such regulations as to the inscription, transfer, management and redemption tion thereof, as the Governor in Council sees fit to make;

Governor in Council may provide **a** sinking fund general or special.

Proviso.

(c) On authorizing the issuing of debentures or stock under the two paragraphs next preceding the Governor in Council may provide for a special sinking fund with respect to such issue, and may, at any time, provide for a general sinking fund for all such portions of the debentures or stock of Canada as have been or are hereafter issued without provision for a sinking fund with respect to them: Provided, that the amount to be invested in any such sinking fund shall not exceed one half of one per cent. per annum on the amount of the debentures or stock to which it relates;

By grant of terminable annuities.

By issue of Exchequer bills or bonds.

Governor in Council may change the form of any part of funded debt, and on what conditions.

(d) By the granting of terminable annuities chargeable on the Consolidated Revenue Fund,—such annuities being granted on terms in accordance with the most approved English tables, and based on a rate of interest not exceeding six per cent. per annum, and subject to such regulations as the Governor in Council sees fit to make;

(e) By the issue and sale, from time to time, of Exchequer bills or Exchequer bonds, in sums of not less than four hundred dollars, in such form, and bearing such rate of interest not exceeding six per cent. per annum, and redeemable at such periods and places as the Governor in Council deems most advisable, and subject to such regulations as he sees fit to make. 35 V., c. 6, s. 1.

7. The Governor in Council may, from time to time, as the interests of the public service require, change the form of any part of the then existing funded debt of Canada, including any debatter including any debentures for which Canada is liable, by substituting and all a line of the substituting and all a line of by substituting one class of the securities aforesaid the capital of the debt, nor the annual charge for interest is thereby increased areast thereby increased, except in any case in which four per cent. Dominion stock on form cent. Dominion stock or five per cent. Dominion stock a debentures is or are substituted for securities bearing bigher rate of interest higher rate of interest,—in which case only, the amount of the capital may be increased by capital may be increased by an amount not exceeding , ify difference between the the difference between the then present value of the security bearing the higher interest bearing the higher interest and that of the four per cent stock or five per cent stock or live stock or five per cent. stock or debentures substituted for it; but no such substitution of the substituted for it. but no such substitution shall be made, unless the consent of the holder of the account of of the holder of the security for which another is substituted is obtained, or such security is obtained, or such security is previously purchased or Chap. 27.

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redeemed by or on account of Canada; and such sub-stitution may loss of securistitution may be made by the sale of the one class of securi-ties and the sale of the one class of securities and the purchase of those for which it is desired to substitute them. 35 V., c. 6, s. 2;-38 V., c. 4.

8. The Governor in Council may, from time to time, as May raise temporary the exigencies of the public service require, in the event of loans in cer-the Consolidated D the Consolidated Revenue Fund being at any time insuffi- tain cases of cient to meet the charges placed thereon by law, direct the proper officer to minimize placed thereon by law, direct the proper officer to raise, by temporary loans chargeable on the said fund in such amounts, for such partial such manner and form, in such amounts, for such periods not exceeding six months, at rates of interest not exceeding seven per cent. per annum, as the Governor in Conneil in Council directs, such sums as are necessary to enable the said enables in the sums to the said fund to meet such charges; but the sums to Proviso. be so raised about meet such charges ; but the sums to Proviso. be so raised shall never exceed the amount of the deficiencies in the Country in the charges in the Consolidated Revenue Fund to meet the charges thereon the state of the state thereon then due or payable either as principal or interest, and shall be used or payable either as principal or interest, and shall be applied to no other purpose whatsoever; and an account is account is a shall be laid account in detail of all such temporary loans shall be laid Accounts to before the House of Commons within the first fifteen days of the session theorem the session theorem and the session the session theorem and the session the sess of the session then next ensuing. 35 V., c. 6, s. 3.

9. The regulations made or to be made by the Governor Certain re-Council as to the made or to be made by the Governor Certain rein Council, as to the inscription, transfer, management and made by Gov-redemption of an element in the inscription of the second seco redemption of any Canada Dominion Stock, debentures or ernor in other Canada securities above mentioned, under this or have force any other Act shall in the securities above mentioned and inconsistent of law. any other Act, shall, in so far as they are not inconsistent of law. With the Act, shall, in so far as they are not inconsistent of law. with the Act under which they are made, have the same force and art under which they are made, have the same force and effect as if embodied and enacted in an Act of the Parliament of Parliament of Canada; and no officer of the Government of Officers not Canada employee and no officer of the Government to trusts. Canada employed in the inscription, transfer, management to trusts. or redemption of any such stock or securities, or in the pay-ment of any such stock or securities of a bell be bound to ment of any dividend or interest thereon, shall be bound to see to the or implied to see to the execution of any trust expressed or implied to which such the execution of any trust expressed or shall be which such stock or securities are subject, or shall be liable in any trust expressed of market be liable in any way to any person for anything by him done as such any may to any person for anything by him done as such officer, in accordance with any such regulations as aforesaid. 35 V., c. 6, s. 4.

10. The Deputy of the Minister of Finance and Receiver Duty of Deputy Minister at the shall shall be the start and the start at the sta General shall countersign all Canada debentures,—keep a ter as to de-debenture book debenture book, which shall contain a record and descrip-bentures. tion of all debentures outstanding or authorized to be issued, shewing the she shewing the date of issue, period of redemption, when they were cancell date of assue, period of redemption, and an were cancelled, and times of payment of interest, —and an interest accelled, and times of payment of Prointerest account respecting them; and also a register of Pro-vincial net vincial notes or Dominion notes issued or cancelled. 41 V., ^{c.} 7, s. 20, part.

Finance and D General and the Deputy of the Minister Examining and cancel ling debenof Finance and Receiver General shall examine and cancel ling deben-161

debentures, Dominion or Provincial notes, and other secur ities representing the debt of Canada and which have been redeemed. 41 V., c. 7, s. 22.

Act respecting Dominion Notes not affected.

Public debt not to be increased except as hereinbefore provided.

12. Nothing in this Act shall be construed as altering affecting the provisions of the "Act respecting Dominion Notes," or the debentures to be issued and held for securing the redemption of such notes, or in any way to authorize any increase of the public debt without the express authority of Parliament, except in the manner and to the extent herein before provided in case of the substitution of four per cent Dominion stock or five per cent. Dominion stock for other securities, and except also as provided in section eight of this Act. 35 V., c. 6, s. 5 ;--38 V., c. 4.

COLLECTION OF THE REVENUE. 13. The Governor in Council may, from time to time

Governor in Council to determine what officers

Proviso; as to salaries.

determine what officers or persons it is necessary to employ in collecting, managing or accounting for the revenue, and in carrying into effect the are necessary, in carrying into effect the laws thereunto relating, or ion preventing any violation of such laws; and may assign their names of office and and a laws; and may assign their names of office, and such salaries or pay for their labor and responsibility in the execution of the duties of their respective offices and employments, as to the Governor in Council seems reasonable and the duties of the governor in Council seems reasonable and necessary, and may appoint the times and manner in minimum and may appoint the times and manner in which the same shall be paid: but no such officer so appointed in the same shall be paid. no such officer so appointed shall receive a higher annual salary than is allowed in 1 salary than is allowed in his case by any Act of the Parlier ment of Canada respecting the civil service generally, then in force: nor shall are in force; nor shall any such salary be paid until voted by Parliament 41 V - 7 Parliament. 41 V., c. 7, s. 2.

Officers receiving \$1,000 or more, to give their

No fees al-

lowed.

whole time. Exception.

Exemption from certain public services.

14. The salary or pay allowed to any such officer or person as aforesaid shall be in lieu of all fees, allowances or emoly ments of any kind what ments of any kind whatsoever, except actual and authorized; disbursements, shares of seizures, forfeitures and penalties, and no such officer or the and no such officer or person, receiving a salary at or exceeding the rate of one thousand in the ing the rate of one thousand dollars per annum, shall exercise any other colling a salary at or exercise at cise any other calling, profession, trade or employment what soever, with a view to dorige soever, with a view to derive profit therefrom, directly or indirectly, or shall hold over the indirectly, or shall hold any other office of profit whatsoever, except, in either case, with the express permission of the Governor in Council 41 W Governor in Council. 41 V., c. 7, s. 3.

15. No officer or person regularly employed in the collection or management of the tion or management of the revenue, or in accounting the same shall while have the same shall, while he remains such officer or so employed, be compelled to some in any be compelled to serve in any other public office or in the municipal or local office or in the municipal or local office, or on any jury or inquest or in the Militia. 41 V o 7 o 4 41 V., c. 7, s. 4.

The words "or in the Militia" are restored at the suggestion of the Parliamer" ry Committee. tary Committee.

16. Every person appointed to any office or employment Oath of office. relative to the collection or management of the revenue, or to the accounting for the same, shall, upon his admission to such office or owned for the same, shall, upon his admission to such office or employment, take, before such officer as the Governor in Council appoints to receive the same, an oath in the form following, that is to say :--

"I, A. B., do swear to be true and faithful in the execution, Form of oath. "to the best of my knowledge and power, of the trust com-"mitted to my charge, by my appointment as

"fee, perquisite, gratuity or reward, or emolument, whether "Decunion description whatever, "eitherdization of any other sort or description whatever, matter either directly or indirectly for any service, act, duty, matter or thing down indirectly for any service act, duty, matter "or thing done or performed or to be done or performed in "the evolution of the duties of my said "the execution or discharge of any of the duties of my said "office or employment, on any account whatsoever, other than "my sales by law, or by order "my salary, or what shall be allowed me by law, or by order "of the Grand What shall be allowed me by law, or by order" 41 V., c. 7, "of the Governor in Council—So help me God." 41 V., c. 7, s. 5.

17. The Governor in Council may, from time to time, Governor in make such divisions of Canada into ports, revenue vide Canada districts or otherwise of Canada with regard to the into ports, districts or otherwise, as are required with regard to the into ports, collection or management of the revenue,—and may assign districts, &c., the officers of the revenue, and may assign districts, and and a service relative purposes, and the officers or persons by whom any duty or service relative purposes, and to any such make regulato any such purpose shall be performed within or for any make regula-such district such district or division, and the places within the same, where such duty or service shall be performed,—and may make all and the places make and the places make and may make all such regulations concerning such officers and persons and it of the business to persons, and the conduct and management of the business to them interest he conduct and management of the business to them intrusted, as are consistent with the law, and as he deems are in the manner deems expedient for carrying it into effect, in the manner best adapted to promote the public good; and any general Application or gulation or gulation of general regulation of general regula regulation or order made by the Governor in Council for any guardian or purpose what source is the former of the source of the s purpose whatsoever for which an order or regulation may be order. so made under the provisions of this Act, shall apply to each particular case within the intent and meaning of such general regulation or order, as fully and effectually as if the same had been much or order, as fully and effectually as if the same had been made with reference to such particular case, and the officers are with reference to such particular case. the officers, functionaries or persons concerned had been specially named therein. If T a 6 nart. specially named therein. 41 V., c. 7, s. 6, part.

18. Every person employed on any duty or service relating Officers emto the collection or management of the revenue, by the order deemed the or with the concernent of the revenue, by the order deemed the or with the concurrence of the Governor in Council, shall be proper of-deemed to be the or for the Governor in Council, shall be proper ofdeemed to be the proper officer for that duty or service; and ficers. every act, matter or thing required by any law in force to be done or performed by, to or with any particular officer nomi-nated forth 1 hated for that purpose in such law, which is done or performed by, to or mitt by, to or with any person appointed or authorized by the Government of such law, which is done of person by the Governor in Council to act for or on behalf of such particular

officer, shall be deemed to be done or performed by, to of with such particular of with such particular officer:

At what place any duty shall be performed.

2. Every act, matter or thing required by any law, at v time in force to be la any time in force, to be done or performed at any particular place within any part or mill place within any port, or within any other such district of division of Canada ar division of Canada as aforesaid, which is done or per formed at any place within such port, district or division appointed by the Governor in Council for such purpose shall be downed to be l shall be deemed to be done or performed at the particular place so required by law. 41 V., c. 7, s. 7.

Officers of the revenue service may be employed in another branch.

19. Any officer or person employed in the collection, man agement or accounting for any branch of the revenue, ing be employed in the collection, management or accounting for any other branch thereof, whenever it is deemed advant, 41 V., c. 7, tageous for the public service so to employ him. s. 8.

Hours of attendance, &c.

Notice to be posted.

20. The Governor in Council may, from time to time appoint the hours of the general attendance of the officers and persons employed in the contract of the officers and persons employed in the collection and management of revenue, at their proper offices and places of employment and may also appoint the times during such hours, or the seasons of the year at which seasons of the year, at which any particular portions of a by duties of such officers ar at duties of such officers or other persons shall be performed by them respectively; and a notice of the hours of general atter dance so appointed at 11 in dance so appointed shall be kept constantly posted up in some conspicuous place in work. some conspicuous place in such offices and places of employment 41 V o 7 c 0 41 V., c. 7, s. 9. ment.

AUDITOR GENERAL.

21. The Governor General may, for the more complete examination of the public accounts of Canada, and out the reporting thereon to the House of Commons, appoint an officer, under the Great Soul of Commons, ind the an officer, under the Great Seal of Canada, to be called noid Auditor General of Canada Auditor General of Canada, and such officer may be paid out of the Consolidated Bayana D out of the Consolidated Revenue Fund, a salary of three thre 41 V., c. 7, s. 11. thousand two hundred dollars per annum.

22. The Auditor General shall hold office during good behavior, but shall be removable by the Governor General on address of the Senate and Use 41 V., C on address of the Senate and House of Commons. 7. s. 12.

23. The Governor in Council shall, from time $t_{\alpha,\beta}$ appoint the officers, clerks, and other persons in the office of the Auditor General and me the Auditor General, and may regulate the numbers and salaries of the respective grader salaries of the respective grades or classes into which the 18, officers, clerks and others shall 41 V., c. 7, 5. 18, part.

Auditor General.

Appointment and salary.

Tenure of office.

Officers and clerks under him.

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24. The Auditor General may, from time to time, make Auditor Genorders and rules for the conduct of the internal business eral to make of his office, and may prescribe regulations and forms for business of his the guidance of the guidance of principal and sub-accountants in making office. up and rendering their periodical accounts for examina-tion. Descriptions and tion: Provided always, that all such rules, regulations and Proviso, for forms shall h forms shall be approved by the Treasury Board previously approval by Treasury Board previously Treasury Board to the issue thereof:

2. In any case in which the Auditor General deems it neces- Report to Governor Governor sary to report for the information of the Governor in Council, Council. such report for the information of the Governor in Such report shall be made through the Minister of Finance and Receiver General. 41 V., c. 7, s. 15.

Sub-section two is taken from 45 V., c. 4 now repealed, but is re-inserted here as the repeal appears to have occurred inadvertently.

HOW PUBLIC MONEYS SHALL BE DEALT WITH.

25. All public moneys, from whatever source of revenue To be paid to credit of Minderived, shall be paid to the credit of the account of the ister of Fi-Minister of E: Minister of Finance and Receiver General through such nance, &c. officers, banks or persons, and in such manner as the said minister, from time to time, directs and appoints. 41 V.,

"The said minister" substituted for "the Governor in Council."-See section 27.

26. The Governor in Council may, from time to time, Time and mode of summer the time to the mode of summer to the time to th appoint the times and mode in which any officer or person mode of such payments. employed in the collection or management of, or the account-ing for any other of part of the account-the public moneys which come into his hands,—and may determine the officer by determine the times and mode in which, and the officer by As to license whom any license to be duty. whom, any licenses on which any duty is payable, are to be duty. issued: Provided, that such accounts and payments shall be Proviso. rendered and made by such officers and persons respectively

at least once every month. 41 V., c. 7, s. 26.

27. The Minister of Customs, the Minister of Inland Ministers, de-Revenue, the Postmaster General, and all other ministers, pay in gross deputies of ministers, officers, clerks or persons charged with revenues of the recoint ministers, officers, clerks or persons charged with revenues their depart the recoint ministers of the revenues are the revenues of ofthe receipt of public moneys, shall cause the gross revenues their departments or of their source when of their several departments or offices to be paid at such fices,—when times and times and under such regulations as the Minister of Finance and how. and Receiver General, from time to time, prescribes, to an account to be called "the account of the Minister of banks as Finance and Receiver General," at such bank or banks as are determined by the Minister of Finance and Receiver General General; and daily accounts of such moneys so deposited Daily ac-shall be; and daily accounts of such moneys much form as Auditor shall be rendered to the Auditor General in such form as Auditor Gen-eral.

the Treasury Board prescribes. 41 V., c. 7, s. 27.

28. Every officer of the Customs or of the Inland Revenue Payment of revenue into otherwise employed in the collection of the revenue, banks.

Board.

receiving money for the Crown, shall deposit the same to the credit of the account of the Minister of Finance Receiver General, from time to time, in such bank as the said minister appoints; and every such officer shall keep his cash book written up daily; and all the books, accounts Books open to and papers of such officer shall, at all times during office hours, be open to the inspection and examination a any officer or person whom the Minister of Finance Receiver General authorizes to inspect or examine the same; and daily accounts of such moneys so deposited shall be rendered to the Andrew G be rendered to the Auditor General in such form as the Tres sury Board prescribes: Provided, that where such money received at a place where there is no bank into which it can conveniently be paid, the same shall be paid over in such man ner as the Minister of Finance and Receiver General directs; and accounts of such money shall be rendered to the Auditor 41 V., General in such form as the Treasury Board prescribes. c. 7, s. 28.

"Minister of Finance and Receiver General" substituted for "Governor in Juncil." See next preceding coefficient Council." See next preceding section. The amendment in italics is inserted at the suggestion of the Parliamentary ommittee. Committee.

PROCEEDINGS AS TO VOTES OF MONEY.

29. When any sum of money has been granted to Her Warrant of the Governor Majesty by a resolution of the House of Commons or by an to Minister of Act of Ball Act of Parliament, to defray expenses for any specified Public services the Governor Company of the services and specified public Finance. services, the Governor General may, from time to time, under his sign manual communication of the s his sign manual, countersigned by a member of the Treasury Board, authorize and require the Minister of Finance and Receiver General to issue and a finance i for Receiver General to issue out of the moneys appropriated for defraying the expenses of defraying the expenses of such services, and in his hands, not sums required, from time to time, to defray such expenses, not exceeding the amount of the exceeding the amount of the sum so voted or granted. V., c. 7, s. 29.

Minister of Finance to issue credits in favor of the proper departments and persons.

Credits to be on certain in duplicate.

30. When any sum of money has been granted to Her an Majesty by a resolution of the House of Commons or by all Act of Parliament, to defray expenses for any specified Public services and as soon on the G services, and as soon as the Governor General has issued his warrant anthorizing the warrant authorizing the payment of such sum or sums of Minister are required to defray such expenses, the Finance and Receiver General may, from time to time, be the application of the Article of the application of the Auditor General, cause credits to be issued in favor of the clerks issued in favor of the deputy heads, officers, or other persons connected with the several departments of services charged with any lither with the several departments of the several department o services charged with expenditure of the moneys so authorized. Such credits shall in Such credits shall issue on the several banks autho rized. rized to receive public moneys, and statements in duplicate of moneys drawn for a line of moneys drawn for a line of moneys drawn for a line of money drawn for a line of mone banks; ac-counts thereof of moneys drawn for under such credits, together with the in duplicate cheques paid by the banks in connection therewith, shall be rendered at such times rendered at such times and under such forms and once in each month or month of the such forms and net Board in each month or more often, as the Treasury

Cash books.

Daily accounts.

Proviso: when there is no bank.

directs,—one duplicate of such statement together with the Statements to cheques to b cheques to be rendered to the Auditor General, and the be rendered to other duplicate to the Minister of Finance and Receiver eral and Min-General, where the Minister of Finance and Receiver eral and Min-General; whereupon the Auditor General, being satisfied of ister of Fi-the correctness of the Auditor General, being satisfied of ister of Fi-nance. the correctness of the statement, may request the Minister of Finance and Read Finance and Receiver General to cause cheques to be pre- Cheques to pared to reimber

pared to reimburse the banks for such advances under such expenditures of the banks for such advances under such expenditures credits to cover the expenditures made or authorized,—such on such cheques have cheques being signed by the Minister of Finance and credits. Receiver Gauge Signed by the Minister of Finance and credits. Receiver General and countersigned by the Minister of Linear or their general and countersigned by the Auditor General or their respective deputies or officers thereunto duly autho-rized. rized; but no such credit shall issue in favor of any officer No credit to or other person in excess of any appropriation authorized by propriation. an Act of Parliament. 41 V., c. 7, s. 30.

31. The Auditor General shall see that no cheque Duty of issues for the payment of any public money for which eral as to the there is no direct of any public money or in ex- issue of there is no direct parliamentary appropriation, or in ex- issue of cess of any positive parliamentary appropriation the expenditure cess of any portion of such appropriation, the expenditure cheques. of which has been authorized by the Governor in Council; and he shall and he shall report to the Governor in Council through the To report to Minister of T Minister of Finance and Receiver General, any case in which Governor in a sub-account of the second a sub-accountant has expended money out of the proceeds of case of excess. any accountable credit, for any purpose for which there is no legislation no legislative authority or beyond the amount for which there is such authority. 41 V., c. 7, s. 31.

32. No cheque for public money shall issue except upon No cheque of he certificate is parlia- Finance Minthe certificate of the Auditor General that there is parlia- Finance Min-mentary anthe finance Minmentary authority for the expenditure, save only in the on certificate of Auditor

(a) If, upon any application for a cheque, the Auditor Exceptions. General has reported that there is no parliamentary authority Opinion of for issuing it is for issuing it, then upon the written opinion of the Attorney that it may G_{eneral} of it, then upon the written opinion of the issue. General of Canada, that there is such authority, citing it, the issue. Minister of Finance and Receiver General may authorize the Deputy Minister of Finance and Receiver General may automatic the above the second receiver General to prepare the cheque, irrespective of the Auditor General's report :

(b) If, when Parliament is not in session, any accident Accidents happens to any public work or building which requires an of Parlia-immediate and the formula of the parliaimmediate outlay for the repair thereof, or any other occasion ment. arises when any expenditure not foreseen or provided for by Parliament is urgently and immediately required for the public control of Finance Public good, then upon the report of the Minister of Finance and Receiver General that there is no parliamentary provision, and of the minister having charge of the service in Question of the minister having charge of the service in Council question that the necessity is urgent, the Governor in Council may order may order a special warrant to be prepared, to be signed by Special war-the Government estimates. the Governor General for the issue of the amount esti- rants. Mated to be the Minmated to be required, which shall be placed by the Minister of Finance and Receiver General to a special account,

(c) If the Auditor General has refused to certify that a certify that cheque of the Minister of Finance and Receiver General the

issue, on the ground that the money is not justly due, or the it is in excess of the authority money is not justly due, or any

it is in excess of the authority granted by Council, or for all reason other than that the

reason other than that there is no parliamentary authority

then upon a report of the case prepared by the Auditor der

eral and the Deputy of the Minister of Finance and Receiver General, the Treasury Room of the Minister of Finance and Receiver General, the Treasury Board shall be the judge of the sub ciency of the Auditor Constant ciency of the Auditor General's objection, and may sustain him or order the issue of the him or order the issue of the cheque in its discretion:

against which cheques may issue from time to time, in the usual form, as they are required usual form, as they are required :

Provision if the Auditor General refuses to certify that a cheque may issue.

Statement to be submitted to Parliament in such cases.

Vouchers to

be required

by Auditor General.

2. The Auditor General shall in all such cases prepare statement of all such legal opinions, reports of Council special warrants and cheques issued without his certificate, and of all expanditure in cate, and of all expenditure incurred in consequence there of, which he shall doliver to the of, which he shall deliver to the Minister of Finance, not Receiver General to be be Receiver General, to be by him presented to Parliament next later than the third day of the session thereof then next ensuing. $41 \text{ V} = 7 \text{ s}^{-22}$ ensuing. 41 V., c. 7, s. 32.

33. No payment shall be authorized by the Auditor Get all in respect of work and the state of eral in respect of work performed, or material supplied by any person in connection with any part of the public service of Canada unless in addition service of Canada, unless, in addition to any other voucher or certificate which is required. or certificate which is required in that behalf, the officer, under whose special under whose special charge such part of the public set vice is certifies that and vice is, certifies that such work has been performed, the such materials supplied, as the case may be, and that be price charged is according to the the supplied is according to the supplied of the supplied is according to the supplied of the supplicit of the supplied of the supplied of the supplicit of the sup price charged is according to contract, or if not covered by a contract, is fair and just 41 W contract, is fair and just. 41 V., c. 7, s. 33.

ANNUAL ACCOUNTS FOR PARLIAMENT AND AUDIT OF ACCOUNTS

Public accounts, how to be kept.

Annual statement and what it shall show.

84. The Public Accounts of Canada shall be kept and double entry in the office of the Minister of Finance and Receiver General: and an article and an Receiver General; and an annual statement shall be propared as soon as possible of pared as soon as possible after the termination of each fiscal year exhibiting the state of the mail year exhibiting the state of the public debt and the amount chargeable against each of the public debt and the amount chargeable against each of the public works for which any part of the debt has been and the state part of the debt has been contracted; also the state of and Consolidated Revenue. Consolidated Revenue Fund and the various trusts and special funds under the management of special funds under the management of the Government of Canada, and such other Canada, and such other accounts and matters as anada required to show what the line in the second se required to show what the liabilities and assets of Canada really are at the date of such the liabilities and assets of Canada 31 V., c. 32, s. 4. really are at the date of such statement.

Account by Minister of Finance for

35. The Minister of Finance and Receiver General shall use an account to be proved and Receiver General shall cause an account to be prepared and transmitted to ber Auditor General on or before the Auditor General, on or before the thirty-first day of October

in every year, showing the issues made from the Consoli-Anditor Gen-dated Revenue D and the issues made from the consoli-Anditor Gendated Revenue Fund in the financial year ended on the show. thirtieth day of June preceding, for the interest and man-agement of the preceding of the interest and management of the public funded and unfunded debt, for the civil list and the public funded and unfunded debt, for the civil list, and all other issues in the financial year, for services directly under list concernation of the financial shall directly under his control; and the Auditor General shall certify and certify and report upon the same with reference to the Acts Report of of Parliament of Parliament of the same with reference to the Acts Report of Carlier G of Parliament, under the authority of which such issues and report of the Acts Report of have been directed; and such accounts and reports shall be laid here. laid before the House of Commons by the Minister of Account and Finance and The House of Commons by the Account and report to be Finance and Receiver General, on or before the thirty-first laid before day of January is then Parliament. day of January, in the following year, if Parliament is then Parliament. sitting, and if not sitting, then within one week after Parliament is next assembled. 41 V., c. 7, s. 34.

36. The Deputy of the Minister of Finance and Receiver Yearly ac-eneral shall and the Minister of Finance Portioned

General shall prepare and submit to the Minister of Finance and Receiver rearry ac-and Receiver General shall prepare and submit to the Minister of Finance Parliament. and Receiver General the Public Accounts to be annually Auditor Gen-laid before Parliament, such accounts to be countersigned by eral to coun-tersign. the Auditor General. 41 V., c. 7, s. 35.

37. The Public Accounts shall include the period from What period the said Public the said Public the said Public the said Public to the said Pu the thirtieth of June in one year to the thirtieth of June in lie Accounts the next year, which period shall constitute the financial shall include. year; all estimates submitted to Parliament shall be for the services and the financial services coming in course of payment during the financial year. and all g in course of payment during the financial must year; and all balances of appropriation which remain unex- Balances un-pended of the balances of appropriation which remain unex- Balances unpended at the end of the financial year, shall lapse and be Written off. D. dof the financial year, shall lapse and be Written off: Provided, that upon cause being shown to the proviso; for satisfaction : Frovided, that upon cause being shown to the proviso; for satisfaction of the Governor in Council, he may, by Order in extension of Council to be made before the first of August of each year, ing of ac-extend the time for the direction of any appro- counts of apextend the time for finally closing the account of any appro-priation for any form the time for finally closing the account of any appro-propriation. priation, for a period of not more than three months from the propriation. end of the financial year,—after the expiration of which extended time, and not before, the balance of such appropriation shall labor 2.6 shall lapse and be written off. 41 V., c. 7, s. 36.

38. On or before the thirty-first day of October in every Accounts of grants comprised in the appropriation of the several supply tion of supply to a grants to be appropriation. Act for the year grants to be grants comprised in the Appropriation of the several supply tion of supple ending thirtieth June then last, or of any other Act, department be prepared by the several departments, and and trans-transmitted for ending the transmitted for ending transmit be transmitted for examination to the Auditor General and mitted for ex-to the Deputy of the Minimum of the Auditor General and amination. to the Deputy of the Minister of Finance and Receiver Gen-eral and puty of the Minister of Finance and Receiver General, and when certified and reported upon, as hereinafter directed the certified and reported upon, as hereinafter; directed, they shall be laid before the House of Commons; and such accounts shall be laid before the House of Commun., Accounts " of the moneys expended for the services to which the the services to be and the Treasury Board which they respectively relate; and the Treasury Board Treasury shall determine by what departments such accounts shall cide by what prepared and the the Anditor General, and Departments. be prepared and rendered to the Auditor General, and Departments. the Auditor General shall certify and report upon such

Examination by Auditor General and certificate.

accounts, as hereinafter directed; and each account shall be examined under the direction of the Auditor General, such officer or clerk in his office as he directs; and such officer or clerk shall continue to the such and such officer or clerk shall continue to the such officer or clerk shall continue to the such as the such officer or clerk shall continue to the such of the such o officer or clerk shall certify to the due examination of the account, and the Auditor C account, and the Auditor General shall certify that or account has been examined under his direction and is 0^{11} 41 V., c. 7, s. 37, part. rect.

Departmental

39. The Treasury Board shall direct that the department tion accounts. charged with the expenditure of any vote, under the author ity of the Governor in Committee in the author ity of the Governor in Council, shall prepare the appropriation account the second the s priation account thereof. 41 V., c. 7, s. 37, part.

> 40. The department charged with the duty of preparing the appropriation account of a grant shall, if required so

> do by the Auditor General, transmit to him, together with the annual appropriation account of

the annual appropriation account of such grant, a baland sheet so prepared as to show the

ances in the ledger of such department on the day of the the said appropriation account was closed, and to verify mt: balances appearing upon the balances appearing upon the annual appropriation accounts Provided always that the Annual appropriation accounts Provided always, that the Auditor General may, if he thinks fit, require the said down

fit, require the said department to transmit to him, in the of such balance short

Duty of department preparing appropriation acsheet so prepared as to show the debtor and creditor the counts.

Proviso; another statement may be required by Auditor General.

Treasury Board may alter times for accounting.

41. The Treasury Board may alter the period at or the high any accountant for the period at gradients which any accountant for public moneys, public officer, corporation or institution is required to corporation or institution, is required to render any account or to make any return when or to make any return, whenever in its opinion such alter tion will facilitate the correct tion will facilitate the correct preparation of the p_{u}^{ub} accounts or estimates for the financial year. 41 V., c. 7, s.

Deputy heads, &c., to audit details.

Explanation as to balances to accompany accounts.

42. The deputy heads of the several departments or the ficers, clerks or other parameters officers, clerks or other persons charged with the expenditure of public moneys shall account the expension ture of public moneys, shall respectively audit the details of the accounts of the several committee to the details and the accounts of the several services in the first instance, and be responsible for the correct 41 V., c. 1. s. 40.

43. Every appropriation account, when rendered to the uditor General shall be care Auditor General, shall be accompanied by an explanation showing how the belances showing how the balances on the grants included is the previous account have the previous account have been adjusted, and shall also contain an explanatory statement of explanatory statement of any excess expenditure over the grants included in such accounts and such statement, as well as the appropriation, account, shall be signed by the more a shall be signed by the proper officer of such department. 41 V., c. 7. s. 41 41 V., c. 7, s. 41.

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of such balance sheet, a certified statement showing nul actual disposition of the balances appearing upon the annual appropriation account on the last appropriation account on the last day of the period of such account. 41 V_{-2} 7 s^{-29}

44. Every appropriation account shall be examined by Examination le Auditor Commons : diappropriathe Auditor General, on behalf of the House of Commons; tion accounts and in the examination of such accounts, the Auditor Gen- by Auditor eral shall ascertain for the transformer which the General. eral shall ascertain, first, whether the payments which the General. accounting department has charged to the grant are supported by vouchers or proofs of payment; and, second, whether the proof of payment applied to the whether the money expended has been applied to the purposes for intended to propurposes for which such grant was intended to provide: Provided always, that whenever the Auditor Proviso: ex-General is required by the Minister of Finance and amination as to whether hereiver General to be the Auditor Proviso: ex-Receiver General to be the Minister of Finance and amination as to whether any expend-Receiver General, to ascertain whether the expenditure in- any expend-cluded on to be ascertain whether the expenditure in- any expendcluded, or to be included, in any appropriation account, or iture was au-any portion of or the included, in any appropriation account, or iture was au-thorized. any portion of such expenditure, is supported by the proper authority, the Auditor General shall examine such expenditure of the Minisexpenditure with that object, and shall report to the Minis-ter of Finan with that object, and shall report to the Minister of Finance and Receiver General any expenditure which appears appears upon such examination, to have been incurred Receiver General any expenditure received authority; and if the Minister of Finance and House of methods without such authority; and if the Minister of Finance and House of methods we fit to sanction Commons Receiver General does not, thereupon, see fit to sanction Commons if such unsuthering does not, thereupon, see fit to sanction Commons if such unauthorized does not, thereupon, see fit to sanction commons. Not properly cheer expenditure, it shall be regarded as being unauthorized. not properly chargeable to a Parliamentary grant, and shall be reported to a Parliamentary grant, and shall be reported to the House of Commons, in the manner hereinafter provided. 41 V., c. 7, s. 42.

45. The Auditor General shall, in order that such exam- Auditor Gen-eral to have inations may, as far as possible, proceed pari passu with the free access to cash transmission departments, books of account. cash transactions of the several accounting departments, books of ac-have free access, at all convenient times, to the books of account and other account and other documents relating to the accounts of such departments such departments, and may require the several departments concerned to the and may require the several departments. concerned to furnish him, from time to time, or at regular periods with periods, with accounts of the cash transactions of such department or periods. 41 departments respectively up to such times or periods. 41

46. In conducting the examination of the vouchers relat- Auditor Gen-8 to the analysis and for the several event of the sevent of the ing to the appropriation of the grants for the several castings and services sanctioned by the Appropriation Act of the year, or computaservices sanctioned by the Appropriation Act of the year, or computa-by any Act of D by the Appropriation Act of the year, or computaby any Act of Parliament, the Auditor General shall test tions. the accuracy of the additions and computations of the several items of items of such vouchers; but if he is satisfied that the May admit accounts have been com-vouchers if satisfied of accounts bear evidence that the vouchers have been com-vouchers if pletely checked pletely checked, examined and certified as correct in every correctness. respect, and that they have been allowed, and passed by the proper departmental officers, he may admit the same as satisfactory of the charges satisfactory evidence of payment in support of the charges to which they relate: Provided always, that if the Minister Proviso: if of Finance reof Which they relate: Provided always, that if the Minister Proviso: 11 ers to be examined by the Auditor General in greater quires further subjected to such further such to be examination. subjected to such further examination in detail as the Min-ister of E: ister of Finance and Receiver General thinks fit to prescribe. 41 V., c. 7, s. 44.

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Objections arising to be communicated to department accounting.

Auditor Gen-

eral in reporting to Parlia-

ment, to call

attention to

47. If, during the progress of the examination by Auditor General hereinbefore directed, any objection article to any item to be introduced. to any item to be introduced into the appropriation account of any grant such shirt of any grant, such objections shall, notwithstanding account has not been rendered to be account has n account has not been rendered to him, be immediately here ment, they shall be referred by him to the Treasury Board and the Tr and the Treasury Board shall determine in what manner is items in question shall be entered in the annual approprition account. 41 V., c. 7, s. 45.

48. In reporting as hereinbefore directed for the information tion of the House of Commons, the result of the examination of the appropriation accounts the test of the examination of the appropriation accounts, the Auditor General shall attention to every case in which attention to every case in which cheques have been is him penditure, &c. without his certificate,—or in which it appears to by that a grant has been exceeded that a grant has been exceeded,—or that money received by a department from other sources the a department from other sources than the grants for the year to which the account relater to which the account relates has not been applied of accounted for according to the line. accounted for according to the directions of Parliament, nool that a sum charged against a grant is not supported by proof of payment.—or that a payment of payment,—or that a payment so charged did not occur within the period of the account within the period of the account, or was for any other reads, not properly chargeable account if 41 V., c. 7, 8. 46.

To present his report if Min-ister of Finance does not present it.

Auditor General to examine and audit certain other accounts if required.

Accounts

49. If the Minister of Finance and Receiver General do not, within the time prescribed by this Act, present to the House of Commons any report to the Commons and report to the section of the secti House of Commons any report made by the Auditor Generation account on the appropriation accounts, or any other accounts, 1 Auditor General shall fortherit Auditor General shall forthwith present such report. c. 7, s. 47.

50. Besides the appropriation accounts of the grants of Parliament, the Auditor General shall examine and audit, if required so to do by the Minister required so to do by the Minister of Finance and Received General, and in accordance with General, and in accordance with any regulations who are prescribed for his guidence. are prescribed for his guidance in that behalf by math Treasury Board, the following accounts, viz: the accounts of all receipts of revenues forming the Consolidated Revenue Fund of Canada: the account Fund of Canada; the accounts current with the several banks and financial accounts for a financial account financial account for a financial account financial account for a financial account financial account for a d financial agents of Canada; the accounts relating to the issue or redemption of loans; the accounts with the several Indian triber by with the several Indian tribes, known as the Indian tribes, the accounts with the the accounts with the several Provinces forming of Dominion of Canada: the contract of Dominion of Canada; the accounts with the Government of the United Kingdom —and and the Imperial Gov- the United Kingdom, —and any other public accounts which ernment, &c. though not relating directly to the though not relating directly to the receipts or expenditure of the Dominion of Canada the T the Dominion of Canada, the Treasury Board directs him to examine and audit 41 W

By whom such accounts

51. The accounts which, by the next preceding section to inister of Finance and Receiver C Minister of Finance and Receiver General is empowered subject to the examination of the Auditor General, shall be shall be ren-rendered to be dered. rendered to him by the departments or officers directed so dered. to do by the Minister of Finance and Receiver General; and the expression ""

the expression "Accountant" when used in this and the fol- Term "ac-lowing sections to any such interpreted lowing sections of this Act, with reference to any such interpreted. accounts, means the department or officer that is so required by the Minimum General by the Minister of Finance and Receiver General to render the same; and every public officer into whose hands public moneys, either in the nature of revenue or fees of office, are paid by persons bound by law or regula-tion so to do and by persons bound by law or regulation so to do, or by subordinate or other officers whose duty it is to not by subordinate or other officers whose duty it is to pay such moneys, wholly, or in part, into the account of the bit. account of the Minister of Finance and Receiver General, or to apply the same to any public service, shall, at such times and in such former of the same to any public service, shall, at such times and in such form as the Treasury Board determines, render General; and the Clerk of the Queen's Privy Council for Duty of Clerk Canada shall in the Clerk of the Queen's Privy Council as to Canada shall inform the Auditor General of the appointment Council as to appointments.

of every such officer. 41 V., c. 7, s. 49.

52. The Auditor General shall examine the several ac-Examination Junts transmittion General shall examine the several ac-Examination counts transmitted to him with as little delay as possible, with as little and when the examination of each account is completed he delay as pos-shall make the delay as posshall make a statement thereof in such form as he deems fit, sible. and if it appeared to state

and if it appears from the statement so made up of any ac-Statement by count have a statement to be balance thereon Auditor Gencount, being an account current, that the balance thereon Auditor Gen-agrees with the balance thereon and when exagrees with the account current, that the balance thereon and when ex-any account art's balance, or if it appears from amination is any account rendered by an accountant, as well as from the completed. statement of such account by the Auditor General that the account of such account by the Auditor General shall sign and quit," the Auditor General shall sign and pass such statement of account so made up by him as aforesaid: Provided always, that in all Proviso: other cases the aforesaid of the sent to other cases, the Auditor General after having made up the basent to statement of account as hereinbefore directed, shall transmit Minister of who, having a count as hereinbefore and Receiver General, shall examine who, having considered such statement, shall return it to it, &c. him, with be considered such statement, shall return it to it, &c. him, with his certificate attached thereto, directing him to sign and sign and pass the account, either conformably to the statement thereof, or with such alterations as he deems just and reasonable; and a statement of the account made up by the Auditor General in accordance with such certificate from the Minister General in accordance with such certificate from the Minister of Finance and Receiver General shall then be signed and receiver General shall then be signed and passed by the Auditor General shall then be that a list of all accounts which the Auditor General has examined to thereon the charge discharge of each account to Treasury Board and thereon the charge, discharge and balance of each account Board and measury Board and balance of the Treasury when. respectively,) shall be submitted by him to the Treasury when. Board twice in every year, that is to say, not later than the first wook of August. 41 V., first week of February, and the first week of August. 41 V., c. 7, s. 50

58. As soon as any account has been signed and passed by Certificate to accountant a the Auditor General, he shall transmit to the accountant a

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and what to show :--- its effect.

Proviso: no certificate fied as to balance.

certificate, in which the total amounts of the sums forming respectively, the charge and discharge of such account, and the balance if any respectively. the balance, if any, remaining due to or by such accountant shall be set forth and are a such accountant shall be set forth; and every such certificate shall be signed by him, and shall be walled and a contract of the by him, and shall be valid and effectual to discharge so accountant as the error with the second state of accountant, as the case may be, either wholly or from as much of the amount with much of the amount with which he was chargeable, he appears by such continue he appears by such certificate to be discharged. Provided always, that when any account, not being at account current has been used by the second sec account current has been signed and passed by the Autor General with a below of the detailed and passed by the below of the detailed and passed by the detailed at the detai Auditor Gen- tor General with a balance due thereon to the Crown, it shall not make out or grant any such certificate as afores it until the accountant active until the accountant satisfies him, either that he has the charged the full amount of charged the full amount of such balance, and any interest which is, as hereinafter provided which is, as hereinafter provided, payable thereon, or not he has been relieved from the payment thereof, or of so much thereof as has not been paid by thereof as has not been paid, by an Order in Council passed on a report from the Transfer 41 V., c. 7, s. 51. on a report from the Treasury Board.

Statement required after examination and audit as to securities, stamps, &c.

Approval of Minister of Finance and discharge of accountant.

54. Whenever the Auditor General is required by and Minister of Finance and Receiver General to examine and audit the accounts of the audit the accounts of the receipt, expenditure, sale, transfer, or delivery of any accounts fer, or delivery of any securities, stamps, Canadian or the Government stock or any securities Government stock or annuities, provisions or stores, of property of Her Majesty he shall property of Her Majesty, he shall, after the examination such accounts has been correl. such accounts has been completed, transmit a statement thereof, or a report thereon to the William and the statement thereof, or a report thereon to the Minister of Finance and receiver General, who shall, if he thinks fit, signify his approved of such accounts: and the Anditor C of such accounts : and the Auditor General on receipt of set approval shall thereupon transmit to the accountant a the tificate in a form to be from time to the tificate in a form to be, from time to time, determined by hid Auditor General, which shall be Auditor General, which shall be to such accountant a valid and effectual discharge from a and effectual discharge from so much as he thereby appears to be discharged from 41 W to be discharged from. 41 V., c. 7, s. 52.

Auditor General may obtain writs of subpœna.

And of duces tecum.

Examination of witnesses.

55. The Auditor General may examine any person of th or affirmation on any person of amine persons oath or affirmation on any matter pertinent to any account submitted to him for and the pertinent to any account submitted to him for audit; and such oath or affirmation may be administered by him to any account of affirmation may be administered by him to any person whom he desires to examine. 41 V c 7 c 5?

56. The Auditor General may apply to any judge of the accepted and solution to the second sec Exchequer Court of Canada, or to any judge of a Superior Court of any Province of Canada for Court of any Province of Canada, for an order that a subpont be issued from the court be issued from the court, commanding any person therein named to appear before him at the time any person tioned named to appear before him at the time and place mentioned in such subpœna and then and the in such subpœna, and then and there to testify to all matters within his knowledge relative within his knowledge relative to any account submitted phim, and (if so required) to have him, and (if so required) to bring with him and produce and document, paper or thing which document, paper or thing which he has in his possession shall tive to any such account as of or the solution of the solution o tive to any such account as aforesaid; and such subpœna shall issue accordingly upon the order issue accordingly upon the order of such judge; and any such

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witness may be summoned from any part of Canada whether within or with within or without the ordinary jurisdiction of the court issuing the subpœna; and any reasonable travelling expenses. shall be tendered to any witness so subpænaed at the time of such service. 41 V., c. 7, s. 54.

57. If, by reason of the distance at which any person, Auditor Gen-whose evidence is required by the Auditor General, commissions resides from the required by the form other cause, to take resides from the seat of government, or for any other cause, to take the Auditor O the Auditor General deems it advisable, he may issue a com-mission under the deems it advisable, he may issue a commission, under his hand and seal, to any officer or person therein named, empowering him to take such evidence, and report the same to him; and such officer or person, being commis-first sworn before some justice of the peace faithfully to sioners. execute the data interview by such commission, shall, execute the duty intrusted to him by such commission, shall, with recent duty intrusted to him by such commission, shall, with regard to such evidence, have the same powers as the Auditor Game back evidence have the same powers as the Auditor General would have had if such evidence had been taken before apply to and taken before him, and may, in like manner, apply to and obtain from the maximum obtain from the maximum and may in like manner. obtain from any judge of any of the courts aforesaid, a subpoint from any judge of any of the courts alongent, in person and purpose of compelling the attendance of any person, or the production of any document, paper or thing before him the production of any document, paper or thing before him: and such subpœna shall issue accordingly on the order of such subpœna shall issue accordingly on the the order of such judge; or such subpœna may issue on the application such judge; or such subpœna may issue on the application of the Auditor General to compel such attendance, or the production of any document, paper or thing before such commissioner. 41 V., c. 7, s. 55.

58. Every person summoned, in the manner hereinbefore Penalty on ovided to the summoned of any com- persons sum provided, to attend before the Auditor General or any com-missioner without valid to attend, or missioner appointed as aforesaid, who fails, without valid to attend, or excuse to attend excuse, to attend accordingly,—or, being commanded to pro- produce duce any documents of the procession fails duce any document, paper or thing in his possession, fails any lawful and pertinent question put to him by the Auditor G Auditor General or by such commissioner,—shall, for each such offence, forfeit the sum of one hundred dollars to the Crown, for the public uses of Canada, to be recovered in any manner in the public uses of Canada, to be recovered in any manner in which debts due to the Crown are recoverable, And punish-and may hill be the court out of which ment as for and may likewise be dealt with by the court out of which contemptor the subport of the court of the court. the subpœna issued, as a person who has refused to obey the court. process of such court, and who is guilty of a contempt thereof. 41 V., c. 7, s. 56.

59. Every accountant, on the termination of his charge Balances to as such accountant, or in the termination of his charge Balances to his representatives shall, forthwith, pay over any balance of mination of public monow that derived a countant is respect of such charge de-Public money then due to the Crown in respect of such charge, de-charge to the public officer authorized to receive the same; and whenever it appears to the Auditor General Report if im-that balances of public officer authorized improperly and properly rethat balances of public money have been improperly and properly re-unnecessorily attained, and annecessarily retained by an accountant, he shall report the proceedings circumstarily retained by an accountant, he shall report the proceedings circumstances of such cases to the Minister of Finance and for recovery.

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contempt of

Receiver General, who shall take such measures as to him seem expedient for the recovery, by legal process or by other lawful ways and means, of the amount of such balance or balances, together with interest upon the whole or upon such part of such hal such part of such balance or balances, for such period of time and at such rate as to the Minister of Finance and Receiver General appears just and reasonable. 41 V., c. 7, s. 57

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LIABILITY OF ACCOUNTANTS,-CIVILLY.

60. Every officer or person who refuses or neglects to transmit any account, statement or return, with the proper vouchers, to the officer or department to whom he is law ing as requirfully required to transmit the same, on or before the day appointed for the transmission thereof, shall, for such refusal or neglect, forfeit and pay to the Crown, for the public uses of Canada, the sum of one hundred dollars, recoverable with costs, as a debt due to the Crown, and in any court and in any way in which debts to the Crown are recoverable: and in any setion for the main any set of the main any in any action for the recovery of such sum, it shall be sufficient to prove by one of such sum, it shall be sufficient to prove by one of the cient to prove, by any one witness or other evidence, that such account statement such account, statement or return ought to have been trans mitted by the defendant, as alleged on the part of the Crown, and the burden of much is a light to the part of the Crown, and the burden of proof that the same was so transmitted shall rest upon the defendant. 41 V., c. 7, s. 58.

> 61. Whenever the Minister of Finance and Receiver General has reason to believe that any officer or person has received money for the Crown of further with the comments of the comments money for the Crown, or for which he is accountable to the Crown or has in his here? Crown, or has in his hands any public money applicable and any purpose, and has not paid over or duly applied and accounted for the same accounted for the same,—he may direct a notice to such officer or person or to him officer or person, or to his representatives in case of his death, requiring him, within a time to be therein named, from the service of such notice to be therein named, from for service of such notice, to pay over, or apply and account for such money to the Minister of Finance and Receiver Gen and to eral, or to the officer mentioned in the notice, transmit to him the proper vouchers that he has so done. V., c. 7, s. 59.

Proceedings against person refusing to obey the notice.

Evidence in such case.

62. If any officer or person fails to pay over, apply of count for any such meres account for any such money, and to transmit such vouchers as aforesaid within the time limited by the notice served of him — the Minister of File him,—the Minister of Finance and Receiver General shall state an account as between such officer or person and the Crown in the matter to which the notice relates, charging interest from the service thereof, and shall deliver a copy thereof to the Attorney General of Canada; and such copy shall be and since copy shall be sufficient evidence to support any information or other present mation or other proceeding for the recovery of the amount therein shown to be in the recovery of the amount therein shown to be in the hands of the defendant as a debt due to the Crown, saving to the defendant the right

ed by law.

Penalty for

not account-

Evidence in action and burden of proof.

Notice to persons neglecting to pay over.

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to plead and give in evidence all such matters as are legal and proper for his defence; and the defendant shall be Costs. liable for the costs of such information or proceeding, whatever the judgment therein is, unless he proves that before the time limited in such notice, he paid over or applied and duly mentioned, and and duly accounted for the money therein mentioned, and transmitted in the money therein mentioned, and transmitted the proper vouchers with such account, or unless he is such a fragment of the proper vouchers with such account, or unless he is sued for the same in a representative character, and is not personal to render such not personally liable for such money, or to render such account. 41 V., c. 7, s. 60.

63. Whenever any such officer or person as aforesaid has Proceedings transmitted an account, either before or after notice as afore- in case of in-said, but wither said, but without vouchers or with insufficient vouchers for chers. any sum for which he therein takes credit,—the Minister of Finance and Receiver General may notify such officer or person in the next preceding person, in the manner mentioned in the next preceding section but one, to transmit vouchers or sufficient vouchers Within and Receiver Within such period as the Minister of Finance and Receiver General deems fit after the service of the notice; and if Such Youch the service of the notice in the service of the service o Such vouchers are not transmitted within that time, the Minister of Finance and Receiver General may state an account against such officer or person, disregarding the sums for which he has transfor which he has taken credit, but for which he has transmitted no vouchers or insufficient vouchers, and may deliver a copy of such account to the Attorney General of Canada. Canada; and such copy shall be sufficient evidence to Evidence. support an information or other proceeding for the hands of recovery of the amount therein shown to be in the hands of the defondant the defendant, saving to the defendant the right to plead and give in and local and proper give in evidence all such matters as are legal and proper for his defence all such matters as are legal and property costs of the costs. costs of the information or proceeding, whatever the judgment therein is, unless the vouchers by him transmitted within the time is, unless the vouchers of him, or within the time limited by the notice served on him, or before such before such service, are found of themselves sufficient for his defence, and for his discharge from all sums demanded of him. 41 v

64. If at any time it clearly appears, by the books or Proceedings counts boot the books or person in case public and the proceedings appears of the proceedings appears of the proceedings appears of the proceedings appears and the proceedings appears of the proceedings appears and the proceedings appears appears and the proceedings appears appears appears at the proceedings appears appears appears and the proceedings appears a accounts kept by or in the office of any officer or person money apemployed in the collection or management of the revenue, pears to have or in accounting for the same, or by his written acknow- been received, and has not ledgement or confession, that such officer or person has by been paid virtue of L: virtue of his office or employment received moneys belonging over. to Her Majort to Her Majesty, and amounting to a sum certain, which he officer duly has refused or neglected to pay over to the officer duly appointed or neglected to pay over to the once time laws in receive the same, and in the manner and at the facts, time lawfully appointed,—then upon affidavit of the facts, by any officer cognizant thereof, and thereunto authorized by the Government cognizant thereof, and thereunto authorized of the Governor in Council, made before a justice or judge of any count in Council, made before a justice or judge of any court having jurisdiction in civil matters to the amount

Seizure and sale of defaulter's goods.

of the sums so ascertained as aforesaid,—such justice of judge shall cause to be intered judge shall cause to be issued against and for the seizer and sale of the goods, chattels and lands of the officer of person so in default as after person so in default as aforesaid, such writ or writs as might have issued out of such as a foresaid. have issued out of such court, if the bond given by not had been put in suit, and judgment had been thereupon obtained in favor of Her Mind and delay by law allowed between judgment and execution the expired; and such writ or writs shall be executed by sheriff or other proper and sheriff or other proper officer; and such sum as afores it shall be levied under the sum as a store and such sum as a store as a store and such sum as a store and such such sum as a store and such such sum as a store and s shall be levied under them with costs, and all further had ceedings shall be had, as if such judgment as aforesaid be been actually obtained 41 W been actually obtained. 41 V., c. 7, s. 62.

Payment of Majesty thereon.

65. Whenever any estate belonging to a public account of the sold under any write of ant is sold under any writ of extent or any decree order of any court of record and it under writ of order of any court of *record*, and the purchaser thereof, the extent to dis- any part thereof has paid him any part thereof, has paid his purchase money into the hands of any public accountant further claim hands of any public accountant authorized to receive die of Her same, such purchaser shall be all in the same same such purchaser shall be all in the same such purchaser shall be all the same such purchaser such purchaser shall be all the same such purchaser such purchaser shall be all the same such purchaser such p same, such purchaser shall be wholly exonerated and in charged from all further claims of the charged from all further claims of Her Majesty, for such respect of any debt arising respect of any debt arising upon the account of is not accountant, although the purch accountant, although the purchase money so paid debt sufficient in amount to discharge the whole of such debt 41 V., c. 7. s. 63.

Public money unapplied to the purposes for which it was granted to be paid back.

Recovery if not paid.

66. If any officer or person has received public money for the purpose of applying it to any specific purpose, pro-has not so applied it within the time state of purpose, prohas not so applied it within the time or in the manner nblic vided by law.—or if any parts vided by law,—or if any person having held any public office and having ceased to hold the office and having ceased to hold the same, has in his hands any public money received by h any public money received by him as such officer for be purpose of being applied to any many and the purpose of being applied to any the second secon purpose of being applied to any specific purpose to which he has not so applied it.—such officer has not so applied it,—such officer or person shall be deemed to have received such money for the to have received such money for the Crown for the Profit uses of Canada, and may be notified. uses of Canada, and may be notified by the Treasury and to pay such sum back to the North to pay such sum back to the Minister of Finance him Receiver General: and the same Receiver General; and the same may be recovered from him as a debt due to the Crown as a debt due to the Crown, in any manner in which sum due to the Crown are recovered in which sum due to the Crown are recoverable,—and an equal rhich may, in the meantime be applied may, in the meantime, be applied to the purpose to 64. such sum ought to have been applied. 41 V., c. 7, s. 64.

pable neglect.

67. If, by reason of any malfeasance, or of any gross care is senses or neglect of duty, by care of the sense of the sen ed by malfea-lessness or neglect of duty, by any officer or person employed sance or cul-pable neglect. in the collection or management of the revenue or in crown lecting or receiving any monomed at the revenue or crown lecting or receiving any moneys belonging to the lost for the public uses of Canada, any sum of money is lost for the Crown,—such officer or porter of money is ble for the Crown,—such officer or person shall be accountable and such sum as if he had collected such sum as if he had collected and received the same, and it may be recovered from him and a same same, and it may be recovered from him on proof of such malfeasance

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gross carelessness or neglect, in like manner as if he had so collected and received it. 41 V., c. 7, s. 65.

68. Nothing in this Act shall weaken or impair any Other Crown medy which in this Act shall weaken or impair any other crowdies not remedy which the Crown has for recovering or enforcing the remedies not payment or delivering of any money or property belonging to the Crown, for the public uses of Canada, and in the possession of any off contract whomesoever by virtue of possession of any officer or person whomsoever, by virtue of any other Act or law. 41 V., c. 7, s. 66.

LIABILITY CRIMINALLY.

69. Every officer, or person acting in any office or Punishment employment, connected with the collection or management of officers. of the revenue who-

(a) Receives any compensation or reward for the perfor- Receiving bribes. mance of any official duty, except as by law prescribed,

(b) Conspires or colludes with any other person to defraud Conspiring to defraud. the Crown, or makes opportunity for any person to defraud defraud.

(c) Designedly permits any violation of the law by any Permitting breach of law. other person, or-

(d) Wilfully makes or signs any false entry in any book, Making false wilfully makes or signs any false entry in any book. or wilfully makes or signs any false entry in any any case wilfully makes or signs any false certificate or return in any case, in which it is his duty to make an entry, certificate

(e) Having knowledge or information of the violation of Not giving any revenue law by any person, or of fraud committed by information. Canada, fails to revenue the Crown, under any revenue law of Canada, fails to report in writing, such knowledge or information to his next superior officer, or-

(f) Demands or accepts or attempts to collect, directly or Demanding directly on the sum of reward for (U) Demands or accepts or attempts to collect, directly or Demanding money, or other thing of value, for the compromise, adjust-offence. ment or settlement of any charge or complaint for any vio-lation lation or settlement of any charge or complaint for any ized to department of law, except as expressly authorized to do by law, or by the authority of the department of Which he is an officer,-

Shall be dismissed from office, and is guilty of a mis-Misdemeanor. demeanor, and shall, on conviction, be liable to a fine not exceeding five hundred dollars, and to imprisonment for any Punishment.

term not exceeding one year. 41 V., c. 7, s. 67.

Offering bribes to revenue officers for certain purposes.

70. Every person who, directly or indirectly, promised offers or gives, or causes or procures to be promised, offers or given any money, goods, right in action, bribe, present of reward, or any promise contract reward, or any promise, contract, undertaking, obligation as security for the payment or deli security for the payment or delivery of any money, goals, right in action bride present right in action, bribe, present or reward, or any other value able thing whatever to any off able thing whatever, to any officer, or any person acting of any office or employment connection any office or employment connected with the collection management of the revenue, with intent-

To influence his decision.

(a) To influence his decision or action on any question dmatter which is then pending, or may, by law, be brough before him in his official capacity, or-

(b) To influence such officer or person to commit, or aid of et in committing any frand on the nive at fraud. abet in committing any fraud on the revenue, or to connit at, collude in. or allow or portion at, collude in, or allow or permit any opportunity for the commission of any such frand

Punishment of persons offering and officers receiving bribes.

Every officer or person who in anywise accepts or received any such moneys, goods, right in action, bribe, present of reward, or any promise contract reward, or any promise, contract, undertaking, obligation as security for the payment or delivered security for the payment or delivery thereof, or any other uable thing whatever, or any provide the security for the payment of the security for the payment of the security for the securety for the security for the security for uable thing whatever, or any part of the same respectively,

Misdemeanor.

Imprisonment.

Forfeiture of office and disqualification.

Becoming interested in manufacture of excisable articles.

Penalty.

Is guilty of a misdemeanor, and liable, on conviction of the fine not exceeding three times the a fine not exceeding three times the amount so offered of or cepted, and to imprisonment for cepted, and to imprisonment for any term not exceeding of year : and every officer or particular year: and every officer or person who holds any office or plan under the Crown, and is convicted under the Crown, and is convicted under this section inter the forfeit his office or place. forfeit his office or place; and every person who is convicted under this section shall be for every his section and under this section shall be for ever disqualified to hold and office of trust. honor or profit 41 V., c. 1 s. 68.

71. Every officer, and every person acting in any office of apployment, connected with the set of t employment, connected with the collection of the revented who is or becomes directly on which the revented to who is or becomes, directly or indirectly, interested in manufacture or production of arts manufacture or production of any article subject to excise, who trades in any article subject to excise, it incut who trades in any article subject to excise duties, shall incut a penalty not exceeding fine hand a penalty not exceeding five hundred dollars and not less that fifty dollars, which shall be any court of competent jurisdiction.

A fixed penalty should be substituted for the words in Italics in this section. it is proposed that the penalty is to be recovered as a debt in a civil action.

72. Nothing herein contained shall prevent, lessen, medies of Her Majesty not impaired. Majesty not impach any remedy which Her Majesty or any other performance has against such offender or her has against such offender or his sureties, or against any of any person whomsoever: but neverthal person whomsoever; but nevertheless the conviction of sub such offender shall not be received in the second such offender shall not be received in evidence in any such or action at law or in equity 41 V., c. 7, 8. part.

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GENERAL PROVISIONS.

73. All books, papers, accounts and documents of what Books of ackind soever, and by whom and at whose cost soever the count, papers, paper and materials thereof have been procured or furnished, to belong to the the possession of Her Majesty. kept or used by, or received or taken into the possession of Her Majesty. any officer or person employed or taken into the postorial in the collection person employed or having been employed in the collection or management of the revenue or in account-ing for the ing for the same, by virtue of his employment as such, shall be deemed to be chattels belonging to Her Majesty,— and all more than the same into and all moneys or valuable securities received or taken into his possible of taken into his possession by virtue of his employment shall be deemed to be moneys and valuable securities belonging to Her Majesty. 41 V., c. 7, s. 70, part.

74. Whenever proof on oath or by affirmation or declar- Before whom ion is proof on oath or by affirmation or declar- Before whom ation is required by any law relating to the collection or deciar- before whom management of it by any law relating to the collection or the he taken. management of the revenue or to the accounting for the betaken. same, or is necessary for the satisfaction or consideration of the Government of the collecthe Governor in Council in any matter relating to the collection or management of the revenue or to the accounting for the same the same, and no person or officer is specially named as the officer or handle.—it may officer or person before whom the same is to be made,—it may be made to find the customs be made before any collector or chief officer of the Customs for the particle and collector or chief officer of the fore before for the port or place where such proof is required, or before the person of place where such proof is required, or before such other the persons acting for them respectively, or before such other officer or particular for them respectively. officer or person as is appointed by the Governor in Council to receive the grad person shall to receive the same; and such officers and persons shall administer such oath or affirmation or receive such declar- Affirmation ation. and such oath or affirmation or receive an oath is may be subation; and in any case or class of cases where an oath is may be sub-required by this Act or by any law in force, in any matter oath by Gov-relating to the call. relating to the collection or management of the revenue or vernor in Council. may the accounting for the same, the Governor in Council, may authorize the substitution for such oath, of a solemn affirma-tion or of the substitution for such oath, of a solemn affirmation or of a declaration, which shall then avail to all intents and Durpoon 41 V., c. 7, s. and purposes as such oath would have done. 41 V., c. 7, s.

75. Upon all examinations and inquiries made by order of Inquiries conthe Governor in Council for ascertaining the truth as to any cerning re-fact relative t fact relative to any matter concerning the collection or man-ters. agement of the revenue or the accounting for the same, or the conduct to revenue or the accounting for the same, and the conduct of officers or persons employed therein,—and upon like and officers or persons employed therein,—and upon like examination and inquiries made by the collector of Customs or by the chief officer employed in the collection and managed in the collection and management of the revenue, in or at any port, district or place or place, or by any person or officer authorized by the Gov-ernor in Company person or officer authorized by the Governor in Council to make such examinations and inquiries, Examination any person to be examined as a witness shall deliver his tes-timony on to be examined as a witness shall deliver his testimony on oath, which oath shall be administered to him by the officer or person making the examination or inquiry.

Appeal to Treasury

76. Whenever an accountant is dissatisfied with $any_{1:tot}$ allowance or charge in his accounts made by the Auditor General such accounts that and by the Auditor countant dis- General, such accountant may appeal to the Treasury satisfied. Board who offer and f Board, who, after such further investigations as they ther sider equitable, whether by viva voce examination or other wise, may make such order, directing the relief of the appendiate wholly or in north for the appendix lant, wholly or in part, from the disallowance or charge and question as appears to the question, as appears to them to be just and reasonable; and the Auditor General shall more the Auditor General shall govern himself accordingly. V., c. 7, s. 73.

Holidays; what days shall be.

77. No day shall be kept as a public holiday by the officer of and persons employed in the collection and management of the revenue except Objection the revenue, except Christmas day, New Year's day and Good Friday in every week Good Friday in every year,—any day appointed by proclar mation of the Government G mation of the Governor General for the purpose of a general thereby fast, or of a general thanksgiving,—such days as Her appointed for the celebration of the birth-day of the Majesty and Her Rowal Start Majesty and Her Royal Successors, and any other statutory holiday-and such ather holiday—and such other days as are, from time to the such appointed as holidays here the appointed as here the appointed as holidays here the appointed as here the appointed appointed as holidays by the Governor in Council. c. 7, s. 10.

REMISSION OF DUTIES, FORFEITURES, &C.

78. The Governor in Council, whenever he deems it right d conducive to the arthur and conducive to the public good, may remit any duty of toll payable to Her Majosty in the second duty of toll payable to Her Majesty, imposed and authorized to be act posed by any Act of the Parliament of authorized to be act posed by any Act of the Parliament of Canada, or by any de or Ordinance of the legislature of the or Ordinance of the legislature of the late Province of Canada, or by any day or of any of the Province of Canada, or by a or of any of the Provinces of Nova Scotia, New Brunswick, British Columbia or Prince El British Columbia or Prince Edward Island, in force the Canada, and relating to any matter within the scope of powers of the Parliament 1 powers of the Parliament thereof, or any forfeiture by pecuniary penalty imposed or authorized to be imposed to be imposed of authorized to be imposed to b any such Act or Ordinance for any contravention of to laws relating to the collection toll laws relating to the collection of the revenue, the management of any public work producing or revenue, although any part of such forfeiture or penalty is given by law to the infert or to is given by law to the informer or prosecutor, any other person; and such remission may be total partial, conditional or unconditional, and may be total ted either before or after, or pending either before or after, or pending any suit or proceeding and the recovery of any duty tall the recovery of any duty, toll, penalty or forfeiture, and either before or after any power of the second s either before or after any payment thereof has been made of enforced by process or excention enforced by process or execution; and such remission probe exercised by forbearance from instituting any suit or pro-ceeding for the recovery of any distributions and suit or pro-ure, or if the same has been already instituted, then by the delay, stay or discontinuance of delay, stay or discontinuance of any such suit or proceeding, or by the forbearance to enforce any such suit or proceeding. or by the forbearance to enforce, or by the stay or abandon ment of any execution or proceeding of by ment of any execution or process upon any judgment, or

Governor in Council may remit duties, forfeitures, &c., in certain cases.

How such remission may be made.

Stay of proceedings.

the entry of satisfaction upon any judgment, or by the refund Refund. of any sum of money paid to the Minister of Finance and Receiver General for such duty, toll, penalty or forfeiture, or whereof payment has been enforced by any execution or Drocess or process upon any judgment as aforesaid: Provided always, Proviso: as that no doution any judgment as aforesaid: Use Majestv on to goods det that no duties of customs or excise, paid to Her Majesty on to goods des-any goods shall, any goods, shall be remitted or refunded on account of such accident. goods having, after the payment of such duties, been lost or destroyed by destroyed by fire or other unavoidable accident:

2. If the remission is conditional, the condition, if accept-Effect of con-by the normalized shall be ditional reed by the person to whom the remission is accorded, shall be ditional re-lawful and a time to whom the remission is accorded, shall be mission. lawful and valid, and the performance thereof, or the remis-sion only if the performance thereof as if sion only, if unconditional, shall have the same effect as if the remission unconditional, shall have the same effect as if the remission had been made after the duty, toll, penalty or forfeiture London to the conforfeiture had been made after the duty, ton, person dition is not been sued for and recovered; and if the con-Failure to formed or all proceed-perform co dition is not performed, it may be enforced, or all proceed- perform con-dition. ings may be had, as if there had been no remission:

³. No remission shall be made in any case unless such Recommenda-se has been unless such at the best total the best of the second se case has been considered, and the remission, whether total Treasury or Partial conditioned, and the remission, whether total Treasury or partial, conditional or unconditional, has been recom- Board. mended by the model or unconditional or ended and ordered mended by the Treasury Board, and sanctioned and ordered by the Governor in Council:

4. A detailed statement of all remissions and refunds of Returns to any tolls or duties shall be annually submitted to both Houses of Parlianeet. Houses of Parliament, within the first fifteen days of the next ensuing session thereof. 41 V., c. 7, s. 74.

79. If the Governor in Council directs that the whole or Effect of re-mission as any part of any penalty imposed by any law relating to the pardon. revenue be such rerevenue be remitted or returned to the offender, such remission or return shall have the effect of a pardon for the offence for return shall have the effect of a pardon shall thereoffence for which the penalty is incurred, which shall thereafter have no legal effect prejudicial to the person to whom such remine: such remission is granted. 41 V., c. 7, s. 75, part.

80. The Attorney General of Canada may sue for Recovery of penalties an arecovery in Transforce enforcement and recover in Her Majesty's name any penalty, or enforce enforcement any forfeiture any forfeiture imposed by any law relating to the revenue, of forfeitures. before any court or other judicial authority before which such penalty of our or other such penalty or forfeiture is recoverable or enforceable under such law or such the such and the such the s law, or may direct the discontinuance of any suit in respect of any such penalty or forfeiture by whom or in whose name soever the whole of the soever the same has been brought; and the whole of the penalty or forfeiture by whom or in whole of the penalty or forfeiture when recovered or enforced, shall belong to Her M to Her Majesty for the public uses of Canada, unless the Government of the public uses of Canada, and the same fit allows any Governor in Council, as he may do if he sees fit, allows any portion it council, as he may do if he sees fit, allows any Portion thereof to the seizing officer or other person by Whose income to the seizing officer or other person by whose information or aid the penalty or forfeiture has been recovered recovered or enforced. 41 V., c. 7, s. 75, part.

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Proposed to be Consolidated	Part Consolidated	Left for Repeal,	To be Consolidated elsewhere.	To be Consolidated with.
37 V., c. 2 38 V., c. 4 38 V., c. 11	Part of s. 3. Part of s. 1. Part of s. 1. The whole, ex	r. of s. th rt 21, b- 5.	Sub-s. 2 of s Section 14. ss.16 to 19, inclusive, of s. 20 an 21, 23 and Sub-s. 2 of 70, and s 2 of s. 72. s. 76	evidespectus Act respectus tion. Superannua tion. Dep artment d ss. and Treasur and Treasur Board. Criminal law.

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CHAPTER 28.

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An Act respecting the Currency.

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

1. The denominations of money in the currency of Canada, Denomina-tions in curshall be dollars, cents and mills,—the cent being one hun-rency. dredth part of a cent. dredth part of a dollar, and the mill one tenth part of a cent. 34 v³⁴ V., c. 4, s. 2.

2. The currency of Canada shall be such, that the British Standard of Vereign of the Canada shall be such, that the British Standard of sovereign of the weight and fineness now prescribed by the Canada cur-laws of the UT laws of the United Kingdom, shall be equal to and shall pass rency. current for four dollars eighty-six cents and two-thirds of a cent of the balf sovereign of cent of the currency of Canada, and the half sovereign of proportion balf the said proportionate weight and like fineness, for one half the said sum: and all public accounts throughout Canada shall be Public ac-kept in such kept in such currency; and in any statement as to money to be kept in or money value in the it. or money value, in any indictment or legal proceeding, the it. same shall be stated in such currency; and in all private accounts and agreements rendered or entered into on or subsequent to the first day of July, one thousand eight hundred to and seventy-one, all sums mentioned shall be understood to be in such currency, unless some other is clearly expressed, or much c or must, from the circumstances of the case, have been intended by the parties. 34 V., c. 4, s. 3.

3. No Dominion note or bank note payable in any other No bank currency than the currency of Canada, shall be issued or re- to be in any issued by the C issued by the Government of Canada, or by any bank, and other cur-all such such the Government of Canada, or by any bank, and other curall such notes issued before the first day of July, one thousand eight hundred and seventy-one, shall be redeemed, or notes notes payable in the currency of Canada shall be substituted or exchanged for them. 34 V., c. 4, s. 5.

4. Any gold coins which Her Majesty causes to be Gold coins struck for circulation in Canada, of the standard of fineness for Canada. prescribed by law for the gold coins of the United Kingdom, and bearing the same proportion in weight to that of the British British sovereign, which five dollars bear to four dollars eight eighty-six cents and two-thirds of a cent, shall pass current and be a legal tender in Canada for five dollars; and any multiples or divisions of such coin, which Her Majesty causes to be struck for like purposes, shall pass current and be a legal tender in Canada at rates proportionate to their

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Certain silver and copper coins struck by order of Her Majesty to be a legal tender throughout Canada.

> Amount which may

ment.

be tendered

in one pay-

5. The silver, copper or bronze coins which Her Majest has heretofore caused to be struck for circulation in the the vinces of Quebec. Onterio and N vinces of Quebec, Ontario, and New Brunswick, under the Acts then in force in the said Device Brunswick, shall Acts then in force in the said Provinces respectively, the be current and a legal tonder the be current and a legal tender throughout Canada, at respectively, at the rates in the said currence of G rates in the said currency of Canada assigned to them respectively, by the said Acta and and a signed to the additions and tively, by the said Acts, and under the like conditions as provisions: and such other silver provisions: and such other silver, copper or bronze coins Her Majesty causes to be started of the silver of bronze canada Her Majesty causes to be struck for circulation in Canada, at its shall pass current and be a legal tender in Canada, at the rates assigned to them rates assigned to them respectively by Her fineness Royal Proclamation — such silver by Her fineness Royal Proclamation,—such silver coins being of the fine of now fixed by the laws of the la now fixed by the laws of the United Kingdom, to the value to weights bearing respectively the same proportion to silver value to be assigned to them which the value to be assigned to them, which the weights of the value, of the weights of the value, coins of the United Kingdom bear to their nominal tender: and all such silver coins aforesaid, shall be a legal tender of the amount of ten dollars and the amount of twenty-five south copper or bronze contract the help. to the amount of the notes of the notes of the any one Payment in the holder of the notes of the holder of the notes of any person to the bound to are of more than ten dollars shall not be bound to are of more than ten dollars, shall not be bound to pay ceive more than ten dollars, shall not be bound to pay ment of such notes if presented and silver coins in time. ment of such notes if presented for payment at one 34 although any of such notes is for a less sum. c. 4, s. 7.

No other coins of silver or copper to be so.

6. No other silver, copper or bronze coins than ation which Her Majesty components which Her Majesty causes to be struck for circul legal in Canada, or in some Province the struck for in the struck for the str in Canada, or in some Province thereof, shall be a tender in Canada. $34 \nabla = 4$

As to foreign gold coins.

Proviso ; as to U.S. Eagle.

7. Her Majesty may, by Proclamation, from time to script x the rates at which any force of the descript to the rates at which any foreign gold coins of the proclamation, from the description, date, weight and fine a tion, shall pass current, and be a light in Canada. tion, date, weight and fineness, mentioned in such Proclame tion, shall pass current, and be a legal tender in by states Provided that until it is otherwise ordered by states such Proclamation, the gold eagle of the United Osand of America, coined after the first dow of United one thousand eight hundred of America, coined after the first day of July, first day for January one di a America, coined after the first day of July, one thousand eight hundred and thirty-four, and before the fifty two, of first day of January, one thousand eight hundred and fifty two, of first he said last mentioned day, but while the standard state the said last mentioned day, but while the standard United ness for gold coins then fived by the last standard United States remain ness for gold coins then fixed by the laws of the said United States remains unchanged and model in anny weights States remains unchanged, and weighing ten penny weight legal tender eighteen grains, troy weight, shall pass current and coins legal tender in Canada for ten dell enchanged, and weighing ten penny de ten genny de tender in Canada for ten dollars; and the gold Chap. 28.

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of the said United States being multiples and halves of the said eagle said eagle, and of like date and proportionate weights, shall pass current and of like date and proportionate weight, at sums te sums. 34 V., c. 4, s. 9.

8. The stamp of the year on any foreign coin made current Proof of date, this Act and the year on any foreign coin made current &c., of coins. by this Act, or any Proclamation issued under it, shall estab-lish prime or any Proclamation issued under it has been coined in that Jish prima facie the fact of its having been coined in that year: and the fact of its having been coined in that Year; and the stamp of the country on any foreign coin shall establish mine stamp of the country on any foreign coin shall establish prima facie the fact of its being of the coinage of such country. 34 V., c. 4, s. 10.

9. No tender of payment in money in any gold, silver or Defaced coin any name or word and the defaced by stamping thereon not a legal tender. diminished or lightened, shall be a legal tender. 32-33 V.,

10. All sums of money payable on and after the first day of Payments in July, one thousand eight hundred and seventy-one to Her Nova Scotia majesty, or to any register hundred and seventy-one in 1st July, 1811 Majesty, one thousand eight hundred and seventy-one to Her on and atter Nova Scotia, passed before the said day, or under any bill, to be in Can-note, contract and before the said day, or under any bill, ada currency. note, contract, agreement or other document or instrument, made here to that Promade before the said day in and with reference to that Pro-vince. Or mode and day in and with reference to that and vince, or made after the said day out of Nova Scotia and with reference intended to be, with reference thereto, and which were intended to be, and has the thereto, and which were intended to be, and but for such alteration would have been able in the currency of Nova Scotia, as fixed by law previous to the fourteenth day of April, one thousand eight How to be hundred and courteenth day of April, one thousand eight How to be hundred and seventy-one, shall hereafter be represented bavable seventy-one, shall hereafter be represented and payable, respectively, by equivalent sums in the cur-rency of Co., respectively, by equivalent sums in the curcalculated. rency of Canada, that is to say, for every seventy-five cents of Nove South of Nova Scotia currency, by seventy-three cents of Canada currency and currency, and so in proportion for any greater or less sum : and if in any such sum there is a fraction of a cent in the equivalent in the sum there is a fraction of a cent shall equivalent in Canada currency the nearest whole cent shall

11. Any debt or obligation contracted before the first day As to debts in of July in the year one thousand eight hundred and B.C. & P.E.I. Province of British Columbia or in the Province of Prince July, 1881. Province of British Columbia, or in the Province of Prince July, 1881. Edward Island, shall, if payable thereafter, be payable by an equivalent on the thereafter, be payable by an horeby established. 44 V., equivalent sum in the currency hereby established. 44 V., c. 4, s. 1

12. All sums mentioned in dollars and cents in "The Sums men-ritish North 4 mentioned in dollars and cents in "The Sums men-tioned in control of the Par-tioned in control of the Par-tioned in control of the Par-tion Acts to British North America Act, 1867," and in all Acts of the Par-tianent of Canada about 1867," and in all Acts of the Par-tian Acts to be be currency liament of Canada shall, unless it is otherwise expressed, be be currency by this Act established. understood to be sums in the currency by this Act established. of Canada. 31 V, c. 45 \circ 2 81 V., c. 45, s. 2.

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Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Co n solidated elsewhere.	To be Consolidated with.
31 V., c. 45 32-33 V., c. 18 34 V., c. 4 44 V., c 4	s. 2. Part of s. 17. The whole except ss. 1 and 11. The whole.	ss. 1 and 11.		

CHAPTER 29.

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An Act respecting Dominion Notes.

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

1. The expression "specie" in this Act means coin current Interpretaby law in Canada, at the rates and subject to the provisions of tion. the law in that behalf, or bullion of equal value according to its weight and fineness. 31 V., c. 46, s. 13, part.

2. The Governor in Council may authorize the issue of Issue of Dom-Dominion notes to an amount not exceeding that herein inion notes. specified, and such Dominion notes may be of such denominational values and in such form, and signed by such persons and in such manner, by lithograph, printing or otherwise as he, from time to time, directs, and such notes shall be redeemable in specie on presentation at branch offices established or at banks with which arrangements are made as herein-W: provided at Montreal, Toronto, Halifax, St. John, N.B., Winnipeg, Charlottetown and Victoria, and at that one of the the said places at which they are respectively made payable. 31 V., c. 46, s. 8, part ;-43 V., c. 13, s. 4, part.

3. The amount of Dominion notes issued and outstanding Amount of at any time may, by Order in Council, founded on a report notes. of the Treasury Board, be increased to, but shall not exceed twenty million dollars, by amounts not exceeding one million dollars dollars at one time, and not exceeding four million dollars in any one year: Provided that the Minister of Finance and Proviso: a-Receiver General shall always hold, for securing the redemp-tion of General shall always hold, for securing the redemption of such notes issued and outstanding, an amount in teed securi-gold of such notes issued and outstanding, an amount in teed securigold, or in gold and Canada securities guaranteed by the ties to be held Government in gold and Canada securities guaranteed by the ties to be held for redemp-Government of the United Kingdom, equal to not less than tion. twenty-five per cent. of the amount of such notes,-at least fifteen per cent. of the amount of such notes being so held in gold; and provided also, that the said minister shall And in always gold; and provided also, that the said minister shall unguar always hold for the redemption of such notes an amount equal debentures. to the remaining seventy-five per cent. of the total amount thereas thereof, in Dominion debentures issued by authority of Parliament. 43 V., c. 13, s. 1, part.

4. Such notes shall be a legal tender in every part of Notes to be a anad Canada except at the offices at which they are respectively legal tender. made payable: the proceeds thereof shall form part of the Consol: 1 and the expenses Consolidated Revenue Fund of Canada, and the expenses

lawfully incurred under this Act shall be paid out of the said fund. 43 V., c. 13, s. 5, part.

Debentures may be delivered to Minister of Finance, and disposed of this Act.

Proviso.

gold only.

5. Debentures of Canada may be issued and delivered to the Minister of Finance and Receiver General for the general purposes of this Act, and to enable him to comply with its requirements, --- such debentures being held as afore by him for the said for securing the redemption of Dominion notes, and the purposes of said minimum the redemption of Dominion notes, and the said minister having full power to dispose of them, and of the guaranteed debentures aforesaid, either temporarily and absolutely, in order to raise funds for such redemption, 10 for the purpose of procuring the amounts of gold required be held by him under this Act; but nothing herein contained shall be construed to authorize the issue of debentures not otherwise authorized by Parliament, or any increase of the debt of Canada beyond the amount so authorized. V., c. 13, s. 2.

Amount to be 6. If any amount of Dominion notes is issued and out issued against standing at any time in excess of the amount then authorized as aforesaid, the Minister of Finance and Receiver General shall hold gold to the full amount of such excess, for the redemption of such notes; and any amount of such notes which the public convenience requires may be issued and remain and the such more states and remain and remain and such as a su and remain outstanding, provided the excess of such amount over that so authorized is represented by an equal amount of gold hald of gold held by the Minister of Finance and Receiver General as aforesaid; and the issue of Dominion notes so represented in full by gold, shall not be deemed an increase of the public debt; but except in the case of notes so issued against an equal except in the case of notes so issued at the public debt. against an equal amount of gold, the total amount of Dominion notes outstanding shall never exceed the amount authorized and a 33 V., c. 10, s. 6. authorized under section three of this Act.

It is doubtful whether the intention of section five of 43 V., c. 13 is or is not to repeal this section. "Specie" has been changed to "gold" in order to be in accordance with that Act.

Minister of Finance to publish monthly statements.

Offices or agencies for

7. The Minister of Finance and Receiver General shall publish monthly in the Canada Gazette a statement of the amount of Dominion notes outstanding on the last day of the preceding month the preceding month, and of the gold, guaranteed debentures and unguaranteed debentures and unguaranteed debentures then held by him for securing the redemption thereof, distinguishing the amounts of each so held at each of the solution of so held at each of the cities at which Dominion notes are redeemable; and such statements shall be made up from re turns made to the turns made to the said minister by the branch offices, bank 3. banks at which such notes are redeemable. 43 V., c. 13, 5.

8. The Governor in Council may, in his discretion, estable treat, redemption of lish branch offices of the Department of Finance at Montreal, notes. Toronto Halifar State Provention of Finance at Montreal Toronto, Halifax, St. John, N.B., Winnipeg, Charlottetown and Victoria Toronto, Toronto, Toronto, St. John, N.B., Winnipeg, Charlottetown and Victoria, respectively, or any of them, for the redemption of Dominion notes, or may make arrangements with any

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chartered bank or banks for the redemption thereof, and may allow a fixed sum per annum for such service at all or any of the said places; and gold or debentures held at any such branch office or by any such bank for the redemption of Dominion notes, shall be deemed to be held by the Minister of Finance and Receiver General: Provided that any Assistant Receiver General appointed at any of the said cities under the "Act respecting Government Savings Banks," shall be an agent for the issue and redemption of such notes. 33 V., c. 10, s. 7; -39 V., c. 4; -43 V., c. 13, s. 4, part.

9. Provincial notes issued under the Act of the late Pro-Redemption of Provincial vince of Canada, passed in the session held in the twenty- notes. ninth and thirtieth years of Her Majesty's reign, chapter ten, shall be held to be notes of the Dominion of Canada, and shall be redeemable in specie on presentation at Montreal, Toronto, Halifax or St. John, N.B., and at that one of the said places at which they are respectively made payable, and shall be (as provided by the lastly mentioned Act) a legal tender except at the offices at which they are respectively made payable. 31 V., c. 46, s. 8, part.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To bc Consolidated elsewhere.	To be Consolidated with.		
31 V., c. 46 33 V., c. 10 39 V., c. 10 43 V., c. 13	Part of s. 8 and part of s. 13 ss. 6 and 7 The whole. The whole except part of s. 1.	s 15 ss. 1 and 9. Part of s 1.	s 14	Criminal law.		

CHAPTER 30.

An Act respecting the Customs.

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

SHORT TITLE.

Short title. **1.** This Act may be cited as "The Customs Act." 46 $V_{., c}$. 12, s. 1.

INTERPRETATION.

- Interpretation. 2. In this Act, or in any other laws relating to the Cu⁵ toms, unless the context otherwise requires :--
- "Port" (a) The expression "port" means a place where vessels or vehicles may discharge or load cargo;
- "Collector." (b) The expression "collector" means the Collector of the Customs at the port or place intended in the sentence, or any person lawfully deputed, appointed or authorized to do the duty of collector thereat;
- "Officer." (c) The expression "officer" means an officer of the Customs;
- "Vessel." (d) The expression "vessel" means any ship, vessel or boat of any kind whatsoever, whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only, unless the context is manifestly such as to distinguish one kind or class of vessel from another, and the word "vessel" includes "vehicle;"
- "Vehicle." (e) The expression "vehicle" means any cart, car, wagour, carriage, barrow, sleigh or other conveyance of what kind soever, whether drawn or propelled by steam, by animals, or by hand or other power, and includes the harness or tackle of the animals, and includes also the fittings, furnishings and appurtenances of the vehicle;
- " Master."

(f) The expression "master" means the person having o^{t} taking charge of any vessel or vehicle;

"Conductor." (g) The expression "conductor" means the person in charge, or having the chief direction of any railway train;

(h) The expression "owner," "importer," or "exporter" "Owner,"&c. means the owners, importers or exporters, if there are more than one in any case, and includes persons lawfully acting on their behalf;

(i) The expression "goods" means goods, wares and mer- "Goods." chandise, or movable effects of any kind, including carriages, horses, cattle and other animals, except where these latter are manifestly not intended to be included by the said expression;

(j) The expression "warehouse" means any place, whether "Warehouse" house, shed, yard, dock, pond or other place in which goods house.' imported may be lodged, kept and secured without payment

(k) The expression "Customs warehouse" includes suffer- "Customs warehouse." ance Warehouse, bonding warehouse and examining ware- warehouse." house;

(1) The expression "oath" includes declaration and affir-"Oath." mation ;

(m) The use of the expressions "seized and forfeited," "liable "Seized and forfeited," to forfeiture," or "subject to forfeiture," or any other expression forfeited," which which might of itself imply that some act subsequent to the &c. commission of the offence is necessary to work the forfeiture, shall not be construed as rendering any such subsequent act necessary, but the forfeiture shall accrue at the time of and by the commission of the offence, in respect of which the penalty of forfeiture is imposed :

All the expressions and provisions of this Act or of any such General law as aforesaid, shall receive such fair and liberal construct provisions. tion and interpretation as will best insure the protection of the revenue and the attainment of the purpose for which this Act or such law was made, according to its true intent, meaning and spirit. 46 V., c. 12, s. 4.

DEPARTMENT OF CUSTOMS.

3. There shall be a department of the Civil Service which Department shall be called the "Department of Customs," over which the constituted. Minist Minister of Customs for the time being, appointed by the Governor General, by commission under the Great Seal, shall preside. 31 V., c. 43, s. 1.

4. There shall be a Commissioner of Customs, who shall Commissioner and Assistant be the Deputy of the Minister of Customs, and an Assistant Commis-Commission of Customs, and an Assistant and Assistant Commis-Commissioner, appointed by the Governor in Council, both sioner. of whom shall hold office during pleasure, and shall have such powers and perform such duties, respectively, as are assigned to them by the Governor in Council, or by the Minister of Customs. 31 V., c. 43, s. 2.

Of what mat. ters the De-

5. The Department of Customs shall have the control and partmentshall management of the collection of the duties of Customs, and have the con- of matters incident thereto, and of the officers and persons employed in that service. 31 V., c. 43, s. 3, part.

Provision as to Canal Tolls transferred to Inland Revenue Act.

DUTIES OF CUSTOMS.

Duties to be within the Audit Act and Orders under it.

6. The duties imposed by any Act relating to the Cus toms shall be held to be duties within the meaning of "The Consolidated Revenue and Audit Act," and of any Act amending the same, and shall, with all matters and things there unto relating, be subject to the provisions of the said Act or Acts, and to the regulations and orders of the Governor in Council, made under the authority thereof, in so far as the same are not inconsistent with this Act; and all moneys arising from such duties, or from any penalties hereby imposed, and belonging to Her Majesty, shall be paid over by the officer receiving the same to the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund of Canada. 46 V., c. 12, s. 14.

7. The true amount of Customs duties payable to Her Majesty with respect to any goods imported into Canada or exported therefrom, and the additional sum, if any, payable under the next following section of this Act, shall, from and after the time when such duties should have been Prid or accounted for, constitute a debt due and payable to Her Majesty, jointly and severally, from the owner of the goods at the time of the importation or exportation thereof, and from the importation or exportation thereof, and from the importer or exporter thereof, as the case may be; and such different thereof, as the case may be; and such debt may, at any time, be recovered with full costs of suit, in any court of competent jurisdiction. 46 V., c. 12, s. 15.

Additional duty in cases of undervaluation.

8. If in any case the true value for duty of any goods, as finally determined under this Act or as determined in any action or proceeding to recover unpaid duties, exceeds by twenty per centum, or more, the value for duty as it appears by the bill of arther in the value for duty as it appears by the bill of entry thereof, there shall be levied and collected ted upon the same, in addition to the duty payable on such half goods, when properly valued, a sum equal to one-half of the duty so payable; and if the owner or importer refuses or neglects to an if the owner or importer refuses or neglects to pay the said duty and additional sum, the goods the main the sound additional sum. the goods shall be seized and forfeited. 46 V., c. 12, s. 102.

"Shall" substituted for "may" in last line.

Governor in Council may in doubtful cases declare the duty, or

9. Whenever any dispute arises as to whether any or what duty is payable on particular goods, and there is previous decision in the particular goods, and there is not previous decision in the matter by any competent tribunal, or there are decision in the matter by any competent tribunat that the goods or there are decisions inconsistent with each other, the are free. Governor in Council may declare the duty payable on the

penalties if any, to be a debt to Her Majesty, and how recoverable.

Duties and

kind of goods in question, or that such goods are exempt from duty; and any Order in Council containing such Effect of declaration and fixing such duty, if any, and published in order. the *Canada Gazette*, shall, until Parliament otherwise provides, have the same force and effect as if such duty had been fixed and declared by statute. 46 V., c. 12, s. 11. Provision as to evidence omitted.

10. All invoices of goods shall be made out in the cur-What must rency of the country whence the goods are imported, and appear in inshall contain a true statement of the value of such goods; goods. and in computing the value for duty of such currency, the What currate thereof shall be such as has been ordered and proclaimed, used. from time to time, by the Governor in Council, who is hereby empowered to make such order; and the rate ordered shall be based upon the actual value of the standard coins or currency of such country as compared with the standard dollar of Canada in so far as such comparative values are known; and whenever the value of a currency has not been pro-Value of such claimed, or whenever there is no fixed standard value, or how ascerwhenever from any cause the value of such currency has tained. become depreciated, there shall be attached to the invoice of the goods imported the certificate of some Consul resident in such place or country, shewing the extent of such depreciation, or the true value of the currency in which such invoice is made out, then and there, as compared with the standard dollar of Canada : Provided however, that when- Proviso; ever the value of a depreciated currency is dependent upon when value the rate of exchange on London, it shall be optional with rate of ex-the import. the importer, with the consent of the collector of Customs, to change. compute the value for duty at the rate of exchange certified by the bank through which the same is drawn, as current at the time and place when and whence the goods were exported to Canada: Provided also, that when the currency Further provalue is so determined at the time of entry, either by a Con- viso. sul's certificate, or by the certificate of the bank as hereinbefore provided, such rate or value shall be final and not open to any re-adjustment by reason of the subsequent production of any certificate not corresponding in rate or value

with that adopted. 46 V., c. 12, s. 12, part.

11. Whenever duties are imposed according to any Greater specific quantity or to any specific value, the same shall be or less deemod quantity or to any specific value, the same shall be or less quanti deemed to apply in the same proportion to any greater or less quantities. quantity or value, and to any fractional part of such specific quantity. 46 V., c. 12, s. 13.

12. Whenever duties are charged according to the Allowance weight, tale, gauge or measure, such allowances shall be for tare or made, tale, gauge or measure, such allowances shall be draft to be made for tare and draft upon the packages as are pre-regulated scribed by regulation made by the Governor in Council; but by 0. C. when the original invoice of any goods is produced, and a

Proviso : if true tare is known.

Duties on non-enumerated articles resembling enumerated.

On articles resembling more than one enumerated

Made of more than one material.

Enumerated under more than one name.

Spirits and strong waters.

declaration of the correctness thereof made as hereinafter provided, the tare according to such invoice shall be deducted from the gross weight of the goods instead of the allowances aforesaid, subject to such further regulations as are made, from time to time, by the Governor in Council. 46 V., c. 12. s. 64.

13. On each and every non-enumerated article which bears a similitude, either in material or quality, or the use to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty shall be payable which is charged on the enumerated article which it most resembles in any of the particulars before mentioned. 46 V., c. 12, s. 6.

14. If any non-enumerated article equally resembles t^{wo} or more enumerated articles on which different rates of duty are chargeable, the duty on such non-enumerated article shall be the same as that on the enumerated article which it resembles, paying the highest duty. 46 V., c. 12, s. 7.

15. On all articles manufactured from two or more materials, the duty shall be that charged on the article, if there is a difference of duty, which is charged with the highest duty. 46 V., c. 12, s. 8.

16. If an article is enumerated in the tariff under two_{0}^{or} more names or descriptions, and there is a difference of duty, the highest duty provided shall be charged and collected thereon. 46 V., c. 12, s. 9.

17. Spirits and strong waters, from whatsoever substance distilled or prepared, having the flavor of any kind of spirits or strong waters, subject to a higher duty than whiskey, shall be liable to the duty imposed on spirits or strong waters of which they have the flavor. 46 V., c. 12, s. 10.

Goods wrecked or derelict.

Sale if duty

is not paid

within 18

months.

18. Goods derelict, flotsam, jetsam or wreck, or landed or saved from any vessel wrecked, stranded or lost, brought or coming into Canada, shall be subject to the same duties and regulations as goods of the like kind imported are subject to. 46 V., c. 12, s. 60.

19. If the duties on such goods are not paid within eighteen months from the time when the same were men. delivered to the proper officer, hereinafter as same may be sold in like manner, and tioned, the for the same purposes as goods imported may, in such default be rely in the default, be sold; and if they are sold for more than enough to pay the duty and charges thereon, the surplus 4⁶√., shall be paid over to the person entitled to receive it. c 12, s. 62.

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20. The collector or any appraiser may take Samples as samples of any goods imported, for the purpose of ascertake Samples may taining whether any and what duties are payable on such goods; and such samples shall be disposed of as the Minister of Customs directs. 46 V., c. 12, s. 65.

REPORT AND ENTRY INWARDS.

21. No goods shall be unladen from any vessel arriving Goods not to at any port or place in Canada, from any place out of Canada, except after or from any place in Canada, from any place out of Canada, except after or from any vessel having dutiable goods on board brought due entry. coastwise, nor shall bulk be broken within three leagues of the coast, until due entry has been made of such goods, and warrant granted for the unlading of the same ; and no goods Exception. shall be so unladen (unless for the purpose of lightening the ressel in crossing over or getting free from a shoal, rock, bar or sand-bank) except between sunrise and sunset, and on some day not being a Sunday or statutory holiday, and at And at the some hour and place at which an officer of the Customs is ap- places appointed to attend the unlading of goods, or at some place for the purpose. which a sufferance has been granted by the collector or other proper officer, for the unlading of such goods; and if, Stowage of after the arrival of the vessel within three leagues of the cargo not to be altered. coast, any alteration is made in the stowage of the cargo so as to facilitate the unlawful unlading of any part thereof, or if any part thereof is fraudulently stayed, destroyed or thrown overboard, or any package is opened, it shall be deemed a breaking of bulk; and all goods unladen contrary to this Forfeiture for Act shall be seized and forfeited; and if bulk is broken con- contraven-trame to the seized and forfeited; and if bulk is broken con- contraventrary to this Act, the master shall forfeit two hundred dol- tention until lars, and the vessel may be detained until the said sum is security is paid Paid, or satisfactory security is given for the payment thereof; and unless payment is made or security is given, within thirty days, such vessel may, at the expiration thereof, be sold to pay the said sum. 46 V., c. 12, s. 16.

22. The Governor in Council may, by regulation from Governor in time to time, appoint the ports and places of entry for the appoint purposes of this Act, and may, in like manner, increase or places of diminish the number of the position or limits thereof. diminish the number, or alter the position or limits thereof. $\frac{1}{46}$ V 46 V., c. 12, s. 17.

23. All goods imported into Canada, whether by sea, land, Goods import-coastwise, or by inland navigation, whether dutiable or not, brought in at shall be the s shall be brought in at a port of entry where a Custom House a place of entry. is lawfully established. 46 V., c. 12, s. 18.

24. In the case of every vessel bound for any sea-port in Vessels may be boarded Canada, from any port out of Canada, the collector or proper when within officer to be ³ miles of officer of such Canadian port may cause such vessel to be ³ miles of boarded by an officer of Customs detailed by him for such and report service of the an-demanded. service, at any place within three marine miles of the an-demanded.

chorage ground, and such officer may demand from the master or purser of such vessel a correct copy of the report inwards intended by such master or purser to be presented at the Custom House on arrival: and such boarding officer may remain on board the vessel until she anchors, and the copy of the report so received by him shall be deposited by him at the Custom House as the vessel's report inwards, for comparison with that to be presented by the master or purser in person-46 V., c. 12, s. 26.

25. The master of every vessel coming from any port of place out of Canada, or coastwise, and entering any port in Canada, whether laden or in ballast, shall go with out delay, when such vessel is anchored or moored, to the Custom House for the port or place of entry where he arrives, and there make a report in writing to the collector or other proper officer, of the arrival and voyage of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners, the number and names of the passengers, if any, the number of the crew, and whether the vessel is laden or in ballast, and if laden, the marks and numbers of every package and parcel of goods on board, and where the same was laden, and the particulars of any goods stowed loose, and where and to whom consigned, and where any and what goods, if any, have been laden or unladen, or bulk has been broken, during the voyage, what part of the cargo and the number and names of the passengers which are intended to be landed at that port, and what and whom at any other port in Canada, and what part of the cargo, if any, is in tended to be exported in the same vessel, and what surplus stores remain on board,—as far as any of such particulars are or can be known to him. 46 V., c. 12, s. 25.

Duty of mas- **26.** The master or person in charge of any vessel, when any arriving by laden or in ballast, arriving by inland navigation in any the port or place of entry in Canada, from any place beyond the limits of Canada, and having any goods therein (whether any duty is payable on such goods or not) shall go without delay when such delay, when such vessel is anchored or moored, directly to the Custom House for such port or place of entry, and make a report in writing, in such form as is appointed for that purpose by competent authority, to the collector or in other proper officer, of the arrival of such vessel, stating A such report the marks and numbers of every package and parcel of goods in such vessel, or in the charge and custody of such person, from what place the same are respectively brought, and to what place and to whom they are consigned or belong as f or belong, as far as such particulars are known to him; and he shall the he shall then and there produce such goods to the collector or other proper officer, and shall declare that no goods have been unladen from such vessel or have been put out of his

Officer may remain on board.

Report to be made by master of vessel arriving from sea or coastwise.

Contents of such report.

gation.

Report for entry.

Production of goods and declaration by master.

possession, between the time of his coming within the limits of Canada and of his making his report and affidavit, and shall further answer all such questions concerning such vessel or goods as are demanded of him by such collector or officer. 46 V., c. 12, s. 27.

27. The master shall, at the time of making his report. if Production required by the officer of Customs, produce to him the bills of bills of lading. of lading of the cargo, or true copies thereof, and shall make and subscribe an affidavit referring to his report and declaring that all the statements made in the report are true; and shall further answer all such questions concern- Answering questions, a ing the vessel and cargo, and the crew, and the voyage, as questions, &c. are demanded of him by such officer, and shall, if required, make the substance of any such answer part of his report. 46 V., c. 12, s. 28.

28. If any goods are unladen from any vessel before such Penalty for report is made, or if the master fails to make such report, or contravenmakes an untrue report, or does not truly answer the questions demanded of him, as provided in the next preceding section, he shall incur a penalty of four hundred dollars, and the vessel may be detained until such penalty is paid. V., c. 12, s. 29. -46

29. All goods not reported, found on board of any vessel Goods not or landed, shall be seized and forfeited, unless it appears liable to forthat there was no fraudulent intention,—in which case the feiture. master shall be allowed to amend his report; but the neces- Proviso. sary discharging of any goods for the purpose of lightening the vessel in order to pass any shoal, or otherwise for the safet. safety of such vessel, shall not be deemed an unlawful landing or breaking of bulk. 46 V., c. 12, s. 30.

30. If the contents of any package intended for importa- As to goods intended for tion into another port, or for exportation, are unknown to another port. the master, the officer may open and examine it, and cause it for that purpose to be landed if he sees fit; and if any prohibited goods are found therein, all the goods in such package shall be seized and forfeited. 46 V., c. 12, s. 31.

81. If any goods are brought in any decked vessel, from Provision as any place out of Canada to any port of entry therein, and not intended to landed, but it is intended to convey such goods to some be landed at other other port in Canada in the same vessel there to be landed, the duty shall not be paid or the entry completed at the Where the first duty shall not be paid or the entry completed at the Where the first port, but at the port where the goods are to be landed, completed. and to which they shall be conveyed accordingly under such regulations and with such security or precautions for compliance with the requirements of this Act, as the Governor in Council, from time to time, directs. 46 V., c. 12, 8. 45

the first port.

Report to be made by conductor on importation by railway.

Penalty for contravention.

Entry to be made by any person bringing goods by land.

Report and what it must show.

Questions concerning goods, &c., to be answered.

And entry made.

Within what

If by inland navigation or by land.

32. The conductor of every railway train carrying freight arriving at any port in Canada, from any foreign port, shall come directly, and before bulk is broken, to the Custom House at such port, and report all merchandise on board his train or in any particular car belonging to such train, stat ing the marks and numbers of every package and parcel of goods on board, and where the same was laden, and where and to whom it is consigned, and what part thereof, if any, is intended to pass in transitu through Canada to some port of place in the United States, or to be transhipped at some other port in Canada, to be exported to a port or place out of Canada . and is Canada; and if any goods are unladen before such report is made, except by written permission of the collector or proper officer of Customs, or if the conductor fails to make such report, or makes an untrue report, or does not truly answer any questions put to him respecting the same, he shall incur a penalty of four hundred dollars. 46 V., c. 12, s. 33.

33. The person in charge of any vehicle, arriving by land in any place in Canada, and containing goods, whether any duty is payable on such goods or not, and the person in charge of any vehicle so arriving, if the vehicle or its fittings furnishings or appurtenances, or the animals drawing and same, or their harness or tackle, is or are liable to duty, and every person whoseever so arriving in Canada from any Port or place out of Canada, on foot or otherwise, and having with him or in his charge or custody, any goods, whether such goods are dutiable or not, shall come to the nearest Custom House or to the station of the nearest officer of Customs, before unlading or in any manner disposing of the same, and make a report in writing to the collector or proper off. cer of Customs, stating the contents of each and every Package and parcel of goods, and the quantities and values of the same; and shall also then answer all questions respecting such goods or packages, and the vehicle, fittings, furnishings and appurtenances, and animals, and the harness or tackle appertaining thereto, as the said collector or proper officer of Customs requires of him, and shall then and there make due entry of the same, in accordance with the law in that behalf. 46 V., c. 12, s. 34.

34. Every importer of goods by sea or from any place time entries **54.** Every importer of goods by sea or from any profishall be made out of Canada shall, within three days after the arrival of if imported by the state of the shall be the state of the s imported by the importing vessel, make due entry inwards of such goods, sea, ac. and land the same; and every inwards of such goods im-ported by inland navigation in a decked vessel of one hundred tons burthen or more, shall, within twenty-four hours of the arrival hours of the arrival of the importing vessel, make due entry inwards of arrival inwards of such goods, and land the same; and every importer of goods imported by inland navigation in any undecked wassel undecked vessel, or in any vessel less than one hundred tons burthen, or by land, shall, forthwith, after the importation

of such goods, produce the same to the proper officer and make due entry thereof. 46 V., c. 12, s. 40.

35. The person entering any goods inwards shall deliver Bills of entry to the collector or other proper officer, an invoice of such what to show. goods shewing the place and date of purchase and the name or style of the firm or person from whom the goods were purchased, and a full description thereof in detail, giving the second s the quantity and value of each kind of goods so imported, and a bill of entry thereof, in such form as is appointed by competent authority, fairly written or printed, or partly Written and partly printed, and in duplicate, containing the Duplicate. name of the importer,—and if imported by water, the name If importation of the of the importer. of the vessel and of the master, and of the place to which is by water. bound, and of the place, within the port, where the goods are to be unladen,—and the description of the goods, and the marks and numbers and contents of the packages, and the place from which the goods are imported, and of what country or place such goods are the growth, produce or manufacture. 46 V., c. 12, s. 41.

36. Unless the goods are to be warehoused in the manner Duties to be paid down by this Act provided, the importer shall, at the same time, unless goods pay down, or cause to be so paid, all duties upon all goods, are wareentered inwards; and the collector or other proper officer housed. shall, immediately thereupon, grant his warrant for the Warrant and Unlast. unlading of such goods, and grant a permit for the convey- permit. ance of such goods further into Canada, if so required by the importer. 46 V., c. 12, s. 42.

87. In default of such entry and landing, or production In default of of the goods, or payment of duty, the officer of Customs may entry, goods convey the goods to a Customs warehouse, or some secure to warehouse place and sold if place appointed by the collector for such purpose, there to and sold if be best be kept at the risk and charge of the owner;—and if such paid within a goods are not duly entered within one month from the date certain time. of their being so conveyed to the Customs warehouse, or other appointed place, and all charges of removal and warehouse rent duly paid at the time of such entry, the goods shall be sold by public auction to the highest bidder, and the proceeds thereof shall be applied, first to the payment of duties and charges, and the overplus, if any, after discharging the vessel's lien, or other charges for transportation, shall be Paid to the owner of the goods or to his lawful agent : Provided always, that if the same cannot be sold for a sum Proviso: as sufficient to pay the duties and charges if offered for sale for worth the home consumption, or the charges if offered for sale for charges on export the charges if offered for sale for charges on exportation, such goods shall not be sold, but shall be destroyed. 46 V., c. 12, s. 43.

38. The quantity and value of any goods shall always be Quantity and value to be stated in the bill of entry thereof, although such goods are stated in

entry.

not subject to duty, and the invoice thereof shall be $p^{ro'}$ duced to the collector. 46 V., c. 12, s. 49.

Entries by bill of sight, how and in what cases made.

39. If the importer of any goods whereon an *ad valoren* duty is imposed, or the person authorized to make the declaration required with regard to such goods, makes and subscribes a declaration before the collector or other proper officer, that he cannot, for want of full information, make perfect entry thereof, and takes the oath in such cases provided, he then the collector or officer may cause such goods to be landed on a bill of sight for the packages and parcels thereof by the best description that can be given, and to be seen and examined by such person and at his expense, in the presence of the collector or other proper officer, or of such other officer of the Customs as is appointed by the said collector or other proper officer, and to be delivered to such person, on his depositing in the hands of the collector or officer a sum of money sufficient in the judgment of the collector of officer to pay the duties thereon; and if the importer does not complete a perfect entry within the time appointed by the collector, the money so deposited shall be taken and held ith be the duty accruing on such goods, and shall be dealt with and accounted for accordingly. 46 V., c. 12, s. 79.

40. Such sight entry may be made as aforesaid and the goods may be delivered, if such importer or person as afore been or can be said makes oath or affirms that the invoice has not been and produced. cannot be produced, and pays to the collector or proper officer aforesaid a sum of money sufficient in the judgment of such collector or officer to pay the duties on such goods, and such sum shall then be held to be the amount of such duties. 46 V., c. 12, s. 80.

> 41. No entry shall, except in cases in which it is other in wise provided herein, or by regulation of the Governor the Council, be deemed perfect unless a sufficient invoice of the goods to be entered, duly certified in writing thereof the as correct by the person, firm or corporation from whom the said goods were purchased, has been produced to the collector, and duly attributed to the collector. 46 V., c. 12, tor, and duly attested as required by this Act. s. 81.

Invoice to be attested on oath, and by whom.

42. With the bill of entry of any goods, there shall be produced and delivered to and left with the collector and invoice of the second invoice of the goods, as provided in the next preceding section attested by its tion, attested by the oath of the owner, and if the owner and if the owner and if the owner and if the owner ath not the person entering such goods, then verified by the oath of the important of the importer or consignee, or, subject to the provision hereinafter made, other person who may lawfully make such entry and worth a lawfully make such entry and verify such invoice in the form or to the effect of the oath or cathe Form of oath the oath or oaths prescribed by the Governor in Council in that babals that behalf, which oath or oaths shall be written or printed.

Deposit of money for duty.

Provision if perfect entry is not made as stipulated.

If importer swears that no invoice has

Entry not perfect without invoice, unless otherwise ordered by O. C.

or partly written and partly printed on such invoice, or on the bill of entry, as the case may be, or shall be annexed thereto, and shall in either case distinctly refer to such invoice so that there can be no doubt as to its being the invoice to which such oath is intended to apply, and shall be subscribed by the person making it and certified by the signature of the person before whom it is made; and the bill of entry shall Contents and also a before whom it is made; and the bill of entry shall Contents and also contain a statement of the quantity and value for duty of attestation of the most the goods therein mentioned, and shall be signed by the person making the entry, and shall be verified in the form or to the effect of the oath prescribed by the Governor in Council in that behalf. 46 V., c. 12, s. 82.

43. If there are more than one owner, importer or con- As to cases signee of any goods, any one of them cognizant of the facts are more than man is a standard of the facts are more than the standard of the facts are more than the standard of may take the oath required by this Act; and such oath shall one owner of be such that is a such oath required by this Act; and such oath shall one owner of the goods. be sufficient unless the goods have not been obtained by purchase in the ordinary way, and some owner, resident out of Canada, is the manufacturer or producer of the goods, or concerned in the manufacture or production thereof,—in which case the oath of such non-resident owner, or one of them, if there are more than one, cognizant of the facts shall be requisite to the due attestation of the invoice. 46 V., c.

44. The invoice of any goods produced and delivered to invoice to be the collector with the bill of entry thereof, shall, if required the owner of by the collector, be attested by the oath of the owner or one the goods, and of the of the owners of such goods, and shall also be verified by by importer the oath of such goods, and shall also be verified by or consignee. the oath of the importer or consignee or other person who may, under this Act, lawfully make entry of such goods and verify such invoice, if the owner or one of the owners is not the person entering such goods—and shall also, if required And by non-by the person entering such goods—and shall also, if required And by nonby the collector, be attested by the oath of the non-resident owner, &c. owner being the manufacturer or producer of such goods, in the case mentioned in the next preceding section, although one of the owners is the person entering the goods and verifying the invoice on oath. 46 V., c. 12, s. 84.

45. If the owner, importer or consignee of any goods is Provision in case of death, or a bankrupt, or insolvent, or if for any cause his per- &c., of owner, sonal estate sonal estate is being administered by another person, his &c. executor, curator, administrator or assignee, or person administering as aforesaid, may, if cognizant of the facts, take any oath and make any entry which such owner, importer or consignee might otherwise have taken or made. 46 V., c.

46. No person other than the owner, consignee or im- No person but the owner, & c., Porter of the goods of which entry is to be made, shall be to take the allowed to take any oath connected with the entry, unless a certain dethere is attached to the bill of entry therein referred to, a claration is

attached to bill of entry. declaration by the owner, consignee or importer of the said goods, or his attorney and agent duly appointed to transact business with the collector, pursuant to the provisions in that behalf of this Act, to the same effect as the oath, dis tinctly referring to the invoice presented with such bill of entry, and signed by such owner, importer or consignee, or by his attorney and agent appointed as aforesaid, either in presence of the agent making the entry, or of a justice of the peace or notary public, who shall attest the signature. 46 V., c. 12, s. 89.

Declaration to be kept by collector: penalty for false statement in it.

47. Such declaration shall be kept by the collector; and if there is any wilfully false statement in such declaration, the goods shall be liable to seizure and forfeiture in the same manner and with the same effect as if such false state ment were contained in the oath, and the person making such false statement shall be subject to the same penalties, forfeitures and punishments as if he had himself taken the oath and had made such false statement therein; but such written declaration may be dispensed with under the order of the Governor in Council, when it is deemed advisable, in 46 V., the interests of commerce, to dispense therewith. c. 12, s. 90.

48. The collectors of Customs at all ports in Canada, Collector to retain and file shall retain and put on file, after duly stamping the same, all invoices of goods imported at such ports respectively which invoices they shall give certified copies or extracts, whenever called upon so to do by the importers,-and such Certified copies or extracts so duly certified by the collector or other copies to be proper officer and bearing the stamp of the Custom House at evidence. which they are filed, shall be considered and received in all courts of in all courts of justice as primâ facie evidence of the contents thereof, and the collection of the contents thereof. and the collector shall be entitled to demand for each certificate a fee of fifty cents before delivering the same; but in to case shall an invoice be shown to or a copy thereof given to any person other than the said importer, or an officer of Customer of the said importer. toms, except upon the order or subpæna of a court of justice. 46 V., c. 12, s. 95.

GOODS DAMAGED OR LOST.

Abatement of duties on goods imported and damaged.

Fee.

Proviso,

49. If any goods imported by water, or partly by water and partly by land, on which duties (ad valorem or specific, or both) are payable, receive damage during the voyage of importation bat importation between the actual departure of the vessel in which the which they are laden from the foreign port of exportation and the actual and the actual arrival of the goods at the port of destination in Canada, whereby such goods have become lessened in value an abut value, an abatement may be made, in the manner hereinafter provided, in the duty payable upon such goods, or

duty has been paid thereon, a refund of a part of such duty may be made proportionate to the damage sustained, Time for if the made proportionate to the damage sustained, Time for making of if the claim therefor is made in due form and is pro-limited. The solution 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 as they can be examined : Provided always, that such examination is com- proviso. pleted and certified by the collector of Customs, Customs appraiser or other proper officer, who shall assess such damage within ten days of such landing. 46 V., c. 12, s. 53.

50. If any goods imported by railway, or by any other ve- If imported hicle, on which goods duties (ad valorem or specific, or both), or other land are payable, receive damage during the course of transporta- conveyance. tion, after they are laden on such railway or other vehicle, and before they arrive at the port of destination in Canada, whereby they become lessened in value, an abatement may be made in the manner hereinafter provided in the duty Time for payable upon such goods, if the claim for such abate claim. ment is made in due form within ten days of the arrival of such goods at the port of destination in Canada, and is substantiated in the same manner as is provided in the next preceding section. 46 V., c. 12, s. 54.

51. The collector of Customs or appraiser or other pro-Duty of per officer whose duty it is to examine and assess the Appraiser. amount of damage sustained in course of importation, shall do so with all possible despatch on being notified so to Certificate. do, and shall certify 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. 46 V., c. 12, s. 55.

52. The collector or appraiser shall not regard as evi- What shall dence of the existence or amount of damage any price garded as realized at an auction or forced sale of the goods, —nor shall be evidence of estimated at an auction or forced sale of the goods, —nor shall be adamage. estimate nor shall any damage be allowed which has damage. originated from decay, dampness or other cause existing before the voyage commenced and which has 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 in certain steel or any manufacture thereof, except on polished Russia cases. iron and Canada plates, and on such only to the extent of fifty per cent.,—nor shall any allowance be made for stains or injury to any packages holding liquids, or the labels thereon, unless the contents of such packages have, at the same time, received actual specific damage by the admixture therewith of $\frac{12}{3}$ s $\frac{12}{56}$ of water or other foreign substance. 46 V., c. 12, s. 56.

53. When the collector or appraiser has ascertained the Per centage of damage, such percentage shall be deducted be deducted for duty.

for duty.

from the original value of the goods and duty shall then be levied and collected on such reduced value at an ad valorem rate which shall be equivalent to the rate of specific or specific cific and *ad valorem* duty which should have been collected 46 V., upon such goods if they had not been so damaged. c. 12, s. 57.

Return of duty on goods lost before landing: and on what con. ditions.

54. Whenever any vessel is entered at the Custom Houseat any port in Canada, on board of which there are any $g_{1,i,h}^{oods}$ on which any duty has been levied or collected or on which any duty has been deposited, and thereafter the said g_{ach}^{oods} are lost or destroyed before the same are landed from such vessel, or from any vessel or craft employed to lighten such vessel,—then, on proof being made on the oath of one or more credible witness or witnesses, before and to the satisfaction of the collector or proper officer of the Customs at the place, who shall administer the oath, that such goods, or any part thereof, specifying the same, have been so lost or destroyed before the landing of the same, the duties on the whole of the part the the part thereof so proved to be lost or destroyed, shall, if the same have have the same have been paid or deposited, be returned to the owner or his agent. 46 V., c. 12, s. 58.

Allowance for damage to certain goods on voyage.

all Canada.

55. An allowance may be made for deterioration by natural decay during the voyage of importation, upon per ishable articles, such as green fruits and vegetables, in ported into Canada; but in assessing the same, and in estimating the damage by breakage upon brittle goods, such as crockery, china, glass and glassware, under the provisions of this Act, such allowance or damage shall only be made and allowed for the amount of loss in excess of twenty five per cent. of the whole quantity damaged, and only if claim is made therefor and the loss or damage certified upon examination made by the appraiser or proper officer of Cus toms, within three days of the landing or arrival of such goods at the port of destination thereof; and if the duty has been paid on the full value thereof, a refund of such duty may be allowed and paid on application to the Minister of Custome in the Customs, in the proportion and on fulfilment of the condi-tions hominal a 47 V., ^{c.} tions hereinbefore specified, but not otherwise. 30, s. 4.

APPRAISERS.

56. The Governor in Council may appoint one or more Appointment of appraisers : local or for appraisers to be called Dominion Customs appraisers, with jurisdiction at all jurisdiction at all ports and places in Canada; and may also appoint Customer appoint Customs appraisers with jurisdiction at such point and places in Game and places in Canada as are designated in the Order in Council in that 1 and 1 To be sworn. Council in that behalf; and every such appraiser shall, be fore acting the behalf is and every such appraiser shall, be fore acting as such, take and subscribe the following oath of office before and the subscribe the following oath to office before any collector or other person duly authorized to administer such oath :-

"I, A. B., having been appointed an appraiser of goods, Oath of office. wares and merchandise, and to act as such at the port of 41 "swear (or affirm) that I will faithfully perform the duties "of the said office without partiality, fear, favor or affection, "and that I will appraise the value of all goods submitted "to my appraisement, according to the true intent and meaning of the laws imposing duties of Customs in Canada; "and that I will use my best endeavors to prevent all "fraud, subterfuge or evasion of the said laws, and more especially to detect, expose and frustrate all attempts to "undervalue any goods, wares or merchandise on which any "duty is chargeable. So help me God.

"A. B.,

" Appraiser for (as the case may be).

"Sworn before me, this

,,, 18 (as the case may be.)

-46 V., c. 12, s. 66.

day of

57. If no appraiser is appointed in any port of entry, the Appraiser collector there shall act as appraiser, but without taking any may be sent special oath of office as such; and the Minister of Customs appraise may at any office as such; and the Minister of Customs appraise may, at any time, direct any appraiser to attend at any port goods. or place for the purpose of valuing any goods, or of acting as appraiser there during any time, —which such appraiser shall accordingly do without taking any new oath of office; and every appraiser shall be deemed an officer of the Customs. 46 V., c. 12, s. 67.

VALUATION FOR DUTY.

58. Whenever any duty ad valorem is imposed on any goods Calculation Imported into Canada, the value for duty shall be the fair duty. market value thereof, when sold for home consumption, in the principal markets of the country whence and at the time when the same were exported directly to Canada. 46 V., c. 12, 8. 68.

59. Such market value shall be the fair market value of What shall be such goods in the usual and ordinary commercial acceptation deemed the fair market of the term, at the usual and ordinary credit, and not the value for duty cash cash value of such goods, except in cases in which the article ad valorem. imported is, by universal usage, considered and known to be a cash article, and so bond fide paid for in all transactions in relat: relation to such article; and all invoices representing cash Proviso: as to Value values, except in the special cases herein referred to, shall be cash articles.

subject to such additions as to the collector or appraiser of the port at which they are presented appear just and reason able, to bring up the amount to the true and fair market value, as required by this section. 46 V., c. 12, s. 69.

60. If any difficulty arises in determining the fair market vision as to the value for duty of goods imported into Canada, which are the value of cermanufacture or production of foreign countries or of Great Britain, such as musical instruments, sewing machines, agricultural machines or implements, medical preparations commonly called patent medicines, and other similar goods, the prices of which are published by the manufacturers or producers, or persons acting on their behalf, the Governor in Council may, from time to time, fix and determine a certain rate of discount which may be deducted from such published prices of any such manufactures or productions, and the remainder of such published prices, after deducting such rate of discount, shall be deemed and taken to be the fair market. values for duty of any such manufactures or productions as are specified in such Örder in Council. 37 V., c. 6, s. 9.

61. In determining the dutiable value of goods, except

be added to the cost, or the actual wholesale price, or fair

markets of the country from whence the same have been im ported into Canada, the cost of inland transportation, ship ment and transhipment, with all the expenses included, from the place of growth, production or manufacture, whether by land or water, to the vessel in which shipment is made, either in transitû or direct to Canada, subject to such regula-

tions as are made by the Governor in Council: Provided,

that in case of any dispute respecting the proper amount of such inland

such inland transportation charges, the Minister of Customs may determine the same, and his decision shall be final in

Cost of inland transportawhen imported from Great Britain and Ireland, there shall tion, &c., to be deemed part of value. market value, at the time of exportation, in the principal

Special pro-

tain articles.

Proviso : in case of dispute.

cles manufactured in separate

2. When any manufactured article is imported into Canada in separate parts, each such part shall be charged with the same rate of duty as the finished article, on a proportionate valuation, and when the duty chargeable thereon is specific, or specific and ad valorem, an average rate of ad valorem duty charge rate of ad valorem duty, equal to the specific or specific and ad valorem duty so charged in the specific or specific and ad valorem duty so chargeable, shall be ascertained and charged upon such parts of the such parts of the manufactured article. 48-49 V., c. 61, s. 11.

Governor in Council may make regulations for ensuring fair valuation.

62. The Governor in Council shall, from time to time, establish such regulations, not inconsistent with law, are required to secure a just, faithful and impartial appraised of all praisal of all goods imported into Canada, and just and proper entries of the actual or fair market value thereof, and of the weights of the weights, measures or other quantities thereof, as each

Duty on arti-

that respect :

parts.

case requires; and such regulations, whether general or special, so made by the Governor in Council, shall have the full force and authority of law; and the appraisers of Canada Duty of and and every one of them, and every person who acts as such appraisers. appraiser, or the collector of Customs, as the case may be, shall, by all reasonable ways and means in his or their power, ascertain, estimate and appraise the true and fair market value and wholesale price, any invoice or affidavit thereto to the contrary notwithstanding, of the goods at the time of exportation, and in the principal markets of the country whence the same have been imported into Canada, and the proper weights, measures or other quantities, and the fair market value or wholesale price of every of them, as the case requires. 42 V., c. 15, s. 10.

63. No refund of duty paid shall be allowed because of No refund of any alleged inferiority or deficiency in quantity of goods im-duty for ported and entered, and which have passed into the custody ority of value, of the importer under permit of the collector of Customs, &c., except in permit of the collector of Customs, &c., except in certain cases. or because of the omission in the invoice of any trade discount, or other matter or thing, which might have the effect of reducing the value of such goods for duty, unless the same has been reported to the collector of Customs within ten days of the date of entry, and the said goods have been eramiser or other examined by the said collector or by an appraiser, or other proper and by the said collector or by an appraiser, or other proper officer of Customs, and the proper rate or amount of reduct. reduction certified by him after such examination; and if None if goods such in cannot be such collector or proper officer reports that the goods in cannot be question the invoice identified. question cannot be identified as those named in the invoice and entry in question, no refund of the duty or any part thereof shall be allowed; and all applications for refund of Minister of and all such cases shall be submitted, with the evidence Customs to and all minister of decide. and all particulars, for the decision of the Minister of decide. Customs, who may order payment on finding the evidence sufficient and satisfactory. 42 V., c. 15, s. 11.

64. Whenever a drawback of duties has been allowed by Drawback in country of the Government of the country where the goods were manu-factured the factured the country where the goods were manufactured, the amount of such drawback shall be taken and to form part consider, the amount of such drawback shall be taken and to form part considered to be a part of the fair market value of such goods; and in cases where the amount of such drawback has been deduct the face of the deducted from the value of such goods upon the face of the invoice under which entry is to be made, or is not shewn thereas officer, shall thereupon, the collector of Customs, or proper officer, shall add the amount of such deduction or drawback and collect and cause to be paid the lawful duty thereon. 46 V., c. 12, 8.70

65. No deduction of any kind shall be allowed from the No deduction from value by value of any goods imported into Canada, because of any reason of drawback drawback paid or to be paid thereon, or because of any drawback, &c. special arrangement between the seller and purchaser having

reference to the exportation of such goods, or the exclusive right to territorial limits for the sale thereof, or because of any royalty payable upon patent rights but not payable when goods are purchased for exportation, or on account of any other consideration by which a special reduction in price might or could be obtained : Provided, that nothing herein shall be understood to apply to general fluctuations of market values. 46 V., c. 12, s. 71.

66. No deduction from the value of goods contained in any invoice shall be allowed on account of the assumed value of any package or packages, where no charge for such package or packages has been made in such invoice; and where such charge is made the Customs officer shall see that the charge is made the customs officer shall are that the charge is fair and reasonable, and represents no more than the original cost thereof. 46 V., c. 12, s. 72.

67. No deduction from the value of goods in any $invoic^{\theta}$ None for packshall be made on account of charges for packing, or for straw, twine, cord, paper, cording, wiring or cutting, or for any expense incurred or said to have been incurred in the preparation ration and packing of goods for shipment, and all such charges and expenses shall, in all cases, be included as part of the value for data and the of the value for duty. 46 V., c. 12, s. 73.

> 68. The Governor in Council may provide that in the cases and on the conditions to be mentioned in the Order in Council, goods bond fide council in the Order in Council, goods bond fide exported to Canada from any country, 11ed passing in transitu through another country, shall be valued for duty as if they are in the state of the stat for duty as if they were imported directly from such first mentioned country, the W mentioned country. 46 V., c. 12, s. 74.

69. The standards or instruments by which the color and grades of sugar are to be regulated, and the classes inty which sugars shall be held to belong, with reference to duly chargeable the chargeable thereon, shall be selected and furnished, from time to time to the are time to time, to the collectors of such ports of entry as are necessary by the Minister of Such ports of entry as ner necessary, by the Minister of Customs, in such manner as he deems or distribution of Customs in such manner as he deems expedient; and the decision of the appraiser, as or of the collector of a port where there is no appraiser, to to the class to which approximately approximately to the class to which approximately the second seco appraiser valid, unless to the class to which any sugar belongs, and the duties which it is subject shall be of the duties of the duties and the duties of the duties which it is subject, shall be final and conclusive, unless upon appeal to the G upon appeal to the Commissioner of Customs, within thirty days, such decision is with the days, such decision is, with the approval of the Minister, changed and the last such that the superval of the Minister, changed; and the decision of the Commissioner with such approval shall be for a approval shall be final. 46 V., c. 12, s. 75.

Value of sugar for duty, how ascertained.

70. The value for duty on which any ad valorem duties sugar, molasses melada on sugar, molasses, melado, syrup of sugar, or sugar ad or syrup of molasses, melado, syrup of sugar, or sugar of concentrated molasses or of sorghum, concentrated melado ther concentrated molasses or of sorghum, concentrated melado ther wise provided be columbated wise provided, be calculated and taken, shall include

As to deduction for value of packages.

As to goods passing through any country.

Standards for qualities of sugar.

Decision of

appealed

from.

ing, straw, cording, &c.

Proviso.

value of the packages containing the same, and the shipping and other charges on such articles; and the value for duty shall be the value of the goods "free on board," at the place or port whence last exported direct to Canada; and the Governor in Council may declare what charges shall be included in the council may declare what charges that be included in such value so defined: Provided, that Proviso; the *ad valorem* duty shall be levied and collected on sugar when import-and melado when imported direct from the country of country of growth and production, upon the fair market value growth. thereof, including export duty or other Government tax at the place of purchase, without any addition for the cost of hogsheads or other packages, or other charges and expenses prior to shipment, anything *herein* contained to the con-trary notwithstanding. 46 V., c. 12, s. 77;-42 V., c. 15, Schedule A part ;-43 V., c. 18, s. 1, part.

71. If the importer, owner, consignee or agent is dissat- Power of appraiser isfied with the first appraisement, any appraiser, or any collector to collector acting as such, or the persons to be selected as examine perhereinafter mentioned, to examine and appraise any goods, sc. may call before him or them and examine upon oath any owner, importer, consignee or other person, touching any matter or thing which such appraiser, collector or persons deem material in ascertaining the true value of any goods imported, and may require the production on oath of any letters, accounts, invoices or other papers or account books relating to the same in the possession of such owner, importer, consignee or other person. 46 V., c. 12, s. 96.

72. Every person called, as provided in the next preced-Penalty for refusing to ing section, who neglects or refuses to attend, or declines to attend or answer answer, or refuses to answer in writing, if required, to any answer. interrogatories, or to subscribe his name to his deposition or answer, or to produce any such papers or account books, as provided by the next preceding section, when required so to do, shall incur a penalty of fifty dollars; and if such person is the owner, importer or consignee of the goods in question, the appraisement which the appraiser or collector acting as such shall make thereof, shall be final and conclusive. 46 V., c. 12, s. 97.

73. If the owner, importer or consignee of the goods in Penalty for wilfully fals question, wilfully swears falsely in any such examination, the wilfully false answers. goods shall be seized and forfeited; and all depositions or testimony in writing taken under either of the two sections next Depositions to Dread: Writing taken under either of the two sections next be filed. preceding shall be filed in the office of the collector at the place where the same are made or taken—there to remain for future use or reference. 46 V., c. 12, s. 98.

74. If the importer, owner, consignee or agent, having Importer, &c., complied with the requirements of this Act, is dissatisfied may appeal in with the with the appraisement made, as aforesaid, of any such goods, certain cases.

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 persons, familiar with the character and value of the goods in question, to examine and appraise the same, agreeably to the foregoing provisions; and all invoices, entries and other papers connected with the appraisement, and all evidence his decision to taken by or before the appraiser, or collector of Customs acting as such, and by or before the said persons, 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 46 V., the duty shall be levied and collected accordingly. c. 12, s. 99.

Remuneration of persons called in, and by whom to be paid.

Revision of

Report to Commissioner

be final,

of Customs:

appraisement.

75. The said persons appointed to appraise shall each be entitled to the sum of five dollars, which shall be paid by the person dissatisfied with the first appraisement, if the value ascertained by the second appraisement is equal to or greater than that ascertained by such first appraisement, or if the value ascertained by such second appraisement exceeds by ten per cent., or more, the value of the goods for duty other. appears by the invoice and bill of entry thereof; wise the same shall be paid by the collector out of any public moneys in his hands, and charged in his accounts. 46 V., c. 12, s. 100.

76. Every person chosen to make an appraisement required under this Act, who, after due notice of such choice has been given to him in writing, declines or neglects to make such appraisement, shall, for so refusing or neglecting without good and sufficient cause, incur a penalty of forty dollars and costs. 46 V., c. 12, s. 101.

WAREHOUSING.

Warehousing ports.

77. The warehousing ports already established and such ports of entry as the Governor in Council, from time to time, 46 V., c. 12, s. 116. appoints, shall be warehousing ports.

Goods may be entered for warehoused without pay-ment of duty, subject to regulations.

78. The importer of any goods into Canada may, subject exportation or to such rules and regulations as are, from time to time, prescribed by the Governor in Council in that behalf, enter the same for exportation, on giving security by his own bond with one composition of giving security by his own bond with one sufficient surety, for the exportation of the same goods, or may warehouse the same on giving such security by his own bond for the payment of the amount of all duties on such goods, and the performance of all the requirements of this Act with regard to the same at such ports or places as aforesaid, and in such warehouses as are, from time to half. time, appointed by the Governor in Council in that behalf,

294

Penalty for

refusing to act.

and the penalty of the said bond shall be double the $\frac{46}{46}$ V amount of the duty to which such goods are subject. 46 V., c. 12, s. 117.

79. The owner of any warehoused goods may remove Goods may the goods under the authority of the collector or other proper under bodd. officer from any warehousing port to any other warehousing port in Canada, or from one warehouse to another in the same port, under good and sufficient bonds to the satisfaction of such officer. 46 V., c. 12, s. 119.

80. Upon entry of goods at any frontier port or Custom And passed House, under the authority and with the sanction of the collec-tor on of the collection of the collection of the sanction of the collection of the sanction o tor or other proper officer of Customs at such port or Custom housing port House, and under bonds to his satisfaction, and subject to in bond, &c. such regulations as are made in that behalf by the Governor in Council, the importer may pass the goods on to any port in any other part of Canada. 46 V., c. 12, s. 120.

81. No transfer of the property in goods warehoused Requirements shall be valid for the purposes of this Act unless the transfer of goods in is in write is in writing signed by the importer or his duly authorized bond. agent, or is made by process of law, and unless such transfer is produced to the collector or other proper officer of the proper port and is recorded by him in a book kept for that purpose in the Custom House :

2. No such transfer of less than a whole package shall be Proviso: for valid, and no more than three transfers of the same goods ages, &c. shall be allowed before entry thereof for duty or for exportation. 46 V., c. 12, s. 121.

82. Upon any such transfer of goods in warehouse being Effect of legal windle of transfer. lawfully effected as before provided, the proper officer may admit new security to be given by the bond of the new owner of the goods, and may cancel the bond given by the original bonder of such goods, or may exonerate him to the extent of the new security so given; and the new owner of any such any such goods shall then be deemed to be the importer there V = 12 s. 122. thereof for the purposes of this Act. 46 V., c. 12, s. 122.

83. During the regular warehouse hours, and subject to Owner may Such regulations as the collector or other proper officer of Cus-sort or repack toms at any warehousing port sees fit to adopt, the owner of take samples. any warehoused goods may sort, pack, re-pack or make any lawful lawful arrangements respecting the goods warehoused, in order to arrangements respecting the goods warehoused, in order to the preservation or lawful disposal thereof, and may take the preservation or lawful disposal thereof, and may take therefrom moderate samples, without present payment of duty or entry. 46 V., c. 12, s. 118.

84. Duties shall be payable in all cases on the quantity Amount of and values and duties; how and value of goods in the warehouse, as ascertained and duties; how ascertained and duties.

46 V., c. stated on first entry, or as originally warehoused. 12, s. 132.

Duty on ware-

85. All goods taken out of warehouse shall be subject to housed goods. the duties to which they would be subject if then imported into Canada, and not to any other. 46 V., c. 12, s. 129.

Unshipping and landing goods.

86. The unshipping, carrying and landing of all goods, and the taking of the same to and from a Customs warehouse or proper place after landing, shall be done in such mannel, and at such places, as is appointed by the collector or other proper officer of C proper officer of Customs. 46 V., c. 12, s. 133.

Warehouse rent, &c, by whom payable.

Penalty for unlawful removal.

As to quantity of goods to be taken out of warehouse at one time.

Goods entered for warehousing to be certain purposes.

Goods to be finally cleared within two years. Sale for payment of charges,

87. Unless otherwise provided by the Governor in Count cil, warehouse rent and expenses of safe-keeping in warehouse and all expenses connected with the unshipping, carrying and landing of goods and the landing of goods and the taking of the same to and from a Customs warehouse or proper place after landing shall be borne by the importer; and if any such goods are removed from the place so empointed with the state of the place so empointed with from the place so appointed without leave of such collector 46 other proper of such collector 46 other proper officer, they shall be seized and forfeited. V., c. 12, s. 134.

88. The Governor in Council may, from time to time make regulations for the ex-warehousing of goods, either and consumption removed consumption, removal, exportation or ship's stores, in and quantity not have the quantity not less than a whole package as originally water housed, unless the said goods are in bulk, and then in quantities not loss the ties not less than one ton in weight, except when a sof weight is the balance remaining of the original entry thereof for warehouse 46 V o 12 of the term for warehouse. 46 V., c. 12, s. 135.

89. If, after any goods have been duly entered, or landed be warehoused or entered to be warehoused, or entered and examined to be re-ware housed and before the deemed ware-housed, and before the same have been actually deposited in housed for certain pure the warehoused the the warehouse, the importer further enters the same or any part for home use or for part for home use or for exportation as from the warehouse, the goods so entered shall be considered as warehoused or re-warehoused as the accession of the second state of the second sta re-warehoused, as the case may be, although not actually deposited in the warehoused deposited in the warehouse, and may be delivered and taken for home use or for exportation. 46 V., c. 12, s. 136.

90. All warehoused goods shall be finally cleared, either r exportation or home for exportation or home consumption, within two years in the date of the first automatical states and in the date of the first entry and warehousing thereof; and, sell default thereof, the collector default thereof, the collector or other proper officer may sell such goods for the payment for the proper officer may ly of such goods for the payment, first of the duties, and secondly of the warehouse rent and other the warehouse rent and other charges; and the surplus, if any, shall be paid to the owner. any, shall be paid to the owner or his lawful agent; and the collector or other proper officer of the surplus ine the collector or other proper officer may charge or authorize not rent; occupier of the warehouse to charge a fair warehouse rentiation with the subject to any regulation with the subject to an subject to any regulation made by the Governor in Council in that behalf. 46 V o 12 - 100 in that behalf. 46 V., c. 12, s. 123.

91. The collector may, if he sees no reason to refuse Importer may such permission, permit an importer to abandon to the beallowed to Crown any whole package or packages of warehoused goods, packages without being liable to pay any duty on the same; and the without paysame shall then be sold and the proceeds shall belong to the Crown: Provided, that if such goods cannot be sold for a Proviso sum sufficient to pay the duties and charges, the same shall not be sold but shall be destroyed. 46 V., c. 12, s. 124.

92. The Governor in Council may, by regulation, dis- How bonds pense with or provide for the cancelling of bonds for the warehouse payment of duties on goods actually deposited in a Customs may be Warehouse, on such terms and conditions and in such cases dispensed with. as he thinks proper. 46 V., c. 12, s. 125.

93. The importer of any cattle or swine may slaughter Cattle and and cure and pack the same (or if such cattle or swine are slaughtered imported in the carcase, may cure and pack the same) in bond; and grain and the importer of any wheat, maize or other grain, may bond under grind and pack the same in bond, providing such slaughter- regulations. ing, curing, grinding or packing is done and conducted under such regulations and restrictions as the Governor in Council, from time to time, makes for that purpose; but the said Extent of regulations shall not extend to the substitution of other beef, Pork, flour or meal for the produce of such imported cattle or swine, wheat, maize or other grain. 46 V., c. 12, s. 130.

94. The importer or owner of any sugar, molasses or other Sugar may be material from which refined sugar can be produced, may refine bond under the same in bond, provided such refining is done and con-regulations. ducted under such regulations and restrictions as the Governor in Council, from time to time, makes for that purpose. 46 V., c. 12, s. 131.

95. No person shall make, nor shall any officer of Cus- No bond for avoiding or toms accept, any bond, note or other document for the pur- deferring paypose of avoiding or deferring the actual payment of duties ment. legally accruing on goods imported into Canada, or 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. 46 V., c. 12, s. 126.

96. If any goods entered to be warehoused are not duly Goods taken carried into and deposited in the warehouse, or, having been house for so domestic and deposited in the warehouse, or, having been house for so deposited, are afterwards taken out of the warehouse with- exportation out lawful permit, or, having been entered and cleared for ac, to be exportation from the warehouse, are not duly carried and forfeited. shipped, or otherwise conveyed out of Canada, or are afterwards re-landed, sold, used or brought into Canada, without the lawful permission of the proper officer of the Customs, such goods shall be seized and forfeited. 46 V., c. 12, s. 128.

ENTRY OUTWARDS.

97. The master of every vessel bound outwards from any port in Canada to any port or place out of Canada, or on any voyage to any place within or without the limits of Canada, coastwise or by inland navigation, shall deliver to the collector or other proper officer an entry outwards under his hand, of the destination of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners and the number of the crew; and before any goods or ballast are taken on board such vessel the master shall show that all goods therein in the ported, except such as were reported for exportation in the same vessel, have been duly entered; except that the proper officer may issue a stiffening order that such goods of ballast as are manifed to be a such goods the ballast as are specified therein may be laden before the former cargo is discharged : and before such vessel departs, the master shall bring and deliver to the collector or other proper officer, a content in writing under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him. 46 V., c. 12, s. 141.

98. The master of every vessel, whether in ballast or or laden, shall, before departure, come before the collector or other proper officer, and answer all such questions concerning the vessel, and the cargo, if any, and the crew, and the voyage, as are demanded of him by such officer, and, if required shall make h required, shall make his answers or any of them part of the declaration made under his hand; and thereupon the collector or other proper officer, if such vessel is laden, shall make out and give to the master a certificate of the clearance of such vessel for her intended voyage with merchandise or a certificate of the intended voyage with merchandise or a certificate of her clearance in ballast, as What shall be the case may be; and if there is merchandise on board, and stated in cer- the ward list the vessel is bound to any port in Canada, such clearance shall state whether any and which of the goods are the produce of Canada, and, if the goods are such as are liable to duties whether the duties, whether the duties thereon have been paid; and in such case the master shall hand the clearance to the collector at the next port in Canada at which he arrives, immediately on his arrival. 46 V., c. 12, s. 142.

99. If any vessel departs from any port or place in false Canada without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if him, or if, having received a clearance, such vessel adds to her cargo, or takes another vessel in tow, or performs any work without b work without having mentioned in the report outwards the intention so to do, the master shall incur a penalty of four

Entry of vessel outwards.

> Particulars of entry.

Proof that goods imported have been discharged.

> Content to be delivered.

Particulars and declaration.

Questions to be answered.

> Clearance to be granted.

tain cases.

Penalty for leaving with-out a clearance.

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hundred dollars; and the vessel shall be detained in any port Detention of in Canada until the said penalty is paid. 46 V., c. 12, s. 143. vessel.

100. The Governor in Council may, by regulation, dis- Dispensation pense with any of the requirements of the two sections next vessels. preceding which he deems it inexpedient to enforce, with regard to vessels engaged in the coasting trade or inland navigation. 46 V., c. 12, s. 144.

101. Before a clearance is granted to any vessel bound to a Entries of goods to be port or place out of Canada, the owners, shippers or consignors given to colof the cargo on board such vessel shall deliver to the collector lector and or all or other proper officer of Customs, entries of such parts shall contain. of the cargo as are shipped by them respectively, and shall verify the same by oath; and such entries shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of article, and whether the said goods are of Canadian or of foreign production or manufacture; and such oath shall Oath of owner state 11 production or manufacture; and such oath shall Oath of owner state that such entry contains a full, just and true account set forth. of all articles laden on board of such vessel by such owners, shippers, or consignors respectively; and that the values of such articles are truly stated according to their actual cost, or the value which they truly bear at the port and time of exportation; and in case the goods so shipped or any part Export duty the road thereof are or is liable by law to any export duty, the amount to be paid. of such duty shall be stated in such entry; and no such entry shall be valid, and no clearance shall be granted to such vessel until such duty is paid to the collector or other proper officer of Customs. 46 V., c. 12, s. 145.

102. All goods or merchandise exported by sea, by land or As to goods by inland navigation, shall be reported at the nearest Custom House, or, if exported from any place where no Custom House is established, they shall be reported within twentyfour hours of the time of such export, at the nearest Custom House, according to such regulations as are established by the G by the Governor in Council from time to time. 46 V., c. 12,

103. Upon the entry outwards of any goods to be exported Bond to be from the Customs warehouse, either by sea or by land, or given for inland inland navigation, as the case may be, the person entering goods from the same that is a state of the duties of warehouse, the same shall give security by bond in double the duties of warehouse, -importation on such goods, and with a sufficient surety, approved by the collector or other proper officer, that the same Conditions. shall, when the entry aforesaid is for exportation by sea, be actually exported, and when the entry aforesaid is for exported; and when the entry aforesaid is for exportation by land or inland navigation, shall be landed or delivered at the place for which they are entered outwards, or shall in either case be otherwise accounted for to the satisfaction of the collector or other proper

officer, and that such proof or certificate that such goods have been so exported, landed or delivered, or otherwise lawfully disposed of, as the case may be, as shall be required by any regulation of the Governor in Council, shall be produced to the collector or other proper officer within a period to be ap Forfeiture for pointed in such bond; and if any such goods are not so exported. landed or delivered, or otherwise lawfully disposed of, or are fraudulently re-landed in or brought into Canada, in vio lation of this Act and of the said bond, they shall be seized and forfeited, together with any vessel, boat or vehicle in which there which they are so re-landed or imported. 46 V., c. 12, s. 137.

104. If within the period appointed by the said bond, there is produced to the proper collector or officer of Cus toms, the written certificate of some principal officer of Customs or colonial revenue at the place to which the goods were exported, or if such place is a foreign country, of any British on E British or Foreign Consul or Vice-Consul resident there, stating that the goods were actually landed and left at some place, naming it, out of Canada, as provided by the said bond, such bond shall be cancelled; or if it is proved to that satisfaction of the proper collector or officer of Customs, 11. the said goods have been lost, such bond may be cancelled. 46 V., c. 12, s. 138.

105. Warehoused goods may be delivered as ship's stores for any vessel of the burden of fifty tons or upwards, bound on a voyage to a port out of Canada, the probable duration of which wars, which wars, which voyage out and home will not be less than thirty days, -also for any vessel bound for and engaged in the deep sea fishing,—proof being first made by affidavit of the master of owner, to the satisfaction of the proper officer, that the stores are necessary and intended for the purposes aforesaid : the vided, that the Minister of Customs may define and limit the kind, quantity and class of goods which may be so delivered as ship's stores:

Forfeiture for re-landing, &c., without payment of duty.

way or other land conveyance.

2. If such stores or any part thereof are or is re-landed, sold or disposed of in Canada without due entry and pay ment of duty and ment of duty, such stores and the vessel for which the same were delivered for were delivered from warehouse shall be seized and forfeited. 46 V., c. 12, s. 140.

106. The owners, shippers or consignors of any goods Entry of goods out. Wards by rail. consigned to a port or place out of Canada, to be transported wards by rail. by railway or other land conveyance, shall enter the same for exportation at the Custom House nearest to the place of lading; and such as the custom House nearest to the place of lading; and such entry shall specify the kinds and quantities of the articles lad of the articles laden by them respectively, and the proper name and description name and description of the railway over which such goods are to be transport are to be transported, or of any other conveyance to be used for the same purpose for the same purpose; and they shall verify the same by oath,

tion of conditions.

Upon what evidence bond may be cancelled.

As to ware-

taken as ship's stores.

housed goods

and such oath shall be of the same form and tenor as that Form and required from owners, shippers or consignors of goods to be oath. transported by sea; and if any of such goods are liable by law to any export duty, such duty shall be clearly stated Export duty. upon such entry, and no railway car or other vehicle upon which such goods are laden shall be permitted to leave the limits of the port at which such entry should have been made until such duty is paid to the collector or other proper officer of Customs; and if any such car or vehicle is taken out of Penalty for the limits of such port, contrary to the provisions of this without such section, the company or person so taking the same shall incur entry. a penalty not exceeding four hundred dollars. 46 V., c. 12,

107. The owner, shipper or consignor of any goods who Penalty for refuses or neglects to make report and entry of the articles non-entry. shipped or laden by them respectively, as required by the two sections next preceding, shall incur a penalty not exceeding two hundred dollars for each such offence. 46 V., c. 12, 8. 147.

108. The Governor in Council may, by regulations from Governor in Council may time to time made in that behalf, require such further Council may information with regard to the description, quantity, quality tical informa-and value of the description of the tion as to and value of goods exported from Canada, or removed from tion as to one port to another in Canada, to be given to the proper officer of the G officer of the Customs, in the entry of such goods outwards or otherwise, as he deems requisite for statistical purposes, whether such goods are exported or removed by sea, land or inland navigation. 46 V., c. 12, s. 148.

109. No entry outwards or any shipping warrant or war- Entry outrant for taking goods from warehouse for exportation shall be wards of im-deemed valid, unless the particulars of the goods and pack- must corres-ages correspond ages correspond with the particulars in the entry inwards, entry innor unless they are properly described in the entry outwards, wards. by the character, denomination and circumstances under which they were originally charged with duty; and any goods laden or taken out of warehouse by an entry outwards or shipping warrant not so corresponding, or not properly describing them, shall be seized and forfeited. 46 V., c. 12, s.

110. If the owner of any goods is resident more than Entry out-n miles from the owner of any goods is resident more than Entry outten miles from the office of the collector at the port of ship- wards by ment, he may appoint an agent to make his entry outwards tain cases. and clear and ship his goods,—but the name of the agent and the regidence of the collector at the port of the agent and the residence of the owner shall be subjoined to the name in the entry and shipping warrant; and the agent shall make the declaration on the entry which is required of the owner, and shall answer the questions that are put to him; and any trading corporation or company may appoint an agent for the like purpose. 46 V., c. 12, s. 150.

COASTING VOYAGES.

Governor in Council may shall be a coasting voyage.

What shall be inland navigation.

May relieve coasters in certain cases.

Penalty for contraven. tion.

Coasting licenses may be granted.

Fees on vessels having no coasting license.

Proviso.

Proviso.

Vessels found hovering within certain limits may be boarded and examined. Or brought

into port for persisting.

111. The Governor in Council may, by regulation, declare declare what any trade or voyage on the seas, rivers, lakes or waters, within or adjacent to Canada, whether to or from any place within or without Canada, to be a coasting trade or a coast ing voyage within the meaning of this Act, whether such seas, rivers, lakes or waters are or are not, geographically of for the purposes of other Acts or laws, inland waters; and all carrying by water which is not a carrying by sea coastwise, shall be deemed to be a carrying by inland navigation; and the Governor in Council may, from time to time, with regard to any such coasting trade, dispense with such of the requirements of this Act as he deems it inexpe dient to enforce in any case or class of cases, or may make such further regulations as he deems expedient; and any goods carried coastwise, or laden, water-borne or unladen, contrary to such regulations or to any provision of this Act, not dis pensed with by such regulations, shall be seized and for feited. 46 V., c. 12, s. 37.

> 112. The Governor in Council may grant yearly coasting licenses to British vessels navigating the inland waters of Canada above Montreal, and may direct that a fee of fifty cents shall be payable for each such license, and that the master or person in charge of any vessel navigating the said waters, and not having a coasting license, shall, on entering any port in Canada with such vessel, pay a fee of fifty cents if such vessel is not over fifty tons burthen, and of one dollar if she is more than fifty tons burthen, to the collector on each entry, and a like fee of fifty cents, or one dollar, according to the burthen of the vessel, on each clearance of such vessel at any port; and such fee shall be payable ac. cordingly before such vessel shall be entered or cleared: Provided, that the Governor in Council may reduce or readjust such fees, but may not increase them beyond the amount hereby fixed; and provided also, that vessels merely passing through any of the Canadian canals, without break ing bulk, shall not be liable to such fees. 46 V., c. 12, s. 234.

PROTECTION OF THE REVENUE.

118. If any vessel is found hovering, in British waters, within one league of the coasts or shores of Canada, any officer of Customs may go on board and enter into such vessel, and stay on board such vessel, while she remains. within the limits of Canada or within one league thereof; and if any such vessel is bound elsewhere, and so continues hovering for the space of twenty-four hours after the master has been, by such officer of Customs, required to depart, such officer may bring the vessel into port, and examine her cargo, and if any pring the vessel into port, and examine her cargo, and if any goods, the importation of which into Canada is pro-

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hibited are on board, such vessel with her apparel, rigging, tackle, furniture, stores and cargo, shall be seized and forfeited; and if the master or person in charge refuses to comply Penalty for with the lawful directions of such officer, or does not truly not obeying answer such questions as are put to him, respecting such boarding. ship or vessel or her cargo, he shall incur a penalty of four hundred dollars. 46 V., c. 12, s. 163.

114. If any goods are imported into Canada at any other Forfeiture of goods carrie place than at some port or place of entry at which a Custom goods carried House is then lawfully established, or being brought into House on mort and port of place of entry at which a Custom goods carried past Custom such port of the stabilished of the stabilished of the port of the port of the stabilished of the st such port or place of entry by land or inland navigation, are without paycarried past such Custom House, or removed from the place ment. appointed for the examination of such goods by the collector or other officer of the Customs at such port or place, before the same have been examined by the proper officer, and all duties thereon paid and a permit given accordingly, such goods shall be seized and forfeited; and every person con-Further corned shall be seized and forfeited; and every person con-Further cerned in such unlawful importation or removal, shall penalty. incur a penalty equal to the value of such goods. 46 V.,

115. If any vessel with dutiable goods on board, enters Vessel forany place other than a port of entry, unless from stress of fain cases if Weather weather or other unavoidable cause, such goods, except worth less there is a standard than \$800. those of an innocent owner, shall be seized and forfeited, than \$800. together with the vessel in which the same were imported, if such vessel is of less value than eight hundred dollars. 46 V., c. 12, s. 21.

116. If any vessel worth more than eight hundred dollars, And if the vessel is with dutiable goods on board, enters any place other than a worth more than \$800. port of entry, unless from stress of weather or other un- than \$800. avoidable cause, such goods, except those of an innocent owner, shall be seized and forfeited, and the vessel may be seized, and the master or person in charge thereof shall incur a penalty of eight hundred dollars; and the vessel may be dot be detained until such penalty is paid or security given for the manual such penalty is paid or security given for the payment thereof; and unless payment is made or Sale of vessel. satisfactory security is given within thirty days, such vessel may, at the expiration thereof, be sold to pay the said penalty. 46 V., c. 12, s. 22.

ti7. If any goods are unlawfully imported by land, they As to goods shall be seized and forfeited, together with the vehicle in imported by or by which are the forfeited and land. or by which such goods are so imported or are removed, and land. the horses or other cattle employed in drawing such vehicle 46 V. c. vehicle, or in importing or removing such goods. 46 V., c.

118. If any goods are unlawfully imported on any railway, Forfeiture of the shall and the goods and they shall, in like manner, be seized and forfeited, and the cars for un-

tation by railway. Penalty on conductor. &c., in such case.

Entry void nnless goods correspond with report.

Goods not so corresponding to be forfeited.

Suspected packages may be opened.

Packages of which con-- tents are unknown.

> Collector to cause one package in ten to be opened.

lawful importion in which such goods were so imported shall be seized and detached from the train and forfeited : and every con ductor, baggage-master, or officer or servant employed on any railway, and every officer or servant employed by any express company, who is privy to or aids or abets in such unlawful importation, shall, upon summary convic tion, be liable to a penalty not exceeding two hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding twelve months, and not less than three months, or to both. 46 V., c. 12, s. 24.

> 119. No entry, and no warrant for the landing of any goods, or for the taking of any goods out of any warehouse, as herein provided, shall be deemed valid, unless the particulars of the goods and packages in such entry or war rant correspond with the particulars of the goods and packages purporting to be the same in the report of the vessel, or other report, where any is required, by which the importation or entry thereof is authorized, nor unless the goods have been properly described in such entry by the denominations, and with the characters and circumstances according to which such goods are charged with duty or may imported; and any goods taken or delivered out of any vessel, or out of any warehouse, or conveyed into Canada beyond the beyond the port or place of entry, by virtue of any entry or warrant not corresponding with the facts in all such respects, or not properly describing the goods, shall be deemed to be goods landed or taken without due entry there of and a bull of, and shall be seized and forfeited; and the collector of proper officer, after the entry of any goods, may, on suspicion of frand open and of fraud, open and examine any package of such goods, in the presence of two or more credible witnesses, and if, upon iso, amination, the same are found to agree with the entries, they shall be re-packed by such collector or proper officer, at the public cost, but otherwise they shall be seized and forfeited. 46 V., c. 12, s. 48.

120. Any package of which the importer or his agent declares the contents to be unknown to him, may be opened and examined by the unknown to him, may be opened and examined by the collector or other proper officer, in the presence of such in the such presence of such importer or agent, and at the expense of the importer who also be agent. importer, who shall also bear the expense of re-packing. V., c. 12, s. 47.

121. The collector shall cause at least one package in every invoice or entry and at least one package in ten if there are more than the are more than ten in any invoice or entry, and so many more as he or any appendix of the second seco as he or any appraiser deems it expedient to examine for the protection of the protection of the revenue, to be sent to the examining, ware the house, and there to be opened, examined and appraised, the packages so to be opened being designated by the collector. 46 V., c. 12, s. 106.

122. If any goods are found in any package which are not Forfeiture if fraud is dismentioned in the invoice or entry, such goods shall be seized fraud is dis-covered. and forfeited. 46 V., c. 12, s. 107.

123. If any goods are found which do not correspond with Forfeiture of goods for non the goods described in the invoice or entry, or if the descrip- goods for non-tion in the invoice or entry has been made for the purpose of dence with avoid: avoiding payment of the duty or of any part of the duty on invoice, &c. such goods, or if in any entry any goods have been undervalued for such purpose as aforesaid, such goods shall be seized and forfeited. 46 V., c. 12, s. 108.

124. All the packages mentioned in any one entry, Provision as although some of such packages have been delivered to delivered to the import the importer or any one on his behalf, shall be subject to the importer control of the Customs authorities of the port at which they hation. are entered, until such of the packages as have been sent for examination to the examining warehouse have been duly examined and approved,—and a bond shall be given Bond to be by the by the importer conditioned that the packages so delivered given. shall not be opened or unpacked before the package or packages sent to the examining warehouse have been examined and passed as aforesaid. 46 V., c. 12, s. 110.

125. Any package delivered without examination, or the Return of packages goods, if lawfully unpacked, shall if required by the collector provision for of Customs be returned to the Custom House within such avoiding delay. time as is mentioned in the bond, under the forfeiture delay. of the penalty of such bond; and the collector shall use due diligence in causing such examination to be made, and may, if he sees no objection, permit the remaining packages to be opened and unpacked as soon as those sent to the warehouse have been examined and approved. 46 V., c. 12, s. 111.

126. The bond mentioned in the two sections next Nature and amount of preceding may be a general bond covering the entries to be bond. made by the importer for a period of twelve months from its date, and the penal sum shall be equal to the value of the largest importation made by the importer in question at any one time during the twelve months next immediately preceding; or if such importer has made no importations by which, in the opinion of the collector such penal sum can be properly fixed, the collector shall fix the amount thereof at such sum as he deems equitable. 46 V., c. 12, s. 112.

127. The collector may require from the importer (or from Collector his agent) of any goods charged with duty, or exempt from further proof duty or conditionally exempt therefrom, before admitting of proper the said the said goods to entry, such further proof as he deems entry, &c. necessary, by oath or declaration, production of invoice or invoice invoice or declaration, production of invoice are invoices or bills of lading, or otherwise, that such goods are properly described and rated for duty, or come properly

46 V., C. within the meaning of such exemptions. 12, s. 46.

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tion.

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128. The collector may, when he deems it expedient paying value for the protection of the revenue and the fair trader, in the invoice subject to any regulations made by the Governor in and ten per cent in addi- Council in that behalf, detain and cause to be properly secured, and may, at any time within fifteen days, declare his option to take, and may take for the Crown, any whole package or packages, or separate and distinct parcels or the whole of the goods mentioned in any bill of entry, and may pay, when thereunto requested, to the owner or person entering the same, and out of any public moneys in the hands of such collector, the sum at which such goods, packages or parcels are respectively valued for duty in the bill of entry, and ten per cent. thereon, and also the fair freight and charges thereon to the port of entry, and may 46 V., take a receipt for such sum and addition when paid. c. 12, s. 103.

> 129. The goods, taken as provided in the next preceding section, shall, whether payment is requested by the owner or person entering the same or not, belong to the Crown from the time they are so taken as aforesaid, and shall be sold or otherwise dealt with in such manner as is provided by any regulation in that behalf, or as the Minister of Customs directs; and the net proceeds of the sale of any such goods shall be applied, first, in repayment to the Consolidated Revenue Fund of the sum so paid to the owner or person entering such goods, and the remainder to or 46 V., towards the payment of the lawful duty on the same. c. 12, s. 104.

130. If the net proceeds of any such sale exceed the amount paid as aforesaid for the goods, and the amount of duty legally accruing thereon, any part of the surplus, not exceeding fifty per centum thereof, may under any regulation or order of the Governor in Council be paid to the collector to the collector, appraiser or other officer concerned in 12. 46 V., c. 12, taking thereof, as a reward for his diligence. s. 105.

Duty paid goods to be branded or marked under regulations.

Permit certifying that duties have

132. When any person has occasion to remove, from any duly port of entry to any other port or place, any goods duly

How goods so taken shall be dealt with.

Application of proceeds.

Bonus to officer for his diligence.

that purpose. 46 V., c. 12, s. 114.

as is directed by such regulation for the security of the revenue, and by such officer as is directed or appointed for that purpose that the security of
131. The Governor in Council may, by regulation, direct that, after any goods have been entered at the Custom House, and before the same are discharged by the officers and delivered into the delivered into the custody of the importer or his agent, such goods shall be marked or stamped in such a manner or form

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entered, and on which the duties imposed by law have been been paid to paid, the collector or principal officer of the Customs at such be granted on port on the requisition in writing of such person, within owner. thirty days after the entry of such goods, specifying the Particular goods to be removed, and the packages in which such goods are contained with their marks and numbers, shall give a permit or certificate in writing, signed by him, bearing date of the day it is made, and containing the like Particulars in Particulars, and certifying that such goods have been duly permit. entered at such port and the duties paid thereon, and stating the port or place at which the same were paid, and the port or place to which it is intended to convey them, and the mode of conveyance, and the period within which they are intended to be so conveyed. 46 V., c. 12, s. 115.

POWERS AND DUTIES OF OFFICERS.

138. Every officer and person who is employed under the Certain authority of any Act relating to the collection of the revenue, or deemed emander the direction of any officer in the Customs Department, ployed for or who is an officer of the said department, shall be deemed of smuggling. and taken to be duly employed for the prevention of smuggling; and in any suit or information, the averment that such person was so duly employed shall be sufficient proof thereof. 46 V., c. 12, s. 171.

134. Every such officer or person as mentioned in the next Powers and duty of such preceding section, and every sheriff, justice of the peace, or officers. person residing more than ten miles from the residence of any officer of Customs and thereunto authorized by any collector of Customs or justice of the peace, may, upon infor-mation detain, open mation, or upon reasonable grounds of suspicion, detain, open and examine any package suspected to contain prohibited property or smuggled goods, or goods respecting which there has been appropriate of this Act. has been any violation of any of the requirements of this Act, and may go on board of and enter into any vessel or vehicle of any description whatsoever, and may stop and detain the Searching same, whether arriving from places beyond or within the vessels and limits of Gue limits of Canada, and may rummage and search all parts vehicles. thereof, for such goods; and if any such goods are found in any such any such vessel or vehicle, the officer or person so employed may seize and secure such vessel or vehicle, together with all the soil the sails, rigging, tackle, apparel, horses, harness and all other appurtenances which, at the time of such seizure, belong to or are attached to such vessel or vehicle, with all goods and other things laden therein or thereon; and the same shall be seized and forfeited. 46 V., c. 12, s. 172.

135. Any officer of Customs, or person by him authorized Power to thereunto, may search any person on board any vessel or person for boat with: boat within any port in Canada, or on or in any vessel, boat or snuggled vehicle and port in Canada, or on or in any vessel, boat or snuggled. Vehicle entering Canada by land or inland navigation, or 201

Penalty for resistance.

Questions to be answered.

Penalty for false answer.

Proviso : as to search of person.

Females.

Penalty for

Power to enter buildings, &c , in the day time.

Without application to a justice of the peace in certain cases.

any person who has landed or got out of such vessel, boat or vehicle, or who has come into Canada from a foreign officer the country in if any manner way, or or person so searching has reasonable cause to suppose that the person searched has goods subject to entry at the Customs, or prohibited goods, secreted about his person; and every one who obstructs or offers resistance to such search, or assists in so doing, shall incur a penalty of one hun or dred dollars; and any person who is on board of or has landed from or got out of such vessel, boat or vehicle, or who has entered Canada from a foreign country in any manner or way, may be questioned by such officer, as he whether be bas whether he has any such goods about his person, and if he denies having any such goods, or does not produce such as he has, and any such goods are found upon him being searched, the goods shall be seized and forfeited, and he shall forfeit treble the value thereof: Provided, that before any person can be searched, as aforesaid, such person may require the can be searched, as aforesaid, such person may require the officer to take him or her before some police magistrate, justice of the peace, or before the collector if chief officer of the Customs at the port or place, who shall, if he sees no many in the port or place, who shall, in he sees no reasonable cause for search, discharge such person, but if otherwise he shall direct such person to be searched; and if such person is a female, she shall not be searched by any but a female; and any such magistrate, justice of the peace or collector of Customs may, if there is no female ap pointed for such purpose, employ and authorize a suitable 46 V., female person to act in any particular case or cases. c. 12, s. 180.

136. Every officer required to take any person before a of without cause. police magistrate, justice of the peace, or chief officer of Customs as aformation of the peace, or chief officer th: Customs as aforesaid, shall do so with all reasonable despatch; and if any affect and if any officer requires any person to be searched without reasonable and in any person to be searched without reasonable cause, such officer shall incur a penalty not exceeding forty dollars. 46 V., c. 12, s. 181..

> 137. Any officer of Customs having first made oath before a justice of the peace that he has reasonable cause to suspect that goods light the fast reasonable cause to suspect that goods light the fast reasonable cause to suspect that goods light the fast reasonable cause to suspect that goods light the fast reasonable cause to suspect that goods light the fast reasonable cause to suspect that goods light the fast reasonable cause to suspect that goods light the fast reasonable cause to suspect that goods light the fast reasonable cause to suspect that goods light the fast reasonable cause to suspect that goods light the fast reasonable cause to suspect that goods light the fast reasonable cause to suspect that goods light the fast reasonable cause to suspect to suspec that goods liable to forfeiture are in any particular building, or in any yard or other place, open or inclosed, may, with such assistance or such assistance as is necessary, enter therein at any time between sunrise and sunset, but if the doors are fastened admission shall here and sunset, but if the doors are fastened admission shall be first demanded, and the purpose is which entry is required declared, when, if admission not given, he may forcibly enter; and after in either case entry is made, the officer shall search the premises and seize all goods and the officer shall search the premises done seize all goods subject to forfeiture; and such acts may be done by an officer of G by an officer of Customs without oath or the assistance of a justice of the justice of the peace, in places where no justice resides, or where no justice resides, in places where no justice resides, the where no justice can be found within five miles at the time of search. 46 V., C. 12, s. 175.

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138. If any building is upon the boundary line between As to build-Canada and any foreign country, and there is reason to ing on or near believe that dutiable goods are deposited or have been line. placed therein, or carried through or into the same, without payment of duties and in violation of law, and if the collector or proper officer of Customs makes oath before any justice of the peace that he has reason to believe as aforesaid, such collector or officer may search such building and the premises belonging thereto, so far as the same are within the limits of Canada, and if any such goods are found therein, the same shall be seized and forfeited; and every person who is guilty of a violation of the provis- Penalty for ions of this section shall incur a penalty not exceeding one of this section. thousand dollars and not less than two hundred dollars. V., c. 12, s. 176. 46

139. Officers of Customs may board any vessel at any Officers may time or place and stay on board until all the goods intend- and have free ed to how the access to ed to be unladen have been delivered; and they shall have access to free access to every part of the vessel, with power to fasten down hatchways, the forecastle excepted, and to mark and secure secure any goods on board; and if any place, box or chest is locked, and the keys are withheld, the officer may open the

2. If any goods are found concealed on board they shall Penalty if concealed ^{4.} If any goods are found concealed on board they shall remark the seized and forfeited, and if any mark, lock or seal upon goods are before the dation of the secret of of before the delivery of the goods, or if any goods are secretly vessel. conveyed away, or if hatchways fastened down by the officer are opened by the master, or with his assent, the master shall incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid, or satisfactory security of the said penalty is paid, or satisfactory security is given for the payment thereof. 46 V., c. 12, s. 165.

140. The collector or other proper officer of the Customs Officers may may station officers on board any ship while within the be stationed limits of limits of a port, and the master shall provide every such officer with suitable accommodation and food, and, in default of so doing, shall incur a penalty of two hundred dollars. 46 V., c. 12, s. 166.

141. Any judge of the Exchequer Court of Canada, or any Writs of assist-judge of any of the superior courts in any Province of ance in the canada have been proved by the superior courts in any Province of several prov-Canada, having jurisdiction in the province or place where inces. the application is made, shall grant a writ of assistance upon application is made, shall grant a writ of assistance upon application is made, shall grant a will of assister Majesty's Attom Attorney General of Canada or by a collector of Customs, or by any superior officer of Customs; and such writ shall remain Duration of in force write the second se in force so long as any person named therein remains an writ officer of the Customs, whether in the same capacity or

As to North-West Territories and Keewatin.

2. For the purposes of this section, any judge of the Court of Queen's Bench, in the Province of Manitoba, shall have jurisdiction over the North-West Territories and the District of Keewatin, and shall grant a writ of assistance for use therein, in like manner and with like effect as he might grant 46 V., c. 12, such writ for use in the Province of Manitoba. s. 177.

Re-drafted in accordance with the provisions of the Inland Revenue Act.

Existing writs to remain in force.

searching for smuggled

goods.

142. Every writ of assistance granted before the coming into force of this Act, under the authority of Acts relating to the Customs now repealed shall remain in force, notwith standing such repeal, in the same manner as if such Acts had not been repealed. 46 V., c. 12, s. 178.

143. Under the authority of a writ of assistance any Powers given for effective officer of the Customs, or any person employed for that pur pose with the concurrence of the Governor in Council, expressed either by special order or appointment or by gent eral regulation, may enter, at any time in the day or night, into any building or other place within the jurisdiction of the court from which such writ issues, and may search for and seize and secure any goods liable to forfeiture under this Act, and in case of necessity, may break open any doors and any 46 V., c. 12, s. 179. chests or other packages for that purpose.

Power to call for aid.

Reasonable suspicion to justify officers.

144. Any officer or person in the discharge of the duty of seizing goods, vessels, vehicles or property liable to forfeiture under this Act, may call in such lawful aid and assistance in the Oneon's the Queen's name, as is necessary for securing and protecting such seized goods, vessels, vehicles or property; and, if no such probability if no such prohibited, forfeited or smuggled goods are found, such officer or property, and such officer or person, having had reasonable cause to suspect that prohibited from the suspect to suspect the suspect to suspect the suspect to suspect t that prohibited, forfeited or smuggled goods would be found, shall not be built shall not be liable to any prosecution, action or other legal proceeding on account of any such search, detention or stop 46 V., c. 12, s. 173. page.

PROTECTION OF OFFICERS.

What notice of action for things done

145. No action, suit or proceeding shall be commenced, no writ shall be sued out against, nor a copy of any process served upon and against, nor a copy of any process under this Act served upon any officer of the Customs or person employed for the prevention of smuggling for anything done in the exercise of his office, until one month after notice in writing has been all a second after notice and in writing has been delivered to him, or left at his usual place of abode beet place of abode, by the attorney or agent of the person who intends to sue out and the storney or agent of the person shall intends to sue out such writ or process,—in which notice shall be clearly and contents. be clearly and explicitly contained the cause of the action, the name and explicitly contained the cause of the action the name and place of abode of the person who is to bring such action and the such action, and the name and place of abode of the attorney or agent, and the name and place of abode of the attorney or agent; and no evidence of any cause of such action shall

be produced except of such as is contained in such notice, What evi-and no verdict or judgment shall be given for the plaintiff, may be pro-unless be added in the subject of the second seco unless he proves on the trial, that such notice was given; duced on the and in default of such proof, the defendant shall receive a verdict verdict or judgment and costs. 46 V., c. 12, s. 226.

146. Any such officer or person against whom any action, Defendant suit or proceeding is brought on account of anything done amends and in the exercise of his office, may, within one month after plead tender such notice, tender amends to the person complaining, or his in bar. agent, and plead such tender in bar to the action, together With other pleas; and if the court or jury, as the case may be, find the amends sufficient, judgment or verdict shall be given for the defendant; and in such case, or if the plaintiff Costs to debecomes non-suited, or discontinues his action, or judgment cessful. is given for the defendant upon demurrer or otherwise, such defendant shall be entitled to full costs of defence:

2. The defendant, by leave of the court in which the action Payment into is brought, may, at any time before issue joined, pay money Court. into court as in other actions. 46 V., c. 12, s. 227.

147. Every such action, suit or proceeding shall be Action must brought within three months after the cause thereof, and within a cer-laid and tried in the provide the sets computing time. laid and tried in the place or district where the acts com- tain time. plained of were committed; and the defendant may plead the general issue, and give the special matter in evidence. 46 V., c. 12, s. 228.

Latter part omitted as covered by next preceding section.

148. If in any such action, suit or proceeding, the court or If probable draw is cause is cert judge before whom the action is tried certifies that the de- fied on record fendant in such action acted upon probable cause, the plain- damages and tiff in such action shall not be entitled to more than twenty limited. cents damages nor to any costs of suit, nor in case of a seizure shall the person who made the seizure be liable to any civil or criminal suit or proceeding on account thereof. 46 V., c. 12, s. 229.

GENERAL PROVISIONS.

149. The report for entry, inwards or outwards, required Report inby this Act, may, in the case of any steam vessel carrying a wards or out-purser, be made by such purser with the like effect in all made by respects, and subject to the like penalty on the purser and purser of the like forfaiture of the number of the purser of steamer. the like forfeiture of the goods in case of any untrue report, as if the report was made by the master; —and the word "master," for the purposes of this section, shall be construed as inclusion. as including the purposes of this section, snall be contract herein contained shall preclude the collector or other proper be called to officer of G officer of Customs from calling upon the master of any steam answer questions. vessel, to answer all such questions concerning the vessel, tions.

passengers, cargo and crew, as might be lawfully demanded of him, if the report had been made by him, or to exempt the master from the penalties imposed by this Act for failure to answer any such question, or for answering untruly, or to prevent the master from making such report if he sees fit 50 to do. 46 V., c. 12, s. 151.

150. Whenever on the levying of any duty, or for any other purpose, it becomes necessary to determine the precise time of the importation or exportation of any goods, or of the arrival or departure of any vessel, such importation, if made by sea, coastwise or by inland navigation in any decked ves sel, shall be deemed to have been completed from the time the vessel in which such goods were imported, came within the limits of the port at which they ought to be reported, and if made by land, or by inland navigation in any undecked vessel, then from the time such goods were brought within And of expor- the limits of Canada; and the exportation of any goods shall be deemed to have been commenced from the time of the legal shipment of such goods for exportation, after due entry outwards, in any decked vessel, or from the time the goods were carried beyond the limits of Canada, if the exportation is by land or in any undecked vessel; and the time of the arrival of any vessel shall be deemed to be the time at which the report of such vessel was, is or ought to have been made, and the time of the departure of any vessel to be the time of the last clearance of such vessel on the voyage on which she departed. 46 V., c. 12, s. 239.

151. Whenever the person required to take any oath under any Act or regulation relating to the Customs, certain cases one of the persons entitled by law to take a solemn affirmation tion instead of an oath in civil cases, such person may, instead of the oath hereby required, make a solemn affirmation to the same effect; and every person before whom any oath is by any such Act or regulation, required or allowed to be taken, or solemn affirmation to be made, shall have full power to administer the same. 46 V., c. 12, s. 238, part.

Before whom attestations of papers for entry may be made.

152. Every oath required under the provisions of this Act connected with the entry of goods may be made in Canada before the collect 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 proper officer 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 al 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, or before a notary public, and at any other place before a British consul, or if there is no British consul, or if there have no British consul, then before a foreign consul at such place. 46 V., c. 12, s. 87.

Time of importation defined ;

Of arrival or departure.

tation;

Oath to include affirmation in

153. The Commissioner of Customs or other person acting Certain offias deputy head of the department, and all officers holding others author-under Order in Council the rank of chief clerk of the inside ized by Gover-service in the department of the clerk of the inside ized by Goverservice in the said department, and all duly appointed nor may ad-inspectors of Customs ports, shall, by virtue of their office, have full authority to administer all oaths and receive all affirmations and receive all affirmations and declarations required or authorized by this Act; 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, in Canada or out of it, as those before whom such oaths may be validly taken, and may, by any Order in Council, relax or dispense with the provisions of this Act touching such oaths, with regard to goods imported by land or inland navigation, or to any other class of cases designated in such regulation. 46 V., c. 12, s. 88.

154. All bonds and securities, of what kind and nature Bonds to be to Her Majesty's soever, authorized to be taken by any law relating to Cus-use, and when toms, trade or navigation, shall be taken to and for the use to be given. and benefit of Her Majesty; and such bonds shall be taken before the performance of any act with regard to which the taking of any such bond or bonds is required. 46 V., c.

155. All bonds, documents and papers necessary for the Forms for transaction of any business at the respective Custom Houses papers. or places or ports of entry in Canada, shall be in such form as the Minister of Customs, from time to time, directs. 46 V., c. 12, s. 244.

156. Certificates and copies of official papers, certified Certain cerunder the hand and seal of any of the principal officers of ments to be the Customs in the United Kingdom, or of any collector of prima facie Colonie in the United Kingdom, or of any collector of prima facie. Colonial revenue in any of the British Possessions in ^{evidence.} America or the West Indies, or other British Possessions, or of any Diff. of any British Consul or Vice Consul in a foreign country, and certificates and copies of official papers made pursuant to the to this Act or any Act in force in Canada relating to the Customs or revenue, shall be received as primá facie evidence in reference to any matter contained in this Act or any Act relating to the Customs, or on the trial of any suit in reference to any such matter. 46 V., c. 12, s. 245.

157. Whenever any person makes application to an Persons officer of the Customs to transact any business on behalf of Customs busi-any other any other person, such officer may require the person so ness for others applying the person officer may require the person on to produce applying to produce a written authority from the person on written whose behalf the application is made, and in default of the authority. production of such authority, may refuse to transact such business; and any act or thing done or performed by such bind their agent, shall be binding upon the person by or on behalf of principal.

46 V., C.

whom the same is done or performed, to all intents and purposes, as fully as if the act or thing had been done or performed by the principal. 46 V., c. 12, s. 246.

158. Any attorney and agent duly thereunto authorized

by a written instrument, which he shall deliver to and leave

Agent duly authorized may execute bonds for his principal.

Form of appointment.

Any partner may execute bonds, &c., without mentioning the

As to seals

Proviso : as to form of signature.

2. The person who, under this section, makes any entry or executes any bond or instrument on behalf of any the the company, association or partnership, shall, under name and style usually taken by them, write his own name with the word "by " or the words " by their Attorney," or words to the like effect, as the case may be, thereunto pre-46 V., c. 12, s. 248. fixed.

"Unincorporated Company," substituted for "Incorporated Company," in line 1' See 40 V., c. 10, s. 142.

Crown goods or goods exempted from duty to be liable thereto if sold.

160. All goods exempt from duty as being imported or ken out of a taken out of warehouse for the use of Her Majesty's troops, or for any purpose for which such goods may be imported free of duty at u free of duty, shall, in case of the sale thereof after importation, become liable to and be charged with the duties payable

with the collector, may, in his said quality, validly make any entry, or execute any bond or other instrument required by this Act, and shall thereby bind his principal as effect ually as if such principal had himself made such entry the executed such bond or other instrument, and may take the oath hereby required of a consignee or agent, if he is cognizant of the facts therein averred; and any instrument appointing such attorney and agent shall be valid if it is in the form prescribed by the Minister of Customs. 12, s. 247.

159. Any partner in or attorney and agent of an unincor porated company, association or co-partnership of persons may, under the name and style usually taken by such comother members pany, association or co-partnership, make any entry Act, nership. association or other instrument required by this without mentioning the name or names of any of the men bers or of the other members of the company or association or partnership, and such entry, bond or instrument shall bind them as fully and effectually, and shall have the same effect in all respects as if the name of every such member or partner had been therein mentioned and he had signed the same, and (if it is a bond or other instrument under seal) as if he had thereunto affixed his seal and had delivered the same as his act and deed, and the seal thereunto affixed shall be held to be the seal of each and every such member or partner, as aforesaid; and the p_{hv}^{ro} visions of this section shall apply to any instrument by which any company, association or partnership of persons appoint an attorney or agent to act for them under the next preceding section :

on like goods on their importation for other purposes; and if such duties are not paid, such goods shall be forfeited and may be seized and dealt with accordingly. 46 V., c. 12, s. 63.

161. Goods claimed to be exempt from duty under any How goods Act relating to duties of Customs, shall, in the entry thereof, claimed to be be described and set forth in the words by which they are duty must be described to be free in the Act; and goods not answering described in such described. such description shall be seized and forfeited, or if the collector 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 this Act. 46 V., c. 12, s. 217.

162. If any vessel which has received damage puts into As to duty on a port in Canada to which she is not bound, having dutiable goods in ves. goods on board, which it is necessary to land for the for the pur-purpose of repairing the vessel in order to enable her to pro- repairing ceed on the total and the test of the demages. ceed on her voyage, the collector, upon application of the damages. master or agent, may permit such goods to be unladen and deposited agent, may permit such goods to be unladen and deposited in a warehouse in the custody of the collector; and the collector shall cause to be taken an exact account of the collector shall cause to be taken an exact account of the packages and contents ; and entry of the goods shall then be made by the master or agent, as hereinbefore directed, and they shall remain in the custody of the collector until the vessel is ready for sea, when, upon payment of storage and the reasonable charges of unlading and storing, the collector shall deliver up the same to the master or agent to be exported or carried coastwise as the case may be, under the same security and regulations as if such goods had been imported in the usual manner, and without payment of duty. 46 V., c. 12, s. 59, part.

163. No person shall be entitled to the benefit of the As to such next preceding section who has sold any of such goods goods if sold. except such as it has been necessary to sell to defray the expense of repairs and charges of the vessel, or as have been authorized by the collector of Customs to be sold; and if goods are sold for payment of repairs and charges they shall be subject to duty, and shall be warehoused, or the duties thereon paid by the purchaser. 46 V., c. 12, s. 59, part.

164. Fresh fish, coin or bullion may be landed without Provision as entry or warrant, as may also goods in any stranded or certain arti-Wrecked vessel, provided they are duly reported and entered cles. as soon as possible after being safely deposited on shore, and that the landing is in presence of an officer of the Customs or Receiver of Wreck, or other person authorized to act as such receiver under "The Wrecks and Salvage Act." 46 V., c. 12, s. 35.

165. If a vessel which has live stock or perishable articles Or live stock on board arrives after business hours, the collector or any or perishable goods.

officer at the port may permit the master to unlade the same before report; but report shall in such case be made as soon as possible after the next opening of the Customs office. 46 V., c. 12, s. 36.

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166. The surplus stores of vessels arriving in Canada shall be subject to the same duties and regulations as if imported as merchandise; but if the owner or master desires to ware house the same for re-shipment for the future use of the 46 V., c. vessel, the collector may permit him so to do. 12, s. 50.

167. The burden of proof that the proper duties payable with respect to any goods have been paid, and that all the requirements of this Act with regard to the entry of an_{i1}^{VV} goods have been complied with and fulfilled, shall, in all cases, lie upon the person whose duty it was to comply with and fulfil the same. 46 V., c. 12, s. 113.

168. Although any duty of Customs has been overpaid. or although after any duty of Customs has been charged and paid, it appears or is judicially established that the same was charged under an erroneous construction of the law, no such overcharge shall be returned after the expiration of three years from the date of such payment, unless application for repayment has been previously made. 46 V., e. 12, s. 240.

169. No refund of duty shall be allowed after the lapse of fourteen days from the time of entry, for any alleged misdiscovered description of goods by the importer; and if any error while unpack- of the kind is discovered by the importer while unpacking his model. his goods, he shall immediately and without further inter ference with the goods, report the facts to the collector in order that the same may be verified. 46 V., c. 12, s. 241.

170. No person, unless he is authorized by the Governor in registered. Council, shall import any goods, wares or merchandise from any port or place out of Canada in any vessel which has not been duly registered and has not a certificate of such registry on board. 46 V., c. 12, s. 38.

171. Fire-arms and munitions of war shall not be imported except from the United Kingdom of Great Britain and Ireland, unless upon application to, and permission given by the Minister of Customs. 31 V., c. 7, s. 8.

Vessels enter-172. Vessels entering the Gut of Annapolis may be reported ing the Gut of ed and entered, and the duties on goods therein imported 46 V., C. paid, either at the port of Digby or Annapolis. 12, s. 51.

Or the Great and Little Bras d'Or.

Annapolis.

173. Vessels entering the Great Bras d'Or or Little Bras d'Or shall be reported and entered at such place as the Min-ister of Customer ister of Customs, from time to time, directs. 46 V., c. 12, s. 52.

Surplus stores of vessels to be dutiable.

Burden of proof of due entry, on whom to lie.

Over paid duties not returnable after three years.

No refund after 14 days. As to error

Importing registered.

Importation of arms, &c.

Proviso.

174. Whenever the collector of Customs at any port is Collector may satisfied that in such port, as well as in the adjacent city or health. town and its vicinity, there does not exist an extraordinary, infectious, contagious or epidemic disease, which could be transmitted by the vessel, her crew or cargo, he may grant to any vessel requiring a bill of health a certificate under his hand and seal, attesting the fact aforesaid, for which he shall be entitled to ask and receive a fee of one dollar. 46 V., c. 12, s. 152.

ARTICLES SEIZED-HOW DEALT WITH.

175. If any goods, property or vehicle, subject or liable to To what forfeiture under this Act, or any other law relating to the place things Customs, are stopped or taken by any police or peace officer shall be taken. or any person duly authorized, such goods, property or vehicle shall be taken to the Custom House nearest to the place where the same were stopped or taken, and there delivered to the proper officer authorized to receive the same, within forty-eight hours after the same were stopped or taken. V., c. 12, s. 182. 46

176. If any such goods, property or vehicles are stopped How smug-or taken by such police or peace officer, on suspicion that the gled goods same have been feloniously stolen, such officer shall carry suspicion of the same to the police office to which the offender is taken, shall be dealt there to provide the state of the produced at the with. there to remain until and in order to be produced at the with. trial of the said offender; and in such case the officer shall give notice in writing to the collector or principal officer of Her Majesty's Customs, at the port nearest to the place where such goods have been detained, of his having so detained the said goods, with the particulars of the same; and immediately after the trial, all such goods shall be con-Veyed to and deposited in the Custom House or other place appointed as aforesaid, and proceedings relative to the same shall be had according to law. 46 V., c. 12, s. 183.

177. Whenever any vessel, vehicle, goods or thing have Seizure or been seized or detained under any of the provisions of this Act detention to or of any law relating to the Customs, or when it is alleged Commissioner that any the transformer and the customs of the provision of the of Customs. that any penalty or forfeiture has been incurred under the of Customs. provisions of this Act or of any law relating to the Customs, the collector or the proper officer shall forthwith report the circumstances of the case to the Commissioner of Customs. 46 V., c. 12, s. 218.

178. The Commissioner may thereupon notify the owner Commissioner or claimant of the thing seized or detained, or his agent, or owner or owner or the part of the thing seized or detained, or his agent, or owner or owner or the part of the thing seized or detained or her or the part of th the person alleged to have incurred the penalty or forfeiture, claimant of or his agent, of the reasons for the seizure, detention, penalty for statement from the discussion of the matter as from the date of the notice, such evidence in the matter as

he desires to furnish: such evidence may be by affidavit or affirmation, made before any justice of the peace, any collector of Customs, any commissioner for taking affidavits in any court, or any notary public. 46 V., c. 12, s. 219.

Commissioner to report his opinion to

179. After the expiration of the said thirty days, or sooner if the person so called upon to furnish evidence so desires, the Commissioner may consider and weigh the circumstances of the case, and report his opinion and recommendation thereon to the Minister of Customs. 46 V., c. 12, s. 220.

180. The Minister may thereupon give his decision in the matter, respecting the seizure, detention, penalty or forfeiture, and the terms, if any, upon which the thing seized or de tained may be released or the penalty or forfeiture remitted; and if the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty signifies in writing, by himself or his agent, his acceptance of the decision, he shall be bound thereby, and the terms thereof may be enforced and carried out; and in any action, suit or proceeding to recover any money claimed by virtue of such decision the person accepting the same shall not be at liberty to set up that the thing seized was not liable to seizure of detention, or that he had not incurred any penalty or forfeiture. 46 V., c. 12, s. 221.

181. If the said owner or claimant or person, or his agent, within twenty days after being notified of the decision, gives to the Minister of Customs notice in writing that such decision will not be accepted, or if such twenty days elapse without such decision being accepted, proceedings for the condemnation of the thing seized, or for the enforcement of the penalty of Tthe penalty or forfeiture, may be taken without delay. 46∇ . c. 12, s. 222.

182. If the said decision is accepted as by this Act $p_{rad}^{ro^{\circ}}$ vided, and if the terms thereof are not forthwith complied with, the Minister of Customs may elect either to enforce the terms of the decision or to take proceedings for the condemnation of the thing seized, or for the enforcement of the penalty or forfeiture. 46 V., c. 12, s. 223.

183. If a condition of the decision is that the thing ment of a sum seized or detained shall be released upon payment of a sum of manor money, and if such money is not paid forthwith after acception tance of the decision, and if the Minister elects to enforce the decision, such thing may be sold and the net proceeds applied towards payment of such sum, and the balance, if any, shall be handed over the th be handed over to the person entitled thereto: and if such net proceeds are not sufficient to pay such sum the person accepting the accepting the decision shall be liable to pay the amount as the deficiency, and the same may be recovered from him as a debt due to Her Majesty. 46 V., c. 12, s. 224.

Minister.

Minister's decision in the matter to be binding on claimant accepting it.

Provision if claimant refuses to accept the decision.

If decision is accepted, but terms are not complied with.

If the decision of money which is not paid.

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184. If after acceptance of the decision the person required If a penalty is thereby to pay any sum of money as a penalty or forfeiture, not paid. does not forthwith pay the same, the amount thereof may be recovered from him as a debt due to Her Majesty. 46 V., c. 12, s. 225.

185. Whenever any goods have been seized or detained Importer or under any of the provisions of this Act, or of any law any goods relating to the Customs, the importer or exporter thereof, and seized or the owner or claimant thereof, shall, immediately upon being funnish cer-required and claimant thereof. required so to do by the collector or other proper officer of tain books, Chetan a to do by the collector or other proper officer of tain books, Customs of the port where the seizure or detention took place, produce and hand over all invoices, bills, accounts and statements of the goods so seized or detained, and of all other goods imported into Canada by him at any time within three years next preceding such seizure or detention; and shall also produce for the inspection of such collector or other officer, and allow him to make copies of, or extracts from, all books of account, ledgers, day-books, cash books, letter books, invoice books, or other books wherein any entry or memorandum appears respecting the purchase, importation, cost, value or payment of the goods so seized or detail detained, and of all other goods as aforesaid. 46 V., c. 12,

186. If any person required under the next preceding Penalty for section to produce and hand over invoices, bills, accounts ing such and statement books and and statements, or to produce for inspection books of account; books and ledge books of account; books and ledgers, day books, cash books, letter books, invoice books, papers. and other books, or to allow copies or extracts to be made therefrom, neglects or refuses so to do, he shall incur a penalty not exceeding one thousand dollars, and not less than two hundred dollars. 46 V., c. 12, s. 215.

187. Any collector of Customs may, as may also any court Delivery of or judge having competent jurisdiction to try and determine things seized to owner on the seizure, with the consent of the collector at the place deposit of where the seizure is with the consent of the collector at the place deposit of the a sum equilibrium thereof to the a sum equilibrium thereof to the sum equilibrium thereof to t where the things seized are, order the delivery thereof to the asum equal to owner on the seized are, order the delivery thereof to the value and owner, on the deposit with the collector in money of a sum costs. equal at least to the full duty paid value (to be determined by the only the full duty paid value (to be determined the estimated costs by the collector) of the things seized and the estimated costs of the of the proceedings in the case; and any sum or sums of money proceedings in the case; and any sum or sums of money so deposited shall be immediately deposited in some bank appointed for that purpose by competent authority, to the condition of the purpose by competent authority, to the credit of the Minister of Finance and Receiver General, there to remain until forfeited in due course of law or released remain until forfeited in due course of law or released by order of the Minister of Customs; and if such seized articles are condemned, the money deposited shall be forfeited. 46 V., c. 12, s. 204.

188. If the thing seized is an animal or a perishable Cattle or ticle the thing seized is an animal or a perishable cattle or ticle the perishable cattle or ticle o article, the collector at whose port the same is, may sell the articles may

be sold as if condemned.

Proviso: for delivery of articles seized on sufficient

As to deposit of money.

Provision, if given, and value is not over \$100.

Proceeding before Justices of the Peace.

Notice to parties.

Hearing if case is defended, &c.

Sales to be by public auction.

same so as to avoid the expense of keeping it or to prevent its becoming deteriorated in value: and the proceeds of such sale shall be deposited in some chartered bank to the credit of the Minister of Finance and Receiver General, and shall abide the judgment of the court with respect to the condem-nation of the thing seized, if proceedings for condem-nation are to be able to be nation are taken in court, or shall become the property of Her Majesty, if the thing seized becomes condemned without proceedings in court: Provided always, that the collector shall deliver up such animal or perishable article to the claimant thereof, upon such claimant depositing with security being him a sum of money sufficient in the opinion of the collection determined the security being him a sum of money sufficient in the opinion of the collection determined to be a security being him a sum of money sufficient in the opinion of the collection determined to be a security being him a sum of money sufficient in the opinion of the collection determined to be a security being him a sum of money sufficient in the opinion of the collection determined to be a security being him a security being him a sum of money sufficient in the opinion of the collection determined to be a security being him a security being him a security being him a sum of money sufficient in the opinion of the collection determined to be a security being him a securi tor to represent the duty paid value of the thing claimed, and the costs of any proceedings to be taken in court for the condemnation of the thing seized : and the money so deposited shall be paid into some chartered bank to the credit of the Minister of Finance and Receiver General, and shall be deal with in the same manner as above provided for in the case of the process l for case c46 V., c. 12, s. 205. of the proceeds of a sale of such thing.

189. If notice of intent to claim has been given and the notice of claim value of the goods or thing seized does not exceed one have dred dollars, and the prosecutor chooses to proceed under this section has a life reserved to proceed under this section, he shall forthwith cause the goods to be valued by a competent appraiser; and if such appraiser certifies them to be under the said value, a summary information in writing may be exhibited in the name of the collector at or nearest to the place of seizure, or in the name of any officer authorized thereto by the Minister and a seizure of the thereto by the Minister of Customs, before two justices of the peace, charging the articles seized as forfeited under some particular Act and section thereof to be therein referred hall and praying condemnation thereof; and the justices shall thereupon issues and the section thereof. thereupon issue a general notice for all persons claiming in the second distance terest in the seizure to appear at a certain time and place there to claim the articles seized, and answer the information, otherwise such articles will be condemned; and a copy of the notice. I all a copy of the notice shall, at least eight days before the time of ap pearance, be served upon the person from whose possession the things were taken and the person from whose possession the things were taken, or shall be left at or affixed to a fi building or vessel in which they were seized, if any, and of there remaining, or at two public places nearest the place of seizure if any are of seizure: if any person appears to answer the information, the justices shall be justices shall hear and determine the matter in a summary manner and acquit or condemn the articles, but if no person appears indemnet. appears, judgment of condemnation shall be given; and the justices on condemnation shall be given; and the justices on condemnation shall issue a warrant to the collector to sell the med Justices to be tor to sell the goods; and such two justices shall be deemed a court, and each of them a judge thereof for the purposes of this Act. 46 V of 12 m 202 this Act. 46 V., c. 12, s. 206.

190. Sales of goods forfeited or otherwise liable to be sold under this Act shall be by public auction, and after #

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reasonable public notice, and subject to such further regulations as are made by the Governor in Council; but in Exception. any case, the Minister of Customs may order vessels, goods, vehicles or things forfeited to be disposed of as he sees fit, instead of being sold by public auction. 46 V., c. 12, s.

191. The proceeds, after deducting expenses, shall, unless Appropriaties otherwise provided, belong to Her Majesty for the tion and dispublic uses of Canada; but the net proceeds or any portion penalties and thereof, may be divided between and paid to the collector or forfeitures. Chief officer of the Canada the port or place where the chief officer of the Customs at the port or place where the seizure was made, and the officer or officers by whom the seizure was made, or the information given which led to the seizure, and any person who has given information or other-Wise aided in effecting the condemnation of the thing seized, in such proportions as the Governor in Council in any case or class of cases directs and appoints: but nothing herein Powers of contained shall be construed to limit or affect any power Governor in Vested in the Governor in Council or the Minister of Customs of Minister of to make and appoints are custom for the redistrito make and ordain any other plan or system for the redistri-bution of bution of such net proceeds, or with regard to the remission of party such net proceeds, or with regard to the remission of penalties or forfeitures imposed by this Act or any other law. 46 V., c. 12, s. 213.

FORFEITURES AND PENALTIES.

192. If any person, with intent to defraud the revenue Penalty and Canada forfeiture for of Canada, smuggles or clandestinely introduces into Canada smuggling any goods subject to duty, or makes out or passes or attempts goods; using to passe it formed or false invoices, to pass through the Custom House any false, forged or &c. 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, such goods shall be seized and for-feited; and every such person, his aiders and abettors shall, ^{Further lia-bility of the} in addition to any other penalty or forfeiture to which he offender to and there are here by the summary fine and imand they are subject for such offence, be liable on summary fine and imconviction before two justices of the peace to a penalty not exceeding exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one vear a both 47 V. c. year and not less than one month, or to both. 47 V., c. ²⁹, s. 2.

193. If any goods are unladen from any vessel or vehicle, Forfeiture of or put out of the custody of the master or person in charge not reported, of the same before the custody of the master or person in charge not reported, of the same, before report is made as required by this Act, for untrue or if such a to the same before report is made as required by this Act, for untrue or if such master or person fails to make such report, or to report. produce such goods, or makes an untrue report, or does not truly another than the shall for truly answer the questions demanded of him, he shall for each such for the destions demanded of him, he shall for each such offence incur a penalty of four hundred dollars; and if any such goods are not so reported and produced, or Detention of if the most such goods are not so reported and produced, or Detention of

if the marks and numbers or other description of any pack- vehicle.

age do not agree with the report made, such goods or package shall be seized and forfeited, and the vessel or vehicle and the animals drawing the same shall be detained until such amount is paid. 46 V., c. 12, s. 39.

goods landed without due

194. All goods unladen or landed before due entry there of and warrant for landing, shall be seized and forfeited, and every person concerned in landing or receiving or concealing goods so land in landing or receiving or concealing for the solution of ing goods so landed, shall, for each offence, incur a penalty of four hundred dollars. 46 V., c. 12, s. 44.

195. All goods shipped or unshipped, imported or e^{x^*} ported, carried or conveyed, contrary to any regulation made by the Governor in Council, and all goods or vehicles and all vessels under the value of four hundred dollars, with regard to which the requirements of any such regulation have not been complied with, shall be seized and forfeited, and if such vessel is of or over the value of four hundred dollars, it master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid, or satisfactory security is given for the payment thereof; and any such forfeitures and penalties shall be recoverable and may be enforced in the same mannet, and before the same court and tribunal, as if incurred by the violation of any provision of this Act. 46 V., c. 12, s. 235.

196. All vessels with the guns, tackle, apparel and furniture thereof, and all vehicles, harness, tackle, horses and cattle made use of in the importation or unshipping or landing of removal of any goods liable to forfeiture under this Act, shall be seized and forfitte l be seized and forfeited; and every person who assists or is other Wise concorrect wise concerned in importing, unshipping, landing or removing, or in the harboring of such goods, or into whose hands or possession the same knowingly come, shall incur a penalty of two hundred dollars or a penalty equal to treble the value of such goods, at the election of the person who sues for the same; and the averment in any information, petition or pleading for the pleading for the recovery of such penalty, that such person has elected to me for the recovery of such penalty, that such person has elected to me for the such penalty in the such penalty is the such penalt has elected to sue for the sum mentioned in the information, petition or pleading, shall be sufficient proof of such election, without any ath 46 V., c. 12, s. 162. without any other evidence of the fact.

Penalty for harboring smuggled goods.

197. Every person who knowingly harbors, keeps, conceals, urchases college and who knowingly harbors, keeps, conceals, and a start of the second s purchases, sells or exchanges any goods illegally imported into Canada, whether such goods are dutiable or not, whereon the duties lawfully and the paid. whereon the duties lawfully payable have not been paid, shall for such a shall, for such offence, forfeit such goods and shall incur a penalty equal to the line offence. 46 V., c. 12, s. 155. penalty equal to treble the value thereof.

198. If any two or more persons in company are found goods in com. together, and they or any of them have any goods liable forfeiture under this Act. event with the any goods liable forfeiture under this Act, every such person having know ledge of the fact is will ledge of the fact, is guilty of a misdemeanor, and punishable accordingly de W accordingly. 46 V., c. 12, s. 156.

Penalties and forfeitures for contravention of regulations.

Recovery thereof.

Vessels used in conveying forfeited goods to be forfeited.

Penalty for assisting in landing, &c., such goods.

199. Every person who is proved to have been on board Penalty on any vessel or boat liable to forfeiture for having been found persons found with: within one league of the coasts or shores of Canada, having smuggling on board or attached thereto, or conveying or having con-vessels. veyed anything subjecting such vessel or boat to forfeiture, or who is proved to have been on board any vessel or boat from which any part of the cargo has been thrown overboard or destroyed, or in which any goods have been unlawfully brought into Canada, shall incur a penalty of one hundred dollars, if he has been knowingly concerned in such acts. 46 V., c. 12, s. 164.

200. Every person who, by any means, procures, hires or Penalty for induces any person or persons to be concerned in the landing, procuring persons to anshipping, carrying or conveying any goods the importation assist in of which of which is prohibited, or for the landing of which permission has not been granted by the collector or other proper officer of Customs, shall, for every person so procured, hired or induced, incur a penalty of one hundred dollars. 46 V., c. 12, s. 157.

201. If any person makes, or sends, or brings into Canada, No person making or causes or authorizes the making, sending or bringing into making or authorizing any false in-Canada, any invoice or paper, used or intended to be used as any false inan invoice for Customs purposes, in which any goods are recover any entered or charged at a less price or value than that actually part of the charged, or intended to be charged for them, no price or sum price of the goods. of money shall be recoverable by such person, his assigns or represent the nurchase representatives, for the price or on account of the purchase of snal of such goods or any part thereof, or on any bill of exchange, note of an innocent hote or other security, unless in the hands of an innocent holder for value without notice, made, given or executed for the price of or on account of the purchase of such goods or any part of such price. 46 V., c. 12, s. 92.

202. The production or proof of the existence of any other Evidence of fraud in fraud in invoice, account, document or paper made or sent by any invoice or person person, or by his authority, wherein goods or any of them other paper, are charged by his authority, wherein goods or any of them other paper. are charged or entered at or mentioned as bearing a greater price +1 such invoice as in the price than that set upon them in any such invoice as in the next preceding section mentioned shall be prima facie evi-dence +1 dence that such invoice was intended to be fraudulently used for Customs purposes; but such intention, or the actual fraudal fraudulent use of such invoice, may be proved by any other legal evidence. 46 V., c. 12, s. 93.

208. Every importer of goods into Canada, and every Penalty on erson every importer of goods into Canada, and every Penalty on the presented, importer pr person on his behalf, who presents, or causes to be presented, senting such with interview in the presented of the present of with intent to make entry thereunder, any false or fraudu- false invoice. lent invoice, such as described in the two sections, next preceding in amount to the preceding, shall incur a penalty equal in amount to the value of a shall incur a penalty equal in voice, and the value of the goods represented in such invoice, and the goods shall be goods represented in such invoice, and the **Boods** shall also be seized and forfeited. 46 V., c. 12, s. 94.

Penalty for entry.

Penalty on persons committing cer-tain offences as to warehoused goods.

Penalty for fraudulent access to warehouse.

Obtaining access to goods in any bonded car, åc.

Penalty for altering or defacing marks.

Penalty on others than owner enter. ing goods outwards.

201. If the oath made with regard to any entry is wilfully false oath re- false in any particular-all the packages and goods included or pretended to be included, or which ought to have been 46 V., c. 12, s. 109. included in such entry, shall be forfeited.

> **205.** If any warehoused goods are concealed in or $u^{n'}$ lawfully removed from any Customs warehouse in Canada, such goods shall be seized and forfeited; and every person who conceals or unlawfully removes any such goods, or aids or abets such concealment or removal, shall incur the Penalties imposed on persons illegally importing or smugging goods into Canada; and on discovery of such concealment of removal, all goods belonging to the importer or owner of the concealed or removed goods, then remaining in the same til any other warehouse, shall be placed under detention until the duty payable on the goods so concealed or removed, and all penalties incurred by him have been paid; and it such duties and it. 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. 46 V., c. 12, s. 158.

> **206.** If the importer or owner of any warehoused goods, the or any person in his employ, by any contrivance, opens the warehouse in which the goods are, or .gains access to the goods except in the presence of or with the express permission of the proper officer of the Customs, such importer of owner shall, for every such offence, incur a penalty of one hundred dollars. 46 V., c. 12, s. 159.

> 207. Every person who, by any contrivance gains access to bonded goods in a railway car, or to goods in a railway car upon which goods the Customs duties have not been paid, of delivers such bar 1 delivers such bonded or other goods without the express permission of the proper officer of Customs, shall, for every such offence be light in such offence, be liable to imprisonment for a term of exceeding one way and the such offence. 46 V., ^{c.} exceeding one year and not less than one month. 12, s. 160.

> 208. Every person who wilfully alters, defaces or obliter ates any mark placed by any officer of Customs on any package of warehoused age of warehoused goods, or goods in transit, shall, for every such offence incur **46 √.**, such offence, incur a penalty of five hundred dollars. c. 12, s. 161.

> 209. Every person who makes any entry outwards of bods from warehouse for any the goods from warehouse for exportation and who is not ster owner or duly authorized by the owner thereof, or the master of the vessel by which the of the vessel by which they are to be shipped, shall incur a penalty of two here the days are to be shipped, shall incur a penalty of two hundred dollars. 46 V., c. 12, s. 139.

210. If any person at any time forges or counterfeits any Penalty for mark or brand to resemble any mark or brand provided or forging marks used for the purposes of this Act, or forges or counterfeits goods with the impression of any such mark or brand, or sells or exposes counterfeit to sale, or has in his custody or possession, any goods with a counterfeit mark or brand, knowing the same to be counterfeit, or uses or affixes any such mark or brand to any other goods required to be stamped as aforesaid, other than those to which the same was originally affixed, such goods so falsely marked or branded shall be seized and forfeited, and every such offender, and his aiders, abettors and assistants, shall, for every such offence, be liable, on summary conviction before two justices of the peace, to a penalty of two hundred dollars,—and in default of payment to imprisonment for a term not exceeding twelve months and not less than two months. 46 V., c. 12, s. 167.

211. Every person who counterfeits, falsifies, or uses when Penalty for counterfeits so counterfeited or falsified, any paper or document required ing or using or using a subunder this Act, or for any purpose therein mentioned,—whe- counterfeited ther written the purpose therein mentioned, the statement papers, &c. ther written, printed or otherwise, or by any false statement papers, &c. procures such document, knowing the same to be so forged or counterfeited, or forges or counterfeits any certificate relating to any oath or declaration or affirmation hereby required or anthorized to the second authorized, is guilty of a misdemeanor. 46 V., c. 12, s. 168.

212. Every person who, whether pretending to be the Taking away owner or not, either secretly or openly, and whether with without or without for a way any goods, authority to or without force or violence, takes or carries away any goods, authority to vessel, vehicle or other thing which have been seized or de-tained on any other thing which have been seized or detained on suspicion, as forfeited under this Act, before the same have been declared by competent authority to have been seized without due cause, and without the permission of the officer or person who seized the same or of some com-petent and person such goods, petent authority, shall be deemed to have stolen such goods, being 11 being the property of Her Majesty, and is guilty of felony. 46 V., c. 12, s. 185.

213. Every person who, under any pretence, either by act- Punishment ual assault, force or violence, or by threats of such assault, force assaulting or violence. or violence, in any way resists, opposes, molests or obstructs officers. any officer of Customs, or any person acting in his aid or authority of the discharge of his or their duty, under the authority of this Act, or any other law in force in Canada relating of this Act, or any other law in force who wilfully relating to Customs, trade or navigation, or who wilfully Firing at Her or malicional. or maliciously shoots at or attempts to destroy or damage vessels. any vessel belonging to Her Majesty, or in the service of the Army, Canada, or maims or wounds any officer of the Army, Wounding Navy, Marine or Customs, or any person acting in aid or Her Majesty's tion of supersting and in acception of his or their duty,— Or having tion of smuggling, and in execution of his or their duty, — Or having and any goods liable to goods liable and every person who is found with any goods liable to goods liable

to seizure and seizure or forfeiture, under this Act or any other law relating to Customs, trade or navigation, and carrying offensive arms being armed or disguised, or weapons, or in any way disguised,—and every person who Or destroying staves, breaks or in any way destroys any such goods, before or after the actual seizure thereof, or scuttles, sinks or cuts goods or any Custom adrift any vessel, or destroys or injures any vehicle or animal, before or after the seizure, or wilfully and maliciously de stroys or injures, by fire or otherwise, any Custom House, a any building whatsoever in which seized, forfeited or bonded 46 V., c. 12, Such offences goods are deposited or kept, is guilty of felony. to be felony. s. 186.

214. Every master or person in charge of any vessel, and every driver or person conducting or having charge of any vehicle or conveyance, who refuses to stop such vessel vehicle or conveyance when required so to do, in the Queen's name, by an officer of Customs or person employed as such, and every person who is present at any such seizure of Or to assist. stoppage, and who, when called upon in the Queen's name by such officer or person to aid and assist him in a lawful way, refuses so to do, shall be liable, on summary conviction before two justices of the peace, to a penalty of two hun-Recovery of dred dollars, and in default of payment to imprisonment for a term not exceeding six months. 46 V., c. 12, s. 174.

Forfeiture and penalty for offering for sale goods pretended to be smuggled.

penalty.

vessels or

House, &c.

Penalty for refusing to

stop.

Penalty for not truly answering lawful questions.

Penalty for having wrecked goods, &c., without reporting them.

215. If any person offers for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore, or brought in, by land or otherwise, with out payment of duties, all such goods, although not liable to any duties or prohibited, shall be seized and forfeited, and every person who offers the same for sale shall be liable, on summary conviction before two justices of the peace, to a penalty of two hundred dollars, or to a penalty equal to treble the value of such goods, at the election of the prosecutor, and in default of payment, to imprisonment for a term not exceeding sixty days. 46 V., c. 12, s. 154.

"Two justices of the peace" substituted for "one or more."

216. Every person required by this Act or by any other to the the law to answer questions put to him by any officer of the Customs, who refuses to answer or does not truly answer such questions - i is in answer or does not truly answer such questions, shall, in addition to any other penalty of punishment to which he addition to any other penalty four punishment to which he is liable, incur a penalty of four hundred dollars. 46 V., c. 12, s. 170.

217. Every person who has in his possession, in port or and on land any goods, derelict, flotsam, jetsam or wreck, the which are dutiable, and does not give notice thereof to the nearest officer of Customs without unnecessary delay, or does not, on demand not, on demand, pay the duties thereon or deliver the same to the proper of the duties thereon or deliver the same to the proper officer, shall incur a penalty of two hundred dollars, in addition to H and the second dollars, in addition to all other liabilities and penalties in

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curred by him, and the goods shall be seized and forfeited; and every person who removes or alters in quantity or And for quality, any such goods, or unnecessarily opens or alters any removing or package thereof, or abets any such act, before the goods are deposited in deposited in a warehouse under the custody of the Customs officers, shall, in addition to all other liabilities and penalties incurred by him, incur a penalty of two hundred dollars. 46 V., c. 12, s. 61.

218. All cane juice, syrup of sugar or of sugar cane, Forfeiture for entered concentrated melado or concentrated molasses, syrups under them cane wrong name. entered as molasses, or under any other name than cane wrong name. Juice, syrup of sugar or of sugar cane, melado, concentrated melado, or concentrated molasses, shall be seized and forfeited. 46 V., c. 12, s. 76.

219. Every police or peace officer, who has detained Penalty on police officer and who property or vehicle subject or liable to forfeiture, not conveying detained who prove the function House, ing detained and who neglects to convey the same to the Custom House, ing detained or to give a property of the same to the Custom House, ing detained or to give notice of having stopped the same as herein pre-scribed ability is a non-like to m House. scribed, shall be liable on summary conviction, to a penalty of one hundred dollars, and in default of payment to imprisonment for a term not exceeding thirty days. 46 V., c.

220. Every collector or other officer of Customs who Penalty on Collector allows the payment of duties of Customs to be avoided or allowing pay-defarmed a construction of duties of the state of t deferred for any cause or consideration whatsoever, except ment to be by regular and cause or consideration whatsoever, except ment to be avoided or avoided or deferred. by regular entry for warehouse, shall be liable to a penalty deferred. equal to the full value of such goods, and the duty accruing thereon, which shall be recoverable in any court of com-petent in the shall be recoverable in any court of competent jurisdiction, from him or his sureties, or either of them; and any goods on which payment of duty has been Liability of so avoided any goods on which payment of seizure and be so avoided or deferred, shall be liable to seizure and be dealt with dealt with as goods unlawfully imported into Canada. V., c. 12, s. 127. 46

221. Every officer of the Customs, and every person Penalty on officers of Customs. Customs employed, with the concurrence of the Minister of Customs, Customs for the very with the concurrence of the Minister of Customs esize conniving for the prevention of smuggling, who makes any collusive seiz- conniving at ure, or doll. ure, or delivers up, or makes any agreement to deliver up or the revenue not to seize any or makes any agreement to deliver up or the revenue not to seize any vessel, boat, carriage, goods or thing liable to laws. forfeiture under this Act, or who takes or accepts a promise of any brik any bribe, gratuity, recompense or reward for the neglect or hon-berformer of a misdemeanor, Non-performance of his duty, is guilty of a misdemeanor, and liable for every such offence to a fine of five hun-dred doll. dred dollars, and to imprisonment for a term not exceeding two vocations and to imprisonment for a term not exceeding the set of the two years and to imprisonment for a term not each in-capable and not less than three months, and shall be incapable of serving Her Majesty in any office whatsoever; and even and every person who gives, offers or promises to give, or Or persons nakes any collection of the process of th makes any collusive agreement with any such officer or so to connive.

person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any act whereby the provisions of this Act, or any law relating to the Customs, trade or navigation, may be evaded, is guilty of a misdemeanor, and liable for every such offence to a fine of five hundred dollars, and to imprisonment for a term not exceeding two years and not less than three months. 46 V., c. 12, s. 187.

PROCEDURE.

In what Courts penalties and forfeitures may be recoverable.

And if not exceeding \$200.

222. All penalties and forfeitures incurred under this Act or any other law relating to the Customs or to trade of navigation, may, in addition to any other remedy provided by this Act or by law, be prosecuted, sued for and recovered with full costs of suit, in the Exchequer Court of Canada of in any superior court or Court of Vice-Admiralty, having jurisdiction in that Province in Canada where the cause of prosecution arises, or wherein the defendant is served with process; and if the amount of any such penalty or forfeiture does not exceed two hundred dollars, the same may, in the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, British Columbia, Manitoba and Prince Edward Island, respectively, also be prosecuted, sued for and recovered in any court having jurisdiction in the place where the cause of prosecution arises, or where the defendant is served with process. 47 V., c. 29, s. 1.

In whose name prosecutions may be brought.

223. All penalties and forfeitures imposed by this Act or by any other Act relating to the Customs or to trade or navigation, shall, unless other provisions are made for the recovery thereof, be sued for, prosecuted and recovered with costs by Her Majesty's Attorney General of Canada, or in the name or names of the Commissioner of Customs, or any officer or officers of the Customs, or other person or persons thereunto authorized by the Governor in Council, either expressly or by general regulation or order, and by no other person. V., c. 12, s. 189.

How such suits or proceedings may be brought in the Province of Quebec. **224.** All penalties and forfeitures imposed by this Act or by any other law relating to the Customs or to trade or navigation, may, in the Province of Quebec, be sued for, prosecuted and recovered with full costs of suit by the same proceeding as any other moneys due to the Crown, and all suits or prosecutions for the recovery thereof shall, in that Province, be heard and determined in like manner as other suits or prosecutions in the same court for moneys due to the Crown, except that in the Circuit Court the same shall be heard and determined in a summary manner; this nothing in this section shall affect any provisions of and of trial in such suits or prosecutions as aforesaid. 46 V, c. 12, s. 190.

225. Every prosecution or suit in the Exchequer Court of Procedure in Canada, or in any superior court or circuit court or court of such suits or prosecutions, competent jurisdiction for the recovery or enforcement of any in the several penalty or forfeiture imposed by this Act or by any other courts. law relating to the Customs or to trade or navigation may be commenced, prosecuted and proceeded with in accordance with any rules of practice, general or special, established by the court for Crown suits in revenue matters, or in accordance with the usual practice and procedure of the court in civil cases, in so far as such practice and procedure are applicable, and wherever the same are not applicable, then in accordance with 46 V c 12 s with the directions of the court or a judge. 46 V., c. 12, s. 191, part.

226. The venue in any such prosecution or suit may be As to the id in the tendence that the venue. laid in any county in the Province notwithstanding that the venue. cause of prosecution or suit did not arise in such county. 46 V., c. 12, s. 191, part.

227. Any judge of the court in which any prosecution or Arrest of suit is brought for the recovery or enforcement of any penalty defendant or forfeiture as aforesaid, may, upon being satisfied by affidavit the Province that there is a foresaid, may, upon being satisfied by affidavit the Province that there is reason to believe that the defendant will leave where the suit is brought. the Province without satisfying such penalty or forfeiture, issue a warrant under his hand and seal for the arrest and detention of the defendant in the common gaol of the county, district district or place until he has given security, before and to the satisfaction of such judge or some other judge of the same court, for the payment of such penalty with costs, in Case = 1

case judgment is given against him. 46 V., c. 12, s. 192. 228. In any declaration, information, statement of claim What shall be or proceeding in any such prosecution or suit, it shall be averment in sufficient aufficient to sufficient the sufficient to such as the s sufficient to state the penalty or forfeiture incurred, and the such cases. Act or south to have been in-Act or section under which it is alleged to have been incurred, without further particulars; and the averment that the person seizing was and is an officer of the Customs shall be sufficient evidence of the fact alleged unless it is contra-dicted 1. 46 V. c.

dicted by some superior officer of the Customs. 46 V., c.

229. In every prosecution, information, suit or proceeding Those who sue for the local are or on force. brought under this Act for any penalty or to declare or enforce Grown to re-any forfaither the for any penalty or to declare or enforce for the cover full any forfeiture or upon any bond given under it, or in any mat- cover full ter relations to the cover full any bond given under it. ter relating to the Customs or to trade or navigation, Her Ma-jesty, or these and the customs or to trade or navigation, Her Majesty, or those who sue for such penalty or forfeiture, or upon such hand is the such penalty or forfeiture also to resuch bond, shall, if they recover the same, be entitled also to recover full costs of suit ; and all such penalties and costs, if Penalties and not paid costs of suit ; and all such penalties and costs, how not Paid, may be levied on the goods and chattels, lands and levied. tenements of the defendant, in the same manner as sums recovered by judgment of the court in which the prosecution is brought may be levied by execution, or payment

thereof may be enforced by capias ad satisfaciendum against the person of the defendant under the same conditions and in like manner. 46 V., c. 12, s 194.

Nolle prosequi by Attorney General.

Averment as to place at

was done.

230. If, in any case, the Attorney General of Canada is satisfied that the penalty or forfeiture was incurred without intended fraud, he may enter a nolle prosequi on such terms as he sees fit, which shall be binding on all parties; and the entry of such nolle prosequi shall be reported to the Minister of Customs with the reasons therefor. 46 V., c. 12. s. 195.

231. In any prosecution, suit or other proceeding for the which any act recovery of any penalty or in respect of any forfeiture as afore said, or for an offence against this Act or any other law relating to the Customs, or to trade or navigation, the averment that the cause of prosecution or suit arose, or that such offence was committed within the limits of any district, county, port or place, shall be sufficient evidence of the fact without 46 V., c. proof of such limits, unless the contrary is proved. 12, s. 196.

232. If in any prosecution, information or suit respecting

Costs and damages for seizure set aside, to be limited on certificate of probable Cause

any seizure made under this Act, or any law relating to the Customs, decision or judgment is given for the claimant, and if the judge or court before whom the cause has been tried or brought, certifies that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution or account of such seizure; and if any action, indictment, or other suit or prosecution is brought against any person of account of his making or being concerned in the making of such seizure, the plaintiff, if probable cause is certified as aforesaid, shall not be entitled to more than twenty cents damages or to any costs, nor shall the defendant in such prosecution in such case be fined more than ten cents. 46∇ . c. 12, s. 216.

Burden of proof that duties have been paid to be on the owner or claimant.

233. If any prosecution or suit is brought for any penalty the or forfeiture under this Act or any other law relating to the Customs or to trade or navigation, and any question arises whether the duties have been paid on any goods, or whether the same have been lawfully imported, or lawfully laden or exported on any goods, or who or exported, or whether any other thing has been done the which such penalty or forfeiture would be avoided, the burden of proof shall lie on the owner or claimant of the goods, and not on the person bringing such prosecution or suit. 46 V., c. 12, s. 197.

234. All vessels, vehicles, goods and other things seized to Things seized as forfeited to be deemed to as forfeited under this Act or any other law relating to condemned, if Customs, or to trade or navigation, shall be placed in the custody of the nearest collector, and secured by him, or if not claimed seized by any officer in charge of a revenue vessel, shall be within a cer-retained in port and shall retained on board thereof until her arrival in port, and shall be deemed and taken to be condemned, without suit, infor-mation mation or proceedings of any kind, and may be sold, unless the person in whose possession or custody they were seized, claim. or the owner thereof or some person on his behalf, within one month from the design of the person of the person of the second se month from the day of seizure gives notice in writing to the seizing officer or other chief officer of the Customs at the nearest port, that he claims or intends to claim the same; and +1, where the same intends to claim the same intends to cla and the burden of proof that such notice was duly given in any case shall lie upon the person so claiming. 46 V., c. 12, s. 192

235. Proceedings for the condemnation of the things Want of notice no seized may be commenced and prosecuted to judgment, even notice not to if no such notice has been given. 46 V., c. 12, s. 199.

236. So soon as proceedings have been commenced in Notice of proceeding proceedings have been commenced notice proceeding proceedi any court, for the condemnation of anything seized, notice to be posted thereof shall be posted up in the office of the clerk, registrar up, and or prothesest or prothonotary of the court, and also in the office of the where. collector at the port at which the thing has been seized as aforesaid; and if the thing seized is a vessel, such notice shall also be at the thing seized is a vessel, such notice shall also be posted on a mast thereof, or on some other conspicuous place on board. 46 V., c. 12, s. 200.

237. If within one month after the last posting of the Judgment by notice, under the next preceding section no claim to the default for thing seized is duly made, and security for costs is not given or bond. in accordance with the provisions of this Act and of the practice of the court, judgment by default for the court or tion of the thing seized may, with the leave of the court or a judge thereof, be entered. 46 V., c. 12, s. 203.

238. Every person who desires to claim any thing seized As to claims after proceedings for condemnation thereof have been comproceedings prothonotary of the claim in the office of the clerk, registrar or have been commenced. prothonotary of the court : and such claim shall state the name, residence and occupation or calling of the person making it, and shall a and shall be accompanied by an affidavit of the claimant or his accompanied by an affidavit of the claimant or his agent having a knowledge of the facts, setting forth the nature of the claimant's title to the thing seized. 46 V., c.

239. Before any such claim can be filed the claimant shall Bond for ve second to the read payment give security to the satisfaction of the court or a judge thereof costs required. by bond in a penal sum of not less than two hundred dollars, or by a difference of the payor by a deposit of money not less than two numerical ment of the payment of the costs of the proceedings for condemnation. 46

Limitation of for penalties, &c.

240. All prosecutions or suits for the recovery or enforce bringing suits ment of any of the penalties or forfeitures imposed by this Act, or any other law relating to the Customs, may be commenced at any time within three years after the cause of prosecution or suit arose, but not afterwards; and the vessels, vehicles, goods or things forfeited shall be liable to condem. nation during the same period. 46 V., c. 12, s. 207.

Appeal from

241. An appeal shall lie from a conviction by any magisconvictions before Jus-tices of Peace. in the manner provided by law from convictions in cases of summary convictions in cases of summary conviction, in that Province in which the conviction tion was had, on the appellant furnishing security by bond or recommission or recognizance with two sureties to the satisfaction of such magistrate, judge, justice or justices of the peace, to abide the event of such appeal. 46 V., c. 12, s. 208.

And from other courts.

242. An appeal shall also lie from the Exchequer Court of Canada, the superior courts and county courts respectively, in cases where the amount of the penalty or forfeiture is such that if a in l that if a judgment for a like amount was given in any civil case, an appeal would lie; and such appeal shall be allowed and prosecuted on like conditions and subject to like provisions as other appeals from the same court, in matters of like amount; and an appeal shall lie from the Circuit Court to the Court of Queen's Bench in the Province of Quebec, to be allowed and prosecuted in like manner and on like conditions as app_{ong}^{eals} . from the Superior Court in that Province. 46 V., c. 12, s. 209.

If brought by the Crown.

Restoration of goods, &c., security is given.

243. If the appeal is brought by Her Majesty's Attorney General, or a collector or officer of the Customs, it shall not be necessary for 1 be necessary for him to give any security on such appeal. 46 V., c. 12, s. 210.

244. In any case in which proceedings have been instinot prevented tuted in any court against any vessel, vehicle, goods or thing, by appeal if for the received against any vessel, vehicle, goods or thing for the recovery or enforcement of any penalty or forfeiture under this A at an under this Act or any law relating to the Customs, trade or navigation the navigation, the execution of any decision or judgment for re-storing the third storing the third storing the third storing the third stories and the stories storing the thing to the claimant thereof, shall not be sus pended by reason of any appeal from such decision ity. security: judgment, if approved of by the court or a judge thereof, to render and deliver the think is a second to a judge thereof, to render a to deliver the thing in question or the full value thereof, aled the appellant, in case the decision or judgment so appealed from is reversed to the decision or judgment so appealed from is reversed. 46 V., c. 12, s. 211.

POWERS OF THE GOVERNOR IN COUNCIL.

Governor in Council may make regulations for-

245. The Governor in Council may, from time to time, the and in the manner hereinafter provided, in addition to the other purposes and mutic other purposes and matters in this Act mentioned, make regulations for or relations to the formation of the second lations for or relating to the following purposes and matters

(a) For the warehousing and bonding of such cattle and Slaughtering swine as may be slaughtered and cured in bond, and of such cattle, and when wheat, maize and other grain as may be ground and packed grain in bond. in bond, and of such sugar as may be refined in bond;

(b) For the branding and marking of all duty-paid goods Marking duty and goods entered for exportation, and for regulating and and as to tare. declaring what allowances shall be made for tare on the gross weight of goods ;

(c) For declaring what shall be coasting trade, or inland Coasting navigation, respectively, and how the same shall be regulated trade and in-in any control of the same shall be regulated trade and in-land navigain any case or class of cases, and for relaxing or dispensing tion. with any of the requirements of this Act, as to vessels engaged in such trade, on any conditions which he sees fit to impose;

(d) For appointing places and ports of entry, and ware-Ports of entry. housing and bonding ports,—and respecting goods and vessels passing the canals,—and respecting the horses, vehicles and Passing personal baggage of travellers coming into Canada or return- through Caning thereto, or passing through any portion thereof;

(e) For regulating or restricting the importation of spirits, Regulating or wine and malt liquors, or other goods which require to be restricting weighted weighed, gauged or tested for strength or quantity, and spirits, &c. limiting or prescribing the kind and capacity of packages in which it of prescribing the kind and capacity of packages by which the same may be imported, and the conveyances by which, and the ports or places at which the same may be landed and entered ;

(f) For exempting from duty any flour or meal or other Exempting produce of any wheat or grain grown in and taken out of produce of grain or ti Canada into the United States to be ground, and brought ber grown in back into the United States to be ground, and brought ber grown in back into Canada within two days after such wheat or grain Canada, &c., has been and a within two days after such wheat or grain from duty in from duty in cases has been so taken out to be ground, or any boards, planks certain cases. or scantling the produce of any logs or timber grown in and taken taken out of Canada into the United States to be sawn, and brought back into Canada within seven days after such logs or timber were so taken out to be sawn;

(g) For regulating the quantity to be so taken out or Respecting brought in at any one time by any person, and the mode in claims to such which the the standard one time by any person, and the mode in claims to such which the claim to exemption shall be established and

(h) For authorizing the appointment of warehouses, and Warehousing. regulating the security which shall be taken from warehouse keepers the formation which shall be taken from warehouse are keepers, the forms and conditions subject to which goods are Forms, rents, to be many the forms and conditions subject to which goods are Forms, rents, to be warehoused, the mode of keeping goods in warehouse, &c. and of removing such goods therefrom, and the amount of Wareh Warehouse rent or license fees;

(i) For extending either by general regulation or by special der the time fExtending time for clear- order, the time for clearing warehoused goods, and for the housed goods. transport of goods in bond from one port or place to another;

Transfers in bond.

(*j*) For regulating the form in which transfers of g_{ij}^{oods} warehouse or bond from one person to another shall be entered :

Exemption of goods from Newfoundland.

(k) For exempting goods from duty as being the growth, produce or manufacture of Newfoundland, if such exemption is provided and tion is provided for by any Act relating to Customs, and for regulating the mode of proving such exemption;

Transferring certain materials for Canadian manufree list, &c.

(1) For transferring to the list of goods which may be int ported into Canada free of duty, any or all articles (whether natural products or products of manufactures) used as materials in Or 1 factures to the rials in Canadian manufactures; and any such materials free list, &c. transferred to the free list by such Order in Council, shall for free of duty of Customs for the time therein appointed for that purpose;

Drawback on duty paid on articles which have been used in Canadian articles used manufactures, or for granting a certain specific sum in lieu in manufactures. of any such drawback :

Distribution of penalties.

Taking bond of conditions of remission, δc.

(o) For authorizing the taking of such bonds and security for security of he deems advisable for the performance of any condition on which any remission or partial remission of duty, indulgence or permission is granted to any person, or any other condition made with condition made with such person, in any matter relating to the Cus toms or to the 1 Such bonds to toms or to trade or navigation; and such bonds, and all be valid. bonds taken with the bonds taken with the sanction of the Minister of Customs expressed either by general regulation or by special order, shall be valid in law, and upon breach of any of the condi-tions thereof tions thereof, may be sued and proceeded upon in like man ner as any other bond entered into under this Act or any other law relating to the Customs;

penalties and forfeitures shall be distributed;

Other matters.

General regulations in cases where he may make special.

regulations:

And the Governor in Council may, if he deems it expedient, make general regulations in any matter in which may make a small regulations in any matter in which may make a special order, and any such general regulation shall apply to and shall apply to each particular case within the extent and meaning themes meaning thereof, as fully and effectually as if the same refer

(p) For any other purpose for which by this Act, or any ther law relation.

other law relating to the Customs or to trade or navigation, the Governor in Council is empowered to make orders or

(m) For granting a drawback of the whole or part of the

(n) For prescribing the manner in which the proceeds of

red directly to each particular case within the intent and meaning thereof, and the officers, functionaries and persons had been specially named therein. 46 V., c. 12, s. 230.

246. The Governor in Council may, from time to time, Regulations and as occasion requires, make such regulations as to him of goods seem meet, with respect to goods conveyed directly through through Canthe Canadian canals or otherwise by land or inland naviga- adian canals, tion, from one part of the frontier line between Canada and the United States to another, without any intention of unlading such goods in Canada, and with respect to travellers in like manner, passing through a portion of Canada, or coming into it with their carriages, horses or other cattle drawing the same, and personal baggage, with the intention of forthwith returning to the United States, or having gone to the United States from Canada, returning to it with such articles, and may direct under what circumstances duty shall or shall not be paid, and on what conditions it shall be remitted or returned; and he may cause such bonds or other security to be given, or such precautions to be taken at the expense of the importer, whether by placing officers of the Customs on board any such vessel or carriage or otherwise, as to him seem meet; and on the refusal of the importer to comply with the regulations so made, the duty on the goods so imported shall forthwith become payable; and all and every animal, vehicle or goods Forfeiture for of any payable; and all and every animal, vehicle or goods Forfeiture for of any kind, brought into Canada by any traveller, exempted tion. from duty under such regulations or otherwise, shall, if sold or offered for sale in Canada, and if the duties thereon have not been previously paid, be held to have been illegally imported and a life previously paid, be held to have been illegally imported and shall be seized and forfeited, together with the harness or tackle employed therewith or in the conveyance 46 V., c. 12, s. 231. Re-drafted.

247. The Governor in Council may, under regulations Drawback which have been imported into Canada, and on which a exported. duty of G duty of Customs has been paid, a drawback equal to the duty so paid with such deduction therefrom as is provided regulations, and subject to such provisions as are therein made such made, such drawback or a specific sum in lieu thereof may be allowed or wrought in be allowed on duty-paid goods manufactured or wrought in Canada Canada into goods exported therefrom as aforesaid; and the period into goods exported therefrom as aforesaid; after period within which such drawback may be allowed, after the time which such drawback may be allowed, after the time the duty was paid shall be limited in such regulations. 46 V., c. 12, s. 242.

248. The Governor in Council may interpret, limit Powers of Governor in tis provided in the meaning of the conditions upon which Council as to determine the conditions of Customs, conditions on it is provided in any Act imposing duties of Customs, conditions on Governor in Council may make regulations for the appointment of sufferance wharves and warehouses.

Proviso.

Sufferance warehouses for goods by railway.

Governor in Council may prohibit the exportation, &c., of certain goods.

that any article may be imported free of duty for special purposes, or for particular objects or interests; and may make regulations either for declaring or defining what cases shall come within the conditions of such Act, and to what objects or interests of an analogous nature the same shall apply and extend, and may direct the payment or non-payment of duty in any such case, or the remission thereof by way of drawback if such duty has been paid. 46 V., c. 12, s. 78.

249. The Governor in Council may make such regular tions as are considered advisable, for the appointment de sufferance wharves and warehouses, at which arriving by vessels in transit to other ports or confined A certain days of departure, may be landed and after ward stored before entry—such vessels being duly reported to the Custom House, and the collector's warrant for the purpose being obtained—if such landing is effected between sunrise and sunset, on a day not being Sunday or a statutory holiday, and if the goods on being so landed, are immediately stored in some such approved sufferance warehouse; and such goods shall be thereafter dealt with by the proper officer of Customs as prescribed by law: but nothing...d. this section shall affect any contract, express or implied, between the master or owner of any such vessel and the owner, shipper or consignee of any such goods as aforesaid, of the rights or liability of any person under such contract:

2. The Governor in Council may make similar regulations for the appointment of sufferance warehouses, in which goods arriving by railway may be stored before entry,—such goods having been duly reported to the collector or proper officer of Customs. 46 V., c. 12, s. 32.

250. The Governor in Council may, from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of the following goods: arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council deems capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food by man; and if any goods so prohibited are exported, carried coastwise or by inland navigation, or waterborne or laden in any railway carriage or other vehicle, for the purpose of being so exported or carried, they shall be seized and forfeited. 46 V., c. 12, s. 233.

Oath or declaration may be required by regulations.

251. Any oath or declaration which the Governor in Council deems necessary to protect the revenue against fraud may, in any regulation made by him under this Act, be prescribed, and any person or officer may be authorized to administer the same; and by any such regulation a declaration may be substituted for an oath in any case in which an oath is required by this Act. 46 V., c. 12, s. 232.

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252. The Governor in Council may prescribe the forms of Governor in Council may to time, be repealed or amended, and the forms of oaths alter forms of authorized 1 authorized by statute or by the Governor in Council at the oaths. time of the coming into force of this Act shall continue to be the authorized forms until altered or dispensed with by the Governor in Council. 46 V., c. 12, s. 91.

258. All general regulations made by the Governor in Publication of Council under this Act, shall have effect from and after the regulations. day on which the same are published in the *Canada* Gazette, or from and after such later day as is appointed for the for the purpose in such regulations, and during such time as is therein expressed, or if no time is expressed for that Revocation. purpose, then until the same are revoked or altered. 46 V., c. 12, s. 236, part.

ANNUAL REPORT.

254. The Minister of Customs shall annually make to the Annual re-Governor General, to be laid before Parliament within fifteen jort by Min-days of days after the meeting thereof, a report and statement of the transactions and affairs of the department during the year then next preceding. 31 V., c. 43, s. 5.

Proposed to be Consolidated.	• Part Consolidated	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
$ \begin{array}{c} 31 \ V, \ c. \ 7, \dots, \\ 31 \ V, \ c. \ 43, \dots, \\ 37 \ V, \ c. \ 6, \dots, \\ 42 \ V, \ c. \ 15, \dots, \end{array} $	Section 8. The whole except part of s 3 and ss 4 and 6. Section 9.	85. 4 and 6.	Part of s 3	Inland Rev- enue Act.
	/ - °) + + auu	ss. 2, 3 and 5, sub-sec. 1 of Section 12, s.	Remainder	Act respecting Duties of Customs. Act respecting Duties of Customs.
47 V., c 29 47 V., c. 30 48-49 V., c. 61	Schedule. ss 1 and 2 s. 4	part of 238 and Schedule. 88. 3 and 4.	Remainder Remainder	
				Duties of Customs; Inland Rev- enue Act.

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CHAPTER 31.

An Act respecting the Duties of Customs.

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

1. In this Act the expression "goods" has the meaning

assigned to it in "The Customs Act;" and any power conferred upon the Governor in Council by the Act last cited

to transfer dutiable goods to the list of goods free of duty is

42 V., c. 15, s. 1, part.

not hereby abrogated or impaired.

Interpretation.

Power of Governor in Council not impaired.

Duties in Schedule **A** imposed. 2. In lieu and instead of all other duties of Customs upon goods imported into Canada, there shall be raised, levied, collected and paid upon the goods enumerated in Schedule A to this Act, or referred to as not enumerated therein but charged with duty, imported into Canada or taken out of warehouse for consumption therein, the several duties of Customs set forth and described in the said Schedule A and set opposite to each respectively, or charged on them as not enumerated, subject to the provisions hereinafter made. 42 V., c. 15, s. 1. part.

Duties on fish.

Proviso: for remission of duties by proclamation in certain cases.

8. Fish and other products of the fisheries shall be chargeable with and there shall be collected thereon the rates of duty set forth and described in Schedule B to this Act and set opposite to each of them respectively: Provided, that the whole or part of the duties imposed by this section may be remitted as respects either the United States or the Island of Newfoundland, or both, upon proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that the Governments of the United States and the Island of Newfoundland, or of either of them, have made changes in their tariffs of duties imposed upon articles imported from Canada, in reduction or repeal of the duties in force in the said countries respectively. 48-49 V., c. 61, s. 4, part.

Goods free of duty.

4. The goods enumerated in Schedule C may, subject to the provisions and conditions therein mentioned, be imported into Canada or taken out of warehouse for consumption therein, without payment of any duty of Customs thereon. 42 V., c. 15, s. 2.

Prohibited goods. 5. The goods enumerated in Schedule D shall not be imported into Canada, under the penalty therein mentioned, and if imported shall be forfeited and forthwith destroyed:

2. Goods manufactured or produced, wholly or in part, Importation by prison labor, or which have been made within or in of articles of connection with any prison, gaol or penitentiary, shall not facture probe imported into Canada, under a penalty of two hundred hibited. dollars, and if imported such goods and the parcels or packages in which they are contained shall be forfeited. 42 V., c. 15, s. 3;-48-49 V., c. 61, s. 13.

6. There shall be raised, levied, collected and paid, upon Export duties. the goods enumerated in Schedule E to this Act, the export duties mentioned in the said Schedule E, and such duty shall be paid to the proper officer of Customs, at the intended port of exportation; the export of such goods without payment of the said duty is unlawful, and the collector or any officer of Customs shall prevent the exportation of such goods until such duties thereon are paid; and if any Penalty for attempt is made to export such goods contrary to the provi- attempting to sions of this Act, they shall be liable to seizure and shall out paying be forfeited and dealt with as other goods forfeited for duty. breach of the Customs laws. 31 V., c. 44, s. 11.

7. The export of deer, wild turkeys, quail, partridge, Export of prairie export of deer, wild turkeys, quait, partinge, sapera hereby declared unlawful and prohibited, and any person exporting and unlawful and prohibited prohibited. exporting or attempting to export any such article shall, for each such offence, incur a penalty of one hundred dollars, and the article so attempted to be exported shall be forfeited, and may, on reasonable cause of suspicion of intention to export the same, be seized by any officer of the Customs, and if such intention is proved shall be dealt with as for breach of the of of the Customs laws. 46 V., c. 13, s. 9;-48-49 V., c. 61,

8. The value of all bottles, flasks, jars, demijohns, carboys, As to packcasks, hogsheads, pipes, barrels, and all other vessels or pack- ages contain-ages, manufactured of tin, iron, lead, zinc, glass or any other paying ad material and are in the paying ad valorem duty. material, and capable of holding liquids,—crates, barrels and valorem duty. other Packages containing glass, china, crockery or earthenware, and all packages in which goods are commonly placed for hand all packages in which goods are commonly placed for home consumption, including cases in which bottled spirits, wines or malt liquors are contained, and every Package, being the first receptacle or covering inclosing goods for purpose of sale, shall, in all cases not otherwise provided for, in which they contain goods subject to an ad valorem duty or a specific and ad valorem duty, be taken and held to be a part of the fair market value of such goods for duty and a part of the fair market value of such goods for duty, and shall be charged with the same rate of *ad valorem* duty and shall be charged with the same rate of *ad valorem* in the same rate of *ad valorem* in the same rate of *ad valorem* is the sa duty as is to be levied and collected on the goods they contain; and when they contain goods subject to specific duty only, As to pack-such pack such packages shall be charged with a duty of Customs of ages contain-twenty not the charged with a duty of Customs of ages containtwenty per centum ad valorem, to be computed upon their paying original cost or value; and all or any of the above packages specific duty described as a value when containing goods. described as capable of holding liquids, when containing goods.

goods exempt from duty under this Act, shall be charged with a duty of twenty per centum ad valorem ; but all packages not hereinbefore specified, and not herein specially charged with or declared liable to duty under regulations, and being the usual and ordinary packages in which goods are packed for exportation only, according to the general usage and custom of trade, shall be free of duty. 42 V., c. 15, s. 4; -44 V., c. 10, s. 1.

Certain articles to be free of duty in free in the United States.

Other pack-

ages free.

9. Any or all of the following things, that is to say, ani mals of all kinds, green fruit, hay, straw, bran, seeds of all Canada, when kinds, vegetables (including potatoes and other roots), plants, trees and shrubs, coal and coke, salt, hops, wheat, pease and beans, barley, rye, oats, Indian corn, buckwheat and all other grain, flour of wheat and flour of rye, Indian meal and oatmeal, and flour or meal of any other grain, butter, cheese, fish (salted or smoked), lard, tallow, meats (fresh, salted or smoked), and lumber may be imported into Canada free of duty, or at a less rate of duty than is provided by this Act, upon proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States free of duty, or at a rate of duty not exceeding that payable on the same under such proclamation when imported into Canada. 42 V., c. 15, s. 6.

As to duty on tea and coffee in relation to the United States.

Proviso: importation in bond.

10. If, at any time, any greater duty of Customs is payable in the United States of America on tea or coffee imported from Canada than on tea or coffee imported from any other country, the Governor in Council may impose on tea or coffee imported into Canada from the United States an additional duty of Customs equal to the duty payable in the United States on tea or coffee imported from Canada: Provided, that tea or coffee imported into Canada from any country other than the United States, but passing in bond through the United States, shall be taken and rated as a direct importation from the country in which the tea or coffee was purchased. 42 V., c. 15, s. 7.

Remission of duties on tain cases.

11. Whenever it appears to the satisfaction of the Gover where in cer- nor in Council that the Governments of France and Spain, or either of them, have made changes in their tariff of duties imposed upon articles imported from Canada, in reduction or repeal of the duties now in force in the said countries, he may, by proclamation, order the whole or part of the duty of thirty per centum ad valorem imposed by this Act upon wines imported into Canada to be remitted as respects importations from the said countries, or from that one of the said countries by the Government of which such change in its tariff of duties has been made as aforesaid. 42 V., c. 15, s. 12. Re-drafted.

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12. All medicinal preparations whether chemical or other- As to medici-Wise, usually imported with the name of the manufacturer, nal preparashall have the true name of such manufacturer and the place where they are prepared permanently and legibly affixed to each parcel by stamp, label or otherwise; and all medicinal preparations imported without such names so affixed shall be forfeited. 46 V., c. 13, s. 6.

SCHEDULE A.

GOODS SUBJECT TO DUTIES.

1 • •	
 Acid, Sulphuric, half a cent per pound Acetic, a specific duty of twenty five cents 	<u>1</u> c. p. lb.
	٤
	2 5c. p. I. g.
ad valorem	and 20 p. c.
and all Nitric twenty nor cont da	
4. Sulphuric and Nitzie combined and all	, 20 p. ct.
	-
	25 p. ct.
windly and domitohing confaming	•
	·
5. Agates South of the same duty as if empty.	
Queos Naunirag Hinawalda (Larnata and	
manufactured, ten per cent. ad valorem	10 p. ct.
6 A.	1
6. Agricultural Implements, viz.:	
M	
Mowing machines, self-binding harvesters, harvesters without hindow hinding at	
harvesters without binders, binding at- tachments	
rakes of any material, grain seed drills, spades and showed been been street	
spades and shovels, hoes, hay, straw, manure, spading and mining forks and all similar articles and morts thereof	
manure, spading and mining forks and	
all similar articles and parts thereof,	
7. Ale, beer and porter when in his his	35 p. ct.
7. Ale, beer and porter, when imported in bot- tles (six quart or twelve pint bottles to be	00 p. cu
tles (six quart or twelve pint bottles to be held to contain one I	
reld to contain and T i 1 11	
eighteen cents per Imperial gallon 8. Ale, beer and portor when in the second se	18c. p. I. g.
. Ale, beer and porter when imported in	100. p. 1. 8.
8. Ale, beer and porter, when imported in casks or otherwise than in bottles, ten	
	10с. р. І. д.
9. Aniline dyes, not otherwise provided for, ten per cent. ad valorem	TAO' h' T' â'
ten per cent. ad valorem	10 p. at
	10 p. ct.

and the	. Animals, living, of all kinds, not elsewhere	10.
20 p. ct.	specified, twenty per cent. ad valorem	
25 p. ct.	Artificial flowers and feathers, twenty- five per cent. ad valorem	11.
	Asbestos in any form other than crude,	12.
er et.	and all manufactures thereof, twenty-	
25 p. ct.	five per cent. ad valorem	19
1c. p. 1b.	. Axle grease and similar compounds, a specific duty of one cent per lb	10.
10 p. ct.	. Babbit metal, ten per cent. ad valorem	14.
	. Bagatelle tables or boards, with cues and	15.
35 p. ct.	balls, thirty-five per cent. ad valorem	
25 p. ct.	Bags, containing fine salt, from all coun-	10.
20 P	tries, twenty-five per cent. ad valorem Barrels containing petroleum or its pro-	17.
	ducts, or any mixtures of which petro-	
- ah.	leum is a part, a specific duty of forty	
40 cts. each.	cents each.	19
25 p. ^{ct.}	Belts and trusses of all kinds, twenty-five	10.
	per cent. ad valorem Bells of any description, except for	19.
30 p. ct.	churches, thirty per cent. ad valorem	
	. Billiard tables, without pockets, four feet	20.
	six inches by nine feet or under, a spe-	
22.50	cific duty of twenty-two dollars and fifty cents each	
-	On those of over four feet six inches by	
\$ 25	nine feet, a specific duty of twenty-five	
\$ 20	dollars each	
	On billiard tables with pockets, five feet	
\$35	six inches by eleven feet or under, a specific duty of thirty-five dollars each	
	And on all over five feet six inches by	
\$40	eleven feet, a specific duty of forty dol-	
*	lars each	
	And in addition thereto fifteen per cent. ad valorem; each table to include	
	twelve cues, and one set of four balls,	
e i e e Ce	with markers, cloths and cases, but no	
and 15 p. c.	pool balls	01
30 p. ^{ct.}	L. Bird Cages of all kinds, thirty per cent. ad	Z 1.
ov r	valorem 2. Blacking, shoe, and shoemakers' ink, har-	22
at.	ness and leather dressing, twenty-five	
25 p. ^{ct.}	per cent. ad valorem	

23. BOOKS, &C-

Books, printed periodicals and pamphlets, not elsewhere specified, not being foreign reprints of British copyright works nor blank account books, nor

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copy books, nor books to be written or drawn upon, nor Bibles, prayer-books,	
psalm and hymn-books, fifteen per cent. ad valorem British copyright works, reprints of,) fifteen per	15 p. ct.
addition thereto twelve and a-half	15 p. ct. and 12½ p. ct.
per cent. ad valorem) Bibles, prayer-books, psalm and hymn- books, five per cent. ad valorem Blank holes	5 p. ct.
books, or books to be drawn or written	_
upon, thirty per cent. ad valorem Advertising pictures or pictorial show) cards or illustrated advertising peri-	30 p. ct.
makers' fashion plates, six cents per	6. cts. per lb. & 20 p. ct.
b. and twenty per cent. ad valorem) Printed, lithographed, or copper or steel plate bill-heads, cheques, envelopes, and minister	
and miniature newspapers, receipts, drafts, cards, and other commercial blank forms, and other printed matter not elsewhore and other printed matter	
ad valorem	30 p. ct.
hundred	\$1 p. 100
Printed music bound or in sheets ten	20 p ct.
Playing cards, six cents per pack Valentines, Christman and New Veger?	10 c. p. lb. 6 c. p. pk.
others not being business or advertis	
Labels for fruit vegetables most fab	25 p. ct.
tickets postore and other goods, also	
folders, a specific duty of ten cents per Pound, and twenty per cent. ad 24. Bookbind	10 cts. p. lb. and 20 p. c.
 Bookbinders' tools and implements, in- cluding ruling machines and binders' cloth, ten per cent. ad valorem	
	10 p. ct. 30 p. ct.
tubing and plain and fancy tubing, ten	10 n ct
In strips for printers' rules, not finished, fifteen per cent. ad valorem	10 p. ct. 15 p. ct.

 Manufactures of brass, not elsewhere specified, thirty per cent. ad valorem 27. Braces or suspenders, thirty per cent. ad valorem 	30 p. ^{ct.} 30 p. ^{ct.}
28. Breadstuffs, viz. :	
 Breadstuffs, grain and flour and meal of all kinds, when damaged by water in transitu, twenty per cent. ad valorem upon the appraised value, such appraised value to be ascertained as provided by sections 8, 71, 72, 73, 74, 75 and 76 of "The Customs Act"	20 p. ct. 15c. p. bsh. 10c. p. bsh. $7\frac{1}{2}c. p. bsh.$ 10c. p. bsh. 1 c. p. lb. 17 $\frac{1}{2}$ p. c. 10c. p. bsh. 15c. p. bsh. 15c. p. bsh. 15c. p. bsh. 15c. p. bsh. 15c. p. bsh.
Cornmeal, forty cents per barrel	40c. p. 1b.
Oatmeal, one-half cent per pound	
Rye flour, fifty cents per barrel Wheat flour, fifty cents per barrel	50c. p. brl. 50c. p. lb.
Rice and sago flour, two cents per pound	50c. p. p. lb. 2c. p. lb.
29. Brick for building, twenty per cent. ad	20 p. ct.
 valorem	20 P [.] 25 p. ct.
31. Brooms and brushes, twenty-five per cent.	25 p. ct. 1b.
ad valorem	
32. Butter, four cents per pound 33. Buttons of all kinds, twenty-five per cent.	· · · ·
ad valorem	25 p. ^{ct.}
34. Button covers, crozier, ten per cent. ad	to n ct.
valorem	10 p. lb. 2c. p. lb.
35. Candles, tallow, two cents per pound	ZU. F
Candles, paraffine wax, five cents per pound	5c. p. lb.
All other candles, including sperm, twen- ty-five per cent. ad valorem	25 p. ct.

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^{36.} Cane or rattan, split or otherwise manu factured twenty-five per cent av	-
factured, twenty-five per cent. ac	ð
, twenty-nye per cent. at	~ ~ .
 37. Cans or packages made of tin or othe material containing fish of any king 	. 25 p. cu.
vi packages made of the or othe	Γ
aumitted free of duty under any exist	t-
ing law or treaty, not exceeding on	e
quart in contents, one cent and a-hal	lf
on each can or package; and when er	
Ceeding one anant an additional dut	
ceeding one quart, an additional dut	y
of one cent and a-half for each add	l• • • • • •
38. Canvas of hemp or flax, and sail twin- when to be used for boats' and ship.	f. 1] c p. qt.
will vas of hemp or flow and sail twin	e
89. Capling me per cent. ad valorem	5 p. ct.
89. Caplins, unfinished Leghorn hats, twent	T T
Ap Per cent ad malanam	20 p. ct.
40. Carpeting matting	20 p. cu
40. Carpeting, matting and mats of hemp	p,
41. Cases for joyned	25 p. ct.
The second stratches and stratches and other	74
- ~ ALV. UU THINA PM	30 p. ct.
42. CARRIAGES :	I
Darriages :	
Buggies of all kinds, farm wagons, farm	-
railway or functions, farm wagons, fart	n,
railway or freight carts, pleasure carts	or
thirty-five per cent. ad valorem	35 p. ct.
Railway cars, sleighs, cutters, wheelba rows and hand carts thirty per cent	r-
rows and hand carts, thirty per cent.	ad
valorem Childrens' carriages of all him is thirty for	30 p. ct.
Childrens' corrigers 6 11 1	50 p. ct.
Sallinges of all kinds, thirty-it	ve
43. Celluloid, moulded into sizes for handl of knives and forks not bored n	35 p. ct.
of knives and forks, not bored n otherwise	or
	nt.
44. Come ad valorem	10 p. ct.
outent, raw, or in stone from the anom	To Fu con
one dollar per ton of thirteen cubic fe	y,
45 (see stone)	et *1
45. Cement, burnt and unground, seven at 46. Cashalf cents per one bundred pound	\$1 p. ton.
, ~ ~ ~ and and inoround seven at	n0
46. Cement, hydraulic one hundred pound	ls., 7 ¹ / ₂ c. p. 100 lbs.
· · · · · · · · · · · · · · · · · · ·	10
 46. Cement, hydraulic, or water lime, ground including barrels, forty cents per bar. 47. Cement, in bulk or in bags, nine cents per bar. 48. Cement. 	rel 40c. p. brl.
cement, in bulk or in bags nine conter	
48 o bushel	9c. p. bsh.
anent, Portland or Dome	
49. Cheese, three contained or Roman, twenty p	20 p. ct.
49. Cheese, three cents per pound 50. Chicory, raw or green, three cents p	3c. p. lb.
50. Chicory, raw or green, three cents p pound	ber
pound	3c. p. lb.

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51. Chicory, or other root or vegetable used	
or encory, or other root or vegetable used	-1
as a substitute for coffee, kiln dried,	4c. p. ^{1b.}
roasted or ground, four cents per pound	
52. China and porcelain ware, thirty per	30 p. ^{ct.}
cent. ad valorem	30 P.
53. Clocks, and parts thereof, except springs,	35 p. ct.
thirty-five per cent. ad valorem	35 P. of
54. Clock springs, ten per cent. ad valorem	35 p. ct. 10 p. ct.
55 Clothing of survey starial including horse	•
55. Clothing of any material, including horse	
clothing shaped, not otherwise provi-	80 p. ^{ct.}
ded for, thirty per cent. ad valorem	
56. Coal, anthracite, fifty cents per ton of	ton.
2,000 pounds 57. Coal, bituminous, sixty cents per ton of	50c. p. ton.
57. Coal bituminous sixty cents per ton of	toll.
2,000 pounds	60c. p. ton.
58 Coal dust twenty nor cont ad valorem	60c. p. ct. 20 p. ct.
58. Coal dust, twenty per cent. ad valorem.	
59. Coal tar and coal pitch, ten per cent. ad	10 p. ^{ct.}
valorem	101
60. Cocoa matting, twenty-five per cent. ad	25 P. ct.
* valorem	20 1 100
61. Cocoa nuts, one dollar per hundred	25 P. 100 \$1 P. 100
62. Cocoa nuts, when imported from the	
place of growth by vessel direct to a	50c. p. 100
Canadian port, fifty cents per hundred	50c. P. 10
62 One of the set of t	de la de
63. Cocoa paste and chocolate, not sweetened,	20 P. ^{ct.}
twenty per cent. ad valorem	
64. Cocoa paste and other preparations of	
cocoa containing sugar, one cent. per	
pound and twenty-five per cent. ad	0.05 D.C.
valorem10	p.lb. & 201
pound and twenty-five per cent. ad valorem10 65. Coffee, green, from the United States, ten	10 P. ^{ct.}
per cent. ad valorem	10 P
66. Coffee, roasted or ground, from the United	
States, three sents ner nound and ton	C.
States, three cents per pound and ten per cent. <i>ad valorem</i>	- 1h & 10 P.C.
per cent. ad valorem	c.p.10. c.
	11
tions of and substitutes for, not else-	sc. p. lb.
where specified, three cents per pound.	3c. p. ton. 50c. per ton.
68. Coke, fifty cents per ton of 2,000 pounds.	50c. Per
69. Combs, for dress and toilet, of all kinds,	25 p. ct.
twenty-five per cent. ad valorem	25 P
70. Copper, old and scrap, in pigs, bars, rods,	
bolta in set and sheething not plan	
bolts, ingots and sheathing not plan-	ct.
ished or coated, and copper seamless	10 P. ^{ct.}
drawn tubing, ten per cent. ad valorem	
71. Copper rivets and burrs, and all manufac-	٦
tures of copper not elsewhere specified,	30 P. ct.
thirty per cent. ad valorem	30 r
72. Cordage of all kinds, twenty per cent. ad	30 P. 20 P. ^{ct.}
valorem	20 P
73. Corks, and other manufactures of cork	
wood on contractures of cork	20 P. ct.
wood or cork bark, twenty per cent.	20 P.
ad valorem	-

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74. COTTON, MANUFACTURES OF, VIZ. :--

Bed comforters or cotton bed quilts, not in- cluding woven quilts or counterpanes,	
wenty-seven and a-half per cent. and 271 p. ct.	
valorem	
Grey or unbleached and bleached cotton,	
sheetings, drills, ducks, cotton or can- 1c. p.s. yd.	
on flannels not stained, painted of and 15 p. c.	
printed, one cent per square yard, and	
unteen per cent, ad valorem	
All cotton denims, drillings, bedtickings,	
ginghams, plaids, cotton or canton	
nannels, ducks and drills, dyed of cor-	
cottonades. Kentucky jeans, pantaioon	
stuns, and goods of like description,	
two cents per square yard, and fifteen	
When cent. ad valorem	
White cotton jeans and coutilles, twenty 20 p. ct.	
Per cent ad malaman	
Cottons over thirty-six inches wide, when	
imported by manufacturers of William	
shades for use in their factories, exclu-	
sively for the manufacture of oiled win- 15 p. ct.	
WW Shadog 15 non cont ad MUNENPOUR	
Cotton, forty-two inches wide and over,	
much imported by manufacturers of	
enamelled cloth, for use in their fac- torios. 15 p. ct.	
Cotton wadding, batting, batts and	
warps, carpet warps, knitting yarn, hosiery yarm and other cotton yarns 2c. p. lb. and	1
- dot number lorty, not pleached, dy -	
or colored, two cents per pound, and	
And if bleached, dyed or colored, three 3c. p. lb. and	
And if bleached, dyed or colored, three 3c. p. lb. and cents per pound, and fifteen per cent. 3f. p. ct.	
With The Company	
ad valorem	
Cent. ad valorem 15 p. ct.	
Vard on J CC 10 P. Ct.	
and fit p_{1} and p_{2} and p_{3} and p_{4} a	
Cotton shirts and drawers, woven or made	
Cotton sewing thread, on spools, twenty 20 p. ct.	•
	-
a-half per cent. ad valorem	

١.

Crapes of all kinds, twenty per cent. ad	20 p. ^{ct.}
valorem	20 P
All clothing made of cotton or other mate-	
rial not otherwise provided for, including	
corsets, lace collars, and similar articles	
made up by the seamstress or tailor, also	
tarpaulin, plain or coated with oil, paint,	
tar or other composition, and cotton bags	
made up by the use of the needle, not	
otherwise merided for thisty per cont	ct.
otherwise provided for, thirty per cent.	30 p. cl. 30 p. cl.
ad valorem	30 P. C.
Lampwicks, thirty per cent. ad valorem	-
Jeans and coutilles, when imported by	at.
corset makers, for use in their factories,	20 P. ct.
twenty per cent. ad valorem	
Printed or dyed cottons, not elsewhere	1
specified, twenty-seven and a-half per	271 P. Ct.
cent. ad valorem	213 -
All manufactures of cotton not elsewhere	20 P. ct.
specified, twenty per cent. ad valorem.	20 P
75. Damask of cotton, of linen, or of cotton	
and linen, bleached, unbleached or	
colored, twenty-five per cent. ad	or n Ctr
valorem	25 P. ct.
76. Drain-tiles, not glazed, twenty per cent. ad	20 P. ct.
valorem	20 P.
77. Drain pipes and sewer pipes, glazed,	25 p. ct.
twenty-five per cent. ad valorem	25 P
78. Earthenware and stoneware, brown or	
colored, and Rockingham ware, thirty	ct.
	30 P. Ct.
per cent. ad valorem	
79. Earthenware, white, granite, or iron-stone	ch
ware, and "C. C." or cream-colored	30 P. Ch
ware, thirty per cent. ad valorem	
80. Earthenware decorated, printed or	
sponged, and all earthenware not else-	ct.
where specified, thirty per cent. ad	30 P. ct.
valorem	
Electro-plated ware. (See plated ware.)	ct
81. Emery wheels, twenty-five per cent. ad	25 P. ct.
valorem	
82 Essences, viz. : of apple, pear, pineapple,)	\$1.90 P.
raspberry, strawberry and other	Two Ball
fruits, and vanilla, one dollar and }	1 20 P. C.
ninety cents per Imperial gallon, and	\$1.90 P. Imp. gal. and 20 P. ct.
twenty per cent. ad valorem	
83. Essential oils for manufacturing purposes,	20 P. ct.
twenty per cent. ad valorem	20 P. ct. 20 P. ct.
84. Excelsior for upholsterers' use, twenty per	00 P. Ch
cent. ad valorem	20 1
85. Extract of beef or fluid beef, not medi-	20 F 25 P. ct.
cated, twenty-five per cent. ad valorem	201

L. 01.	349	
aresse	ostrich and vulture, undress-) een per cent. ad valorem; and d. twenty five per cent ad l	15 p. ct. 25 p. ct.
88. Firework	es, twenty per cent. ad valorem.	20 p. ct.
90. Fire-pres	ods, thirty per cent. ad valorem	25 p. ct. 30 p. ct.
⁹¹ . Flax-fibre	und	$\frac{1}{4}$ c. p. lb. 1c. p. lb.
MO1 (Tow	of sentabod	2c. p. lb.
^{34.} Flag stor	l, ten cents per bushel	10c. p. lb. 10c. p. bsh.
^{vo.} Fruit, dri	ed viz	\$1.50 p. ton.
raising	s, dates, figs, plums, prunes, s, and all other dried fruits not	2c. p. lb.
96. F _{RUIT} (G	REEN), VIZ.:	20 p. ct.
Blackberri	ty cents per barrel es, gooseberries, respherries, and	40c. p. brl.
Cherning	rries, two cents per quart	2c. p. qt.
Cent	s, plums and quinces thirty	1c. p. qt.
Peace tw	s, plums and quinces, thirty r bushel o cents per pound orty cents per bushel	30c. p. bsh.
Oranges a	orty cents per bushel	2c. p. lb. 40c. p. bsh.
incluc weigh cents	air-tight cans or other packages, ling the cans or other packages, ing not over one pound, three	20 p. ct.
each over o incluo Packa duty 98. Fruits, spirit	per can or package, and three additional per can or package for pound or fraction of a pound one pound in weight (the rate to de the duty on the cans or other ges, and the weight on which shall be payable to include the at of the cans or other packages.) preserved in brandy, or other s, one dollar and ninety cents mperial gallon	3c. p. 1 lb. can. or pkge. \$1.90 p. I. g.
		- 4

15 p. ct.

25 p. ^{ct.}

99. FURS, VIZ. :---Fur skins, wholly or partially dressed, fifteen per cent. ad valorem..... Caps, hats, muffs, tippets, capes, coats, cloaks and other manufactures of fur, twenty-five per cent. ad valorem...... 100. Furniture of wood, iron or any other material, house, cabinet or office, finished or in parts, including hair and spring and other mattresses, bolsters and pillows, caskets and coffins of any material, thirty-five per cent. ad valorem..... Bedsteads and other iron furniture, thirty-five per cent. ad valorem Show cases two dollars each, and) thirty-five per cent. ad valorem..... (Gas, coal oil or kerosene fixtures, or parts thereof, thirty per cent. ad valorem ... 101. German and Nickel Silver, manufactures of, not plated, twenty-five per cent. ad valorem 102. GLASS AND MANUFACTURES OF, VIZ. :---Carboys and demijohns, bottles and decanters, flasks and phials of every description; telegraph and lightning-rod insulators ; jars and glass balls, and cut, press-

ed or moulded table ware, thirty per cent. ad valorem..... Lamp and gas-light shades, lamps and lamp chimneys, side lights and head lights, globes for lanterns, lamps and gas-lights, thirty per cent. ad valorem... Ornamented, figured and enamelled stained glass, stained, tinted, painted and vitrified glass, and stained glass windows, figured, enamelled and obscured white glass, thirty per cent. ad valorem..... Silvered plate, thirty per cent. ad valorem.. Common and colorless window glass, thirty per cent. ad valorem..... Plate glass, not colored, in panes not over thirty square feet, a specific duty of six cents per square foot..... Plate glass in panes over thirty and not over seventy square feet, eight cents per square foot..... Plate glass in panes over seventy square

feet, nine cents per square foot.....

35 p. ^{ct.} 35 p. ^{ct.} \$2 each and 35 p. ct. 30 p. ^{ct.}

25 p. ct.

30 p. ^{ct.}

30 P. ^{ct.}

30 p. ct.

30 P. ct. 30 p. ^{ct.}

6c. p. sq. ft.

8c. p. sq. ft. 9c. p. sq. ft. hap. 31.

Imitation porcelain shades, and colored glass not figured, painted, enamelled or engraved, twenty per cent. ad valorem All other glass and manufactures of glass not herein otherwise provided for,	20 p. ct. 20 p. ct.
 103. Gloves and mitts, of cotton, leather, silk, woollen or any other material, twenty- five per cent. ad valorem 104. Gold and silvar leaf twenty-five per 	25 p. ct. 25 p. ct.
105. GUNPOWDER AND OTHER EXPLOSIVES, VIZ.:	
tridge cases of all kinds and materials, thirty per cent. ad valorem Gun, rifle and sporting powder in kegs, half-kegs or quartor kegs and other	30 p. ct. 5c. p. lb.
Cannon and musket powder in kegs and barrels, four cents per pound Canister powder in pound and half-pound	4c. p. lb. 15c. p. lb.
Blasting and mining powder, three cents per pound Giant powder dualin dynamite and	3c. p. lb. 5c. p. lb. and
other explosives in which nitro-glycer- ine is a constituent part, five cents per pound, and twenty per cent. ad valorem Nitro-glycerine, ten cents per pound,	20 p. ct. 10c. p. lb. and 20 p. ct.
and twenty per cent ad valorem) 106. Gutta-percha, manufactures of, twenty- five per cent. ad valorem 107. Hair-cloth, for furniture, thirty per cent.	25 p. ct.
108. Hair, curled, twenty per cent. ad valorem 109. Hats, caps and bonnets, not elsewhere specified, twenty-five per cent. ad	,
110. Honey, bees, in the comb or otherwise 111. Honey cents per pound	3c. p. lb. 6c. p. lb.
113. India-rubber, viz. : boots and shoes, at	10 p. ct.
Provided for, twenty-five per cent. 114. India-rubber clothing, or clothing ma	ad 25 p. ct.
Water-proof with India-rubber, thir five per cent. ad valorem	² 95 n et.

 115. India rubber vulcanized handles, for knives and forks, ten per cent ad valorem	10 p. ^{ct.}
 (wire and iron to be measured by Stubb's standard gauge.) Pig, two dollars per ton In slabs, blooms, loops or billets, puddled or not, and muck and puddled bars or billets, ten per cent. ad valorem In bars, rolled or hammered, including flats, rounds and squares, nail and spike 	\$2 p. ^{ton.} 10 p. ^{ct.}
rods, and all other iron not otherwise provided for, seventeen and one-half per cent. ad valorem Rolled round wire rods, in coils, under half	171 p. ct.
an inch in diameter, ten per cent. ad valorem	10 p. ^{ct.}
Iron rails or railway bars for railways or tramways, fifteen per cent. ad valorem	15 p. ^{ct.}
Railway fish plates, frogs, frog-points, chairs and finger-bars, seventeen and a-half per cent. ad valorem Band and hoop, sheets smoothed or pol-	17 ¹ p. ^{ct.}
ished, coated or galvanized and common or black, number seventeen gauge or thinner, boiler plate, and Canada plates, twelve and one-half per cent. <i>ad valorem</i> Iron and steel wire, galvanized or not,	121 p. ot
over fifteen gauge, and not elsewhere specified, fifteen per cent. <i>ad valorem</i> Stoves and other castings and forgings not	15 p. ^{ct.}
elsewhere specified, twenty-five per cent. ad valorem	25 P. ^{ct.}
Gas, water and soil pipes of cast iron, twenty-five per cent. ad valorem	25 P. ^{ct.}
Car-wheels and axles, of iron or steel, twenty-five per cent. ad valorem	25 p. c ^{t.}
Kolled beams, channels and angle and T iron, steel or iron and steel, twelve and one-half per cent. <i>ad valorem</i> Iron bridges and structural iron work,	12 P. ct.
malleable iron castings and iron safes, and doors for safes and vaults, twenty- five per cent. <i>ad valorem</i> Locomotive engines and stationary fire or	25 p. ^{ct.}
other steam engines and boilers, and other machinery composed wholly or in part of iron, twenty-five per cent. ad	25 p. ^{ct.}
valorem	25 P.

Locomotive tires of steel or Bessemer steel,	
in the rough, ten per cent. ad valorem	10 p. ct.
Wrought-iron tubing, plain, not threaded,	
coupled or otherwise manufactured, over	15 m at
two inches in diameter, fifteen per cent.	15 p. ct.
Wrought-iron tubing, plain, two inches	
in diameter, or under, coupled and	·
threaded or not, twenty-five per cent.	25 p. ct.
ad valorem Lap-welded boiler iron tubing, not thread-	20 p. cu.
ed, coupled or otherwise manufactured,	
one and a-half inches in diameter and	
over, fifteen per cent. ad valorem	15 p. ct.
Ornamental iron work and wire work,	-
twenty-five per cent. ad valorem	25 p. ct.
Skates and locks of all kinds, thirty	-
per cent. ad valorem	30 p. ct.
Tinned, glazed or enamelled hollow-ware,	
of cast or wrought iron, twenty-five per	
cent. ad valorem	25 p. ct.
Sheet iron hollow ware, and all manufac-	
tures of sheet iron, not elsewhere speci-	
fied, twenty-five per cent. ad valorem	25 p. ct.
Hardwe e, viz.: builders', cabinet makers, 'up-	
holsterers,' carriage makers,' saddlers' and	
undertakers,' including coffin trimmings	90 m at
of metal, thirty per cent. ad valorem House furnishing hardware, not other-	30 p. ct.
wise provided for, thirty per cent. ad	
valorem	30 p. ct.
Bolts, washers and rivets, of iron or steel,	00 p. 00.
thirty per cent. ad valorem	30 p. ct.
Cast iron forks, not handled, nor ground	_
or otherwise further manufactured, ten	
per cent. ad valorem	10 p. ct.
Pumps, iron, pitcher-spout, cistern, well	-
and force pumps, thirty-five per cent. ad	-
valorem	35 p. ct.
Tacks, brads and sprigs, Hungarian and	
clout nails, thirty per cent. ad valorem	30 p. ct.
Horse-shoes, and horse-shoe nails, thirty	
per cent. ad valorem	30 p. ct.
Iron wire nails, called "Pointes de Paris,"	90 m at
thirty per cent. ad valorem	30 p. ct.
Iron and steel screws, commonly called	
"wood screws," thirty-five per cent. ad valorem	35 p. ct.
Scales, balances and weighing beams,	00 p. 00.
thirty per cent. ad valorem	30 p. ct.
Chains (iron or steel) over nine-sixteenths	- P. O.
of an inch in diameter, five per cent. ad	
valorem	5 p. ct.
23	▲ ···

254	Chap. 31.
354	ih and
Nails and spikes, cut, half a-cent per pound and ten per cent. ad valorem	$\frac{1}{2}$ c. p. 10
Nails and spikes, wrought and pressed, whether galvanized or not, three- fourths of a cent per pound and ten per cent. ad valorem	³ ₄c. p. lb. and 10 p. ct.
Composition nails and spikes and sheath- ing nails, twenty per cent. ad valorem Nuts, of iron or steel, one cent per pound and ten per cent. ad valorem	20 p. c. 1c p lb. and 10 p. c.
Portable machines, portable steam engines, threshers and separators, horse powers, portable saw mills and fanning mills and parts thereof, thirty-five per cent. ad valorem	35 p. ^{ct.}
of iron, shall be chargeable with the same rate of duty if made of steel, or of	\$2 and 20 p. ^{ct.}
steel and iron combined, unless other- wise expressly provided.	
117. Ink, for writing, twenty-five per cent. ad valorem	25 p. ct. 1b.
118. Jellies and Jams, five cents per pound 119. Jewellery and manufactures of gold and	5c. P
silver, twenty per cent. ad valorem	20 P. ^{ct.}
120. Jute, carpeting or matting and mats, twenty-five per cent. ad valorem	25 P. ^{ct.}
121. Jute, manufactures of, twenty per cent. ad valorem	20 p. ^{ct.}
122. Laces, braids, fringes and other trim- mings, twenty per cent. ad valorem	20 P. ^{ct.}
123. Lamp black and Ivory black, ten per cent. ad valorem	10 p. ^{ct.}
124. Lard, tried or rendered, two cents per	2c. p. 1b.
pound 125. Lard, untried, one and a-half cents per	1 tc. p. 10.
pound 126. Lead, old, scrap and pig, forty cents per	100 lbs.
one hundred pounds 127. Lead, bars, blocks and sheets, sixty cents	40c. p. 10 60c. p. 100 lb ^{5.}
per hundred pounds 128. Lead, nitrate and acetate of, five per cent. ad valorem	5 D. 00
129. Lead pipe and lead shot, and all manu- factures of lead not otherwise speci-	
fied, thirty per cent. ad valorem	30 P. ^{ct.} 3c. P. 1b.
130. Leather Board, three cents per pound Boot and shoe counters made from leather board, half a-cent per pair	

197 -	
181. Leather, sole, tanned but rough or un- dressed, ten per cent ad valorem	
dressed ton managet ad unionem	10 p. ct.
dressed, ten per cent. ad valorem	10 p. cu.
Morocco skins, tanned, but rough or un-	10 - at
	10 p. ct.
belting leather and all upper	
""""""""""""""""""""""""""""""""""""""	
and calf, tanned or dressed, but not	
waxed or glazed, fifteen per cent. ad	
valorem	15 p. ct.
Valorem	10 p. 00
Glove leathers, viz. :Buck, deer and	
and the second s	
or not colored, ten per cent. ad valorem	10 p. ct.
and wared or	
	20 p. ct.
r augu, ligient or anamaliad lagther	-
twenty per cent. ad valorem	20 p. ct.
Cordova leather tanned from home hide	To be one
Cordova leather, tanned from horse hide, and manufactures of twenty five per	
	*or
Cent. ad valorem	25 p. ct.
- ""HCI ICALDAT and string tannod not	
WINE SUPPLIED twonty not cont	
	20 p. ct.
"" """ Ollows and other menntactures	-
182. Liquorice rent. ad valorem	25 p. ct.
Liquorice root posts actual of for	20 p. ou
132. Liquorice root, paste extract of, for manufacturing purposes, fifteen per	
manufacturing purposes, fifteen per	. It m at
cent. ad valorem Stick extract or confection and cont h	15 p. ct.
	1c. p. lb. and
- round and twenty per cent on v	20 p. ct.
133. Lithographic stones, not engraved, twen- 134. Mall per cent. ad valorem.	20 p. cu
O""PHICKLONAS not an amound thron-	
134. Malt, fifteen cont. ad valorem	20 p. ct.
	*
134. Malt, fifteen cents per bushel, upon entry for warehouse, subject to excise 185 regulations	
135. Malt, Extract of for medicine laws	15c. p. bush.
Malt, Extract of for modicinal moments	100. p. 5454.
 135. Malt, Extract of, for medicinal purposes, 136. Machine card clothing 	95 m of
Machine card clothing a valorem	25 p. ct.
137. Magic lanterns and optical instruments, including microscopes and telescopes.	25 p. ct.
including microscopes and telescopes, 138 twenty-five per cont address	
138. Manilla hoods twenty and telescopes,	25 p. ct.
	•
138. Manilla hoods, twenty per cent. ad valorem	20 p. ct.
uluie, in blocks from the	1
139. Marble, in blocks from the quarry, in the rough, or sawn on two sides only and not specially chemically chemical special	
and not specially show	
less than fifteen cubic feet, ten per	
cent ad a cubic leet, ten per	10.
Marble slabe some	10 p. ct.
Marble slabs, sawn on not more than two sides, ten per cent ad aslama	
two sides, ten per cent. ad valorem	10 p. ct.

Marble blocks and slabs, sawn on more	
than two sides, twenty per cent. ad	20 p. ^{ct.}
valorem	20 P.
Finished Marble, and all manufactures	
of marble not elsewhere specified,	, ct.
thirty per cent. ad valorem	30 p. ^{ct.}
140. Meats, fresh or salted, on actual weight	
as received in Canada, except should-	
	11.
ers, sides, bacon and hams, one cent	1c. p. 1b.
per pound	10.1
Shoulders, sides, bacon and hams, fresh,	
salted, dried or smoked, two cents per	2c. p. ^{1b.}
pound	20.1
Poultry and game of all kinds, twenty	an ct.
per cent. ad valorem	20 p. ct.
All other dried or smoked meats, or	
meats preserved in any other way	
than salted or pickled, not otherwise	
specified, two cents per pound (if im-	
specified, two certs per pound (if fin-	
ported in cans, the rate to include the	
duty on the cans, and the weight on	+1.
which duty shall be payable to in-	2c. p. ^{1b.}
clude the weight of the cans)	20.1
141. Milk food, manufactured by Henri	
Nestle, Dr. Gibaut, and others, and	
all similar preparations, thirty per	30 p. ct.
cent. ad valorem	30 P.
142. Musical instruments of all kinds, not	
otherwise provided for, twenty-five	ct.
per cent. ad valorem	25 p. ^{ct.}
143. Mustard cake, twenty per cent. ad	ct.
	20 p. ^{ct.}
valorem	at.
144. Mustard seed, unground, fifteen per cent.	15 p. ^{ct.}
ad valorem	
145. Mustard, ground, twenty-five per cent.	25 p. c ^{t.} 10 p. ct.
ad valorem	10 P. Cl.
146. Nickel anodes, ten per cent. ad valorem.	101
147. Nuts of all kinds, except cocoanuts,	20 P. ^{ct.}
twenty per cent. ad valorem	20 F
148. Ochres, dry, ground or unground,	
washed or unwashed, not calcined,	10 p. ct.
ten per cent. ad valorem	10 P.
149. Oils, coal and kerosene, distilled, purified	
or refined ; naptha, benzole and pet-	
roleum; products of petroleum, coal,	
shale and lignite, not elsewhere	т¢.
specified, seven cents and one-fifth of	74c. p. 1. 5
a cent per Imperial gallon	13
Carbolic or heavy oil, for any use, ten	10 P ^{. 0}
per cent. ad valorem	7 1 c. p. l. ^{g.} 10 p. e ^{t.} 20 p. ^{et.}
Cod liver, medicated, twenty per cent.	20 P. 0
ad valorem	
	,

Lard, twenty per cent. ad valorem	20 p. ct.
Linseed, or flaxseed, raw or bolled,	25 p. ct.
twenty-five per cent. ad valorem Lubricating oils, composed wholly or	
in part of petroleum, and costing	
thirty cents per Imperial gallon or over, twenty-five per cent. ad valorem.	25 p. ct.
The same costing less than thirty cents	
per Imperial gallon, seven and one- fifth cents per Imperial gallon	7¦c. p. I. g.
All other lubricating oils, twenty-five	25 p. ct.
per cent. ad valorem Neatsfoot, twenty per cent. ad valorem	20 p. ct.
Olive or salad, twenty per cent. ad valorem	20 p. ct.
Sesame seed, twenty per cent. ad	
	20 p. ct.
Ollcloth in the piece, cut or shaped, oiled,	
chamened, stamped, painted of print	
ed, flocked or coated, thirty per cent. 151 of valorem	30 p. ct.
151. Opium (drug), twenty per cent. ad	
152. Opinger files	20 p. ct.
optum, prepared for smoking, nve	\$5 p. lb.
153. Organs, Cabinet, viz. :On reed)	Ψ0 Ρ.
organs having not more than two	
sets of reeds, a specific duty of \$10	\$10
each; having over two and not over	\$15
four sets of reeds, fifteen dollars each; having over four and not }	
over six sets of reeds, twenty dollars	\$20
each; having over six sets of reeds,	\$30
unity dollars each, and in addition	\$0V
thereto, fifteen per centum ad valo-	and 15 p. ct.
154. Organs, pipe organs, and sets or parts of sets of reads for arbitrations.	
	A7
155. Painting five per cent. ad valorem	25 p. ct.
- antings, drawings on gravings and	20 p. ct.
156. Paints and colors, ground in oil or any other limits	
other liquid, twenty-five per cent. ad	
ulurem	25 p. ct.
and colors not elsewhere speci-	20 p. ct.
"AGU, IWONTH DON cont ad walower	
The and red lead, and orange mineral	
dry, also white zinc, five per cent. ad valorem	V P, ***
read in phin not mixed with old	•
Paris green, dry, ten per cent. ad valorem	. 10 p. ct.

157. Paper-hangings or wall paper, and glazed, plated, marbled, enamelled or embossed paper, in rolls or sheets and	
card-board similarly finished, thirty	30 p. ^{ct.}
per cent. ad valorem Paper, calendered, twenty-two and one-	221 p. ct.
half per cent. ad valorem Paper, ruled, twenty-five per cent. ad	223 P. ct.
valorem Paper of all kinds, not elsewhere speci-	25 P.
fied, twenty per cent. ad valorem Envelopes, and all manufactures of	20 p. ^{ct.}
paper not otherwise specified, twenty-	25 p. ^{ct.}
five per cent. ad valorem Paper, union collar cloth, in sheets, not	5 p. ^{ct.}
shapen, five per cent. <i>ad valorem</i> Mill-board, not straw-board, ten per	5 p. 10 p. ct.
cent. ad valorem Collars, cuffs and shirt fronts of paper,	10 P.
linen or cotton, thirty per cent. ad	30 p. ct.
valorem Tissue paper, white and colored, when	-
imported by manufacturers of arti- ficial flowers, for use in their factor-	10 p. ^{ct.}
ies, ten per cent. ad valorem 158. Paraffine wax or stearine, three cents	10 P 3c. p. lb.
per pound 159. Pencils, lead, in wood or otherwise,	3c. p. ^{ct.} 25 p. ^{ct.}
twenty-five per cent. ad valorem	25 P. C
160. PERFUMERY, INCLUDING TOILET PRE- PARATIONS, VIZ. :	
Hair oils, tooth and other powders and washes, pomatums, pastes and all	
other perfumed preparations used for	et.
the hair, mouth or skin, thirty per cent. ad valorem	30 P. ct.
161. Phosphor bronze, in blocks, bars, sheets and wire, ten per cent. ad valorem	30 p. ^{ct.}
162. PIANOFORTES, VIZ. :	
All square pianofortes, whether round-) cornered or not, not over seven	\$ 2 ⁵
octaves, twenty-five dollars each;	\$30
on all other square pianofortes, thirty dollars each; on upright	\$30
pianofortes, thirty dollars each ; on concert, semi-concert or parlor	\$ ⁵⁰
grand pianofortes, fifty dollars each; and in addition thereto	and 15 P. ct.
fifteen per cent. ad valorem	and 15 P

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	000	
163.	Pickles and sauces, twenty-five per	
	¹ Icture frames as f	25 p. ct.
165.	Per cent. ad valorem Pins, manufactured from wire of any metal, thirty per cent. ad valorem	35 p. ct.
166	metal, thirty per cent. ad valorem Pitch (coal) and coal	30 p. ct.
10-	metal, thirty per cent. ad valorem Pitch (coal), and coal tar, ten per cent. ad valorem	b 0 p. ct.
	ornament - Fruit, shade, lawn and	10 p. ct.
168.	ornamental trees, shrubs and plants, twenty per cent. ad valorem	20 p. ct.
100	not color di Paris, or gypsum, ground,	
169	Plaster of Paris coloined	10c. p. 100 lbs.
	tured, fifteen conta non 100	
170	or forty-five cents per 100 pounds, over 300 pounds	
-10.	Plated-ware plast	15c. p. 100 lbs.
	all kinds, including cutlery, plated wholly or in part thirty must all	
15-		
-11.	Plates engraved on an and	30 p. ct.
 .	or other metal twonter and on steel	
172.	valorem Plumbago, ten per cent. ad valorem; and all manufactures of plumbago.	20 p. ct.
	and all manufactures and valorem;	_
	Hot elsewhere marie i	10 p. ct.
173.	Per cent. ad valorem	29 p. ct.
	served in french, or flower odors pre-	
	Couserving the line of the line	
	do not been the outers of nowers which	
	when imported in tins of not less than ten pounds each fitter	
174	than ten pounds each, fifteen per cent. ad valorem	
-14.	I rinting Presson of Illing	15 p. ct.
175.	roprietary medicines; to wit:—All lozences, pills, powders, troches or	10 p. ct.
	Puelary mod	10 p. 00.
	-ozenores summer	
	anodynes tonia, cordiais, bitters,	
	ments, salves, ointments, pastes, drops, waters	
	drops, waters, essences, oils or medicinal property	
	tions recommendations or composi-	50 p. ct
	under any game to the public }	25 p. ct.
	as specifics for any diseases or af-	
	fections whatsoever affecting the	
	Wise provided for live, not other-	
	per cent ad a lor, an inquids nity	
	twenty-five per cent. ad valorem	

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176. Prunella, and cotton and woollen net-	
the control and woomen net	
ting, for boots, shoes and gloves, ten	10 p. ct.
per cent. ad valorem	25 p. ct.
177. Putty, twenty-five per cent. ad valorem.	25 P. ct.
178. Quills, twenty per cent. ad valorem	20 p. ct. 20 p. ct.
170 Ded -	
179. Red prussiate of potash, ten per cent.	10 p. ^{ct.}
ad valorem	10 P
180. Ribbons of all kinds and materials,	et.
	30 p. ^{ct.}
thirty per cent. ad valorem	- ·
181. Sails for boats and ships, also tents and	
awnings, twenty-five per cent. ad	25 p. ^{ct.}
valorem	25 P
182. Salt, coarse (except as imported from	
1. II. II. II. II. II. II. II. II.	
the United Kingdom, or any British	
Possession or imported for the use	
of the Sea or Gulf Fisheries, which	
	11.0
shall be free of duty), and all fine salt in bulk eight cents per 100 pounds 8c. In bags, barrels, and other packages, 12	nor 100 100
in bulk eight cents per 100 pounds 8c.	per 1
In bags, barrels, and other packages, 12	= 00 1bs.
In bags, barrels, and other packages, 12 cents. per 100 pounds12c. 183. Saltpetre, twenty per cent. ad valorem	per 100 ct
183. Saltpetre, twenty per cent. ad valorem	per 100 ⁻² ct. 20 p. ct.
184. Sand-paper, glass, flint and emery-paper,	25 p. ct.
twenty-five per cent. ad valorem	
185. Screws of iron, steel, brass, or other	
metal, not otherwise provided for,	ct.
	30 p. ct.
thirty per cent. ad valorem	0.1
186. Seeds, viz. :Flower, garden, field]	
and other seeds, for agricultural	1
purposes, when in bulk or in large	15 p. ct.
	15 P. ct. 25 P. ct.
parcels, fifteen per cent. ad valorem ; }	25 P
when put up in small papers or [
parcels, twenty-five per cent. ad	
valorem)	
187. Seed, mustard, unground, fifteen per)	15 p. ct.
	10 P ct.
cent. ad valorem; ground, twenty-	15 P. ct. 25 P. ct.
five per cent. ad valorem)	
188. Shawls of all kinds and materials, ex-	
cept silk, twenty-five per cent. ad	25 p. ct. 20 p. ct.
	25 P
valorem	20 p. cv.
189. Shingles, twenty per cent. ad valorem	
190. Ships and other vessels, built in any	
foreign country, whether steam or	
soiling to the second of the second of	
sailing vessels, on application for Can-	
adian register, on the fair market	
value of the hull, rigging, machinery,	
and all appurtenances :On the hull,	
rigging and all appartonences areast	10 p. ct.
rigging and all appurtenances, except	10 P.
machinery, ten per cent. ad valorem;	-
on boilers, steam engines and other	,
machinery, twenty-five per cent. ad	25 D. Ch
valorer	25 P. c ^{t.}

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191. Silk in the gum, or spun, not more ad- vanced than singles, tram and thrown	
in the gum, or spun not more ad-	
vanced than singles, tram and thrown	
organzine, not colored, fifteen per	
Cent ad against colored, litteen per	-1 12 1
192. Sewing silk and silk to the form	15 p. ct.
-8 Sirk and sirk twist, twenty-nye	
193. Silk velvets and all manufactures of silk, or of which silk is the component part	25 p. ct.
""" Us all all monistraturas at sills	-
or of which silk is the component part	
- "ALLA VALUE not algowhore charted	
except church vestments, thirty per	
Cent. ad valence	00
194. Silk plush netting used for the manufac- ture of gloves, fifteen per cent ad	30 p. ct.
195. Silver, rolled and German, and nickel silver in sheets ten per cent ad	15 p. ct.
Silver, rolled and German, and nickel	•
silver in sheets, ten per cent. ad	
196. Slates	10 m of
(Courses) FOOTING slots blash on blash	10 p. ct.
eighty cents make, black or blue,	~ ^
eighty cents per square ; red, green,	80c. p. sq.
 197. Slates of all kinds, and manufactures of, not otherwise specified, twenty-five 	\$1 p. sq.
not otherwise specified, twenty-five	
198. Slate mantles, thirty per cent. ad valorem 199. Slates, school and writing, twenty-five	25 p. ct.
199 Slate mantles, thirty per cent ad valorem	30 p. ct.
o. Blates, school and writing twenty for	ov p. ct.
 199. Slate mantles, thirty per cent. ad valorem 199. Slates, school and writing, twenty-five 200. Soap, common brown and rellement. 	05
200. Soap, common brown and yellow, not perfumed, one cent and a-half per	25 p. ct.
perfumed brown and yellow, not	
perfumed, one cent and a-half per	
201. Soap, castile	1 1 c. p. lb.
1, cubille and white true conta non	4 1
201. Soap, castile and white, two cents per 202. Soap, perfumed or toilet, thirty percent. 203. Soap	2c. p. lb.
~oap, perfumed or toilet thirty nor cont	20. p. 10.
203. Soap powders, a specific duty of three 204. Spices per pound	90 m at
Powders of the state	30 p. ct.
204. Spices, viz : Ginger and grisses of all)	
204. Spices, viz : Ginger and spices of all kinds (except nutmegs and mace).	3c. p. lb.
kinds (or all)	
kinds (except nutmegs and mace), unground, ten nor comt and mace),	10 p. ct.
unground, ten per cent. ad valorem; } ground, twenty force and valorem; }	*
ground, twenty-five per cent. ad valorem; valorem	25 p. ct.
valorem	1 0 p. co.
So alla maga traventer forme and	
205. Starch, including farina, corn starch or flour, and all preparations having the	05
Starch, including foring	25 p. ct.
flour, and all name, corn starch or	
206. Spirits and strong waters	
Spirits and starch, two cents p. pound.	2c. p. lb.
been and strong waters not having	-
206. Spirits and strong waters not having the been sweetened or mixed with any article so that the document	
thereof cannot be ascertained by Sikes's hydrometer for	
olkes's hydrometer for around by	
Sikes's hydrometer, for every Imperi- al gallon of the strength of proof of such hydrometer and said	
such hydrometer and and	
such hydrometer, and so in proportion	

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 for any greater or less strength than the strength of proof, and for every greater or less quantity than a gallon, viz :Geneva gin, rum, whiskey, and unenumerated articles of like kinds, one dollar and seventy-five cents per Imperial gallon; on brandy, two dollars per Imperial gallon Absinthe, two dollars per Imperial gallon * Old Tom " gin, one dollar and thirty- two and one-half cents per Imperial gallon, in bulk Spirits sweetened, or mixed, so that the degree of strength cannot be ascer- tained, as aforesaid, viz. : rum-shrub, cordials, schiedam schnapps, tafia, bitters, and unenumerated articles of like kind, one dollar and ninety cents per Imperial gallon Spirits and strong waters, not else- where specified, one dollar and ninety cents per Imperial gallon Spirits and strong waters imported into Canada, mixed with any ingredient or ingredients, and although thereby coming under the denomination of proprietary medicines, tinctures, es- sone outputs the server of the denomination of 	\$1.75 p. I. g. \$2.00 p. I. g. \$2 p. I. g. \$1.32½ p. I. g. \$1.90 p. I. g. \$1.90 p. I. g.
 sences, extracts, or any other denomination, including medicinal elixirs and fluid extracts, and wine preparations in bulk or bottle, not elsewhere specified, shall be, nevertheless, deemed spirits or strong waters, and subject to duty as such; one dollar and ninety cents per Imperial gallon, and in addition thereto, twenty per cent. ad valorem. Cologne water and perfumed spirits in bottles or flasks not weighing more than four ounces each, forty per cent. ad valorem. 	\$1.90 p. I. g. and 20 p. ct. 40 p. ct.
 Cologne water and perfumed spirits in bottles, flasks and other packages weighing more than four ounces each, one dollar and ninety cents per Imperial gallon, and thirty per cent. ad valorem Wines of all kinds, except sparkling wines, including ginger, orange, lemon, strawberry, raspberry, elder and currant wines, containing 	\$1.90 p. I. g [.] and 30 P. ^{ct.}

twenty-six per cent. less or of spirits of the strength of proof by Sikes's hydrometer, imported in wood or in bottles (six quart or twelve pint bottles to be held to contain an Imperial gallon), twenty-five cents per Imperial gallon, and for each degree of strength in excess of twenty-six per cent. of spirits as aforesaid, an additional duty of three cents until the strength reaches forty per cent. of proof spirits; and in addition thereto, thirty per cent. ad valorem

- Champagne and all other sparkling wines in bottles containing each not more than a quart and more than one pint, three dollars per dozen bottles; containing not more than a pint each, and more than one-half pint, one dollar and fifty cents per dozen bottles; containing one-half pint each or less, seventy-five cents per dozen bottles ; bottles containing more than one quart each shall pay in addition to three dollars per dozen bottles at the rate of one dollar and fifty cents per Imperial gallon on the quantity in excess of one quart per bottle, the quarts and pints in each case being old wine measure; in addition to the above specific duty there shall be an
- ad valorem duty of thirty per cent.... But any liquors imported under the name of wine, and containing more than forty per cent. of spirits of the strength of proof by Sikes's hydrometer, shall be rated for duty as unenu-

merated spirits.]

207. Steel and manufactures of, viz. :---Steel ingots, bars, sheets under threesixteenths of an inch thick, whole or cut to shape, but not further manufactured, and rolled round wire rods in coils, not elsewhere specified, three dollars per ton of 2,000 pounds, and ten per cent. ad valorem.....

Steel rolled round wire rods under half an inch in diameter, when imported by wire manufacturers for use in their

factories, five per cent. ad valorem ... Steel Needles, viz. :--Cylinder needles, frame needles and needles, thirty per cent. ad valorem ... latch

25c. p. I. g., and 3c. p. I. g. for each degree from 26 up to 40 and 30 p. ct.

\$3 p. doz.

\$1.50 p. doz.

75c. p. doz.

\$1.50 p. I. g. for all over one qt. p. bot.

and 30 p. ct.

\$3 per ton of 2,000 lbs. and 10 p. ct.

5 p. ct.

Carpenters', coopers', cabinet-makers' and all other mechanics' tools, edge tools of every description, axes and saws of all kinds, thirty per cent. ad valorem Cutlery, not otherwise provided for, twenty-five per cent. ad valorem Files and rasps, thirty-five per cent. ad valorem Firearms, viz. : muskets, rifles, pistols	30 p. ct. 25 p. ct. 35, p. ct.
 and shot-guns ; and all manufactures of steel and of iron and steel, not else- where specified, twenty per cent. ad valorem Knife blades or knife blanks, in the rough, unhandled, for use by electro- platers, ten per cent. ad valorem 208. Stereotypes and electrotypes of standard books, ten per cent. ad valorem 209. Stereotypes and electrotypes for com- manufactured and electrotypes for com- 	20 p. ^{ct.} 10 p. ^{ct.} 10 p. ^{ct.}
mercial blanks and advertisements, twenty per cent. ad valorem	20 p. ct.
Rough freestone, sandstone and all other building stone, except marble from the quarry not hammered or chiselled, one dollar per ton of thir- teen cubic feet Water limestone or cement stone, one dollar per ton (See cement) Grindstones, two dollars per ton Dressed freestone and all other building stone, except marble and all manufac- tures of stone or granite, twenty per cent. ad valorem	\$1 p. ton. \$1.00 p. ton. \$2.00 p. ton. 20 p. ct.
 211. SUGARS, SYRUPS AND MOLASSES : Sugar, raw or unrefined, when imported direct, without transhipment, from the country of growth and production, above number fourteen Dutch standard, a specific duty of one cent per pound, and thirty-two and a-half per cent. ad valorem Equal to number nine, and not above number fourteen Dutch standard, a specific duty of three-fourths of a cent per pound, and twenty-seven and a-half per cent. ad valorem 	

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300	
Below was land	
Below number nine Dutch standard, a specific duty of one half	
	c. per lb. and
half per cent. ad valorem	$^{-}27\frac{1}{2}$ p. ct.
twenty-seven and one-half per cent. ³ / ₃	c. per lb. and
•On all the above around	$27\frac{1}{2}$ p. ct.
•On all the above sugars, raw or unre- fined, melado and concentrated mel	
fined, melado, and concentrated mel- ado, when not imported him	
ado, when not imported direct, with- out transhipment from the	
out transhipment, from the country	
of growth and production,—	
dard,—a specific duty of one cent per pound and thirty for one det	
per pound, and thirty-five per cent. 16 ad valorem	non lh and
ad valorem	$\frac{25}{25}$ per 10. and
	35 p. et.
number fourteen Dutch standard, a specific duty of three fourteen and specific duty of three fourteen	
specific duty of three-fourths of one cent per pound and this	
cent per pound and thirty of one	
cent per pound, and thirty per cent. ³ / ₄	e. per lb. and
Delow number nine D + 1	30 p. ct.
specific duty of the bulch standard, a	
pound and the	
rem rem rem valo- 100 per cent. aa valo- 100	e. per lb. and
nenned sugar of all	30 p. ct.
a specific duty of one cent per pound 1c and thirty-five per cent ad valorem	
and this and this and this and this and the cent per pound it	. per lb. and
ruelado, and and por cont. au build em	35 p. ct.
specific duty of the melado, a	
cent per point inter-eightins of one	
ad valore and, and thirty per cent. go	e. per lb. and
Concentrated cane juice, concentrated molasses, concentrated beet rect	30 p. ct.
molasses juice, concentrated	
Julce and	
ed direct on crete, whether import-	
three-eighther not, a specific duty of	
ed direct or not, a specific duty of three-eighths of a cent per pound, ³ / ₃ of Syrups cane	e. per lb. and
and thirty per cent. ad valorem	- 30 p. ct.
Syrups, cane juice, refined syrup, sugar house syrup or sugar house molesses	-
house syrup or sugar house molasses, syrup of sugar, syrup of molasses,	
syrup of sugar, syrup of molasses, sorghum, whether imported direct or	
sorghum, whether imported direct or not—a specific duty of first sightly	
not—a specific duty of five-eighths of a cent per pound and thirty are to	
Cent , - round, and initiv per *C	, per lb. and
cent. ad valorem Molasses, other, when imported direct	30 p. ct.
Molasses, other, when imported direct, without transhipment from the common	P
without transhipment, from the coun- try of growth and production of	
try of growth and production,—fif- teen percent. ad valorem on the set	
thereof free on board Molasses, when not so imported to the terms of terms of the terms of terms o	15 p. ct.
Molasses, when not so imported, twenty per cent. ad valorem.	To b. or.
per cent. ad valorem	20 p. ct.
	40 p. ot.

The value upon which the <i>ad valorem</i> duty shall be levied and collected upon all the above named sugars, melado, syrups, molasses, &c., shall be the value thereof free on board,— as provided by " <i>TheCustoms Act.</i> " Sugar candy, brown or white, and confectionery, one cent per pound and thirty-five per cent. <i>ad valorem.</i> Glucose or grape sugar, to be classed and rated for duty as sugar according	1c. p. lb. and 35, p. ^{ct.}
to grade as Dutch standard in color. Glucose syrup, a specific duty of two cents per pound	2c. p. lb. 1c. p. lb.
213. Tea from the United States, ten per	10 p. ^{ct.}
cent. ad valorem 214. Telephones, telegraph instruments, elec- tric and galvanic batteries, and appar-	T v T
atus for electric lights, twenty-five per cent. ad valorem 215. Tin crystals, twenty per cent. ad valorem. 216. Tinware, stamped and japanned ware,	25 p. ct. 20 p. ct.
and all manufactures of tin not else- where specified, twenty-five per cent ad valorem	25 ⁻ p. ^{ct.}
217. Товассо:—	
Manufactured tobacco and snuff, thirty cents per pound, and in ad- dition thereto twelve and a half per	30c. p. lb. and 12½ p. ct.
cent. ad valorem	\$1.20 p. lb. and 20 p. ct.
218. Towels of every description, twenty- five per cent. ad valorem	25 p. ^{ct.}
219. TREES-Fruit trees, viz. :	ch
Apple, of all kinds, two cents each	2c. each 4c. each
Pear, of all kinds, four cents each	4c. each 5c. each
Plum, of all kinds, five cents each	5c. each 4c. each
Cherry, of all kinds, four cents each Quince, of all kinds, two cents and one- half each	21c. each
220. Turpentine, spirits of, ten per cent. ad	10 p. ct.
valorem	Tot
221. Trunks, satchels, valises, carpet bags, purses and pocket-books, thirty per cent. ad valorem	30 p. ^{ct.} 25 p. ^{ct.}
222. Twine, of all kinds, not otherwise speci- fied, twenty-five percent. ad valorem	25 P. ^{ct.}

Type for printing, twenty per cent. ad	
valorem valorem	00 m of
1. Type med 1	20 p. ct.
5. Umbrellas, parasols and sunshades of all kinds and materials, thirty per cent	10 p. ct.
'6. IImi valorem	30 p. ct.
26. Umbrella and parasol steel, iron or brass ribs runners rings caps	
brass ribs, runners, rings, caps,	
notches, tin caps and ferrules, when	
imported by and for the use of manu-	
acturers of umbrellas, twenty per	
227. Varnish, lacquers, Japan and collo- dion, not elsewhere specified	20 p. ct.
and Guillers lanen and collor l	
dion, not elsewhere specified,	20c. p. I. g.
The second second second second second	and 20 p. ct.
228. Vasseline and ill rent ad valorem	and to to the
Vasseline, and all similar propagations	
228. Vasseline, and all similar preparations of petroleum for toilet, medicinal or other pure	
other purpose in a state of the	4 Ib
other purposes, in bulk, four cents	4c. p. lb.
real pound and in bottles or other	and 6c. p. lb.
racages, not over one pound in	
" ^{cig} ili each, six cents per pound]	
229. Vra	
229. VEGETABLES, viz. :	
Potatoes, ten cents per bushel	10c. p. bush.
Tomatoes, thirty conto non brochol	30c. p. bush.
Tomatoes, thirty cents per bushel Tomatoes and other versetables include	500. p. busn.
Thursday one nound open	
" " " " " " " " " " " " " " " " " " "	
- YAU DDDDD in monthe (the wate to	
duty shall be payable to include the weight of the area	
Weight of the same	0 1 11
weight of the cans or packages)	ze. p. 1 10. can.
	•• •
230. Velveteens and cotton velvets, twenty 281. Vince cent. ad valorem	20 p. ct.
not net and cotton velvets, twenty	
281. Vinegar, fifteen cents per Lum wird willer	20 p. ct.
281. Vinegar, fifteen cents per Imperial gallon 232. Watches and watch-cases, twenty-five	15c. p. I. g.
 232. Vinegar, fifteen cents per Imperial gallon 232. Watches and watch-cases, twenty-five 283. Watches cent. ad valorem. 	1 0
283. Watch actions or moustain the second	25 p. ct.
auch actions or more	"o F. ov.
283. Watch actions or movements, twenty-five 234. Whips, twenty-five por cont.	90 n ct
 234. Whips, twenty-five per cent. ad valorem 285. Wire-cloth, of brass and copper, twenty per cent. ad valorem 	20 p. ct.
Wire-cloth of brass and	25 p. ct.
per cent. ad valorem	20 p. ct.

236. Wood and manufactures of, and wooden ware, viz:-Pails, tubs, churns, brooms, brushes, and other manufactures of wood not elsewhere speci-25 p. ct. fied, twenty-five percent. ad valorem.. Hubs, spokes, felloes, and parts of 15 p. ^{ct.} wheels, rough hewn or sawn only, fifteen per cent. ad valorem..... 20 p. ^{ct.} Lumber and timber, not elsewhere specified, twenty per cent. ad valorem 25 p. ^{ct.} Mouldings of wood, plain, twenty-five per cent. ad valorem..... Mouldings of wood, gilded or otherwise further manufactured than plain, thirty per cent. ad valorem.....

237. WOOLS AND WOOLLENS, VIZ. :---

Manufactures composed wholly or in part of wool, worsted, the hair of the alpaca, goat or other like animals, viz :—Blankets and flannels of every description; cloths, doeskins, cassimeres, tweeds, coatings, overcoatings, felt cloth of every description, not elsewhere specified; horse - collar cloth; yarn, knitting yarn, fingering yarn, worsted yarn, knitted goods, viz. : - Shirts and drawers, and hosiery, not elsewhere specified, seven addition thereto twenty per cent. ad 712c. p. lb. and valorem valorem.....

- Clothing, ready-made and wearing apparel of every description, including socks and stockings, cloth caps and horse clothing, shaped, composed wholly or in part of wool, worsted, the hair of the alpaca, goat or other like animals, made up or manufactured wholly or in part by the tailor, seamstress or manufacturer, except knit goods, ten cents per pound, and in addition thereto twenty-five per cent. ad valorem.....
- All fabrics composed wholly or in part of wool, worsted, the hair of the alpaca goat or other like animals, not herein otherwise provided for, twenty-two and a-half per cent. ad valorem.....

10c. p. lb. and 25 p. ct.

221 p. ct.

30 p. ct.

3**69**

Carpets, viz.: — Brussels, Tapestry, Dutch, Venetian, and damask, car- pet mats and rugs of all kinds, and Printed felts and druggets, and all other area.	
other carpets and squares, not other- wise provided for, twenty-five per cent. ad valorem Treble ingrain, three-ply and two-ply carpets, composed wholly of wool, ten cont	25 p. ct.
addition thereto twenty per cent. ad valorem	10c. p. sq. yd. and 20 p. ct.
of which the warp is composed wholly of cotton, or other material than wool, worsted, the hair of the alpaca, goat, or other like animals, five cents per square yard, and in addition the state	
addition thereto, twenty per cent. ad valorem Felt for boots and shoes and skirts, when imported by the manufacturers for use in their factories, fifteen per cent ad activity	5c. p. sq. yd. and 20 p. ct.
cent. ad valorem	15 p. c.
factories, ten per cent. ad valorem Checked, striped or fancy cotton win- ceys, over twenty-five inches wide, a specific duty of two cents per	10 p. ct.
ad valorem Winceys of all kinds, not otherwise provided for twonty two and a half	2c. p. sq. yd. and 15 p. ct.
Wool, class one, viz. :Leicester, Cots- wold, Lincolnshire, South Down combing wools, or wools known as lustre wools and the like white	22 1 p. ct.
239. Zinc, chloride selts and like and	3c. p. lb.
seamless drawn taking the	5 p. ct.
specified twenty for	10 p. ct.
All goods not enumerated in this Act as ch	95 n at

duty of Customs, and not declared free of duty by this Act, shall be charged with a duty of twenty per cent. ad valorem, 24 when imported into Canada, or taken out of warehouse for consumption therein. 42 V., c. 15, Schedule A ;—43 V., c. 18, s. 1;—44 V., c. 10, s. 2;—45 V., c. 6, ss. 1, 2, 3, 4;—46 V., c. 13, ss. 2, 3, 5, 6;—47 V., c. 30, s. 2;—48-49 V., c. 61, ss. 2, 3, 5, 6, 7, 8, 9.

SCHEDULE B.

Deren DIES.
DUTIES ON FISH AND PRODUCTS OF THE FISHERIES,
242. Mackerel, one cent per pound 1 ct. per lb. 243. Herrings nickled or salted one-half cent
per pound 1 ct. per jb. 244. Salmon, pickled, one cent per pound 1 ct. per (245. All other fish, pickled, in barrels, one cent
244. Salmon, pickled, one cent per pound 1 ct. per
per pound 1 ct. P ^{er}
246. Foreign-caught fish, imported otherwise
than in barrels or half-barrels, whether
fresh, dried, salted or pickled, not spe- cially enumerated or provided for by 50 cts. per this Act fifty cents per hundred pounds 100 lbs.
cially enumerated or provided for by 50 class
241. Fish, smoked and boneless fish, a specific per pr
duty of one cent per pound 1 ct. por
248. Anchovies and sardines, packed in oil or
otherwise, in tin boxes measuring not
more than five inches long, four inches
wide, and three and one-half inches deep, five cents per whole box; in half 5 cts. P. box. boxes, measuring not more than five
boxes, measuring not more than five
inches long, four inches wide and one and five-eighths deep, two and a-half $2\frac{1}{2}$ cts. per cents per box: and in guarter boxes, box.
cents per box; and in quarter boxes, box .
measuring not more than four inches
and three-quarters long, three and one-
half inches wide and one and a-quarter deep, two cents each per box
deep, two cents each per box 2 cts. p. 2
When imported in any other form, cent.
When imported in any other form, thirty per cent. ad valorem
 249. Fish, preserved in oil, except anchovies and sardines, thirty per cent. ad valorem 30 per cent. 250. Salmon and all other fish prepared or pre-
and sardines, thirty per cent. ad valorem 30 per
served, including oysters, not specially
enumerated or provided for in this Act,
enumerated or provided for in this Act, twenty-five per cent. <i>ad valorem</i>
251. Oysters, shelled, in bulk, a specific duty of ten cents per gallon 10 cts. p gal
of ten cents per gallon 10 cust
494. Uvsters, canned in cans not over one plut.
a specific duty of three cents per can, including the cans
monuting the cans

In cans over one pint and not over
and quart, a specific duty of five cents
^{Poll} can, including the cans
~4 Valle exceeding one duart in cana.
all additional specific duty of five
101 each duart or traction of a duart
- Cupacity over a quart including the
253. Oysters in the shell, twenty-five per cent. 254 pad valorem
the shell, twenty-five per cent.
254. Packages containing containing containing and the first and the fir
not otherwise provided for, twenty-five
255. Oil, spermaceti, whale and other fish oils, and all other articles the produce of the
""PYHAUCELL Whole and other tich alle
and all other articles the produce of the fisheries
The second of th
twenty per cent. ad valorem
48-49 V., c. 61, s. 4, part. 20 per cent.

SCHEDULE C.

FREE GOODS.

256. Agaric,

257. Agates, amethysts, aquamarines, blood stones, carbuncles, cat's eyes, cameos, corals, cornelians, crystal, crysolite, crosordolite, emeralds, garnets, intaglios, inlaid or incrusted stones, onyx, opals, pearls, rubies, sardonyx, sapphires, topaz and turquoises not polished

- nor otherwise manufactured, 258. Alkanet root,
- 259. Aloes,
- 260. Aluminum, 261. Alum,
- 262. Ambergris,
- 263. Ammonia, Sulphate of,
- 264. Anatomical preparations,
- 265. Anatomical preparations, Aniline dyes, in bulk or packages of not less than one 266. Pound weight, 267. Aniline oil, crude,
- 267. Aniline salts,

268. Animals brought into Canada temporarily, and for a period not exceeding three months, for the purpose of exhibition or competition for prizes offered by any agricultural or other association. (But a bond shall be first given in accordance with regulations prescribed by the Minister of Customs, with the condition that the full duty to which such animals would otherwise be liable shall be paid in case of their sale in Canada, or if not re-exported within the time specified in such bond.)

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- 270. Animals of all kinds, when the natural product of the Colony of Newfoundland,
- 271. Annato, liquid or solid,
- 272. Annato, seed,
- 273. Anchors,
- 274. Antimony,
- 275. Ashes, pot, pearl and soda,
- 276. Asphaltum,
- 277. Apparel, wearing and other personal and household effects, not merchandise, of British subjects dying abroad, but domiciled in Canada,
- 278. Argol dust,
- 279. Argols, crude,
- 280. Arsenic,
- 281. Arseniate of aniline,
- 282. Articles for the use of the Governor General,
- 283. Articles for the use of foreign Consuls General,
- 284. Articles imported by and for the use of the Dominion Government, or any of the departments thereof, or for the Senate or House of C
- 285. Army and Navy and Canadian Militia, for the use of viz viz. :---

Arms.

Clothing,

Musical instruments for bands,

- 286. Bamboo reeds, not further manufactured than cut into suitable longths for suitable lengths for walking sticks or canes, or for
 - sticks for umbrellas, parasols or sunshades,
- 288. Barrels of Canadian manufacture exported, filled with domestic petroleum domestic petroleum and returned empty, under such regulations as the Minister C.

regulations as the Minister of Customs prescribes,

- 289. Barilla,
- 290. Barytes, unmanufactured,
- 291. Beans, Vanilla and Nux Vomica,
- 292. Bees.
- 293. Belladonna leaves,
- 294. Bells for churches,
- 295. Berries for dyeing or used for composing dyes,
- 296. Bichromate of soda,
- 297. Bismuth, metallic,
- 299. Bones, crude, not manufactured, burned, calcined, ground or steemed
- 300. Bone-dust, and bone-ash for manufacture of phosphates and fertilizers and fertilizers.

- 301. Books, bound, which have been printed more than seven years at the date of importation,—except foreign reprints of English copyrighted books, which shall remain subject to the copyright duty,
- remain subject to the copyright duty, 302. Books printed by any Government, or by any Scientific Association or other society now existing, for the promotion of learning and letters, and issued in the course of their proceedings, and not for the purpose of sale or trade,
- 303. Books, educational, imported by and for the use of schools for the deaf and dumb, exclusively,
- 304. Boracic acid,
- 305. Borax,
- 306. Botany, specimens of,
- 307. Brass, old, scrap and in sheets,
- 308. Bristles,
- 309. Britannia metal, in pigs and bars,
- 310. Brimstone, crude, or in roll or flour,
- 311. Brim moulds for gold beaters,
- 312. Bromine,
- 813. Broom corn,
- 314. Buchu leaves,
- 315. Buckram for the manufacture of hat and bonnet shapes,
- 316. Bullion, gold and silver,
- 317. Burgundy pitch,
- 318. Burr stones, in block, rough or unmanufactured, and not bound up into millstones,
- 319. Carriages of travellers and carriages laden with merchandise, and not to include circus troupes nor hawkers, under regulations prescribed by the Minister of Customs,
- 320. Cabinets of coins, medals and other collections of antiquities,
- 321. Casts, as models, for the use of schools of design,
- 322. Cornelian, unmanufactured,
- 323. Canvas for manufacture of floor oil cloth, not less than forty-five inches wide, and not pressed or calendered,
- 324. Canvas, jute canvas, not less than fifty-eight inches wide, when imported by manufacturers of floor oil cloth for use in their factories,
- 325. Caoutchouc, unmanufactured,
- 326. Cat-gut strings or gut cord for musical instruments,
- 327. Cat-gut or whip-gut, unmanufactured,
- 328. Celluloid or xyolite, in sheets, lumps or blocks,
- 329. Chalk and cliff stone, unmanufactured,
- 330. Chamomile flowers,
- 331. Cherry heat welding compound,
- 332. China clay, natural or ground,
- 338. Chinchona bark,
- 334. Chloralum or chloride of aluminium,
- 335. Chloride of lime,
- 336. Chronometers and compasses for ships,

- 337. Cinnabar,
- 338. Citrons, and rinds of, in brine for candying,
- 339. Clays,
- 340. Clothing, donations of, for charitable purposes,
- 341. Cobalt, ore of,
- 342. Cochineal,
- 343. Cocoa, bean, shell and nibs,
- 344. Coffee, green, except as provided by section ten of this 345. Coins, gold and silver, except United States silver coin, 346. Community
- 346. Communion plate, and plated ware for use in churches, 347. Coir and states and plated ware for use in churches,
- 347. Coir and coir yarn,
- 348. Conium cicuta, or hemlock seed and leaf,
- 349. Copper in sheets,
- 351. Cotton waste and cotton wool, or dved and not from the No. 40, unbleached, bleached or dyed, and not finer than No. 60, for the manufacture of Italian clothe and ture of Italian cloths and worsted fabrics,
- 352. Cork wood, or cork bark, unmanufactured,
- 353. Colors, dry, viz :- Blue-black, Chinese blue, Prussian blue and raw umber; in pulp, viz:-Carmine, cologne and rose lakes scorlet and rose lakes, scarlet and maroon, satin and fine washed white, and ultra-marine blue,
- 354. Colors, metallic, viz:-Cobalt, zinc and tin,
- 355. Cream of tartar, in crystals,
- 357. Diamonds, unset, including black diamonds for borers, 356. Diamond drills, for prospecting for minerals,
- 358. Diamond dust or bort,
- 360. Duck for belting and hose when imported by manufacturers of rubber mode f turers of rubber goods for use in their factories,
- 362. Dyeing or tanning articles, in a crude state, used in dveing or tanning met d dyeing or tanning, not elsewhere specified,
- 363. Eggs.
- 364. Embossed books for the blind,
- 365. Emery,
- 366. Entomology, specimens of,
- 368. Esparto, or Spanish grass, and other grasses, and pulp of, for the manufacture of
- 370. Fancy grasses dried but not colored or otherwise man^{dr} factured factured,
- 371. Felt, adhesive, for sheathing vessels,
- 372. Fire clay,
- 373. Fibre, Mexican,
- 374. Fibre, vegetable, for manufacturing purposes,
- 376. Fillets of cotton and rubber, not exceeding seven inches wide, when imported by wide, when imported by, and for the use of, manufacturers of card clothing

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377. Fish bait,

378. Fish-hooks, nets and seines, and lines and twines, for the use of the fisheries, but not to include sporting fishingtackle or hooks with flies or trawling spoons,

- 879. Fur skins of all kinds, not dressed in any manner, 380. Flint, flints and ground flint stones,
- 381. Folia digitalis,
- 382. Fona digitalis, Foot grease, the refuse of the cotton seed after the oil ^{383.} Fossils,
- 884. Fowls, pure bred, including pheasants and quails, for improvement of stock, 385. Fuller's earth,
- 386. Gas coke, when used in Canadian manufactures only,
- 888. Ginseng root,
- 389. Gold-beaters' moulds and gold-beaters' skins, 390. Gold-beaters' moulds and gold-beaters' skins, 390. Grease and grease scrap,
- ^{391.} Gravels,

- 392. Guano and other animal and vegetable manures, 393. Guano and other animal and vegetable manures, Rritish. copal, o 393. Gums, amber, Arabic, Australian, British, copal, damar, mastic, sandarac, shellac and tragacanth, ³⁹⁴. Gut, and worm gut, manufactured or unmanufactured,
- 895. Gutta percha, crude,

396. Gypsum, crude (sulphate of lime), 897. Gypsum, crude (sulphate of lime), 397. Hair, angola, buffalo and bison, camel, goat, hog, horse and human, cleaned or uncleaned, but not curled or otherwise manufactured, 898. Hatters' furs, not on the skin,

- 899. Hatters Jurs, not on the cotton, 400. Hatters' plush of silk or cotton, 400. Hemlock bark, 401. Hemp, undressed,

402 Hides, raw, whether dry, salted or pickled,

403. Hoop iron, not exceeding three-eighths $(\frac{3}{8})$ of an inch in middle $(\frac{3}{8})$ of an inc width and being No. 25 gauge or thinner, used for

the manufacture of tubular rivets,

404. Horn strips, when to be used in making corsets, 405. Horn strips, when to be used in making corsets,

405. Horses, cattle, sheep and swine, for the improvement of stock stock, under regulations made by the Treasury Board 406. Hoofs, horn and horn tips, and approved by the Governor in Council,

- 407. Hyoscyamus, or henbane leaf,

- 409 India rubber, unmanufactured, 410 India rubber, unmanufactured, 410. India rubber, university 411. India hemp (crude drug),
- 412. Indigo auxiliary, 419. To auxiliary,

- 413. Indigo auxiliary, 414. Indigo, paste and extract of, 414. Jodine, crude,
 - 415. Iris, orris root,

416. Iron and steel, old and scrap,

- 417. Iron or steel beams, sheets, plates, angles and knees for iron or composite ships or vessels,
- 418. Iron sand or globules, and dry putty, for polishing
- 419. Iron liquor, solution of acetate of iron for dyeing and calico printing,
- 420. Istle or tampico fibre,
- 421. Ivory and ivory nuts, unmanufactured,
- 422. Ivory veneers, sawn only, not planed or polished,
- 423. Iron masts for ships, or parts of,
- 424. Jalap, root,
- 425. Junk, old,
- 426. Jute butts,
- 427. Jute,
- 428. Jute cloth, as taken from the loom, neither pressed, mangled, callendered, nor in any way finished, and not less then 42 inch not less than 42 inches wide, when imported to be manufactured into bags only,
- 429. Kainite, or German potash salts for fertilizers,
- 430. Kelp,
- 431. Kryolite,
- 432. Lac-dye, crude, seed, button, stick and shell,
- 433. Lava, unmanufactured,
- 434. Leeches,
- 435. Liquorice root,
- 436. Litharge,
- 437. Litmus and all lichens, prepared and not prepared,
- 439. Logs, and round unmanufactured timber, not elsewhere provided for
- 440. Lumber and timber, plank and boards, sawn, of box wood charmy welcost of horse wood, cherry, walnut, chestnut, gumwood, mahogany, pitch nine resourced pitch pine, rosewood, sandalwood, Spanish cedar, oak, hickory and whitewood hickory and whitewood, not shaped, planed or other wise manufactured and wise manufactured, and sawdust of the same, hickory lumber sawn to all hickory lumber, sawn to shape for spokes of wheels but not further manufacture
- 441. Locomotives and railway passenger, baggage and freight cars. being the presenter of the cars. cars, being the property of railway companies in the United States running the United States, running upon any line of road crossing the frontier so long of C the frontier, so long as Canadian locomotives and cars are admitted free under are admitted free under similar circumstances in the United States under similar circumstances in the United States, under similar circumstances in the Minister of Customs
- 442. Locust beans, for the manufacture of horse and cattle food.
- 443. Madder and munjeet, or Indian Madder, ground or pro-
- 444. Manganese, oxide of,
- 445. Manilla grass,
- 446. Manuscripts,

- 447. Marble in blocks from the quarry in the rough, or sawn on two sides only, and not specially shapen, con-
- taining fifteen cubic feet or over,
- 448. Medals of gold, silver or copper, 449. Meerschaum, crude or raw,

450. Mineral waters, natural, not in bottle---under regulations made by the Minister of Customs,

- 451. Mineralogy, specimens of, 452. Models of inventions and other improvements in the arts; but no article or articles shall be deemed a
- model or improvement which can be fitted for use, 453. Moss, Iceland, and other mosses, crude,

- 454. Moss, iceland, and other mosses, cruue, Moss, seaweed, and all other vegetable substances used for beds and mattresses, in their natural state, or only cleaned,
- 455. Menageries—horses, cattle, carriages, and harness of, Minister of under regulations prescribed by the Minister of Customs,
- 456. Musk, in pods or in grains,
- 457. Nitrate of soda, or cubic nitre, 458. Nut galls,

459. Newspapers, and quarterly, monthly and semi-monthly magazines, and weekly literary papers, unbound, 460. Nickel,

- 461. Oak bark, ^{462.} Oakum,
- 463. Oil cake, cotton seed cake and meal, palm nut cake and 464. Oil cake meal,
- 465. Oils, cocoanut and palm, in their natural state, 466. Oils, cocoanut and palm, in their natural state, 466. Oranges and rinds of, in brine, for candying,
- 467. Ores of metals of all kinds,
- 468. Ottar of roses,
- 469. Osiers,
- 470. Oxalic acid,
- 471. Paintings, in oil or water colors, by artists of well-known merit, or copies of the old masters by such artists, 472. Paintings in oil or water colors, the production of

Canadian artists, under regulations to be made by the

- Minister of Customs,
- 473. Palm leaf, unmanufactured,
- 474 Pearl, unmanufactured, 475 Dearl, mother of, not manufactured, 475. Persis, or extract of archill and cudbear, 476. Philosophical instruments and apparatus, including globes and pictorial illustrations of insects, &c., when imported by and for the use of colleges and schools,
- scientific and literary societies,
- 477. Phosphorus, 478. Pelts,
- 479. Pipe clay,

480. Pitch (pine), in packages of not less than fifteen gallons

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- 481. Platinum wire,
- 482. Plaits, straw, Tuscan and grass,
- 483. Potash, German mineral,
- 484. Potash, muriate and bichromate of, crude,
- 485. Precipitate of copper, crude,
- 486. Pumice and pumice stone, ground or unground,
- 487. Quercitron, or extract of oak bark, for tanning,
- 488. Quicksilver,
- 489. Quinine, sulphate of, in powder,
- 490. Rags, of cotton, linen, jute and hemp, paper waste or clippings and waste of any kind, fit only for manufacture facture of paper,
- 491. Rattans and reeds, unmanufactured,
- 492. Recovered rubber and rubber substitute, 493. Red liquor, a crude acetate of aluminum prepared from

pyroligneous acid, for dyeing and calico printing,

- 494. Rennet, raw or prepared,
- 495. Resin, in packages of not less than fifteen gallons each,
- 496. Rhubarb root,
- 497. Roots, Medicinal, viz:-Aconite, calumba, ipecacuanha, sarsaparilla, squills, taraxacum, valerian,
- 498. Rubber, hard crude, in sheets, plain or moulded,
- 499. Salt cake, being a sulphate of soda, when imported by manufacturers of glass and soap for their own ase in their works.
- 500. Salt, imported from the United Kingdom or any British Possession or imported for the use of the Sea or Gulf Fisheries, not otherwise provided for,
- 501. Saffron and safflower, and extract of,
- 502. Saffron cake,
- 503. Sal ammoniac,
- 504. Sal soda,
- 505. Sand,
- 506. Sausage skins, or casings, not cleaned,
- 507. Sea-weed, not elsewhere specified,
- 508. Sea-grass,
- 509. Seeds, anise, coriander, cardamom, fennel and fenur greek.
- 510. Senna, in leaves,
- 511. Silex, or crystallized quartz, 512. Silk, raw or as reeled from the cocoon, not being in doubled

doubled, twisted or advanced in manufacture in

- 513. Silver and German silver, in sheets, for manufacturing any way, silk cocoons and silk waste, purposes.
- 514. Skins, undressed, dried, salted or pickled,
- 515. Soda ash,
- 516. Soda caustic,
- 517. Soda, silicate of,
- 518. Sodium, sulphide of,
- 519. Settlers' effects, viz. :---Wearing apparel, household fur niture, professional books, implements and tools of

trade, occupation or employment, which the settler has had in actual use for at least six months before removal to Canada, musical instruments, domestic sewing machines, live stock, carts and other vehicles and agricultural implements in use by the settler for, at least one year before his removal to Canada, not to include machinery, or articles imported for use in any manufacturing establishment, or for sale; provided, that any dutiable article entered as settlers' effects may not be so entered unless brought with the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty, until after two years' actual use in Canada; provided also that under regulations made by the Minister of Customs, live stock, when imported into Manitoba or the North-West Territories by intending settlers, shall be free, until otherwise ordered by the Governor in Council,

- 520. Steel, imported for use in the manufacture of skates, 521. Steel, in sheets of not less than eleven nor over eighteen wire gauge, and costing not less than seventy-five dollars per ton of two thousand two hundred and forty pounds, when imported by manufacturers of shovels and spades for use exclusively
- in such manufacture in their own factories, 522. In such manufacture in their own factories, Steel of number twenty gauge and thinner, but not thinner than number thirty gauge, to be used in the manufacture of corset steels, clock springs and shoe shanks, when imported by the manufacturers of
- such articles for use in their factories,
- ^{523.} Steel, railway bars or rails, not including tram or street
- ^{524.} Steel for saws and straw-cutters, cut to shape, but not further manufactured, 525. Spelter, in blocks and pigs,

- 526. Spurs and stilts, used in the manufacture of earthenware, 527. Spurs and stilts, used in the manufacture of earthenware, 527. Sulphate of iron (copperas), 528. Sulphur, in roll or flour,

- 529. Tails, undressed, 530. Tagging metal, plain, japanned or coated, in coils not over one and a-half inches in width, when imported by manufacturers of shoe and corset laces for use in their factories, 531. Tampico, white and black,
- \$32. Tanners' bark,
- 533. Tanners' bark, Tar (pine), in packages of not less than fifteen gallons 534. Tea, except as provided by section ten of this Act,
- 535. Terra Japonica, 586. Teasels,

- 537. Tin, in blocks, pigs, bars and sheets, and plates and tin foil, 538. Tobar 538. Tobacco, unmanufactured, for excise purposes, under conditions of "The Act respecting the Inland Revenue,"

- 539. Tortoise and other shells, unmanufactured,
- 540. Travellers' baggage, under regulations prescribed by the Minister of Customs,
- 541. Trees, Forest, when imported into the Province of Manitoba, or the North-West Territories for planting,
- 542. Tree-nails.
- 543. Turmeric,
- 544. Turpentine, raw or crude,
- 545. Turtles,
- 546. Vaccine and ivory vaccine points,
- 547. Varnish, black and bright, for ships' use,
- 548. Vitriol, blue.
- 549. Veneers of wood and ivory, sawn only,
- 550. Verdigris, or sub-acetate of copper, dry,
- 551. Vegetable fibres, natural, not produced by any mechanical process,
- 552. White shellac, for manufacturing purposes,
- 553. Whiting or whitening,
- 554. Whalebone, unmanufactured,
- 555. Whale-oil, in casks from on shipboard, and in the condition in which it was first landed,
- 556. Willow for basket makers,
- 557. Wire of brass or copper, round or flat,
- 558. Wire of iron or steel, galvanized or tinned, or not, 15
- 559. Wire of spring steel, coppered, for the manufacture of mattresses, number 9 gauge and smaller,
- 560. Wire rigging for ships and vessels,
- 561. Wood for fuel, when imported into Manitoba and the
- 562. Woods, not further manufactured than sawn or split, African teak, black heart ebony, lignum vitæ, red cedar and satin wood

- 563. Wool, unmanufactured, hair of the alpaca, goat and other like animals, not elsewhere specified,
- 564. Yellow metal, in bolts, bars, and for sheathing,
- 565. Zinc, in blocks, pigs and sheets. 42 V., c. 15, Schedules B and C. 42 V. B and C; -43 V., c. 18, s. 2; -44 V., c. 10, s. 3; 1. V., c. 6, s. 5, -46 V. V., c. 6, s. 5; -46 V., c. 13, s. 1; -47 V., c. 30, s. 1; -48.49 V. c. 61 . . . 48-49 V., c. 61, s. 1.

SCHEDULE D.

- The following articles are prohibited to be imported under the a penalty of two hundred dollars, together with the forfeiture of the percel are forfeiture of the parcel or package of goods in which the same are found wig:
- 566. Books, printed paper, drawings, paintings, prints, photo graphs or representations of any kind of a treasonable or seditions or of any sind of a treasonable or seditious, or of an immoral or indecent character,

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^{567.} Foreign reprints of British copyright works copyrighted in Canada and of Canadian copyrighted works, Coin, base or counterfeit. 42 V., c. 15, Schedule D;— 44 V., c. 10, s. 4.

SCHEDULE E.

EXPORT DUTIES.

569		
 ⁵⁶⁹. Shingle bolts, per cord of 128 cubic feet ⁵⁷⁰. Spruce logs, per M. feet ⁵⁷¹. Pine logs, per M. feet ⁸¹ V., c. 44, Schedule F. 	\$1	00
571. Pine logs, per M. feet	["] 1	00
21 Trees, per M. feet	1	00
³¹ V., c. 44, Schedule F.		

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
43 V., c. 18 44 V., c. 10 45 V., c. 6 46 V., c. 13	The whole except s. 3. The whole except s 5. The whole except s 6. The whole ex-	Sections 15, 17 and 18. s. 3. s. 5. s. 6. s. 7 and 8		Customs Act.
, c. 61	cept ss 7 and 8. Sections 1 and 2 The whole except ss. 10, 11, 14 and 15.	ss. 14 and 15.	Section 10	Inland Rev- enue Act. Customs Act.

CHAPTER 32,

An Act respecting the Inland Revenue.

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

SHORT TITLE.

Short title.

Reven^{ye} 1. This Act may be cited as "The Inland Act." 46 V., c. 15, s. 335.

DEPARTMENT OF INLAND REVENUE.

Department constituted.

Minister.

2. There shall be a department to be called the "Depart ent of Inland Berry " Triand ment of Inland Revenue," over which the Minister of Inland Revenue for the time. Revenue for the time being, appointed by the Governor General by commission of the constant of the Governor General, by commission under the Great Seal, shall preside. 31 V., c. 49, s. 1.

Commissioner

appoint offi-

3. There shall be a Commissioner of Inland Revenue, who and Commissioner shall be the Deputy of the Minister of Inland Revenue, and an Assistant Commissioner of Inland Revenue, and an Assistant Commissioner, who shall also be Inspector of Inland Revenue, both of miler Inland Revenue, both of whom shall hold office during pleasure 31 V o 40 c of pleasure. 31 V., c. 49, s. 2.

4. The Governor in Council may, from time to time, appoint officers and other persons to carry out this Act and all other Acts relative to the Governor may their pay, &c. all other Acts relative to the matters and things placed under the control and marginal matters and things placed under the control and management of the Department of Inland Revenue, or any Order in C the Department stations Inland Revenue, or any Order in Council or regulations made thereunder and the Green Council or regulations made thereunder, and the Governor in Council may assign the names of office of such aff the names of office of such officers and persons and grant them such salaries or new for the independence of such officers and persons and grant them such salaries or pay for their labor and responsibility as he deems reasonable and responsible and the as he deems reasonable and necessary, and may appoint the times and manner in which the times and manner in which the same shall be paid; but no such officer or person shall such officer or person shall receive a higher annual salary than is allowed in his case by "The Civil Service Act." V., c. 49, s. 4. 5. The Department of Inland Revenue shall have the ntrol and management

Of what matters the Department shall control and management have the control and management.

Proviso.

(a) Of the collection of all duties of excise;

(b) Of the collection of stamp duties and the preparation and issue of stamps and h and issue of stamps and stamped paper, except post-age stamps:

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(c) Of internal taxes;

(d) Of standard weights and measures;

(e) Of the administration of the laws affecting the culling and measurement of timber, masts, spars, deals and staves, and other articles of a like nature, and the collection of slidage and boomage dues;

(f) Of the collection of bridge and ferry tolls and rents;

(g) Of the collection of tolls on the public canals and of matters incident thereto, and of the officers and persons employed in that service :

Subject always to the provisions of this Act and of all Subject to her Act. I ways to the provisions of this Act and of all Subject to other Acts relating to the said subjects and matters con-special Acts. hected therewith. 31 V., c. 49, s. 3;-31 V., c. 43, s. 3. Canal tolls transferred from Customs Act.

6. The Minister of Inland Revenue shall annually make Annual Reto the Minister of Inland Revenue shall annually make Annual No-Within fifteen in General, to be laid before Parliament, ier. Within fifteen days after the meeting thereof, a report and statement of the transactions and affairs of the department during 11 V c 49, s. 6. during the year then next preceding. 31 V., c. 49, s. 6.

GENERAL PROVISIONS.

APPLICATION OF ACT.

7. This Act extends and applies to the whole of Canada, Application of biect above interview interview. subject always to the provisions respecting intoxicants in Act. the Acts respecting the North-West Territories and the Dis-trict of v trict of Keewatin,—in which no license to manufacture any As to N.W.T. intoricant shall issue, except under an Order in Council as Provided in the and the provided in the and the provise is and the provided in the provise is and the provided in the provise is and the provise is an addition. The provise is an additional provise is additi provided in the said Acts : Provided always, that no license Proviso: as shall be in the said Acts : Provided always, that no license Proviso: as shall be issued under this Act, nor shall any business sub-ject to evoice the this Act, nor shall any business the tracts, &c. Ject to excise be carried on in any unsurveyed or unsettled tract of country, nor shall any such license issue or such business business be carried on in any district or place designated in an Order in Council to that effect. 46 V., c. 15, s. 334.

GENERAL INTERPRETATION.

8. In this Act, unless the context otherwise requires :- Interpreta-tion.

(a) The expression "stamp" means any distinctive mark, "Stamp." label or seal impressed upon or affixed to any goods, mate-rial, march impressed upon or affixed to the provisions of rial, merchandise or apparatus, subject to the provisions of this Act this Act, or of any other Act respecting excise, or of any Order in C of any other Act respecting made under Order in Council or departmental regulation made under such provisions,—or impressed upon or affixed to any pack-

age in which any such goods, material or merchandise are contained; and such stamps respectively shall be made, impressed and affect a impressed and affixed in such manner, and by means of such dies or other such dies or other instruments as are, from time to time, ordered and room later 1 with the second room later 1 ordered and regulated by the Minister of Inland Revenue;

" Subject to excise.'

(b) The expression "subject to excise" means—"subject the provisions of this A difference in the provisions of this A to the provisions of this Act, or of any other Act respecting, duties of excise of the section of any other Act respection, duties of excise or the inland revenue, or of any proclamation, order in council or data data order in council or departmental regulation published or made or that is have a made, or that is hereafter published or made, under such provisions " and array i provisions;" and every place or premises wherein licit of licit licensed or premises wherein licit. illicit, licensed or unlicensed mashing, fermentation, distillation, restifying lation, rectifying, brewing, malting, or manufacturing of tobacco. or manufacturing tobacco, or manufacturing cigars, or manufacturing of any article in bond or manufacturing cigars, or manufacturing of hich article in bond, or manufacturing cigars, or manufacturing of which there is a duty of excise, or which is manufactured wholly or partly out of any article. or partly out of any articles on which there is a duty of excise or customs and cise or customs, and on which such duty has not been paid, is carried on an on which such duty has not been paid. is carried on or performed—and every worm, still, mash tub, fermenting tup or tub, fermenting-tun or other tool, utensil, apparatus or thing, which is or might h thing, which is or might be used for such purposes law fully, or unlawfully shall b fully, or unlawfully, shall be deemed to be "subject to excise:" excise ;"

- (c) The expression "Department of Inland Revenue" eans the Minister of Inland B means the Minister of Inland Revenue or the Commissioner of Inland Revenue or the Commissioner " Department of Inland of Inland Revenue, or any person duly authorized to act in his stead : Revenue."
- (d) The expression "superior officer of Inland Revenue" eans and includes the Commission means and includes the Commissioner or Inspector of land Revenue or any porcer de " Superior officer of Inland Revenue, or any person doing duty as the deputy head of the department and are land Revof the department, and any inspecting officer of inland Revenue or of ergise enue."

(e) The expression "Collector of Inland Revenue" means id includes every officer of Inland Revenue" is sp. and includes every officer of Inland Revenue who is appression to collect the dutient "Collectors." pointed to collect the duties hereby imposed in any defined district or revenue division

" Officer of Excise."

(f) The expression "officer of excise" includes every officer ho is employed or appointed to be a superinted to be a superinte who is employed or appointed to the survey of manufactures, operations or promises call tures, operations, or premises subject to excise;

" Departmental regulations."

expression "departmental regulations,", means s all regulations and the and includes all regulations and rules promulgated by by Department of Inland Power Department of Inland Revenue, and duly authenticated by the deputy head of that deputy the deputy head of that department. 46 V., c. 15, ss. 1 and 61.

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GENERAL PROVISIONS AS TO LICENSES.

9. No person who has not been licensed as herein pro-Business subvided, shall carry on the business or trade of a distiller, not to be carrectifier, compounder, or brewer or maltster, or of a manu- ried on with-factor or out license. facturer of tobacco or cigars, or bonded manufacturer; or out license. use any utensil, machinery or apparatus suitable for carrying on any such trade or business, or any business subject to excise; or import, make, or begin to make any still, rectifier or other apparatus suitable for the manufacture of Wash 1 wash, beer or spirits, or for the rectification or compounding of spirits :

2. No person shall import, make or have in his possession, List and or keep any still, worm, mash-tub, fermenting-tun, distil- return of ap-paratus used ling, rectifying or brewing apparatus, or any malt-kiln or in such busi-malt-floor malt-floor, or any apparatus for the manufacture or produc-tion of malt, or any tobacco press or mill for cutting or grinding tab. grinding tobacco, without having given, when such articles come into his possession, and on or before the tenth day of July ; July in each subsequent year, a full and particular list, description and return thereof to the collector of Inland Revenue of the division in which such article or apparatus is located, of the same nature and in the same form as is hereby hereby required in an application for a license to use similar apparatus or machinery. 46 V., c. 15, s. 2.

10. Every license shall terminate on the thirtieth day of When licenses June in every year, and the same amount shall be paid for shall expire. every such license whether it has a full year or only a part of a word license whether it has a full year or only a part of a year to run from the date when it is granted; except that in the that in the case of an application for any such license by a person -1 person who has not theretofore obtained a license, and who is beginning business, such license, if applied for on or after the first and business is a policient for the first day of January, may be issued to such applicant for the remained of January, may be issued to such applicant for the remainder or until the end of the fiscal year, upon pay-ment of duty or fee otherment of one-half only of the annual license duty or fee otherwise payable on such license. 46 V., c. 15, s. 3.

1. Every person requiring a license under this Act shall Application ake application to the for license. make application therefor in writing over his signature to the for license. collector of the therefor in writing over his signature to the for license. collector of Inland Revenue, or any other officer appointed by the M. by the Minister of Inland Revenue, or any other once appendix Inland D Inland Revenue division the business for which such license is required to the business for which such license is required is to be carried on ; and every such application shall be the Department of shall be made in the form prescribed by the Department of \mathbf{L} Inland Revenue. 46 V., c. 15, s. 4.

12. Every application for a license shall state the exact what applica-cality is a local muni-tion must locality, in the city, town, village, township or local muni- tion must cipality (a) the city, town, village, township or local muni- tion must cipality, in the city, town, village, township or notal methods in which is the case may be), where the premises are situated, is required is in which the business for which the license is required is

to be carried on, and shall also contain or have annexed thereto a full and particular description, in triplicate, in writing with and large and a second writing, with such models, diagrams or drawings as are needed for fully and the such models and the such as the su needed for fully understanding the same, of all the machinery, buildings buildings, premises and places where such business is to be carried on, or where any of the materials or commodities used or to be used therein, or any of the products thereof, are or are to be used therein, or any of the products thereof are or are to be stored or kept, and of the power the which the machinery so used is to be worked; and the description it is and is to be worked; description shall also set forth, in detail, every building and every separate room, cellar, vault, shed or other compartment thereaf compartment thereof, specifying what use is to be made of each, and stating the designation which is to be placed over the entrance over the entrance to each, in accordance with the provisions of this Act. of this Act:

License to apply to one place only.

01 2. No license shall authorize a person to keep 01 or wash, low wines use a still. spirits, or brew malt liquor, or manufacture malt, or tobaccor or cigars, or manufacture in bond, in any other place than the house an any other place than the house or premises mentioned in the application for such license :

Renewal of license.

manufactory in which he material changes or alterations have been made since the original descriptions original descriptions, models, diagrams or drawings were fur nished, and when the second seco nished, and when the manufacturer certifies in writing, the application being wells application being made for each subsequent license, that the original papers filed with the original papers filed with the department still correctly represent his manufactors represent his manufactory premises, and that no changes or alterations have been made therein—such certificate bearing the indersetion of the presence of the bearing the indorsation of the collector of Inland Revenue or other proper officer the D or other proper officer—the Department of Inland Revenue may accent the application may accept the application and authorize the issue of and license without now document license without new descriptions, models, diagrams drawings each year. 46 V drawings each year. 46 V., c. 15, s. 5.

Names of sureties to be stated in application.

13. Every such application shall also state the names of the rsons proposed by such application shall also state the names of the persons proposed by such applicant as his sureties (which sureties shall in all encore h sureties shall, in all cases, be residents of Canada), in accord-ance with the requirements of the ance with the requirements of this Act; and it shall also contain a statement of the matrice contain a statement of the maximum quantity of each article which the utensile are article which the utensils are capable of mashing, ferment 46 distilling or otherwise model. distilling or otherwise producing within each month. V., c. 15, s. 6.

What applica-tion for license must show as to apparatus.

14. Every application for a license for distilling, com pounding, brewing, malting, or for manufacturing in stills, shall also contain a list and d shall also contain a list and description of all utensils, stills, worms, boilers mechanical worms, boilers, mash-tubs, fermenting-tuns, coolers, under backs, steep cisterns, closed article backs, steep cisterns, closed spirit-receivers or other vessels of machinery which it is interview. machinery which it is intended should be placed in

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Premises, or which are on the premises at the time of application, specifying distinctly and clearly—

(a) The dimensions and capacity of every still, steep cistern, Dimensions of ash the dimensions and capacity of every stills, steep cistern, Dimensions of stills, &c. mash-tub, fermenting-tun, cooler, closed spirit-receiver, and stills, &c. of every other utensil, in inches and gallons, the purpose to Which which each is to be applied, and the locality or position in the balance or used : the building in which it is, or is to be placed or used;

(b) A description of every pipe, conduit, trough, hose, Description of valve, pump, cock, and of every means of connection or pipes, &c. communication between the several vessels or utensils used in or about the distillery or brewery, with a description and draw: drawing or model showing the exact position of every cock, valve, connection and joint. 46 V., c. 15, s. 7.

15. No license shall be granted for carrying on any busi- Premises to ness or trade under this Act, until after a survey has been by officer. Made by the call it of trade Revenue or an officer hade by the collector of Inland Revenue or an officer instructed for the purpose by him, of the building or place where: wherein such business is to be carried on, nor until such collector or other officer has certified in writing that the application, descriptions, models, diagrams and drawings correctly represent the premises, and that all the provisions of this Act and any Order in Council or departmental regulation made in virtue thereof, have been complied with as respects such place :

2. No license shall be granted for carrying on any such No license if business in a building or premises which, after careful satisfactory. survey, appear to the department to be so situated with reference of business, or reference to surrounding buildings or places of business, or to be so to be so constructed or arranged, as to embarrass or endanger the full collection of the revenue :

8. Except as hereinafter specially provided, no license No license shall in any case be granted for carrying on any business in when manufactory comany building which forms part of or is appurtenant to, or municates which come which forms part of or is appurtenant by means with any which communicates in any way whatever, except by means with any shop. of a Public highway, with any shop or premises wherein any article to be manufactured under such license is sold by retail retail, or wherein there is kept any broken package of any

4. If any inspector of Inland Revenue reports to the Nor when In-Department of Inland Revenue reports to the Nor When has a license should be granted in respect of any building in granting such connection with the line respect of any building in granting such in the line respect of any building in granting such in the line respect of any building in granting such in the line respect of any building in granting such in the line respect of any building in granting such in the line respect of any building in granting such in the line respect of any building in grant building in connection with which the license is applied for, in view of license. its proximity to any such shop or premises as in the next preceding the license may not be preceding sub-section mentioned, the license may not be granted, notwithstanding that the provisions of the said

sub-section would not operate to prevent the granting of such license. 46 V., c. 15, s. 8.

16. Every bond entered into under the provisions of this Act shall remain in force so long as any duty upon any articles or commodities subject to excise, or on any license, or any penalty to which the bond relates, remains unpaid by the person to whom such license was granted. 46 V., c. 15, s. 9.

17. Whenever any new license is granted to any person a new bond shall likewise be entered into with reference to such new license:

2. A new bond shall also be given, whenever, during the period for which any license to which the bond first given relates is in force, either of the sureties dies, becomes insolvent or removes permanently out of Canada; and the license shall be void from the time the person to whom it was granted is required by the collector or superior officer of Inland Revenue to enter into a new bond until the time the person neglecting to enter into such new bond shall be held to be without a license. 46 V., c. 15, ss. 10 and 11.

18. Whenever the required amount of security, as computed under any provision of this Act, exceeds ten thousand dollars, the amount may be determined by the Governor in Council at such sum not less than ten thousand dollars as to him appears sufficient for the safety of the revenue. 46 V. c. 15, s. 12.

19. Notwithstanding any provision in this Act contained in respect of the number of sureties to any license or other bond entered into under the provisions hereof, the Department of Inland Revenue may, in lieu and instead of such several sureties, in any case, accept the security of any duly incorporated guarantee company doing business and having a domicile in Canada, and approved of by the Governor in Council. 46 V., c. 15, s. 13.

20. Every application for a license under this Act shall be forwarded by the collector of Inland Revenue to the district inspector of Inland Revenue, with such information as required by any departmental regulation; and so as the said application is returned to the collector, indorsed with the approval of the district inspector, and in the of a bonded manufacturing license by the Department of Inland Revenue also, and upon the due execution of the bond with sureties as herein required, the collector of Inland Revenue shall issue a license to carry on the business and to use the utensils, machinery and apparatus specified in the application, and in the place and premises therein specified.

How long bonds shall remain in force.

New bond if new license.

New bond if surety dies, &c.

License void until new bond given.

Security in certain cases determined by Governor in Council.

Guarantee companies may be sureties.

Applications for licenses, and proceedings thereon.

Issue of license.

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and in such place or premises only, and shall immediately report the issue of such license to the department. 46 V., ^{c. 15}, s. 14.

21. Upon application being made, in the form prescribed Transfer of liby the Department of Inland Revenue, by the holder of any premises. license under this Act, the license so held may be transferred from a single construction of similar capacity from any premises to any other premises of similar capacity situated vision without situated within the same Inland Revenue division, without payment of additional license fee, if all the requirements of Proviso. this Act have been complied with by the holder of such license in an unit of such license in a such it is proposed license in reference to the premises to which it is proposed to transference to the premises to which it is proposed to transfer it, and if all obligations imposed by the license have been it, and if all obligations imposed by the license have been fulfilled; but whenever any such transfer is Proviso. made, new bonds shall be taken, as is required upon the issue of a new license. 46 V., c. 15, s. 15.

22. Upon the expiration of every license issued under this Renewal of every license issued and the license. Act, the granting of a new license in lieu thereof, except as license. hereinbefore provided as to diagrams, drawings, models or descriptions, shall be subject to the same restrictions and condition ^{conditions}, shall be subject to the same rescriptions, shall be subject to the same rescriptions as the granting of the original license. 46 V.,

23. The burden of proof that any license required by this Proof of license. Act has issued, shall rest upon the person to whom such $\frac{16}{100}$ W = 15.8.17. license is alleged to have been issued. 46 V., c. 15, s. 17.

24. Every person licensed under this Act shall keep his License to be cense not bis manufactory. license posted up in a conspicuous place in his manufactory. 46 V., c. 15, s. 18.

25. All license fees shall be due and payable at the time Payment of hen the license fees shall be due and payable the license When the license fees shall be due and payable at the license be isoned license is granted, and in no case shall the license 46 W = 15 s. 19. be issued until all such fees are paid. 46 V., c. 15, s. 19.

26. Licenses to manufacture spirits or other articles sub-Licenses to manufacture spirits or other articles sub-Licenses to manufacture spirits to be ject to excise within the Provinces of Manitoba and British spirits to be Columbia shall be issued only for the following places, issued only at bia, and Wincipal and New Westminster, in British Colum- in B. C. and Wincipal and Wincipa bia, and Winnipeg in Manitoba, and such other places as Man. are, from time to time, named for the purpose by the Governor ⁱⁿ Council. 37 V., c. 7, s. 3.

OBLIGATIONS GENERALLY OF PERSONS HOLDING LICENSES.

27. No distiller, maltster, brewer, tobacco manufacturer, Notice to distillery manufacturer or bonded manufacturer shall work his intention to distillery manufactory, cigar work. distillery, malt-house, brewery, tobacco manufactory, cigar work. manufactory or bonded manufactory at any time, unless he has given at least six days' previous notice in writing to the collector of least six days' previous notice in writing to the collector of Inland Revenue, of his intention to work the

same at some time not less than six and not more than twenty days after the giving of such notice; but having commenced to work the same within such time, he may new tinue to work the same uninterruptedly without than notice—but after any interview. notice—but after any interruption of work for more than one week a new notice shall be given :

Penalty for working without notice.

2. Every distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer or bonded manufacturer who works his distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory at any time for which he has not sime which he has not given notice of his intention to work the same shall income the same, shall incur the same penalty and forfeiture as if he had worked the same with the same penalty and forfeiture as 20. had worked the same without a license. 46 V., c. 15, $\frac{10}{5}$. 20.

Assistance to inspecting officer.

28. Every person licensed under this Act shall, at all mes when required and and and and and and a standard and times when required, supply any officer of Inland Revenue with all assistance lights 1.1. with all assistance, lights, ladders, tools, staging or other thing necessary for increased thing necessary for inspecting the premises, stock, tools of apparatus belonging to much the premises, stock, tools of apparatus belonging to such licensed person, or for weighting, gauging or testing apparatul ing, gauging or testing any article or commodity then on all premises for which the linear and all premises for which the license is granted, and shall open all doors, and open for arguments doors, and open for examination all boxes, packages, casks, barrels and other worsels barrels and other vessels, when required so to do by any officer of Inland Revenue.

Notice of any alterations or additions to apparatus, &c

29. If any person holding a license under this Act, in not to make any alteration tends to make any alteration or addition to the premises, utensils, machinery or appoint to the premises, utensils, machinery or apparatus, described as herein pro-vided, or to remove any portion vided, or to remove any portion of such utensils, machinery or apparatus. or to make one of the such utensils, machinery or apparatus, or to make any use of any compartment or room for a purpose different room for a purpose different from that mentioned in for written description accompanying his application license, notice in writing shall be served on the collector of Inland Revenue of the intert Inland Revenue of the intention to make such alterations, additions, removals or charter to make such alterations additions, removals or changes, at least one week before they are commenced, and are a least one week forth they are commenced; and every such notice shall set forth fully and correctly the particular and in a set ions, fully and correctly the particulars of the proposed alterations, additions, removals or changes and the proposed alterations additions, removals or changes. 46 V., c. 15, s. 22.

Inspector may require new list, &c., of apparatus.

30. Any inspector of Inland Revenue may, for sufficient use (of which sufficiency hash Without any cause (of which sufficiency he shall be the sole judge), at any time after having given ten der time after having given ten days' notice, require a new jings as and description, with such model and description, with such models, diagrams or drawing to be are herein required in an application for a license, and made out and furnished by made out and furnished by any person holding a license, with der this Act; and every person holding a license with der this Act; and every person who refuses to comply with such requisition shall income the such requisition, shall incur the same penalty as is prescribed by this Act for carrying on the same penalty as is prescribe by this Act for carrying on any business subject to be re-without a license : and even business subject to be rewithout a license; and every such description shall be re-

81. Except for the necessary continuance of some process Restriction of of manufacture previously commenced in the ordinary time for busi-commenced in the ordinary time for busicourse of business, no person licensed under this Act shall cesses. transact any business, or perform any act, operation or pro- As to Sun-cess of the premises men- days. cess of manufacture during Sunday in the premises men-days. tioned or referred to in the license held by him, which, under any regulation then in force, requires the supervision or attendance of an officer of Inland Revenue:

2. No act, operation or process of manufacture, for the As to night supervision of which the presence of an officer of Inland work. Revenue in force, Revenue is required, by any regulation then in force, shall be done or carried on in any licensed premises before the bar done or carried on in any licensed premises before the hour of six o'clock in the forenoon, nor after six o'clock in the departmental in the afternoon, except when permitted by departmental ^{regulations} :

3. Whenever any business, act, operation or process of Extra time of ann fact manufacture, for the supervision of which the presence of officers to be an officer set of the supervision of which the presence of officers to be an officer of Inland Revenue is required by any regulation then in force, is carried on or done in any premises licensed under this Act, before eight o'clock in the forenoon, during the dinner hour, or after six o'clock in the afternoon, the person act operation or person in whose premises the business, act, operation or process is carried on or done, shall pay to the collector of Inland D Inland Revenue, for the attendance of the officer or officers during the extra time they are so employed, such rate as Rate of pay. is detarting the extra time they are so employed, such rate as Rate of pay.

is determined by departmental regulations in that behalf. 46 V., c. 15, s. 24.

82. There shall be conspicuously placed over the chief Inscription over premis entrance to every place or premises subject to excise, or where are a place or premises subject to excise, or where any business subject to excise is carried on, the name of the business subject to excise is carried on, the name over premises. of the person, or the name and style of the firm by whom such such premises are occupied, or on whose behalf such business is carried on :

2. The name so placed shall be written or printed in oil Size of letters. lors in D colors in Roman characters at least three inches in height:

³. Every separate apartment, room, granary, kiln, vault, Inscription orkshon Workshop or storeroom, in every place or premises subject separate to excise or storeroom, in every place or premises is car apartment to excise, or in which any business subject to excise is car-apartment. ried on, or in which any business subject to called a used in which any utensils, apparatus or machinery Used in such business are situated, or in which any of the material materials to be used therein, or the products of such manu-factory factory are stored or kept, shall have placed over the principal entrance thereto, by the manufacturer, a sign in Roman et Roman characters, written or printed in oil colors, at least two just two inches in height, stating the designation thereof, and the number of the designation thereof. the purpose to which it is to be put, or for which it is to be

Notices, &c. how printed and affixed.

4. Every notice or written or printed designation or name of any person or persons, place or thing hereby required, shall be printed, painted, put up or affixed under and according to the direction of an officer of Inland Revenue, and at the arrest of the direction of an officer of Inland Revenue, and at the expense of the person on whose behalf it is done. 46 V., c. 15, s. 25.

Books, Accounts and Papers.

Stock books to be kept.

What books

must show.

Quantities

brought in.

Quantities sent out.

33. Every distiller, compounder, maltster, brewer, tobacco or manufacturer, cigar manufacturer, bonded manufacturer, der other trader, who is required to take out a license under this Act on who is required to take out a license this Act, or who carries on any business subject to excise shall in addition to the angle of the subject to be a subject to be shall, in addition to the books, accounts and papers herein after specially monthing of the after specially mentioned, keep such stock books and other books in such from books, in such form and manner as are prescribed and sup plied by the Derection of the such and such as a such asuch as a such as a such as a such as a such as a plied by the Department of Inland Revenue, which stock books shall in all control of inland revenue, which sizes books shall, in all cases, be kept on and within the premises covered by the license issued to such manufacturer or other person—and in ______ person—and in which stock or other books there shall be clearly recorded dow by clearly recorded, day by day, and on the same day on which the circumstance there the circumstance, thing or act to be recorded is done or occurs in the presented occurs, in the prescribed columns-

(a) A full and particular account of all grain, malt, spirits, tock, raw and manufactured tobacco, cigars and other stock, material or commodite material or commodity brought into the distillery, malthouse, brewery, tobacco manufactory, cigar manufactory, bonded manufactory bonded manufactory or other licensed premises, to which such stock books relate such stock books relate: and-

(b) A full and particular account of all grain, spirits, malt, raw or manufactured tobacco, cigars or other stock, material or commodity sold removed or commodity, sold, removed or transferred from such aigar tillery, malt-house have tillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other licensed prem-ises; and—

Further particulars.

Certain matters to be stated specially.

(c) Such further particulars as are required by any departmental regulation in that behalf;

Stating in every case the name of the person from whom sold or transferred, as the case may be, and also the mode of convey-ance by which it was brought to the mode of conveyance by which it was brought to the distillery, malt-house, brewery, tobacco manufactory brewery, tobacco manufactory, cigar manufactory, Lit was manufactory or other licensed manufactory or other licensed premises, or by which it was carried therefrom and if any carried therefrom carried therefrom ; and if any such grain, malt, spirits, man ufactured or raw tobacco. size ufactured or raw tobacco, cigars or other stock, material or commodity, have been conversed by commodity, have been conveyed by any vessel or railway dis-or from any port, where or stati or from any port, wharf or station, situated within a transformery, tance of ten miles from the distillery, malt-house, brewery,

tobacco manufactory, cigar manufactory, bonded manufactory or other licensed premises, then such vessel or railway shall be named as the conveyance by which such grain, spirits, malt, tobacco, cigars, stock, material or commodity Were conveyed as aforesaid. 46 V., c. 15, s. 26.

84. Every distiller, maltster, tobacco manufacturer, cigar Yearly invenmanufacturer distiller, maltster, tobacco manufacturer, cigar tobactor to be fur-enganced are bonded manufacturer, now or hereafter to be furengaged in the manufacture of or dealing in articles subject nished. to excise, shall make and deliver to the collector of Inland Revenue of the division in which his manufactory or premipremises is or are situated, an inventory in such form as is prescribed by the Department of Inland Revenue, and verified by oath, of the quantity of the different kinds of raw material, articles and goods in process of manufacture, and manufacture, and goods in process of manufacture, and manufactured products, and all other materials held or owned b owned by him on the first day of July of every year, or at the time of concluding busithe time of commencing and at the time of concluding busi-ness if 1 of commencing and at the time of Luly or at any ness, if before or after the first day of July, or at any intermediate time, when required by the Department of Inland D Inland Revenue; and the stock-taking necessary to make up Stock-taking. such inventory shall be done under the immediate supervision and to the share of the respecand to the satisfaction of the officer in charge of the respective manufactories or other premises or other duly autho-nized of how indorsed thereon nzed officer, and the inventory shall have indorsed thereon the control officer, and the inventory shall have indorsed thereon the certificate of the said officer as to its correctness. 46 V.,

35. Every person who is licensed to carry on any business Inspection of libert to the do. books, &c. subject to excise under this Act, shall, when required so to do, books, &c. and as often as is required by any officer of Inland Revenue of the second seco $R_{evenue, and at any time within ordinary business hours, or when$ when any operation is being carried on within the premises licensed, produce for the inspection of any such officer-

(a) All books, papers and accounts, kept in accordance with Officers may require requirements with the make memothe requirements of this Act, or in accordance with the make memo-requirements of this Act, or in accordance with the randums requirements of this Act, or in accordance with requirements of any Order in Council or any departmental therein. regulation made under this or any other Act,—in which books or accounts such officer may enter any memorandum, statement in such case he shall tatement or accounts such officer may enter any memory attest to account of quantities; and in such case he shall attest the same by his initials;

(b) All books, accounts, statements and returns whatsoever, Or take and all partnership accounts used by any such person or by extracts. any co-partnership accounts used by any such person whether artners in carrying on any such licensed business, Whether such books, memorandums, papers or accounts are considered private or otherwise; and every such officer shall be permit.

 b_e permitted to take extracts therefrom or copies thereof;

(c) In case of seizure of any article or thing in any distillery, Officer seizing alt-honor manufactory, may remove malt-house, brewery,tobacco manufactory,cigar manufactory, books, &c.

bonded manufactory or other premises subject to excise, for violation of this Act the violation of this Act, the seizing officer or any superior officer of excise, may take possession of and remove all of any books papers of excise, the possession of and remove all of this books, papers or accounts kept under the requirements of this Act. or under the requirements of a final state of the second st Act, or under the requirements of any Order in Council or any departmental requirements of any Order in Council may any departmental regulation made thereunder, and may retain the same article retain the same until the seizure is declared valid by competent authority or the seizure is declared valid by competent authority or the seizure is declared valid by conditional second secon petent authority, or the article or thing seized or the proceeds thereof is by such article or thing seized or the proceeds thereof is, by such authority, directed to be restored. V., c. 15, s. 28.

36. No erasures shall be made in any stock or other books in kept by any manufacturer or other person licensed in accordance with the accordance with the accordance with the provisions of this Act; nor shall any leaf or leaves or part of this Act; nor shall any leaf or leaves, or part of a leaf or leaves, be removed there in of from; and an erasure shall be defined as any obliterating by any words or former has any words or figures by any means whatever other than by ruling through the arm ruling through the same, with ink, in such a manner as not to render the words of f to render the words or figures so ruled out incapable of being read. 46 V ≈ 17 read. 46 V., c. 15, s. 29.

37. Except as herein otherwise provided, every quantity grain recorded or stated in the provided of stated in the provid of grain recorded or stated in the stock-books herein state tioned, and in all returns, accounts, inventories and state ments required to be built ments required to be kept or made by this Act, and the quantity of every other article quantity of every other article or commodity, except fluids, used in or about the promises and the promises are the promises used in or about the premises subject to excise, or entering into the manufacture of any activity into the manufacture of any article or commodity subject to excise, shall be stated in normal excise, shall be stated in pounds avoirdupois:

otherwise provided by this Act, shall be stated in the aforesaid books, returns, accounts investori returns, accounts, inventories and statements, in gallons; and the quantity of any fluid in a literation of a literation o the quantity of any fluid, in gallons, shall, for all the pur poses of this Act, he determined poses of this Act, be determined by weighing or gauging, any such manner as is from time such manner as is, from time to time, prescribed by any departmental regulation in that the time, prescribed by departmental regulation in that behalf :

Inspection of weights and measures.

weighing tobacco.

3. All beams, scales, weights and measures used in or out any distillery malt beam and measures used manuabout any distillery, malt-house, brewery, tobacco nentration other factory, cigar manufactory, bonded manufactory or other premises subject to overing the line manufactory of and premises subject to excise, shall be inspected, tested and verified by an officer of Inland P verified by an officer of Inland Revenue, or by an inspector of Weights and Measures and of Weights and Measures, as often as any inspector of Inland Revenue or excise director. Proviso: as to Revenue or excise directs: Provided always, that scales weighing used in a tobacco or eigenverse. used in a tobacco or cigar manufactory, when used exclusively for weighing tobacco during for weighing tobacco during any intermediate process is manufacture, and not used for weighing raw material brought into the manufactory or the weighing raw in or in brought into the manufactory or taken for use therein, or in ascertaining the manufactory ascertaining the manufactured products of such manufactory, may be used without increase may be used without inspection. 46 V., c. 15. s. 30.

No erasure allowed in books.

Erasure defined.

Quantities, how to be stated in books.

Those of fluids to be stated in gallons.

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GENERAL PROVISIONS AS TO PAYMENT OF DUTIES AND TIME AND FORM OF RETURNS.

38. All duties of excise imposed by this Act shall accrue On what quantities to be lower duties to and be levied on the quantities made or manufactured, ascer- duties to be tained in the duantities made or manufactured. tained in the manner by this Act provided or otherwise levied. proved and shall be in addition to all sums charged as license duties, whether on utensils or otherwise :

2. The said duties shall be duties within the meaning of To be duties The Consolidation within mean mean that " and shall form within mean ². The said duties shall be duties within the meaning of To be duties The Consolidated Revenue and Audit Act," and shall form within mean-ing of Audit c. 15. s. 31

39. All returns, unless when otherwise provided by this Monthly returns. Act, shall be made distinct and separate for each month. 46 V., c. 15, s. 32.

40. Every return as to quantities required to be made by Time for makthis Act, shall be made to the collector of Inland Revenue ing returns. or other officer authorized by the Department of Inland Revenue to the collector of the second secon Revenue to receive the same, on the first day of each month for the same on the first day of each duty for the month next preceding such day; and the duty Computation exigible on the month next preceding such day; and the duty computation exigible on any article made during any month, shall be of duty. computed at the rate of duty to which it is liable on the day upon which the day upon which the return respecting it is required to be made not for duty, and the made unless it has been previously entered for duty, and the duty thereas is entered. 46 duty thereon actually paid at the time it was so entered. V = 0.15V., c. 15, s. 33;--48-49 V., c. 62, s. 1.

the month next preceding the day on which it is made. each month.

42. Every account or return rendered as herein provided, How to be hall be made and the attested. shall be made and signed by the person carrying on the signed by the formation of his agent, and shall also be signed by the foreman, clerk, chief workman or other person employed : employed in or about the premises where the business is carried on . and the premises where the business officer of carried on; and the collector or any superior officer of Further Inland Revenue may, at any time after the making of such account or return require the received about account or return, require any other person employed about such premises and require any other person employed about such premises, who, in his opinion is best acquainted with the anaptite of the opinion is best acquainted with the quantity of material used and of goods produced, subject to excise, to testify upon oath before him as to the

correctness of such account or return. 46 V., c. 15, s. 35.

43. Every such account or statement shall be attested by Form of Dersons the form attestati the persons signing the same under oath, in the form attestation.

"accounts included in this return are true according to their "Purport . So I do their to To a 15 s 36. "^{accounts} included in this return are true accounts "purport : So help me God." 46 V., c. 15, s. 36.

Before whom to be attested.

Officers may examine certain persons on oath.

44. Every such oath shall be made before some collector and or other duly authorized officer of Inland Revenue, and the collector and the collector or officer before whom it is made, or any superior officer of the superior of th superior officer of Inland Revenue may, when the account or statement is made, and or statement is made, or at any time thereafter, put to the person or persons making it is the thereafter, put to the person or persons making it such questions as are necessary to the elucidation and full to the elucidation and full understanding of the account, and for ascertaining whether and for ascertaining whether such person has had the means of knowing the same to be served by the s knowing the same to be correct; and the collector or officer aforesaid may also when the aforesaid may also, when the account or statement is made, or at any time there of or at any time thereafter, examine under oath any person employed, persons employed, or who have at any time been employed, in or about the distiller. in or about the distillery, brewery, malt-house, tobacco manufactory circa manufacto manufactory, cigar manufactory, or bonded manufactory, or other premises subject to other premises subject to excise, to which such account relates, or any parcent determined to excise the such account relates, or any person doing business therewith or selling material therets on humin material thereto or buying goods therefrom, and also been common carrier, agent, clerk or other person who has been concerned in the removal of concerned in the removal of any such goods or material to or from any distillary mather or from any distillery, malt-house, brewery, tobacco manufactory, cipar manufactory factory, cigar manufactory, or bonded manufactory or other premises subject to avoid the second premises subject to excise, or in taking or keeping an account of such removals as to the truth and and account of such removals, as to the truth of all such statements, and may reject all such written of the may reject all such written statements as are shown by such evidence to be incorrect an area in a statements as are shown by such evidence to be incorrect or unreliable; and such rejection shall render the parson make shall render the person making the return liable to the same penalty as he would be liable to the same penalty as he would be liable to if no return whatever had been made: been made :

Proviso: oath before Justice of the Peace.

Mode of giving notices, delivering returns, &c. 2. Whenever the Governor in Council deems it expedient so to do, he may authorize the taking of such oath or evidence before a justice of the peace. 46 V., c. 15, s. 37.

45. All notices, lists, descriptions, returns, inventories, statements, accounts and reports required by this Act to be given or made to any person or officer, shall be held to be validly so given or made, if they are received by such person or officer, as the case may be, or if they are left at the usual place of residence of such officer or person, within the Period or delay fixed herein in that behalf, without any reference to the mode by which such notice, list, description, account, the mode by which such notice, list, description, account, statement, inventory or return was conveyed to such person or officer; and the burden of proof that all such notices, and descriptions, returns, inventories, accounts, statements and reports have been given or made, as herein required, shall be reports have been given or made, as herein required, shall be report to the person whose duty it is to give or make them.

When duties shall be pays able.

46. The several duties imposed by this Act shall be due and payable on the sixth day of each month, for the quantities of each article or commodity produced or manufactured during the preceding month, unless another time of payment is herein expressly fixed. 46 V., c. 15, s. 39.

47. No goods subject to a duty of excise under this Act, Removal of shall be removed from any distillery, malt-house, brewery, goods. tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, licensed as herein provided, or from any warehouse in which they have been bonded or stored, until the duty on such goods has been paid or secured by bond in the manner by law required; and any goods removed from such distillery, malt-house, Forfeiture for brewery, tobacco manufactory, cigar manufactory, bonded illegal removal. manufactory or other premises subject to excise, or from a warehouse, before the duty thereon has been so paid or secured, shall be seized and detained by any officer of excise having a knowledge of the fact, and shall be and remain forfeited to the Crown. 46 V., c. 15, s. 40.

48. Except under departmental authority, in each case Hours of specially obtained, no goods subject to a duty of excise removal. under this Act, shall be removed from any distillery, malthouse, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or from a bonding warehouse or other premises licensed as herein provided, between the hours of six o'clock in the afternoon and seven o'clock on the following forenoon; and any goods removed in violation of Forfeiture for this section shall be forfeited to the Crown, and shall be tion. seized by any officer of Inland Revenue having knowledge of the fact, and dealt with accordingly. 46 V., c. 15, s. 41.

49. The amount of duty shall be calculated on the Calculation of measurements, weights, accounts, statements and returns, duty and cortaken, kept or made, as herein provided, subject to correc- calculation. tion and approval by the collector of Inland Revenue or other officer duly authorized thereto; and when two or more methods for determining quantities or the amount of duty to be paid are provided for, that method which yields the largest quantity or the greatest amount of duty shall be the standard; but if the collector of Inland Revenue or any superior officer of Inland Revenue has any reason to doubt the correctness of any statement, account or return, he shall compute the weights, measurements or quantities himself, and levy the duty accordingly; and such computation may Basis of be based on any reliable evidence respecting the quantity of calculation. material brought into the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, or as to the quantity of the manufactured article removed therefrom, or as to the quantity or strength of any articles used in any of the processes of manufacture; and if the result is disputed, the Proof of burden of proof of the error or wrong shall rest with the error. person who is liable for the payment of the duty. 46 V., c. 15, s. 42.

SPECIAL PROVISIONS AS TO BONDING OR WAREHOUSING.

Warehousing of goods.

50. Spirits, malt, tobacco, cigars and other articles subject duty under this Astern to duty under this Act may, subject to the following provisions and to such a subject to the following provisions and to such a subject to the following provisions and to such a subject to the following provisions and to such a subject to the following provisions are the subject to visions and to such regulations as the Governor in Council makes, be deposited in an analysis of the covernor in Council makes, be deposited in any suitable excise bonding ware house licensed for the house licensed for the purpose, without payment of the duty hereby imposed. 46 V., c. 15, s. 43.

Security to be given before bonding warehouse is licensed.

51. Before any license is granted to any person for a such bonding warehouse, for goods subject to excise duties, a for person shall give good and sufficient security by bond for an amount security is the an amount equal to the sum to which it is estimated the duty on the average will duty on the average quantity of goods in the warehouse will amount: and such has a line of goods in the warehouse navamount; and such bond shall be conditioned for the payment of all such bond shall be conditioned for the the ment of all such duties and all penalties to which the owners of any goods warehoused therein, or the owner any such warehouse mer housed therein, or the owner any such warehouse, may become liable under this Act:

New bond in certain cases.

2. Whenever the duties on the goods warehoused in such arehouse exceed the arehouse exceed the area in the goods warehoused in such as the warehouse exceed the amount for which the bond is taken a new houd more battle a new bond may be taken for a sum sufficient to cover the increased amount of data increased amount of duty. 46 V., c. 15, s. 44.

52. The warehouse shall be provided by the owner of vite of the goods and shall be it with by owner or bailee of the goods, and shall be provided by the owner with bailee of goods such departmental regulations as are, from time to to and approved. made in that behalf, and upon being the provided of the approved Warehouse to made in that behalf, and upon being surveyed and approved as to security by the inspection as to security by the inspecting officer, shall be secured under the joint locks of the Der under the joint locks of the Department of Inland Revenue and the owner or bailes of the provide the second and the owner or bailee of the goods warehoused, so as to be accessible only in the presence of accessible only in the presence of an officer of Inland Revenue and of the owner or bailes of the nue and of the owner or bailee of the goods in bond, of his agent. 46 V. c. 15 s. 45 46 V., c. 15, s. 45. 53. All goods warehoused shall be at the risk of the

Goods at owner's risk.

Term of warehousing limited.

V., c. 15, s. 46.

Goods in warehouse subject to duties when there is a deficiency.

54. Except as herein otherwise provided, no goods shall main warehoused for a lower and remain warehoused for a longer period than two years, and at the end of that time the full at the end of that time the full amount of duty remaining unpaid shall be collected. unpaid shall be collected :

owner, and, unless destroyed by fire, the duty shall be 46 able thereon as if they were the duty shall be 46

able thereon as if they were entered for consumption. V c 15 c 46

2. If the quantity of goods bonded in any warehouse any time or by any means fill in any warehouse at any time or by any means, falls short or is deficient of the actual quantity which are also as the state of the state o the actual quantity which ought to be or remain ware housed, after deducting the quantities entered ex ware house, the owner thereof all unities house, the owner thereof shall be liable for the full duties on the balance of goods with which the warehouse stands

of this Act, the owner of such goods shall, on being required so to do, immediate of such goods shall, or stow them, as to do, immediately re-mark or arrange or stow them, as

stowed or arranged in compliance with the requirements of this Act the requirement of the state
80. Whenever the marks or numbers on any goods in Tobere-mark-arehouse here the marks or numbers on any goods in Tobere-markwarehouse have been omitted, or have been defaced or stowed in the stowe otherwise become illegible, or whenever such goods are not certain cases.

59. Goods warehoused shall be so stowed or arranged Stowage of packages described in warehoused that the casks, boxes or packages contained or described in warehoused. one entry are placed together in separate lots; and in no case, except in the casks, boxes or case, except in the case of cigars, shall the casks, boxes or packages control to the case of cigars, shall the casks, boxes or packages contained or described in one entry, be intermixed with those contained or described in one entry, be intermixed 48-49 V., c. with those contained or described in one entry, be more than the second and the s

58. Each package, when originally warehoused by the Packages warehoused by the benaries to be marked by the mark Manufacturer, shall be marked with the date when ware-housed, and with the marked with the date when ware-to be marked. housed, and with the quantity which the package contains, and excert with the quantity which the package contains, and except in the quantity which the package consecutively num-bered and market is a set of cigars, shall be consecutively numbered and marked with the entry number. 48-49 V., c. 62, 8. 2, mart

57. When goods are entered for warehouse, the entry Quantity, shall state the exact quantity of goods in each package or be described parcel, and the duty to make they are liable; and each in entry. parcel, and the duty to which they are liable; and each in entry. Package shall be described in the entry paper, and shall also be described in the entry paper, and shall also be designated by a distinguishing number. 46 V., c. 15, s. 50

56. Goods warehoused under this Act may be transferred Transfer of bond and some warein bond, and may be exported, or removed from one ware-bonse to another the sported or removed from one warehouse to another, without payment of duty, under such restrictions and regulations as the Governor in Council deems necessary. 46 V., c. 15, s. 49.

55. At the time of entering the goods for warehouse, When duty the amount of duty shall be computed and ascertained and puted. stated in the entry. 46 V., c. 15, s. 48.

plus, if any, shall be payable to the person who warehoused such model, shall be payable to the person who warehoused such goods, or his assigns, after deducting all penalties and expenses is or his assigns, after deducting all penalties and expenses incurred: except that when the Department of Exception. Inland Revenue is satisfied that no goods have been illegally removed from the warehouse, such goods as are actually in the warehouse at the time stock is taken, or at the expiration of warehouse at the time stock is taken, and the maximum terms are housed on payment expiration of two years, may be re-warehoused on payment of the full amount of duty on the ascertained deficiency.

debited; and the goods remaining shall be subject to the dution and the goods remaining shall be sold for the duties on the guantity deficient, and shall be sold for payment the duties of the quantity deficient, and the surpayment thereof, by order of the department, and the surplus if an even who warehoused

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Provision in

the case may be, to the satisfaction of the collector of In-land Revenue and land Revenue, or of any officer inspecting the division; and if the owner of such and a first and a fi case of failure if the owner of such goods fails to re-mark, arrange or stow to do so. them in the manner herein required, for the space of one week after having but week after having been required so to do, all such goods shall be forthwith antishall be forthwith entered for duty ex-warehouse, and the duty thereon collected duty thereon collected in accordance with the original ware house entry and are fil house entry; and any failure so to enter for duty ex-ware house, and to not the little in the so to enter for duty ex-ware house. house, and to pay the duty thereon, when a demand to that effect has been made by effect has been made by the collector of Inland Revenue, shall be construed shall be construed as evidence of a deficiency in the said warehouse and aball be in the said the said the said aball be in the said the said aball be in the said th warehouse, and shall be dealt with accordingly. $46 \sqrt{7}$, c. 15, s. 53.

Removal for consumption.

61. No goods shall be removed from warehouse for consumption unless upon the payment of the full amount of duty accruing thereon. 46 V., c. 15, s. 54.

Entries to be refused for non-compliance with regulations.

62. Except as herein otherwise provided the collector of her officer of Inland Boundary other officer of Inland Revenue or Customs in whose charge goods warehoused under the goods warehoused under this or any other Act relating to warehousing are placed shall and warehousing are placed, shall refuse all entries ex-warehouse until the owner of small house until the owner of such goods or his agent has com-plied with all conditions plied with all conditions in respect thereto, required by this or any other Act or by any other and by with the set of th this or any other Act, or by any regulations made by virtue of this or any other Act. 48 V of this or any other Act. 46 V., c. 15, s. 55.

Forms of entries.

63. All entry papers, either for warehouse, ex-warehouse, removal, or other purposes at 11 to the purposes a for removal, or other purposes, shall be made in such forms, and shall be attested by and be made in such forms and shall be attested by such affidavits, affirmations or declarations as the Department of device, affirmation orders. declarations as the Department of Inland Revenue orders. 46 V., c. 15, s. 56. 46 V., c. 15, s. 56.

64. The person in whose favor a license is granted for a section of the section o an excise bonding warehouse, not included in the description of the premises in respect of included in the been tion of the premises in respect of which a license has ware, issued to him under this has her in the desure. issued to him under this Act, shall pay for one such water house the sum of twonty dell house the sum of two dollars, and for each additional warehouse the sum of two dollars, and for each warehouse the sum of ten dollars. 46 V., c. 15, s. 57.

Governor in Council may establish Inland Revenue bonding warehouse.

Fee for bonding warehouse

license.

65. The Governor in Council may order that an Inland evenue bonding werehouse I have order that an at any Revenue bonding warehouse shall be established at any place or places specified in place or places specified in such order; and such fee to shall prescribe the storage shall prescribe the storage dues, and the license honding be paid by persons using such Inland Revenue bonding warehouse, but such license for the license dollars warehouse, but such license fee shall not exceed ten dollars per annum: Provided always that not exceed ten dollars per annum: Provided always, that all goods stored and kept in any Inland Revenue here line and stored and stor goods to be at kept in any Inland Revenue bonding warehouse established owner's risk. under the provisions of this under the provisions of this section shall be so stored and kept at the risk, in every respect kept at the risk, in every respect, of the owner thereof, and Chap. 32.

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in case of damage or loss by fire or otherwise, the owner shall not be down and be down and the state of the shall not have any claim for indemnity. 46 V., c. 15, s. 58.

OFFICERS OF EXCISE, THEIR POWERS AND DUTIES.

66. The Commissioner of Inland Revenue or other person Powers of In-ting as devenue or other person land Revenue acting as deputy head of the department, and every in-officers. specting officer of Inland Revenue, shall have and may exercise in each and every revenue division all the powers and rights and every revenue division all the powers and rights conferred by this Act on the collector or any other officer of Inland Revenue. 46 V., c. 15, s. 59.

67. Inspectors of Inland Revenue, and all persons Who shall be pointed and the purposes of officers. appointed under this Act, or employed for the purposes of officers. this Act, or upon whom any duty is imposed by this Act, shall be be the shall be be be the shall be be be the shall be be be be the shall be be the shall be t shall be known as officers of Inland Revenue. 46 V., c. 15, 8. 60

68. Every superior and inspecting officer, and every col- Power to ad-ctor of International inspecting officer, and every col- Power to adlector of Inland Revenue, and such other officers as are, from minister time to time, designated by the Governor in Council, are hereby empowered and the stand to administer all oaths hereby empowered and authorized to administer all oaths and receive all declarations required or authorized by this Act. 48 W Act. 46 V., c. 15, s. 63.

69. Every officer of Inland Revenue may-

(a) With any assistants acting under him and by his direc- Entry into buildings, at all the conter into tions, at all times, as well by night as by day, enter into buildings, &c. and remain in, as long as he deems necessary, any building or place but in, as long as he deems necessary, any building or place belonging to or used by any person or persons for the purpose subject to the purpose of carrying on any trade or business subject to excise on the purpose of carrying on any trade or business subject to excise, or in which are any machinery, utensils or apparatus subject to excise, or which may be used in the manufacture of goods subject to excise;

(b) With any assistants acting under him and by his Into premises instructions, at any time between six o'clock in the fore-noon and ten c'clock in the fore- goods subject noon and ten o'clock in the afternoon, enter the premises to excise. of any dealer wherein any goods subject to excise are stored,

(c) With any assistants acting under him and by his direc- inspection of account as he deems necessary of every part thereof, and of and works, vessels utancile mode and materials. machinery all works, vessels, utensils, goods and materials, machinery and apparette and apparette appertaining to and apparatus, belonging or in any wise appertaining to

(d) Break up or cause to be broken up or removed any Breaking Hoor, Wall, Partition, ceiling, roof, door or other part of such partitions, &c.

Powers of

building, place or premises, or any ground surrounding them for the purpose of accentain for the purpose of ascertaining whether there is any piper Worm, still conduct t worm, still, conduit, tool, vessel, utensil, machinery or appa-ratus or any stock mode ratus or any stock, goods, commodity or article subject to excise, concealed or boot article excise, concealed or kept out of view ;

Examination of still, &c.

Gauging. closing and

sels, &c.

sealing ves-

(e) Examine the worm of any still or other apparatus ed by any distiller or beautiful used by any distiller or bonded manufacturer, by causing the water to be drawn of a the water to be drawn off from the worm-tub or refrigerator containing such worm at the second to be drawn off from the second to be drawn off from the second to be drawn of containing such worm, at any time when, in the opinion of such officer, the doing so will such officer, the doing so will not be prejudicial to the work-ing of such still or other so ing of such still or other apparatus, or when he deems it necessary so to do for the such state. necessary so to do for the prevention or detection of fraud;

(f) Gauge, measure, weigh, prove, mark, label, stamp, sk, seal or otherwise design, stamp, and stamp, stam lock, seal or otherwise designate or secure any fermenting tun, mash-tub cistor bil tun, mash-tub, cistern, kiln, worm, still, spirit-receiver, pipe, cock, vessel or apportuge for cock, vessel or apparatus, furnace door, machinery or utensil, or any goods article or apparatus diversity of and or any goods, article or commodity subject to excise, and close, seal and secure all or or any subject to excise. close, seal and secure all or any such worms, stills, fermenting-tuns, mash-tube furners ing-tuns, mash-tubs, furnace doors, kilns and utensils during the period when the distribution ing the period when the distillery, malt-house, brewery, tobacco manufactory, sizes tobacco manufactory, cigar manufactory, or bonded manufactory is not at work. factory is not at work;

Taking samples of goods at wholesale price.

Exception.

Power to make forcible entry.

(g) Take, at any time that he is instructed by the collecter of superior officer of Taland Ptor or superior officer of Inland Revenue so to do, a sample or samples of any goods much so to do, a sample or samples of any goods unmanufactured, or in process of manufacture, or manufactured manufacture, or manufactured, in the stock or possession of any person carrying on business. any person carrying on business subject to excise, paying for the same. if demanded at it for the same, if demanded, at the current wholesale price of such articles: except that same such articles; except that samples of raw leaf tobacco, stems, scraps, cuttings or other products of raw leaf tobacco, when taken for the purpose of ascertaining the moisture therein shall be for the moisture therein, shall be furnished by the manufacturer or other person free of cost 46 V., c. 15, s. 64.

70. If any officer of Inland Revenue, with any assistants acting under him and by his directions, after brew demanded admittance into any distillery, malt-house, manufactory, tobacco manufactory, and the second secon ery, tobacco manufactory, cigar manufactory, bonded manufactory, or other premises and into factory, or other premises subject to excise, or into premises of a distiller maltated premises of a distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer turer, cigar manufacturer, or bonded manufacturer, ioclared any place or premises subject to excise, and having declared his name and business at the set his name and business at the gate or entrance door, any window or door of any window or door of any door of any window or door of an any window or door of any such distillery, malthouse, brewery, manufactory or place brewery, manufactory or place, or at the door, window of gate of any building or place. gate of any building or place, or at the door, window of immediately admitted into such distillery, malt-house, brewery, manufactory or other admitted any brewery, manufactory or other premises, such officer and any

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Person acting in his aid, may at all times, as well by night as by day (but if by night, then in the presence of a con- By day or stable on all but if by night, then in the presence of the doors, with peace stable or other peace officer), break through any of the doors, officer at windows Windows or walls of such distillery, malt-house, brewery, night. tobacco manufactory, cigar manufactory, bonded manufac-tory or all tory or other premises necessary to be broken open or through the said distillery, through to enable him and them to enter the said distillery, malt-house, brewery, manufactory or other premises aforesaid. 46 V., c. 15, s. 65.

71. The collector or other officer of Inland Revenue, or any Power to person or persons acting under him or by his directions search under respectively. respectively, having first obtained a search warrant for that purpose from some justice of the peace, who may grant the same on any some justice of the peace, who may grant the same on affidavit (made before him and to his satisfaction, and stat: and stating reasonable grounds for the issuing thereof), may, at any 1 at any hour between sunrise and sunset, enter into and search search any house, building or place mentioned in such search warrant, as being one in which it has been made to appear her warrant, as being one in which it has been made to suppose appear by affidavit that there is reasonable cause to suppose that an utility is that there is reasonable cause to suppose that an unlicensed still, worm, mash-tub, cooler, fermentingtun, malt-floor or kiln, press, cutting-knife, mill or other Vessel at the press or possession, or vessel or implement is unlawfully in use or possession, or that the that the provisions of this Act are otherwise violated. 46

72. The Minister of Inland Revenue may lawfully sus-Licenses may pend or revoke the license of a distiller, maltster, brewer, or revoked tor bacco manufactor bounded manufactor obstructing tobacco manufacturer, cigar manufacturer, bonded manufac- obstructing turer, or other of a distiller, matuster, bonded manufac- obstructing officer. turer, or other person carrying on business subject to excise, officer. who delays, obstructs or prevents, or whose agent or servants delays, obstructs or prevents, or whose agent of the form obstruct or prevent any officer or his assistant in or from entering into a distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory, or any house, outhouse, store or other place whatsoever of such distiller cigar manufactory and the store of such a store of the store of distiller, maltster, brewer, tobacco manufacturer, cigar manu-facturer, brewer, tobacco manufacturer, cigar manu-business subject to excise, or in or from otherwise performing his duty in the enforcement of any Act relating to the Inland Revenue. 46 V., c. 15, s. 67.

78. If any person does or permits to be done, anything Collector or or about a person does or permits to be done, in the officer may examine on in or about any premises or permits to be done, anything Collector on opinion of any premises subject to excise, which, in the examine on likely to mislead such officer of Inland Revenue, is intended, or oath in cer-to prevent him for the discharge of his duty, or had be the formed by the true quantity of the to prevent him from ascertaining the true quantity of the products of the business therein carried on and subject to ercise, such person or any other person who is supposed on the person of any other person who is supposed on to have any knowledge of the facts, may be examined on by any knowledge of the facts, may be examined on It by any knowledge of the facts. oath by any knowledge of the facts, may be examined and by any collector or other superior officer of Inland Revenue. 46 V., c. 15, s. 68.

Writs of assistance in the several Provinces.

74. Any judge of the Exchequer Court of Canada, or any dge of any of the surger judge of any of the superior courts in any of the Provinces of Canada, having invisiding the superior courts in any of the Provinces where Canada, having jurisdiction in the Province or place where the application is made the line application is made the line of the province of th the application is made, shall grant a writ of assistance upon application mode, the province of assistance upon application is made, shall grant a writ of assister Her Majesty's Attorney General and for that purpose by of Majesty's Attorney General of Canada, or by a collector of Inland Revenue, or any collector of Revenue, Inland Revenue, or any superior officer of Inland Revenue, and such writ shall any superior officer of Inland Revenue, and such writ shall remain in force so long as any person named therein remain in force so long as any person named therein remains an officer of the Inland Revenue, whether in the same whether in the same capacity or not:

In N. W. Territories and Keewatin.

2. For the purposes of this section, any judge of the purt of Queen's Rench in the section, any judge of shall Court of Queen's Bench, in the Province of Manitoba, the have jurisdiction over the New York of Manitoba and the have jurisdiction over the North-West Territories and for district of Keewstin district of Keewatin, and shall grant a writ of assistance he might use therein, in like manner and with like effect as he might grant such writ for use grant such writ for use in the Province of Manitoba. **V**., c. 15, s. 69, part. Re-drafted.

Powers of officers under writs.

75. Under authority of such writ of assistance, any officer Inland Revenue, or such writ of assistance, any officer of Inland Revenue, or any person employed for that purpose with the concurrence of the formation of the form with the concurrence of the Governor in Council, expressed either by special order either by special order or appointment, or by general by Entry, search lation, may enter in the night time, if accompanied by a peace officer, and in the d peace officer, and in the day time without being so accom-panied, any building or other panied, any building or other place within the jurisdiction of the court or judge granting place within the jurisdiction of the court or judge granting such writ, and may search for and seize and secure any granting such writ, and may search for perfect any search are any grant search writ, and may search for and seize and secure any grant search writ, and may search for any search for feiture and seize and secure any goods or things liable to forfeiture under this Act, and in case of under this Act, and in case of necessity, may break open and entrance or other doors will a entrance or other doors, walls, floors, windows or gates and any chests or other packages for the second se

Arresting offender.

2. Any officer of Inland Revenue having a writ of assisting the detects in the detects as the de ance may arrest and detain any person whom he detects in the commission of any ofference whom he detects a felone the commission of any offence declared by this Act to be felony or a misdemeanor:

Trial of offender.

3. Every person so arrested shall, as soon as possible there ter, be brought before any in the prime jurisdic after, be brought before any court of record having jurisdie tion in the premises, or before tion in the premises, or before a judge or junior judge of a county court, or before a police county court, or before a police or stipendiary magistrate of two justices of the peace

Justices of the Peace.

4. If such prosecution is brought before a judge of a nior judge of a county count is brought before a judge of stipper ary maximum ary ma junior judge of a county court, or before a police or stipper diary magistrate, or before a police of the diary magistrate, or before any two other justices 46 V. c. 15. s. 60 peace, no other justice shall sit or take part therein. c. 15, s. 69 c. 15, s. 69, part. Re-drafted.

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76. All justices of the peace, mayors, bailiffs, constables Others to ad all portion of the peace, mayors, bailiffs, constables others to and all persons serving under Her Majesty by commission, assist officers. warrant or otherwise, and all other persons whosoever, shall aid or otherwise, and all other persons whosoever, shall aid and assist, and they are hereby respectively required to aid and assist, and they are hereby responses in the due and assist every officer of Inland Revenue in the due execution of any act or thing authorized, required or enjoined ut of any act or thing $\frac{46}{10}$ V c 15 s. 70. or enjoined by this or any other Act. 46 V., c. 15, s. 70.

PROTECTION OF OFFICERS.

77. No writ shall be sued out against, nor any process Notice to officer suc served upon any officer of Inland Revenue for anything done for any official in the exercise in the exercise of his duty as such officer, until one calendar act. month after notice in writing has been delivered to him, or left at his left at his usual place of abode by the attorney, solicitor or agent of the such writ or agent of the person who intends to sue out such writ or process and explicitly process in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the particular of the of the person who intends to bring such action, and the name and the intends to bring such action or agent; name and place of abode of the attorney, solicitor or agent; and no evidence of abode of the attorney, solicitor of agoin, except of any cause of action shall be produced Proof requir except of such as shall be contained in such notice; and no verdict or verdict or in a redict or judgment shall be given for the plaintiff, unless judgment. he proves on the trial that such notice was given; and in default of the trial that such notice was given; and in the trial that such notice was given and the trial that such notice was given and the trace of the default of such proof, the defendant shall receive in such 46 V c. 15, s. 71. action a verdict or judgment and costs. 46 V., c. 15, s. 71.

78. Every such action shall be brought within three Limitation of lendar months action shall be brought chall be laid time for action. calendar months after the cause thereof, and shall be laid action. and tried in the place or district where the acts were com-mitted and the place or district where the acts were and nitted in the place or district where the acts were and sive the maximum defendant may plead the general issue, and give the maximum diff the plaintiff give the special matter in evidence; and if the plaintiff $n_{on-spit-3}$ or if, upon a demurror , or discontinues the action, or if, upon Non-suit or discontinua demurrer or discontinues the action, or 11, upon discontinues the plaintiff, the defendant shall recover costs, and have defendant has in other such remedy for the same as any defendant has in other cases where out the same as any defendant has in other the same as any defendant has a same as any defendant has in other the same as any defendant has a same as any defendant has a same as any defendant has a same as a sam cases where costs are given. 46 V., c. 15, s. 72.

79. Any such officer or person against whom any action Amends may brought on control of after notice; is brought on account of any such seizure or entry, or of after notice; one calendar month of one calendar month after such notice, tender amends to the person complaining or his agent, and plead such tender in bar or amening or his agent, and plead such tender in bar or answer to any action, together with other pleas or defences and is agent, and plead such other pleas or defences; and if the court or jury (as the case may be) find the amends sufficient, they shall give a judgment or verdict for the amends sufficient, they shall give a judgment or verdict for the defendant; and in such case, or in case the No costs if plaintiff is action, or ficient. plaintiff is non-suited or discontinues his action, or ficient. Judgment is non-suited or discontinues his according wise then given for the defendant upon demurrer or otherwise then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded

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Payment of money into court.

Nominal damages only if probable cause shown.

the general issue only: Provided always, that such defend-ant may by loans and the ant may, by leave of the court where such action is brought, at any time bef at any time before issue is joined, pay money into court as in other actions. At W other actions. 46 V., c. 15, s. 73.

80. If, in any such action, the court or judge before hom such action in the court or judge lant or whom such action is tried certifies that the defendant the defendants in such action acted upon probable cause, the plaintiff in such action acted upon probable cause, that plaintiff in such action shall not be entitled to more than twenty cents down 46 V., c. 15. twenty cents damages, or to any costs of suit. s. 74.

81. If any information or suit is brought to trial or de termined on account of any seizure or entry made under this Act, and a verdict is for Act, and a verdict is found or decision or judgment is given for the claimant and if it for the claimant, and if the court or judge before whom the cause has be there Was probable cause for such seizure or entry, the claimant shall not be entitled to such seizure or entry, the claimant who not be entitled to any costs of suit, nor shall the person who made such solution made such seizure or entry be liable to any action, indictment, or other suit and ment, or other suit or prosecution on account of such seizure or entry and if or entry; and if any action, indictment, or other suit or prosecution is browned to be a suit or other suit or prosecution is brought to trial against any person on account of such seizure or entry whereit of such seizure or entry, wherein a verdict or judgment is given against the defendent of given against the defendant, the plaintiff, if probable cause is certified as aforecast if a is certified as aforesaid, besides the thing seized, more seizure, or the value there is a seized in the seized is a seized in the seized is a seized in the seize is a seizure, or the value thereof, shall not be entitled to shall than twenty cents democratic than twenty cents damages or to any costs of suit, nor shall the defendant in such such and the defendant in such such and the defendant in such prosecution in such case be fined more than ten cents. AC W more than ten cents. 46 V., c. 15, s. 75.

PENALTIES.

82. Every manufacturer who neglects or refuses to keep s license posted and in his license posted up in a conspicuous place in his manufactory, shall incur a population of the former tory, shall incur a penalty of fifty dollars for the first offen 46 and of one hundred dollars and of one hundred dollars for each subsequent offence. V., c. 15, s. 76.

Goods and apparatus forfeited when no license has been taken out.

Penalty for

not posting

up license.

83. All grain, malt, raw tobacco, and all other materials stock, and in stock, and-(2.) All engines, machinery, utensils, worms, stills, mash bs, fermenting-tune, tobaccore

tubs, fermenting-tuns, tobacco-presses or knives, and

(3.) All tools or materials suitable for the making of stills, orms, rectifying or similar worms, rectifying or similar apparatus, and-

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(4.) All spirits, malt, beer, tobacco, cigars and other man^{ur} factured articles,-

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Costs and

damages limited if probable cause shown.

Limitation of damages, etc., in such case.

penalty of five hundred dollars; and shall in addition to such

S6. Every person who puts into any packages, barrels Penalty for casks which have been any packages barrels penalty for unlawfully using stamp or casks which have been stamped, marked or branded un- unlawfully which have been stamped, marked or branded un- unlawfully using stamped. der this Act, any article or commodity subject to excise on packages. which the duty imposed by this Act has not been paid or is ned, or which the posed by this Act has not been paid or secured, or which has not been inspected as herein required, a Suilty of which has not been inspected as herein required, is Suilty of a misdemeanor, and for a first offence shall incur the builty not a penalty of a misdemeanor, and for a first offence snam that that one hand than one hundred dollars, and for each subsequent offence a behalty of formal dollars, and for each subsequent offence a

at the proper time for paying the same, shall be forfeited to the any officer of Inland Revenue and shall be forfeited to the Crown and 1 Crown and be dealt with accordingly. 46 V., c. 15, s. 79.

demeanor or felony, shall be forfeited to the Crown, and be dealt with accordingly. 46 V., c. 15, s. 78. So. Every article or thing subject to duty under this Forfeiture of the duty on which the duty inder the paid goods for non payment of

84. Every steam-engine, boiler, mill, still, worm, rectify- Engines and frame, machine, fermenting-tun, mash-tub, cistern, couch- forfeited when fraud has been couch. frame, machine, vessel, tub, cask, pipe or cock, with the fraud has malt, beer tot, and all stores or stocks of grain, spirits, mitted. malt, beer, tobacco, cigars, drugs or other materials or com-modifies many of the subject to exmodifies which are in any premises or place subject to excise, when any fraud against the revenue is committed in any such place subject to the such place subject to the such place subject to the such place such place such place such against the revenue is committed in the such place such place such place such place such against the such place such place such against the such place such place such place such against the such against the such place such against the such place such against the such any when any fraud against the revenue is commented place, promises, or when the owner of any such have, promises, browning of any such place, premises, or when the owner of any premises, apparatus, goods or commodities, his agent or any person employed by him, or any person having law-ful possession employed by him, or any person having lawful possession or control of such premises, apparatus, goods or commodities, is discovered in the act of committing, or convicted is about such place is commodities, is discovered in the act of commune, or premises of committing any act in or about such place or premises which is declared by this Act to be a mis-

to the Crown, and may either be destroyed when and where found, or removed to some place for safe keeping in the dis-cretion of the some place for safe keeping in the discretion of the seizing officer. 46 V., c. 15, s. 77.

to excise, in violation of this Act,-Shall be liable to be seized by any officer of Inland Seizure and evenue have forfeited forfeiture. Revenue having a knowledge thereof, and to be forfeited forfeiture.

(5.) All horses, vehicles and other appliances which have Horses, been or are being used for the purpose of removing any vehicles, &c. spirits, malt, beer, tobacco, cigars, materials or apparatus to excise in the production of any article subject

Which are at any time found in any distillery, malt- If found in manufactory, certain house, brewery, tobacco manufactory, cigar manufactory, places. bonded manufactory, or other premises or place where any-thing is have a source on which is thing is being done or any working carried on which is subject to any done or any working carried under subject to excise, and for which a license is required under this Act license has been this Act, but in respect of which no such license has been

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penalties be liable to imprisonment for a term not exceeding three months. ing three months. 46 V., c. 15, s. 80.

Penalty for failing to obliterate brands, &c.

87. Every vendor of the contents of any package, barrel cask, labelled, branded marked or cask, labelled, branded, marked or sealed, as required by this Act, who as a sealed or sealed this Act, who, so soon as the contents thereof have been re-moved, fails to oblight the contents thereof have been removed, fails to obliterate or effectually deface such labely mark, brand or coal and mark, brand or seal, and every person in whose possession any such package hered any such package, barrel or cask, the contents whereof have been removed and the label been removed and the label, mark, brand or seal on which has not been obliterated and in a content of the seal of has not been obliterated or defaced, is found, shall, for each such offence, incur a normality of the such offence. such offence, incur a penalty not exceeding one hundred dollars, and the package harris dollars, and the package, barrel or cask in respect of which the offence has been committed or cask in respect of the the offence has been committed shall be forfeited to the Crown and shall be deale with 48-49 V., c. 62, Crown and shall be dealt with accordingly. s. 4.

Unlawfully . keeping stamped packages.

88. Every person who, except as permitted by this het brings or causes or permits to be brought into any place licensed under this Act below licensed under this Act, belonging to him, or into any place in which any business subject in which any business subject to excise is carried on under his supervision or control his supervision or control, or in whose licensed premises there is, at any time found and there is, at any time, found any box, jar, barrel, bag or other package, such as is used for any box, jar, barrel, bag or ticles package, such as is used for containing any of the articles subject to excise which are model. subject to excise which are made in such licensed premises, and having attached to it are and having attached to it any stamp, mark or brand, or appart of any stamp mark or brand, any part of any stamp, mark or brand to it any stamp, mark or brand, any provision of this Act as avide provision of this Act, as evidence that the duty to which the contents of such how in the duty to bage is the contents of such box, jar, barrel, bag or other package to liable, has been paid or second liable, has been paid or secured, or that the inspection which such article is liable bud Shall, for a first offence, incur a penalty not exceeding fire indred dollars, and not loss in the second dollars.

Penalty and forfeiture.

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hundred dollars, and not less than one hundred hundred and for each subsequent offence a penalty of five hundred dollars and all articles subject to dollars; and all articles subject to excise on the premises at the time of the commission the time of the commission of such subsequent ized by shall be forfeited to the C shall be forfeited to the Crown, and shall be seized any officer of Inland Romanni and shall be seized lingly. any officer of Inland Revenue and dealt with accordingly. 46 V., c. 15, s. 82 89. Every person carrying on any business subject any cise, or having in his possession proper returns excise, or having in his possession or on his premises, apparatus, c. machinery, tools, utensils, apparatus or appliances, suitable for carrying on any business suitable

(a) Neglects, refuses or omits to make a true and correct return and entry at the time and true and manner rect return and entry at the time and in the manuel required by this Act, or at any time and in the required required by this Act, or at any time when specially required so to do under the provisions beaution and in the manual apartment so to do under the provisions hereof, of all work shops, apartments, utensils, tools apartments, utensils, tools, apparatus, machinery or pliances possessed. occupied pliances possessed, occupied or used by or for him,

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existing in or introduced into or intended to be used in the arrived to be used in the service of the service o the premises wherein such business is or might be carried (b) Makes use of any still, worm, fermenting-tun, Using appar-ash.tuk use of any still, worm, fermenting-tun, Using apparmash-tub, cistern, malt-kiln, malt-floor, tobacco-press, cut-ported. or machine, vessel, utensil, closed spirit-receiver, fixed or movable pipe, cock, pump or other appliance or ap-Paratus, or permits any such to be used in his distillery, malthements any such to be used in his distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or hond a subject to excise, or bonded manufactory, or other premises subject to excise, which which, or any of which, have not been known or reported to the second description of the use to the proper officer previous to being so used, or for the use of which a sherein required; of which no license has been taken out, as herein required;

(c) Makes any changes therein, or additions there. Making to, without duly notifying the collector of Inland Revenue; out notice.

(d) Makes, causes to be made, or permits to exist, any Using secret communicasecret, covert or unusual connection or communication tions. between the several parts or compartments of the premises in which

in which such business is carried on, other than are shown on the return or plan made thereof; or-

(e) Allows any pipes, pumps, cocks, conduits, troughs Or pipes, &c., other more any pipes, pumps, cocks, conduits, troughs Or pipes, &c., or other means for conducting fluids or other matter from one not reported. part of such premises to another, or from one vessel to another, other than such as are clearly indicated and made known on the returns, models, diagrams or entries made of such provide the returns, models, diagrams or entries made such premises or vessels, or other than have been made known to the collector of Inland Revenue, or other than are permitted to be used by this Act; or-

(f) Permits store-rooms or compartments of such premises to be used or tus for pur-occupied of the transmission of such premises to be used or tus for pur-pose not pose not the transmission of transmission of transmission of the transmission of transmissio any apparatus, utensils, vessels, pipes, Using appara-

accupied otherwise than for the purpose for which they reported. have been entered or returned; or--

(g) Neglects or refuses to designate in the manner Not designatrequired by this Act, the contents or capacity of, and the of vessels, &c purpose to which each vessel, utensil, apparatus, pipe, conduit, store-room, workshop or compartment of such premises, is respectively applied ; or-

(h) Refuses to admit the collector or other officer of Refusing to admit officer Inland Revenue or his assistants to the premises or manufactory $m_{1}^{(n)}$ kefuses to admit the collector or other other sectors is carried on, at factory where any business subject to excise is carried on, at any home any business subject to excise is carried on, at admit officer any hour of the day or night when such business is being carried on, or when any act or thing connected with the canying on of such business is being performed therein;

Or to allow inspection of stock, &c.

Deceiving

officers.

(i) Refuses to admit any officer of Inland Revenue to inspect any place or premises where any grain, stock, commodity, material, utensil or apparatus suitable for carrying on any business subject to excise is placed or deposited; or—

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(j) Does or causes or permits to be done, anything in about the present or about the premises where such business is carried on, intended or likely to mislead any officer of Inland Revenue in the discharge of his duty, or to prevent him from ascer taining the term taining the true quantity of the products of the business therein carried on and subject to excise,---

Penalty.

Further

penalty.

Apparatus,

is incurred.

&c., forfeited when penalty

Shall, for a first offence, incur a penalty not exceeding five hundred dollars, and not less than one hundred dollars, and not less than one hundred dollars and for each subsequent offence a penalty of five hundred dollars and dollars. and-

A further penalty of one hundred dollars for each and every day upon which such offence has been committed. 46 V., c. 15, s. 83.

90. Every still, worm, rectifying apparatus, fermenting tun, mash-tub. machinery, tobacco-press, cutting-machine, vessel, utensil, pipe, cock, pump, trough, conduit, cistern, couch-frame or couch-frame or apparatus, with all and every matter or thing which there thing which they contain, and the contents of every store room, work-shop, malt-house, kiln or apartment in respect of which any population of which any penalty is incurred under this Act, or which has not been entered, described or returned as herein required shall be forfitted to the content of the returned as required, shall be forfeited to the Crown, and shall be seized by any officer of Inland D by any officer of Inland Revenue and dealt with accord-ingly. 46 V o 15 - 24 ingly. 46 V., c. 15, s. 84.

Refusing to

91. Every person who refuses or neglects to aid any ficer of Inland Remain refuses. assist officers, officer of Inland Revenue in the execution of any act of and and act of any act of act of any act of act of any act of act of any act of any act of any act of act of act of any act of duty required by this Act, is guilty of a misdemeanor, not liable to a fine not available liable to a fine not exceeding one hundred dollars, and not less than fifty dollars and not less than fifty dollars, and to imprisonment for a term 46 exceeding six months and to imprisonment for a term 46 exceeding six months and not less than three months. V., c. 15, s. 85.

Penalty for-

92. Every person carrying on any business subject to cise, whoexcise, who-

(a) Fails, or neglects, or allows any person acting for him in his employ to fail or need of or in his employ to fail or neglect-

Neglecting to keep stock books, &c.

(1.) To keep stock books and all such other books as are quired by this Act or branch required by this Act, or by any regulation made under by provisions of this Act, or by any regulation made under by provisions of this Act, or by any regulation made under by the Governor in Council content of the sector of the covernor in Council content of the sector of the Governor in Council, or by any regulation approved in in that behalf to be build in that behalf, to be kept; or--

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411 (2.) To make true and correct entries therein of all partic- Not making ulars required by this Act, or by the said regulations, to be true entries. entered in such books; or-(b) In any way alters or falsifies any such entries, or Falsifying akes on the second makes, or causes, or allows to be made any untrue entry or entries. entries in the said books; or-(c) Removes, or causes or permits the removal from Removing le said Loves, or causes or permits the removal from Removing the said books of any leaf or leaves or part of a leaf or books. leaves. (d) Defaces or erases, or causes or permits to be defaced $\frac{\text{Defacing}}{\text{erased}}$ or erased, any entry made therein; or-(e) Neglects or refuses to prepare and deliver the inven- Refusing to tory or make any return or statement, or to give any make returns. information, or to render any accounts required by this Act; () Falsifies any such return, inventory, statement Falsifying account. any such return, inventory, statement returns or or account; or knowingly gives false information; or --(g) Neglects or refuses to produce any book, account, Refusing to atement or any books account, Refusing to be kent or any books &c. statement or return by this Act required to be kept, or any books, &c. private books or accounts which are demanded for the inspection of any duly authorized officer of Inland Revenue, when required so to do during ordinary business hours— Shall, for a first offence, incur a penalty not exceeding Amount of for each subsection of the subsect for each subsequent offence a penalty of five hundred dollars and not less than nity utility dollars to the subsequent offence a penalty equal to double the dollars, together with a further penalty equal to double the amount of license fees, duty or other impost payable under this Act this Act of license fees, duty or other impost payaux igars, stoll any spirits, malt, beer, manufactured tobacco, cigars, stock, goods manufactured in bond, or materials for 2. Every article or commodity, in respect of which any Forfeiture audulent of the commodity of goods. haudulent, false, incorrect, or imperfect information, entry, of goods. eturn, inventory, account or statement has been made or siven, or intervention, account or statement has been made or given, or in respect of which any entry, return, account, inventory, or in respect of which any entry, return, whole or in part nonlinear or information has been in whole or in in part neglected or refused to be made or given, or in inventory, account or statement has been in whole or in part erased, defaced, removed or destroyed,— And all spirits, raw and manufactured tobacco, cigars, And of stock machinery ntervil, grain, beer, malt, hops, drugs, stock, tus, &c. machinery, ntensils, tools, apparatus, articles or commodities, in respect of the sector of the sect in respect of which any such fraudulent, false or imperfect entry, return, inventory, account or information has been

Made or given, inventory, account or information has seturn, entry, or in respect of which any information, return, entry, inventory or account has been in whole or in part neglected, or omitted, or refused to be made or given, or in respect of which and or in respect of which any entry, return, inventory, account or statement has been in set 1 or statement has been in whole or in part erased, defaced, removed or destroyed removed or destroyed -or which are found in the distillery, malt-house browners to be malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory tory, bonded manufactory or other premises subject to excise, at the time when such false, fraudulent or imper-fect information on the return of the state fect information, entry, return, inventory, account or state ment is discovered to be a state ment is discovered to have been made or given -or at the time when it is discovered that it time when it is discovered that the giving of any informa-tion or the making of any information or the making of any return, inventory, entry, and or ment or account has been in the provided of the pro ment or account has been in whole or in part neglected or at the time when it is discourd by at the time when it is discovered that any return, inventory, account or statement beet account or statement has been in whole or in part erased, defaced, removed or dest defaced, removed or destroyed—

Seizure and forfeiture.

Shall be forfeited to the Crown, and shall be seized by y officer of Inland Borrows any officer of Inland Revenue and dealt with accordingly. 46 V., c. 15, s 86 46 V., c. 15, s. 86.

Penalty for using weights and measures not duly inspected and approved.

93. Every person who uses, or causes or permits any using, except as by this Act otherwise provided, of any beams, scales, weights or marked to the provided to the provided of th beams, scales, weights or measures in or about any distillery, malt-house tobacco manufactory. brewery, bonded manufactory or other premises subject de excise—other than such as h excise—other than such as have been tested and inspected as by this Act provided and as by this Act provided and approved by the proper officer of Inland Revenue-shall for of Inland Revenue—shall, for every such offence, incur of penalty of one hundred della penalty of one hundred dollars, and a further penalty of fifty dollars for each subcommended a further penalty of fifty dollars for each subsequent day upon which and use is continued: and such here weights and measures shall be forfeited to the Crown, and shall be seized by any officer of Inland B seized by any officer of Inland Revenue and dealt with accordingly. 46 V c 15 c of

Breaking the Crown's lock or seal, abstracting

94. Every person who opens or breaks any lock or seal, other contrivance attached t or other contrivance attached to any apparatus, vessel, pipe, trough, safe, closed spirit reactions trough, safe, closed spirit-receiver, meter, pump, cock, room, warehouse or other apartment to any apparatus, vessel, prom, warehouse or other apartment used for the security of any revenue under this Act or well labels, &c., to revenue under this Act, or who unlawfully abstracts any spirits, malt. beer tobacco spirits, malt, beer, tobacco or cigars, goods manufactured any bond, or materials for the manufacture any bond, or materials for the manufacture thereof, from the place where they or any of the place where they or any of them are retained under the supervision of any officer of them are retained under the the trained under the trained the court supervision of any officer of Inland Revenue, or who count terfeits any label, stamp or could be and this terfeits any label, stamp or seal provided for under this Act, or who in any way perfore Act, or who in any way perforates any vessel or closed spirit-receiver used for containing spirit-receiver used for containing any spirits on which the duties have not been paid without the spirits on and conduties have not been paid, without the knowledge and con-sent of the collector of Inland Derived Ports sent of the collector of Inland Revenue, is guilty of felony. 46 V., c. 15, s. 88.

95. If any goods subject to excise are removed or in Penalty for any way abstracted from any bonding warehouse author- unlawfully ized under the tracted from any bonding warehouse author- unlawfully it has the entries bonded good ized under this or any other Act, without due entries bonded goods. having been made and the duties paid as required by law, whether is effected with or whether such removal or abstraction is effected with or without it is the person holding without the knowledge or consent of the person holding the license for such warehouse or of the owner of the $good_{R}$ and the license for the the license for the goods abstracted, the person to whom the license for the warehouse of the goods shall, Warehouse was granted, and the owner of the goods shall, in addition in addition to the duties of excise to which the goods abstracted were liable, incur a penalty equal in amount to the said duties; and all goods, articles or things Lien for duty remaining duties; and all goods, articles or things and remaining in the warehouse, when it is ascertained that goods and any model in the warehouse, when it is ascertained that goods and the liable sale thereof. any goods have been unlawfully abstracted, shall be liable sale thereof. for the duties to which the abstracted goods were subject and for the penalty hereby imposed, and may be forthwith sold by order officer whose duty it sold by order of the collector or other officer whose duty it then is order of the collector or other officer whose duty it then is to collect such duties of excise, and the proceeds of such sale shall be applied-

(a) To the liquidation of the duties of excise to which Application of proceeds. the goods then in warehouse are subject;

(b) To the payment of the duties of excise to which the $\frac{b}{b}$ abstracted goods are subject;

(c) To the payment of the penalty hereby imposed :

Provided always, that if the persons who become liable Proviso: reto the penalty hereby imposed can show to the satisfaction mission to in-of the Ministry hereby imposed can show to the satisfaction moment ownof the Penalty hereby imposed can show to the output of the Minister of Inland Revenue, that they were in no wise ers. privy to the unlawful abstraction of such goods, or that the goods Were stolen by some person or persons unknown to them and the by some person or persons unknown to them, and that they had used all possible means for the detection and that they had used all possible means for the detection and arrest of the criminal, the Governor in Council Council may remit such penalty upon payment of the duties to which such goods would otherwise have been liable. 46 V., c. 15, s. 89.

96. Every person carrying on any business subject to Penalty forercise who refuses or neglects-

(a) To render such accounts, inventories, statements and Not rendering turns as and the stime by this accounts. returns as are by this Act required, and at the time by this accounts. Act prescribed ; or-

(b) T_0 pay over at the proper time the duties and license Not paying duties. fees imposed by this Act ; or-

article forfeited under this Act, for more than one month or forfeitures. after such penalty has been incurred or such forfeiture

License to be forfeited, and consequences thereof

Shall, by every such refusal or neglect, forfeit his license; id the collector of Inter I.D. and the collector of Inland Revenue shall thereupon cause a the notice of such forfeiture to be forthwith inserted in the Canada Gazette and from the content of the Canada Gazette, and from and after the insertion thereof, be license shall be apply and after the insertion thereof. license shall be null and void; and no new license shall be null and void; and no new license shall be nuted granted to such person, and no license shall be granted to any other person. to any other person for carrying on any business in the pre-mises occupied by him at the mises occupied by him at the time of his failure to render true accounts immediate true accounts, inventories, statements and returns, and to pay duties or penaltice pay duties or penalties, until he has complied with the provisions of this Act visions of this Act—nor until after such penalty or forfeiture has been satisfied and W has been satisfied. 46 V., c. 15, s. 90.

97. Every person licensed under this Act who commences any operation, or uses any apparatus for which a notice such required to be given by required to be given, before the time mentioned in such notice as that of such according to the such according notice as that of such commencement or use, shall, for every 46 such offence, incur a penalty of one hundred dollars. V., c. 15. s. 91.

Obstructing officers.

98. Every person who obstructs, impedes or interferes with any officer of Inland Revenue, or any person assisting such officer in the disclared and any person assisting such officer in the discharge of his duty, is guilty of a misdemeanor, and lighto to it. misdemeanor, and liable to imprisonment for any term v_{i} c. exceeding *two* years and not less than six months. $46 V_{,,c}$. 15, s. 92.

99. Every person who, under any pretence, either by tual assault force or violence. actual assault, force or violence, or by threats of such assault, force or violence, or by threats of such assault force or violence, in any way resists, oppresses, molesting obstructs any officer of Inland Revenue, or any person acting in his aid or assistance in the determined of the date in his aid or assistance, in the discharge of his or their mali under the authority of this Act, or who wilfully or main ciously shoots at mains ciously shoots at, maims or wounds any officer of mand Revenue, or any person active in the state of the stat Revenue, or any person acting in his aid or assistance, while employed for the prevention of this aid or assistance, wing, employed for the prevention of illicit distillation, brewing, malting or manufacturing malting or manufacturing, and in execution of his or seized duty, or the protection or seized duty, or the protection or care of any article or place seized for any violation, or supposed in the article or place seized for any violation, or supposed violation of this Act-is guilty of felony, and liable to immediate the supposed violation of this Act-is guilty of felony, and liable to imprisonment for any term not expected ing five vears and not here any term not any term to the set of the ceeding five years and not less than six months, unless any greater penalty is otherwise 46 V., c. 15, s. 93.

100. Every person who, whether pretending to be the vner or not, either secretly or with or owner or not, either secretly or openly, and whether with or without force or violence to be without force or violence, takes or carries away any goods, vessel, carriage or other thinks vessel, carriage or other thing which has been seized the detained on suspicion as forfait detained on suspicion, as forfeited under this Act, before the same has been declared by same has been declared by competent authority to have

Penalty for unlawfully using apparatus.

Assaulting or threatening officers.

To be felony; and how punishable.

Taking away goods seized or detained.

seized without due cause, and without the permission of the officer or person who seized the same, or of some competent authority, shall be deemed to have stolen such goods, vessel, carried carriage or other thing, being the property of Her Majesty, and is guilty of felony, and liable to three years' imprisonment. 46 V., c. 15, s. 94.

101. Every person who refuses or neglects to appear be-Refusing to fore any court, judge or any justice of the peace to give evidence. evidence, when summoned, concerning any alleged offence against the provisions of this Act, or who refuses or neglects to give evidence when required, before any officer herein authorized to examine such person, shall, for such refusal or neglect, incur a penalty of one hundred dollars. 46 V.,

102. Every person who violates any of the provisions of Penalty for his Act Every person who violates any of the provisions of Penalty for this Act, or who neglects any duty imposed on him by this contravention of Act gener-Act, for which violation or neglect no penalty is herein ally. specially provided, shall incur a penalty of two hundred dollars. 46 V., c. 15, s. 96.

108. Whenever any person is convicted of any offence Imprisonment Sainst the any person is convicted of any offence Imprisonment against this Act, for which a money penalty only is hereby in lieu of or in provided at the Act, for which a money penalty only is hereby addition to or in fine. provided, the court may, if it thinks fit, in addition to or in fine. lien of any of the punishments by this Act authorized, sen-tence 1 for any term not tence the offender to be imprisoned for any term not exceeding two years. 46 V., c. 15, s. 97.

RECOVERY OF DUTIES AND PENALTIES.

104. All duties of excise or license duties or fees payable Recovery of ader this Autoes of excise or license duties after the duties. ander this Act shall be recoverable at any time after the duties. same ought to have been accounted for and paid, whether an account of quantity of spirits, malt, beer, tobacco, cigars, druge on the spirits of spirits or has not been drags, or other goods or commodities, has or has not been rendered rendered as by this Act required, or whether a true return of the nto-city this Act required, or whether a true return of the utensils, tools and apparatus on which such duties or license c license fees are payable has or has not been made as by this Act require the payable has or has not been made as by this Act required ; and all such duties and license fees shall be recovered; and all such duties and license fees shall be Jesty, in any court of competent jurisdiction. 46 V., c. 15,

105. In case of the seizure of any article, the Department Seizure of Inland Department Seizure of Inland perishable articles. of Inland Revenue may authorize the collector of Inland articles. Revenue Revenue may authorize the collector of and nade, or for the division in which the seizure has been nade, or any superior officer of Inland Revenue, to sell the Power to sell same with superior officer of Inland Revenue, to sell the Power to sell proceeds. same within such delay as to prevent its becoming deterio- and deal with the in well such delay as to prevent its becoming deterio- and deal with proceeds. rated in value, or a part of the value consumed by reason of the same as the expense of keeping or the decay or waste of the same, as

May be delivered to claimant giving security.

2. Provided always, that the Department of Inland Reve nue may authorize the collector of Inland Revenue or superior officer of Inland Revenue of Inlan rior officer of Inland Revenue aforesaid to deliver up to any claiment and the second claimant any such article so seized as aforesaid, upon such claimant depositing in the claimant depositing in the hands of the collector or superior officer of Inland Revenue and officer of Inland Revenue such sum of money as will repre-sent the full value thereof sent the full value thereof, or giving security to the satisfaction of such collector or giving security to the satisfaction of security to the satisfacting to the satisfaction of security to tion of such collector or superior officer of Inland Revenue that the value of such actions that the value of such seizure and all costs shall be paid to the use of Her Majosty if and all costs shall be paid to the use of Her Majesty, if such article is condemned:

Storage of goods seized,

lie.

Seizure of forfeited goods, &c.

3. Any article or commodity seized as forfeited under the Act or any Act relating to Inland Revenue, may, at the option of the seizing officer has build option of the seizing officer, be kept or stored in the build ing or place where it must be kept or stored in the red of ing or place where it was seized, until it is condemned or ordered to be restored to arrively ordered to be restored to any claimant; and so long as such article or commodity is worder article or commodity is under seizure, the place or building in which it is so kept or structure, the place or building in which it is so kept or stored shall be held to be in the sole custody of the officer of sole custody of the officer of excise, or other person ap pointed for that purpose by the seizing officer or by any superior officer of Inland Revenue. superior officer of Inland Revenue, or such article or superior modity may. by direction of modity may, by direction of such seizing officer, or super rior officer of Inland Revenue have rior officer of Inland Revenue, be removed to be kept in any other place. 46 V c 15 c 100

106. The burden of proof that the duties of excise have not compared and all the other transformed to the state of theproof of pay. ment of duties been paid and all the other requirements of this Act com on whom to plied with as record. plied with as regards any article of any kind subject to dufy under this Act. shall lie when the under this Act, shall lie upon the person in whose posses sion the goods or articles lieble sion the goods or articles liable to duty may, at any been have been before such duties have been before such duties were proved to have omply paid, or whose duty it was to pay such duties and to comply with such requirements. 46 V., c. 15, s. 101.

107. If any stock, steam-engine, boiler, still, fermenting n, machinery, apparetus tun, machinery, apparatus, vessel or utensil, or other article or commodity is forfeited moder if or commodity is forfeited under the provisions of this Actor for any violation thereof it for any violation thereof, it may be seized by the collector or other officer of Inland Remain or other officer of Inland Revenue or by any other person acting by the authority of such are acting by the authority of such officer, at any time and the commission of the officer. the commission of the offence for which it is forfeited, and may be marked, detained remains which it is forfeited, and may be marked, detained, removed, sold or otherwise secured until condemned or released by until condemned or released by competent authority, and

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shall not, while under seizure, be used by the offender; and if cond if condemned, it shall be removed, sold or otherwise dealt with a shall be removed, sold or otherwise dealt with as the Minister of Inland Revenue directs. 46 V., c. 15, 8. 100 8. 102.

"Vinister of Inland Revenue" substituted for "Governor in Council." See s 109.

108. The collector or any other officer of Inland Revenue, Schedule of or any person aiding or assisting him in seizing property as seized. forfeited under this Act, shall mark and number each separate piece, and make a schedule of all the property seized. with the estimated value thereof—which schedule or list shall be estimated value thereof. shall be dated and signed by the collector or other officer; and a true copy thereof shall be given to the person from Copy of schedule whom the seizure was made, or forwarded to his last known schedule. post office address by registered letter; and another copy, together with the collector's or other officer's report relating to such seizure, shall be transmitted without delay to the $\frac{46}{15}$ V c 15 s. 103. Department of Inland Revenue. 46 V., c. 15, s. 103.

109. All property seized under any provision of this Act, To be seized Shall be seized, marked and secured in the name of Her ty's name. Majestry the O Majesty the Queen ; and the power of seizing, marking and security is a security of the Queen and the power of seizing marking and under securing the same shall be exercised by direction and under the and Revenue or other the authority of the collector of Inland Revenue or other officer, where and when necessary in order to carry out the provisions of this Act:

2. The grain, malt, beer, tobacco, cigars, or other materials Stock in trade stock : grain, malt, beer, tobacco, cigars, or other materials and apparatus or stock in trade, from which any goods subject to excise are specially or could be used in trade. or could be wholly or in part made, stills, mash-tubs, vats, liable for fermentiand fermenting-tuns, engines, water-wheels, tables, presses and duties. other machinery, implements, articles and utensils, used or Capable for the process of the process of the procapable of being used for making, manufacturing or producing any such goods or preparing any materials therefor, or by many such goods or preparing any materials therefor, or by means of which any trade, business or employment subject to excise is or has been or might be carried on, and whether whether so fixed as to form part of the real or immovable property or not—which are on the premises mentioned in the lice. the license or in the custody or possession of the person Carrying on such trade or business, or in the custody or possession on such trade or business, or in the custody or possession of any factor, agent or other person in trust for or for the use of such person, at the time when any duties become due or any penalty is incurred under this Actshall (without prejudice to the liability of any other prop-erty of the special and prefererty of the debtor or his sureties, and by special and preferential privilege and lien in favor of the Crown, to whomso-ever the ever the same might otherwise belong, or into or in whose hands hands or possession soever the same have passed or are or privile or privilege or lien thereon in favor of any person whomsoever) be liable for such duties and for any penalty or for-feiture maltster, tobacco feiture incurred by the distiller, brewer, maltster, tobacco

manufacturer, cigar manufacturer, or bonded manufacturer, or other person carrying on business subject to excise, of whose premises or in custody or possession of whom or whose factor, or agent, or trustee as aforesaid they are, and whose factor, or agent, or trustee as aforesaid they are, and may be seized and sold in satisfaction of such duty, penalty or forfeiture, under any warrant of distress or writ of execution, or other process for the recovery thereof, and may removed by the purchaser:

Preferential lien of the Crown.

Provision if same are forfeited.

Notice of seizure.

Claims to property seized.

Notice of claim.

3. Such goods, materials, machinery and apparatus shall be liable to forfeiture to the Crown, under and provisions of this Act, for any violation thereof; and if so forfeited, they may be seized by the collector of Inland Revenue or other officer of Inland Revenue, or any person acting by his authority, at any time after commission of the offence for which they are forfeited, and commission of the offence for which they are forfeited, or may be marked, detained or secured until condemned or released by competent authority, and shall not, while under seizure, be used by the offender; and if condemned, they shall be removed or sold or otherwise dealt with as Minister of Inland Revenue directs. 46 V., c. 15, s. 104. Re-drafted.

110. So soon as an information has been filed in any court for the condemnation of any goods or thing seized under this Act, notice thereof shall be posted up in the office of the *registrar*, clerk or prothonotary of the court, and also in the office of the collector of Inland Revenue or chief officer of Inland Revenue, in the Inland Revenue division wherein the goods or thing have been seized as aforesaid:

2. If the owner or person claiming the goods or thing presents a claim to the same and gives security and complies with all the requirements of this Act in that behalf, plies with all the requirements of this Act in that behalf the said court, at its sitting next after the said notice and been so posted during one month, may hear filed determine any claim which has been validly made and filed determine, and release or condemn such goods or thing, as the case requires; otherwise the same shall, after the expiration of such month, be deemed to be condemn as aforesaid, and may be sold without any formal condemnation thereof:

3. No claim on the behalf of any person who has given notice of his intention to claim before the posting of such notice as aforesaid shall be admitted, unless validly made within one week after the posting thereof; nor shall any claim be admitted unless notice thereof has been given in claim be admitted unless notice thereof has been given offiwriting to the collector of Inland Revenue or superior cer of Inland Revenue within one month from such seizure. 46 V., c. 15, s. 105.

Condemnation of property seized. **III.** All vehicles, goods and other things seized as forfeited under this Act or any other Act relating to excise, or to trade

or navigation, shall be deemed and taken to be condemned, and may be dealt with accordingly, unless the person from whom they were seized, or the owner thereof, within one month from the day of seizure, gives notice in writing to the seizing of the day of seizure, gives notice in the Inseizing officer, the collector of Inland Revenue in the Inland Revenue division in which such goods were seized, or superior officer of Inland Revenue, that he claims or intends to claim the same :

2. The collector of Inland Revenue at the place where Release of goods on the seized articles are secured, or any superior officer of In- security. land Revenue, may order the delivery thereof to the owner, on receiver the delivery thereof to the owner, on receiving security by bond with two sufficient sureties, to be first approved by such collector or superior officer of Inland D Inland Revenue, for double the value in case of condemnation-which bond shall be taken to Her Majesty's use in the new of bond shall be taken to Her Majesty's use in the new of Inland the name of the collector or the superior officer of Inland Revenue of the collector or the superior officer of Inland Revenue, and shall be delivered to and kept by such col-lector and shall be delivered to and kept by such collector or superior officer of Inland Revenue; and if such seized articles are condemned, the value thereof shall be forthwith paid to the collector and the bond cancelled; otherwise the penalty of such bond shall be enforced and recovered. 46 V., c. 15, s. 106.

112. The payment of any penalty or forfeiture incurred Payment of ader this A playment of any penalty or forfeiture paying the discharge as under this Act shall not discharge the person paying the discharge any such per- duty. same from the obligation to pay all duties due by such per- duty. son, and the same shall be paid and may be recovered as if such parallely some 46 V. c. 15, s. such Penalty had not been paid or incurred. 46 V., c. 15, s.

118. Every penalty or forfeiture incurred for any offence Recovery of penalties and stanst the relating in what against the provisions of this Act or any other law relating in what to excise the provisions of this Act or any other law relating courts. to excise, may be sued for and recovered or may be enforced courts. before any court of Vice-Admiralty, or any court of record having or if the amount or having jurisdiction in the premises, or, if the amount or value of exceed five hunvalue of such penalty or forfeiture does not exceed five hun-dred day dred dollars, the same, whether the offence in respect of which it is a same, whether the offence in respect to be a Which it has been incurred is declared by this Act to be a misdemonia hisdemeanor or not, may be sued for and recovered or may be enforced before a judge of a county court, or before a police or all before a judge of a county two justices of the Police or stipendiary magistrate, or any two justices of the peace have the cause of peace or stipendiary magistrate, or any two justice of prosecution in the place where the cause of prosecution arises, or wherein the defendant is served with process, under the "Act respecting summary proceedings before justices of the peace," by whom the complaint against the offenders shall be dealt with, on the oath of one credi-ble with ble witness; and any such penalty may, if not forthwith May be levied paid, be levied and such penalty may, if not forthwith May be levied by distress and any such penalty may, if not forthwith May be levied by distress Paid, be levied by distress and sale of the goods and chat- by distress and sale. tels of the levied by distress and sale of the goous and magistreet offender, under the warrant of the court, judge, magistrate or justices having cognizance of the case; or the said const or justices having cognizance may in its or their said court, judge, magistrate or justices may, in its or their Imprisonment 271

By what courts imprisonment may be adjudged.

2. Any term of imprisonment imposed for any offence ainst the provisions of the against the provisions of this Act, whether in conjunction with a pecunicary and with a pecuniary penalty or not, may be adjudged and ordered by any court of Vice-Admiralty, or any court of record having invisition in the next the method. record having jurisdiction in the premises, or if such term of imprisonment does not any courter of imprisonment does not any courter of the premises of the such that the premises of the such that the premises of the premi of imprisonment does not exceed twelve months, exclusive of any term of imprisonment to any term of the term of term of the term of the term of term of the term of te of any term of imprisonment which may be adjudged or ordered for non-non-ment which may be adjudged the ordered for non-payment of any pecuniary penalty, the same, whether the officers in the penalty is a same to be adjudged to be same, whether the offence in respect of which the liability to imprisonment has been in to imprisonment has been incurred is declared by this Act to be a misdemeanor or not to be a misdemeanor or not, may be adjudged and ordered on the oath of one credible with on the oath of one credible witness, by a judge of a county court, or by a police or stime different wo court, or by a police or stipendiary magistrate, or any two justices of the peace having intervention of the peace having intervention. justices of the peace having jurisdiction in the place where the cause of prosperition and the cause of prosecution arises, or wherein the defendant is served with process under the defendant is served with process, under the "Act respecting summary proceedings before institute of " proceedings before justices of the peace : "

Who only may try offence.

Disposal of

penalties and forfeitures.

3. If any prosecution in respect of an offence against any ovision of this Act is brought to a provision of this Act is brought before a judge of a county before a police or stimuli court, or before a police or stipendiary magistrate, or before any two other institues of the any two other justices of the peace, no other justice of the peace shall sit or take peace 48-49 V., c. 62, 85, 5, 6, 7.

114. All forfeitures and penalties under this Act, after educting the expenses of penalties under this loss it is deducting the expenses of prosecution, shall, unless for otherwise expressly provided but otherwise expressly provided, belong to Her Majesty the public uses of Canada, bet d the public uses of Canada; but the net proceeds of such penalty or forfeiture or any north penalty or forfeiture, or any portion thereof, may be holding between and paid to any officer of Inland Revenue holding a rank not higher than that of a rank not higher than that of a special class exciseman, on whom the seizure was mode whom the seizure was made, or the information given on which the prosecution which the prosecution was founded, and to any focting having given information having given information or otherwise aided in effecting the condemnation of the real the condemnation of the goods or thing seized, or the covernor covery of the penalty, in such proportions as the Governor in Council, in any case or close of in Council, in any case or class of cases, directs and appoints; but nothing herein contained at the timit of but nothing herein contained shall be construed to limit of affect any power vested in the C affect any power vested in the Governor in Council, with regard to the remission of pounds regard to the remission of penalties or forfeitures by this Act or any other law. 46 V

Officers to be competent witnesses.

115. Every officer of the Customs or of Inland Revenue, other person employed in the or other person employed in the collection of the revenue, shall be a competent with a collection of the revenue, shall be a competent witness in any prosecution of the revenue der this Act, although he has any prosecution of the have der this Act, although he has or believes himself to have

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some expectation of advantage to himself from the success-ful to A_{6} V c. 15, s. ful termination of such prosecution or suit. 46 V., c. 15, s.

116. All sums of money paid or recovered for any Appropriation penalty or forfeiture under this Act, or any part thereof, &c., recovered Finance and Derived whell form part of the Finance and Receiver General, and shall form part of the Consolid and Receiver General, and shall form part of the 46 V c. 15, s. 111. Consolidated Revenue Fund of Canada. 46 V., c. 15, s. 111.

abandoned by the owner to any collector of Inland Revenue forfeiture of goods or pay-this Act on it. this Act, or if any sum of money is voluntarily paid to any ^{alty}. such collector or officer as the amount of a penalty incurred under the dealt with as under this Act, such article or thing may be dealt with as if lawforth if lawfully condemned, and such sum of money as if lawfully recovered. 46 V., c. 15, s. 112.

18. If in any case it appears to the Department of In-Seizures made ad Revenue and through an land Revenue that a seizure has been made through an under error. error in judgment by an officer of Inland Revenue, and that the rotation is under the rotation of the rotation the retention of such seized property would result unfairly in pecuniary loss to the person from whom such property was seized by the Minister of seized, such seizure may be released by the Minister of Inland Revenue, or in his absence, by the matter to the Inland Revenue, or in his absence, by the Commission of the matter to the Government of the matter to the state of the Governor in Council. 46 V., c. 15, s. 113.

REGULATIONS.

19. The Governor in Council may make such regula- Regulations for the Governor in Council may make such regula- Regulations tions for the warehousing and for the ex-warehousing, either ing. for consumption, for removal, for exportation, or otherwise, of goods subject to a duty of excise, and for giving true intent the provisions of this Act, and declaring the true intent thereof in any case of doubt, as to him seems Meet. 46 V., c. 15, s. 114.

120. All regulations made under this Act, whether made Legal effect of regulations. by the Governor in Council or departmental, shall have the regulations. force of law, and any violation of any such regulation shall person in the holder of a license under this Act, or any other person in the said regulations mentioned, to such penalty or forfait or forfeiture as is, by the said regulations, imposed for such violations is, by the said regulations, imposed for such violation; and the same shall be enforced in like manner as other penalties and forfeitures imposed by this 46 VAct. 46 V., c. 15, s. 115.

DISTILLERIES.

INTERPRETATION.

121. In the following provisions respecting distilleries, Interpreta-tion.

(a) The expression "still" means and includes any distilling apparatus whatever for the distilling or making of spirits: "Still." spirits; (b) The expression "closed spirit-receiver" means the "Olosed spirit vessel or vessels into which the spirit is conveyed as here inafter provided from the spirit is conveyed as which receiver.' inafter provided, from the tail of the first worm in which it is condensed for manual of the first worm in untity it is condensed for measurement, and in which the quantity and strength man which the and strength upon which the duty is payable is ascertained and determined by the officers of excise; (c) The expression "rectifier" means and includes any pe, vessel or still into which it pipe, vessel or still into which the spirit is conveyed after leaving the spirit-receiver for the spirit is conveyed after "Rectifier." leaving the spirit-receiver, for the purpose of rectification by re-distillation filtration by re-distillation, filtration, or by any other process;

"Proof spirits."

(d) The expression "proof spirits" or "spirits of the strength proof," means any spirit have of proof," means any spirit having the strength of proof by Sikes' hydrometer. Sikes' hydrometer ; (e) The expression "a distillery" means and includes any ace or premises

"Distillery." place or premises—

Where any process of fermentation for the production of ash is carried on ; orwash is carried on ; or-

Where any wash is kept or produced for the purpose of stillation ; or distillation; or-

Where any mash-tub, fermenting-tun, worm or still for e distillation of spirits is set the distillation of spirits is set up or used; or-

Where any process of distillation whatever of spirits is rried on; orcarried on; or-

Where any process of rectification of spirits, either by distillation, filtration, or athere are a spirits, either by re-distillation, filtration, or other process is carried on; or

Where any spirits are manufactured or produced from any bstance whatever, by any produced from any substance whatever, by any process whatever; or-

Where any still, rectifier or other apparatus, suitable for e manufacture of week have the manufacture of wash, beer or spirits, is in whole or in part manufactured made or but

And every office, workshop, warehouse, granary, ferment g-room, mash-house still reaction of the rank ing-room, mash-house, still-room, rectifying-house, by or on cellar, shed, vard or other place. cellar, shed, yard or other place owned or occupied by any behalf of, or for the use of area with the place owned or occupied by any behalf of, or for the use of any distiller, or wherein any part of his business as such in the second secon part of his business as such is transacted, or where any grain, matter. material or any distiller, or where dapied grain, matter, material or apparatus suitable for or adapted to the production of spirits are as a suitable for or adapted in to the production of spirits, or which is or is to be used in

122. In addition to the general provisions of this Act Distillery respecting licenses, the provisions in the next following sec-licenses. the provisions in the next following sec-licenses. 46 V = c. 15, s. 117. tion contained apply to distilleries. 46 V., c. 15, s. 117.

(h) Any use made of any still, worm, mash-tub, or fer- "Working of a distillery." menting-tun, rectifying or other apparatus suitable for the a distillery. hanufacture of wash, beer or spirits, or for the distillation or rectificate or rectification of any spirits, or for fermenting any beer or wash, or the or the imporwash, or the making or commencing to make, or the importation of any such still, worm, rectifying or other apparatus shall be deemed to be a working of a distillery and acting as a distiller distiller and acting of this Act. 46 V., c. 15, as a distiller within the meaning of this Act. 46 V., c. 15, 116.

(g) The expression "chemical still" means any distilling "Chemical paratus of the fifty gallons, and still." apparatus which has a capacity of less than fifty gallons, and still." which is kept and used by a manufacturing chemist or drug-gist for the provided by a manufacturing chemist or druggist for the sole purpose of distilling water or reclaiming alcohol previously used in the preparation or manufacture of chemical previously used in the preparation or manufacture of the preparation of the preparations for the chemical, medicinal or pharmaceutical preparations for the preparation of manufacture preparations for the preparation of the pharmaceutical pharmaceutical preparation of the pharmaceutical pharm preparation or manufacture of such chemical, medicinal or pharmaceutical preparation or manufacture of such chemical, medicinal or pharmaceutical preparations, or which is used for scentific purposes (i) purposes (in every one of which cases the Department of Inland Revenue shall be sole judge), and which is not used for the manuel for sale: Provided the manufacture or distillation of spirits for sale: Provided that the C that the Governor in Council may make such regulations as to him seem necessary, for permitting the increase of the capacity of necessary, for permitting the increase of the capacity of chemical stills, but such capacity shall in no case erceed one hundred gallons;

Who has in his possession, complete or partially completed, or who imports, makes or manufactures, in whole or in part, any still any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits;

(f) The expression "distiller" means and includes any "Distiller." person who conducts, works, occupies or carries on any dis-tillery and process whatsotillery, or who rectifies any spirits by any process whatso-ever ever, either by himself or his agent;—and every person making the by himself or his agent;—and every person making or keeping beer or wash prepared, or in preparation, or fit for having in his or fit for distilling, or low wines or faints, or having in his possession or use a still or rectifying apparatus, shall be d_{eemed} to be a distiller, and liable to the several duties, obligation of the several duties imposed by law on obligations, penalties and forfeitures imposed by law on

the production or rectification of spirits is kept or stored, or where distillary are kept or where any of the products of the distillery are kept or stored any of the products of the distillery are kept or stored any of the products of the distinctly are stored on, where any process of manufacture is carried on, shall be tweet any process of manufacture is carried on the shall be held to be included in and to form part of the distillant held to be included in and to supportenant; distillery to which they are attached or are appurtenant;

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Conditions of license and security to be given by distiller.

Bond.

123. A license to carry on the business or trade of a dis-ler may be ground did tiller may be granted to any person who has complied with the other requirements and the othere requirements and the other requirements and the othere requi the other requirements of this Act, provided that the granting of such licenses have a of such license has been approved by the district inspector, and that the parson has been in the district inspector. and that the person has, jointly with not less than two and not more than six mod and not more than six good and sufficient sureties, entered and a bond to Her Majorty Hered a bond to Her Majesty, Her heirs and successors, in a sum equal to the amount at which it equal to the amount at which the collector or some superior officer of Inland Bourser officer of Inland Revenue estimates the duties to accrue on the products of the distill the products of the distillery for which it is granted (worked to its full capacity) during one which it is granted (worked to its full capacity), during one month of the time for which the license is to remain in f the license is to remain in force, and to such further amount as the collector of Inland D as the collector of Inland Revenue deems sufficient to cover the duty on goods the duty on goods remaining in warehouse, from issue, to time, during the currency of the license about to as the which latter amount shall be the which latter amount shall be determined by such means as the Department of Inland D Department of Inland Revenue prescribes—the person obtaining the license being bound in the full amount such estimates, and the surveige such estimates, and the sureties each severally for such amount as that the sure for amount as that the sums for which they are respectively bound shall together be care in the sums for such that they are respectively bound shall together be equal to the amount of such collections and such bound shall be mates; and such bond shall be entered into before the collector of Inland Revenue big d tor of Inland Revenue, his deputy or other officer authorized thereto by the Department of I thereto by the Department of Inland Revenue who shall cause such surveige to instite cause such sureties to justify as to their sufficiency, made

for the sum for which he is bound, by affidavit to be made before such collector donate before such collector, deputy or other officer, and indorsed upon the bond—and such here later officer, and indorsed Conditions of upon the bond—and such bond shall be conditioned for the bond. rendering of all accounts rendering of all accounts, inventories, statements and returns prescribed by law, and the poet prescribed by law, and the payment of all duties and penalties which the person to whom the which the person to whom the license is to be granted becomes liable to render or the license is to be granted becomes liable to render or pay under this Act, and such person will faithfully come to the sector of the sector o such person will faithfully comply with all the requirements of this Act, according to their t of this Act, according to their true intent and meaning, well with record to their true intent and meaning well with regard to such accounts, inventories, statements, returns, duties and penaltice returns, duties and penalties, as to all other matters and things whatsoever

Conditions of license for rectifier.

Bond.

2. A license to carry on the trade or business of a rectifier ay be granted to any percent it is a rectifier the may be granted to any person who has complied with has provisions of this Act if the provisions of this Act, if the granting of such license has been approved by the district been approved by the district inspector, and the person has jointly and severally with jointly and severally, with two good and sufficient sure ties, entered into a bond to Herrice and sufficient sure ties, entered into a bond to Her Majesty, Her heirs and bond cessors, in the sum of fourther cessors, in the sum of four thousand dollars; and such bond shall be entered into before the shall be entered into before the collector of Inland Revenue, his deputy or other officer conthe deputy or other officer authorized thereto by the Department of Inland Revenue-who shall of Inland Revenue---who shall cause such sureties indorsed tify as to their sufficiency before the such sureties indorsed tify as to their sufficiency before him by affidavit indoffed upon such bond—and such bergin by affidavit indoffed Conditions of upon such bond—and such bond shall be conditioned for the rendering of all account is a shall be conditioned in duties the rendering of all accounts and the payment of all is to and penalties which the payment of all is to and penalties which the person to whom the license

5. A license to possess and use a chemical still or stills Conditions of ithin the license to mossess and use a chemical still or stills Conditions of a within the limits of a city, town or village, or within one mile license for a chemical still. thereof, may be granted to any manufacturing chemist or druggist 1 be granted to any manufacturing of this Act, druggist who has complied with the provisions of this Act, provided at the provision of this Act, provided that the granting of such license has been approved by the dial by the dial by the Department by the district inspector and authorized by the Department of Inland D of Inland Revenue, and that all the apparatus connected therewith Revenue, and that all the apparatus connected so therewith are so made and arranged, and the whole so ituated are so made and arranged, and the whole so ituated situated, as regards the nature of the building in which it is placed and the location of such building (as to all which the department the location of such building (as to all which the department shall be the sole judge), that such still or stills and apparatules may be kept under such supervision by an ercise off ercise officer as will prevent their fraudulent use, and the poer as will prevent their fraudulent use, jointly that the person shall, before such license is issued, jointly

4. An application for a license to have in possession and Application for license to have in publication for license for licen ^x. An application for a license to have in possession and Application tion, shall contain a full and exact description of such still to stills, and of the nurposes or stills, and of the capacity of each, and also of the purposes to Which they are to be applied, and of the place wherein they are to be used :

3. A license to import or make (apart from the manufac- License for the of here of her ture of beer, wash or spirits, and from the rectification of maker of maker of spiritel attraction apparatus. epirits), stills, worms, rectifying or other apparatus suitable apparatus. for the manufacture of wash, beer or spirits, or for the rectification of spirits, may be granted to any person who has complied with the provisions of this Act, provided that the granting with the provisions of this Act, provided that the district granting of such license has been approved by the district inspector, and that the person has, jointly and severally, with the person has, jointly and severally, With two good and sufficient sureties, entered into a bond Bond. to Her Majesty, Her heirs and successors, in the sum of one thousand dollars; and such bond shall be entered into before the collection of the c the collector of Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue— who should be the thereto by the Department of Inland Revenue who shall cause such sureties to justify as to their suffici-ency hot ency before him, by affidavit indorsed upon such bondand such bond shall be conditioned for the rendering of all Conditions of accounts accounts, and the payment of all duties and penalties bond. Which the person to whom the license is to be granted becomes liable to render or pay under the provisions of this Act and hable to render or pay under the provisions of this Act, and that such person will faithfully comply with the requirements intent and requirements thereof, according to their true intent and meaning meaning, as well with regard to such accounts, duties and Penaltice whatsoever: penalties as to all other matters and things whatsoever:

be granted becomes liable to render or pay under the provisions of this Act, and that such person will faithfully comply with the requirements thereof, according to their true intent and the requirements thereof, according to such accounts, intent and meaning, as well with regard to such accounts, duties and meaning, as well with regard to such accounts. duties and meaning, as well with regard to such account soever.

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Bond.

and severally, with two good and sufficient sureties, enter into a bond to Hor Maria and sufficient sureties, in into a bond to Her Majesty, Her heirs and successors, the such sum as in each case and successors, the such sum as in each case or class of cases is decided by the Governor in Connect or decided by into Governor in Council; and such bond shall be entered into before the collector of Lubra 1. before the collector of Inland Revenue, his deputy or other officer authorized therete l officer authorized thereto by the Department of Inland Revenue—who shall correct the Department of Inland Revenue—who shall cause such sureties to justify as to their sufficiency before him by a first hour Conditions of —and such bond shall be conditioned for the rendering of all accounts and the all accounts, and the payment of all duties and $p_{\rm locomes}^{\rm enalties}$ which the person to when the duties the duties and person to when the duties are provided by the duties a which the person to whom the license is granted becomes liable to render or pay we have the liable to render or pay under the provisions of this Act, and that such person will complete the provisions of this Act, and that such person will comply with the requirements thereof, as well with regard to such as well with regard to such accounts, duties and penalties, as to all other mettors and the as to all other matters and things whatsoever. s. 118.

DUTIES PAYABLE ON LICENSES.

License fee for distilling.

License fee

Proviso.

for chemical still.

124. The person in whose favor a license is granted for stilling and rectifying on the stilling and rectifying and factors that is a state of the st distilling and rectifying, or for either, by any process, shall upon receiving such license upon receiving such license, pay to the collector of Inland Revenue the sum of two barrels to the collector of Inland Revenue the sum of two hundred and fifty dollars. c. 15, s. 119.

125. The person in whose favor a license is granted to have and use the chemical still creation and use the chemical still or stills mentioned in his applica-tion for alicense shall upon reaction of the tion for a license, shall, upon receiving such license, pay to the collector of Inland Boundary the collector of Inland Revenue the sum of twenty-five dollars : Provided, that a chemist or down Provided, that a chemist or druggist using a chemical still of a capacity not exceeding three all a capacity not exceeding three gallons, may, upon registering the said still at the office of the said still at the office of the the said still at the office of the collector of Inland Revenue of the division in which it is a set of the division in which it is a set of the division in which it is a set of the division in which it is a set of the division in which it is a set of the division in which it is a set of the division in which it is a set of the division in which it is a set of the division in which it is a set of the division in which it is a set of the division in which it is a set of the division in which it is a set of the division in which it is a set of the division in the division in which it is a set of the division in the dit division in the division in the division in t of the division in which it is situated, be permitted to use the same without payment of linear line the same without payment of license fee or the giving of bonds—but the possession of bonds—but the possession of any such still without registration shall be deemed a b tration shall be deemed a having in possession of a still contrary to the provisions of this of the possession of 120. contrary to the provisions of this Act. 46 V., c. 15, s. 120.

License fee for importer or manufacturer of apparatus.

126. Every person who, not being licensed as a distiller, pplies for a license to import applies for a license to import or manufacture stills, worms, rectifying or other apparents with the former of rectifying or other apparatus suitable for the manufacture stills, would of, wash, beer or spirite shall and the shall are shall are shall and the shall are wash, beer or spirits, shall, when applying for such license, pay to the collector of Inland D pay to the collector of Inland Revenue the sum of twenty dollars. 46 V c 15 c 121

IMPORTATION AND MANUFACTURE OF APPARATUS.

Intention to import or make apparatus to be reported.

127. Every person who is about to import or make any ill, worm, rectifying or other still, worm, rectifying or other apparatus suitable for the manufacture of wash here apparatus suitable incation manufacture of wash, beer or spirits, or for the rectification of spirits, shall before the intervention of spirits, shall, before the importation or making thereof is commenced, report in writing the relation commenced, report in writing his intention in relation

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thereto, to the nearest officer of Inland Revenue, stating the humber of stills, worms, rectifying or other apparatus, or Part thereas Part thereof, suitable for the manufacture of wash, beer or spirite and the imported or spirits, or for the rectification of spirits, to be imported or about to be manufactured, showing with reference to each-

(a) The capacity of each apparatus or part thereof;

Details of report.

(b) The name and residence of the person for whom such apparatus or part thereof is to be imported or made;

(c) The time at which every such apparatus or part thereof is to be imported or made;

(d) The date at which such apparatus or part thereof is to be manuremoved from the place where the same is to be manu-

(e) The material of which such apparatus is or is to be $\frac{1}{46}$ U made. 46 V., c. 15, s. 122.

BOOKS, ACCOUNTS AND PAPERS.

128. In addition to the general provisions of this Act Books and accounts to the provisions in the kent by di respecting books, accounts and papers, the provisions in the kept by dis-text following books, accounts and papers, the provisions in the kept by dishert following section contained apply to distilleries. 46 tiller.

129. Every person licensed as a distiller shall keep a book What distiller's books tiller's books tiller's books. or books, in a form to be furnished, from time to time, by the must show. Department of Inland Revenue, which books shall be open at all recent of the collector of at all reasonable hours to the inspection of the collector of Inland D Inland Revenue or other officer, and wherein such distiller shall enter, day by day, and upon the same day on which the circuit day by day, and upon the same day on which the circumstance, thing or act to be recorded is done or OCC_{UTR} .

(a) The quantity of grain and other raw material brought into or removed from his distillery premises;

 $c_{arriad}^{(b)}$ The date and hour upon which the operations to $b_e^{(0)}$ The date and hour upon which the operation required on in his distillery, and of which notice is required on in his distillery, and of which here menced by any departmental regulation, are to be com-

(c) The quantities of grain or other vegetable production, or other substance, put by him into the mash-tub, or other-wise used by him into the mash-tub, or other-Wise used by him for the purpose of producing beer or wash, or consumed by him for the purpose of producing beer or wash, or consumed by him for the purpose of producing been of ing spirit. ^{ing} spirits;

(d) The quantity of beer or wash fermented or made by $m_{or in}$ the quantity of beer or wash fermented or made by him or in his distillery;

(e) The quantity of spirits distilled, manufactured or ade by him or removed made by him or removed or brought into his distillery premises:

(f) The hours during which his stills are worked on ch day: each day;

(g) The quantity of spirits entered for warehouse and e^{x} arehouse. 46 V = 15 = 104 warehouse. 46 V., c. 15, s. 124.

DUTIES OF EXCISE.

130. There shall be imposed, levied and collected on all virits distilled, the following a line of the following and collected on all shall be imposed. spirits distilled, the following duties of excise, which shall be paid to the collector of the duties of excise, which probe paid to the collector of Inland Revenue, as herein pro-vided, that is to source vided, that is to say :---

(a) When the material used in the manufacture thereof nsists of not less than nineter consists of not less than ninety per cent. by weight, of proof or unmalted grain—on even weight or unmalted grain—on every gallon of the strength of proof by Sikes' hydrometer and are by Sikes' hydrometer, and so in proportion for any greater or less strength than the strength of any greater or less strength than the strength of proof, and for any less quantity than a gallon and due quantity than a gallon, one dollar and thirty cents;

(b) When manufactured exclusively from malted barley of ken to the distillary in bard taken to the distillery in bond and on which no duty of the customs or excise has been not customs or excise has been paid—on every gallon of the strength of proof by Sikes' bydread strength of proof by Sikes' hydrometer, and so in proportion for any greater or less strength for any greater or less strength, and for any less quantity than a gallon. one dollar and the

(c) When manufactured exclusively from molasses, syrup, gar or other saccharing the distribution of the saccharing the sacchar sugar or other saccharine matter, taken to the distillery in bond and on which no dates in bond and on which no duty of customs has been paid on every gallon of the strength on every gallon of the strength of proof by Sikes, hydror meter, and so in properties meter, and so in proportion for any greater or less strength and for any less quantity there are a strength of the strength of and for any less quantity than a gallon, one dollar and 10, part. three cents. 46 V c 15 \times 10 46 V., c. 15, s. 125;—48-49 V., c. 61, s. 10, part.

131. The duty upon spirits shall be charged and com puted as follows :---

(a) Upon the grain used for its production at the rate of the gallon of proof spirite for any production at the rate of one gallon of proof spirits for every twenty and four-tenths pounds;

(b) Upon the quantity of beer or wash, fermented or made the distillery, at the rote of a in the distillery, at the rate of one gallon of proof spirits for every fourteen gallons of beer or

(c) Upon the quantity of beer or wash fermented or made. proportion to its alcoholic web in proportion to its alcoholic value;

Duties of excise on spirits.

Made from raw grain.

Made from malted barley.

Made from molasses, &c.

Computation of duty.

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(d) Upon the quantity of spirits which passes from the tail $\frac{1}{1}$ into the closed of the first worm in which it is condensed into the closed spirit-receivers, subject to the following abatements :--

(1.) An abatement not exceeding three per cent. for such Abatement quantity of fusil oil or other refuse as is separated therefrom destroyed. by a second process of distillation, and destroyed in the presence of an officer of excise,—the quantity so allowed in abatement abatement being determined and destroyed in accordance with snal with such regulations as are approved by the Governor in

(2.) In the case of spirits which are not removed from And for distillar, the distiller's premises within twelve months of the date of shrinkage by their manners in the state of the s their manufacture, an abatement for shrinkage by evapora-tion while tion while maturing, which shall not exceed six per cent. for the first year, four per cent. for the second year, three per cent for the second year, succeedcent, for the third year, and two per cent. for each succeed-ing view the third year, and two per cent. for each succeeding year up to seven years in all, after which no further abatemout to seven years in all, after which no such abatement for shrinkage shall be allowed; but no such Proviso. abatement for shrinkage shall be allowed, but and abatement shall be allowed unless the distiller has complied with all with all regulations made by the Governor in Council in relation to the spirits have been relation to such abatement, nor unless the spirits have been kept in the such abatement, nor unless the spirits have been kept in wood during the whole period for which the abate-ment is all the whole period for which the abatement is claimed; and every such abatement shall be made Limitation. in respect of each specific package, and shall in no case exceed +1. of each specific package, and shall in the package;

exceed the actual deficiency found to exist in the package; (e) Upon the quantity of spirits sold or removed from

 $a_{ny}^{(r)}$ Upon the quantity of spirits sold or removed a_{ccount} .

And that method of computation which yields the greatest Method giving nount of new which he was a which he was amount of revenue, shall, in all cases, be the one upon which be used. the distiller shall pay the duty :

2. When any distiller is about to use damaged grain Proviso; when mill officiation of Inland Revenue damaged grain is used. or mill offal, and gives the collector of Inland Revenue damaged grain is used. one week's notice of his intention so to do, such officer as is instructed for that purpose by the collector shall specially inspect the beer or wash made from such damaged grain or the beer or wash made from such damaged grain or mill offal, and test its alcoholic value and the quantity of such material which it contains; and if he reports that the yield of such damaged grain or mill offal is less than the yield of such damaged grain or mill offal is less that the yield of such damaged grain or min one tenths pound gallon of proof spirits to twenty and fourtenths pounds, the Minister of Inland Revenue may autho-rize the highest quantity nze the assessment of the duty on the highest quantity ascertained by any of the other methods, without reference to the quantity of damaged grain or mill offal used by the distiller distiller and the damaged grain or mill offal used by the distiller. 46 V., c. 15, s. 126 ;-48-49 V., c. 62, s. 8.

182. For the purpose of computing the duty by the Directions for computation. Methods prescribed in the next preceding section,-

Quantity of grain.

(a) The quantity of grain shall be the quantity $\frac{actually}{bc}$ kept weighed into the mash-tubs and recorded in the books kept under the requirements of the second of the books were under the requirements of this Act; except that whenever there appears to be course to there appears to be cause to doubt the correctness of the quantity so entered on the quantity so entered on the said books, an inquiry may made by any inspection of made by any inspecting officer of Inland Revenue, who may swear and examine with the said books, an inquiry may as to swear and examine witnesses under oath, and inquire as the quantity of grain taken the quantity of grain taken to the distillery in which such books are kept and or taken books are kept, and as to the quantity of grain removed therefrom, and generally interesting and therefrom, and generally into the matters referred to, and shall determine as woork shall determine, as nearly as may be, the actual quantity be grain consumed in the distillery; and the duty may assessed and levied on the consumed. assessed and levied on the quantity of grain so determined, in the proportion of any number of grain so determined. in the proportion of one gallon of proof spirits to every twenty and four-touthe twenty and four-tenths pounds of grain ;

Quantity of beer or wash.

(b) The quantity of beer or wash fermented or made in the stillery shall be determined in the stillery shall be stillery distillery shall be determined by the distiller, or as often as is directed by any department of the distiller, or as the ball, is directed by any departmental regulation in that behalf, by an officer of Inland Revenue. by an officer of Inland Revenue, who shall gauge the quar-tity in the fermenting turns at 1 tity in the fermenting tuns at the time when the fermentar tion has been completed tion has been completed, or when the beer is in a fit state for distillation and the for distillation; and the quantities so determined shall be recorded by the distillar in recorded by the distiller in a register of fermentation, under such regulations as the Decorded by the distiller in a register of fermentation, under such regulations as the Department of Inland Revenue orders, except that when orders, except that whenever there appears to be cause to doubt the correctness of the doubt the correctness of the quantity entered in the said register of fermentation and the said register of fermentation, an inquiry may be made by above inspecting officer of Inland D inspecting officer of Inland Revenue in the manner above provided, as to the capacity of the second in provided, as to the capacity of the fermenting tuns used in the distillery, the frequency with the distillery, the frequency with which they have time, used, and the quantity of bar used, and the quantity of beer or wash, from time to the and colfermented therein; and the duty may be assessed and for lected in the proportion of lected in the proportion of one gallon of proof spirits such every fourteen gallons of beer or wash determined by such inspecting officer. after such in inspecting officer, after such inquiry, to have been fermented in the distillery :

Alcoholic value of beer or wash.

(c) The alcoholic value of any beer or wash made in any stillery may be determined. distillery may be determined by any inspecting officer of Inland Revenue or by any collectory of the Inland Revenue or by any collector or other officer of land Revenue anthorized the land Revenue or by any collector or other officer of deeps necessary, but not more from the deeps as often as he deeps necessary, but not more frequently than once in each day, may take out of any been may take out of any beer or wash then in the distillery equantity not exceeding two there is the distillery equantity not exceeding two there is the distillery equantity not exceeding two the distillery equations is the distillery equation of the distillery equati quantity not exceeding twenty-eight gallons, as a sample which he may distil or cause to be it by the nurpose which he may distil or cause to be distilled, for the purplet of any computation under the of any computation under this Act, and he may that dis the value or strength of the beer or wash used in that dis tillery according to the result are or wash used in ample so tillery according to the result ascertained from the sample so taken; or-

Testing strength of beer or wash.

He may, at any time, test the strength of any beer or wash en in the distillery by its attempt then in the distillery by its attenuation or by running s

Portion thereof, not exceeding the contents of any one fer-Menting tun, through the stills, in the ordinary course of Working tun, through the stills, in the ordinary oper-Working such distillery, and may require the ordinary operatives of such distillery, and may require the oralling of the oralling other one of the distillery to do the work, or may introduce the oralling the distillery to do the work or may introduce the oralling of the distillery to do the work or may introduce the distillery to do the distillery to do the distillery to do the do the distillery to do the distillery to do the do other operatives into the distillery for that purpose; and for the prothe purpose of any such computation as aforesaid, he may calculate the alcoholic value or strength of the beer or wash used in that distillery according to the result ascertained from the next distillery according to the result as the from the portion of such beer or wash so distilled; and the alcoholic value of the beer or wash, as determined by either of the short to or used in the comof the above methods, may be applied to or used in the com-Putation

putation and charge of duty on the beer or wash made in (d) The quantity of spirits which passes from the tail of the Quantity of spirits passing spirits spir first worm into the closed spirit-receivers shall be ascertained spirits passing and determine the closed spirit-receivers shall be the spirits passing into receiver. and determined by gauging the quantity and testing the strength the strength the determined by gauging the such periods and by strength thereof in such manner, at such periods and by such means as, from time to time, is directed by any depart-

mental regulation in that behalf;

(e) The quantity of spirits sold or removed from any distil- Quantity of spirits sold or removed from any distil- Quantity of spirits sold for lery by the distiller shall be the quantity recorded in the removed from any distil- Quantity of spirits sold or distillery stock in the spirits sold or the guantity recorded in the spirits sold or the spirits spirits sold or the spirits spirits sold or the spirits sold or the spirits spirits sold or the spirits sold or the spirits spirits sold or the spirits spirits sold or the spirits spirits spirits spirits spirits sold or the spirits distillery stock books kept under the provisions of this distillery. Act: but whenever any inspector of Inland Revenue has cause to doubt the correctness of the quantity so recorded, he may inquire, or cause an inquiry to be made in the man- Inquiry and her above quire, or cause an inquiry to be made in the man- Inquiry and evidence. ner above provided, as to the quantity of spirits sold by the evidence. distiller or by his agent, or for his account, and as to the quantity by any agency or quantity removed from the distillery by any agency or vehicle and the cuantity of duty-paid vehicle whatsoever, and also as to the quantity of duty-paid spirits but for the purpose of spirits brought into the distillery; and for the purpose of such increasing of lading signed by the distinguiry, all shipping notes or bills of lading signed by the distiller or by his agent shall be taken as evidence of the sale of the sale of the gale of the ga the sale or removal by him from his distillery of the quan-tity there: tity therein specified, and the evidence on oath of any rail-way class. Way clerk, station-master or agent, or of any warehouseman or common carrier or shipping agent, as to the truth of the account corremovals of spirits the accounts carrier or shipping agent, as to the training by any distribution of shipments or removals of spirits any distribution of the truth of by any distiller, shall be sufficient evidence of the truth of any person such accounts; and the evidence on oath of any person who has distiller or from a distiller or from who has purchased any spirits from a distiller or from bought shall be taken as evidence that the spirits so bought were manufactured at the distillery of the distiller selling the

selling the same, unless the contrary is shown; and all ackages of spirits not otherwise described in the accounts Packages. or shipping notes or bills of lading relating thereto, or reckoned to contain some greater or less quantity, shall be reckoned as puncheons containing each one hundred and fifty sallons of proof spirits; and the difference between the Quantity $d_{\rm tity}$ shows been sold by the liable for duty. quantity shown by such inquiry to have been sold by the liable for distiller or by such inquiry to have been sold by the liable for distiller or removed from his distillery, and the quantity of

duty paid spirits brought into the distillery, shall be held to be the quantity liable to be to be the quantity liable to duty under this Act:

2. The inquiries of any inspecting officer or collector of land Revenue as boroin any inspecting officer or collector any Inland Revenue as herein provided, may be made for any period not more then any any de made here the period not more than one year before the time when the inquiry is commenced and it is the time when the inquiry is commenced; and if it is found that during the said period the returns have said period the returns have been made for, and the dary charged on a less quantity of charged on a less quantity of spirits than is ascertained and determined by the result of spirits than is ascertained and determined by the result of such inquiry, the additional duty then determined shall because inquiry and it within duty then determined shall become due and payable within five days after the distillar become due and payable within five days after the distiller has been notified of the result of such inquiry: and the normality such inquiry; and the payment of such additional same shall be enforced in the same manner, and under the same conditions and penalties as the conditions and penalties, as the payment of the duty men-

3. If the determination of the officer under any provision of this Act is disputed the bard of this Act is disputed, the burden of proof of the $\frac{error}{V}$ is wrong shall rest with the proof of the $\frac{error}{V}$ is the transformed of the $\frac{error}{V}$ is the proof of the $\frac{error}{V}$ is the $\frac{error}{V}$ is the $\frac{error}{V}$ is the proof of the $\frac{error}{V}$ is the $\frac{error}{V}$ i proof of error; where to lie. s. 127.

> 133. On or before the tenth day of July in each fiscal ear, the capacity of all enjoit year, the capacity of all spirit-receivers, fermenting dis mash-tubs, coolers and other way have bout dis mash-tubs, coolers and other vessels used in or about of tilleries, shall be accurately and the second of by tilleries, shall be accurately ascertained by gauging of by actual measurement by stondard actual measurement by standard measures of capacity, as the officer of excise determined

> 2. A correct list thereof shall be made out by the dis-ller, in triplicate. setting forth 41 tiller, in triplicate, setting forth the number, use, dimensions and capacity of every such used and capacity of every such vessel; and the said list shall be attested by the signature of the division of the attested by the signature of the distiller, and shall be subject to the verification and approved of the distiller. to the verification and approval of the officer of excise under whose supervision the gaugine whose supervision the gauging or measurement was made and every such list when size it is a supervision the gauging of measurement was mony of and every such list when signed by him in testimony of such approval, shall be received such approval, shall be received as evidence in all courts: revised and if

Correction of list.

Copies to be kept.

any errors are found therein, he shall cause the necessary 4. One counterpart of such list shall be kept on record et e distillery, another at the Department be kept on Revenue, the distillery, another at the Department of Inland of Inland and the third shall be retained by and the third shall be retained by the collector of Inland Revenue within whose district or distribution. Revenue within whose district or division the distillery is situated. 46 V., c. 15. s. 198

3. Every such list may, at any time,

þe

134. The spirit-receiver, doubler, low wines-received the ints receiver, the safe or approximation of the safe or approximation of the safe of the safe or approximation of the safe or approximation of the safe or approximation of the safe of the safe or approximation of the safe faints receiver, the safe or apparatus inclosing the tail of the worm or still, and— Apparatus to be constructed according to regulations worm or still, and-

Period to which inquiries of officer may extend.

Additional duty when

Burden of

Capacity of vessels to be ascertained.

List of

vessels.

,payable.

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Every pump used for removing any spirit, wash or other matter to or from any vessel, or from one vessel to another, and every lock, pipe, valve, duct, conduit, cock or connect. connection used for securing, leading to or from, or between, or for a mentioned or for giving access to any of the vessels herein mentioned or referred to, and-Every valve, pipe, cock, gauge, pump, lock or other apparatus, utensil, appliance or arrangement for securing, sauging the quantity or Sauging, ascertaining, testing or proving the quantity or disstrength of any spirit, wash or worts manufactured or dis-tilled to of any spirit, wash or worts manufactured or disspirite of any spirit, wash or worts manuactures as spirite or for preventing the undue abstraction of any such ^{spirits}, wash or worts,the disting constructed, arranged and applied at the cost of disting designs. drawthe distiller, in accordance with such plans, designs, draw-ings and ings and regulations, and of such materials as are, from time to time to time, approved by the Department of Inland Revenue: 2. Every mash-tub, fermenting-tun, closed spirit-receiver, Capacity of cooler, tank, vat or other utensil or vessel, for using which marked a license is to be a license is a set of the containing any thereon. a license is required, or which is used for containing any thereon. commodity subject to excise, shall have written, stamped or printed on it in white Roman characters, at least two inches in height, on a black ground, the serial number, the name or designation of the vessel or utensil and the contents thereof in gallons and in cubic inches : 8. Every pipe, trough or conduit used for the conveyance Colors of pipes and conduits of spirits, shall be painted or colored a light blue:

4. Every pipe, trough or conduit used for the conveyance water at the source water and of water, shall be painted or colored white: and -

5. Every pipe, trough or conduit used for the conveyance of beer or wash shall be painted or colored *red*. 46 V., c. 15,

185. On every cask or barrel used in a distillery, or for Casks, how marked. keeping or delivering out any spirits, there shall at all times marked. be legibly cut, branded or painted in oil colors, on one head the new vert, branded or painted in oil colors, on one head the name of the distiller, and on the other head such marks, number of the distiller, and on the other head such marks, numbers and other information as are required by any department of the distiller, and on the other near such as a second by any department of the second by any here are required by any here are re

departmental regulation in that behalf. 46 V., c. 15, s. 130.

136. The tail of every worm in every distillery shall be Tail of worm apparatus in a locked or sealed "safe," or other suitable in safe. apparatus, in which the strength of the spirits and low wines $f_{0 \text{ wing from the worm may be approximately ascertained}}$ by the by the inspection of the hydrometer or other suitable instruments contained therein:

pipes and conduits.

Safes to be approved.

Pipes to convey spirits.

2. Every such safe shall be constructed in such manner id secured by such manner and secured by such means and by such mechanism as are approved by the Domestructure of the mechanism as are approved by the Department of Inland Revenue:

3. From the said closed safe or apparatus all low wines, faints and spirits, from time to time running from the end of the worm shall be convert of the worm, shall be conveyed to the doubler or closed spirit-receiver as the area and a spirit-receiver as the area and a spirit spir spirit-receiver, as the case may be, through suitable pipes of such metal as are required to the doubler or close of such metal as are required to the spirit spirit spirit spirit spirits and the spirits of the spirit such metal as are required by departmental regulations, visible throughout the whole visible throughout the whole of their length, with stop cocks and other applications cocks and other appliances so arranged that the liquid may be conveved either to the deal be conveyed either to the doubler or to the receiver; but so that no portion of the ligned that no portion of the liquid can be abstracted or diverted from the closed spirit account of the spirit account of the from the closed spirit-receiver or doubler without 15, knowledge and consent of the 46 V., c. 19 knowledge and consent of the proper officer. 8. 131.

137. In distilleries where the weekly production leries to have two receivers. spirits is not over six thousand gallons, two closed spirit receivers. chell be receivers shall be provided, each of which shall have sufficient capacity to contain at la ficient capacity to contain at least one week's production of spirits:

In large distilleries.

Officer to ascertain quantities produced.

Spirit not to be removed from receiver until gauged, Ac.

2. In distilleries where the weekly production of spirits closed exceeds six thousand gallons, there shall also be two closed spirit-receivers, each of which the line shall also be two capacity spirit-receivers, each of which shall have sufficient capacity to contain at least one dow's a sufficient capacity

3. The quantities of spirits produced shall be gauged and discretained by the officer of arrived shall be gauged discretained by the officer of arrived shall be gauged and ascertained by the officer of excise in charge of the dis-tillery, at such intervals as a second distribution of the second dist tillery, at such intervals as are directed by his superior officer. 46 V. c. 15 \times 122

138. The spirit which passes from the tail of the worm the closed spirit-receiver all in the tail of the second the to the closed spirit-receiver shall not be removed from the closed spirit-receiver shall not be removed from the closed spirit-receiver until the closed spirit-receiver shall not be removed from the closed spirit-receiver until the quantity and strength thereof have been ascertained by the self have been ascertained by the collector of Inland Revenue of other officer, and then only with the other officer, and then only with the consent and in the pre-sence of the said collector c_{1} and c_{1} and c_{2} and c_{2} and c_{3} and c_{4} and c_{5} and c_{6} and c_{6} and c_{7} and sence of the said collector or other proper officer. $46 V_{,,c}^{\text{the } p,c}$. 15, s. 133.

Receiver to be a closed vessel and locked.

139. The closed spirit-receiver shall be a closed vessel, and l pipes, cocks or values communication of the second vessel. all pipes, cocks or valves communicating therewith, as well as all means of access thereit as all means of access thereto, shall be securely locked of sealed, and the key or keys shall sealed, and the key or keys shall remain in the sole posses sion of the collector of Inland D sion of the collector of Inland Revenue or other proper officer. 46 V., c. 15 s 184

No perforation allowed in receiver.

140. No vessel shall be used as a closed spirit-receiver, gh wine-tub, low wine-tub and a closed spirit-receiver bas high wine-tub, low wine-tub or doubler, in which there that been bored or made any porter that been bored or made any perforation or aperture other it is those necessary for its lawful and or aperture other it is those necessary for its lawful use; and if at any time

142. In every distillery which is not working, all the Certain ap-orms still a complete with distillery not worms, still-heads, closed spirit-receivers and doublers, with distillery not distillery which is not working all the versa in distillery not distillery not distillery not distillery not be same. all pipes and cocks leading to or connecting with the same, working to be closed and leading to a connecting with the same, working to be closed and leading to a connecting with the same, working to be shall be closed and locked or sealed in such manner as the locked up. collector of Inland Revenue or the inspecting officer re-quires or discussion of the inspecting officer re-Quires or directs; and the absence from any closed spiritreceiver, still-head, worm, doubler or cock, of the locks or hereit the distiller in whose seals herein required, shall subject the distiller in whose distiller with required, shall subject the same penalties as distillery the default has occurred, to the same penalties as would be default has occurred, to the same penalties as he would be liable to for working without a license: Pro- Provision for repairs. rided always, that whenever it becomes necessary to exe-

4. Any failure to comply with the requirements or provi- Penalty for one of the providence of the second se sions of this section, after one month's notice has been given ance. of such default, shall be sufficient cause for cancelling any license granted to the distiller so in default, and no further license granted to the distiller so in detault, and he the shall be granted to any person for distilling within the premithe premises wherein such default has occurred, until all the requirements of this and the preceding sections have been fully 15 c 136. been fully complied with. 46 V., c. 15, s. 136.

⁸. The beer reservoir in every distillery shall be so placed Beer reservet it and a second voir. that it and every pipe, trough, hose or conduit leading into or from it every pipe, trough, hose or conduit leading into or from it may be fully seen and examined; and no pipes, troughs and water, spirits, troughs, conduits or hose for the passage of any water, spirits, wash on all more to any such beer Wash or other fluid, shall be placed near to any such beer reserve: reservoir, or so that any fluid whatever can be run into it, ercept with the knowledge of the officer in charge :

2. Around, above and below every closed spirit-receiver Space for examination and below every closed spirit-receiver space for examination around and every apparatus used for gauging or testing the strength around around for inclosing or apparatus. of spirits, and every safe or apparatus used for inclosing or apparatus. guarding the tail of the worm, and around and above every tementing the tail of the worm, and around and so the there should be a full charger, beer pump or spirit pump, there shall be sufficient space to admit of a full and careful eramination with the eramination of every such vessel or apparatus, with the contents it contents thereof, and there shall be sufficient light for the Purpose of such inspection :

141. The internal diameter of every closed spirit-receiver Proportions of the receiver. shall be so proportioned to the productive capacity of the receiver. distillery wherein it is placed, that the product of one day's work with work will measure, in the closed spirit-receiver, at least twenty-four inches in depth :

discovered that any perforation, aperture or hole has been made in and had any perforation, aperture bigh wine-tub low winemade in such closed spirit-receiver, high wine-tub, low wine-tub or double closed spirit-receiver, high wine-tub, low winetub or doubler, or that any such exists therein, although it has been stopped or plugged, the existence of such perforation, aperture or hole, plugged or unplugged, shall be evidence that it has been unlawfully made and used. V., c. 15, s. 135.

are actually in progress. 46 V., c. 15, s. 137.

Safes, meters, &c., by whom supplied.

Certain ap-

sealed.

paratus to be locked or

143. All safes, meters, locks or seals which are required to used under this Act or seals which are required to be used under this Act or under any departmental regula-tion or Order in Conneil and tion or Order in Council made under any departmental result plied by the Department of Inland Revenue, under such departmental regulations departmental regulations as are adopted in that bet the but the cost thereof shall be here but the cost thereof shall be borne and discharged by the distiller for whose premises are adopted in that being and discharged by the distiller for whose premises are adopted and discharged by the distiller for whose premises are adopted and discharged by the distiller for whose premises are adopted in that being the discharged by the distiller for whose premises are adopted in that being the discharged by the distiller for whose premises are adopted in that being the discharged by the distiller for whose premises are adopted in that being the distiller for whose premises are adopted in that being the distiller for whose premises are adopted in distiller for whose premises or utensils they are provided. 46 V., c. 15, s. 138

144. In distilleries where a doubler is used or where a product of the products of the second products of the seco portion of the products of the still, commonly called low wines or faints, are passed are a wines or faints, are passed over for redistillation, the vessels and pipes used in that process the line and and pipes used in that process shall be locked or sealed and shall receive the low wince shall receive the low wines from the safe or apparates which incloses the tail of the which incloses the tail of the worm, through suitable metal pipes, cocks or valves property pipes, cocks or valves properly secured by locks or seals, so as to prevent the running or real by locks or it there as to prevent the running or removal of any liquid of the from, except with the knowled from, except with the knowledge and concurrence of the proper officer. 46 V c 15 c 190

RETURNS.

Payment of duties, and returns by distillers.

What distiller's accounts must show.

145. In addition to the general provisions of this Act specting payment of duties and the respecting payment of duties and time and form of returns, the provisions in the next follow: the provisions in the next following section contained apply to distilleries. 46 V or 15 or 140

146. Every person carrying on business as a distiller shall render to the collector of Inland Revenue, or other officer whose duty it is to receive the officer whose duty it is to receive the same, a just and by account in writing extracted of account in writing, extracted from the books kept as by this Act provided, which

(a) The quantity of spirits produced according to each uge and test taken during the gauge and test taken during the preceding month, with the strength thereof; and in a second preceding month, with the strength thereof; and in a separate column, the equivalent quantity of spirits of the strength

(b) The quantity of grain, malt, spirits, beer or wash, the her commodity brought into the other commodity brought into the distillery during preceding month;

(c) The quantity of each kind of grain or other commodify substance used in the distillor or substance used in the distillery, in the manufacturing of spirits during the preceding mouth

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(d) The quantity of grain, malt or other commodity removed from the distillery, or disposed of otherwise than for distillation during the preceding month; (e) The quantity of spirits sold or removed from the distillery during the preceding month; (f) The number and denomination of packages, and the Record into the assigned at a number and denomination of paragon, and denomination of paragon, and distillary quantity in each lot of spirits received into the that that distillery during the preceding month, other than that manufactured therein; (g) The quantity of beer or wash made and set to ferment on each day of the preceding month; (h) The quantity of beer or wash fermented and distilled $\frac{1}{2}$ on each day of the preceding month; (i) The quantity of spirits entered for warehouse; and-(j) Entered ex-warehouse and ex-manufactory for consumption during the preceding month : 2. Every such statement shall be made for and relate to To be made month it is made. 46 for each month. the month next preceding the day on which it is made. 46 for each month. BONDING OR WAREHOUSING. 147. In addition to the general provisions in this Act Special procontained respecting bonding or warehousing, the provisions bonding or bonding or warehousing to distil- warehousing contained respecting bonding or warehousing, the provisions bonding of leries. 46 V leries. 46 V., c. 15, s. 142. 148. No less quantity than one hundred gallons of proof Least quan-pirits shall be entered for warehouse by one entry; and— tity to be entered. 2. Except for exportation no less quantity than fifty gal- Or ex-warelong of proof spirits shall be ex-warehoused by one entry: housed. 8. After the first day of July, in the year one thousand when spirits subject to excise may be entered for coneight hundrad and eighty-seven, no spirits subject to excise may be enter-blall be entered for conshall be entered for consumption which have not been sumption. hanufactured for consumption which have not first day of T-1 for at least twelve months; and after the first day of July, one thousand eight hundred and ninety, no such million thousand for consumption which ho such spirits shall be entered for consumption which have not being the entered for at least two years: Prohave not been manufactured for at least two years: Pro- Proviso: if vided always of the manufacture for at least two years: Pro- Proviso: if or manufacture for at least two years for for chemical or manufacture for and removed for for chemical vided always, that spirits may be entered and removed for for chemical multiplication of manufacture for chemical or turing purconsumption at any date after manufacture for chemical or turing purmanufacturing purposes only, when such entry and re-poses. hoval are made and effected in accordance with regulations in that hebein in that behalf made by the Governor in Council; and pro-

vided also, that in the case of new distilleries established by any person who was not by any person who was not, on the twentieth day of July one thousand eight hundred one thousand eight hundred and eighty-five, the holder of a license as a distiller the liter the liter the liter the a license as a distiller, the distiller licensed in respect thereof, may enter and remaind the distiller licensed in respect thereof, may enter and remove for consumption, for any purpose, one-third part of the purpose, one-third part of the yearly product of such dis-tillery at any time after manufacture tillery at any time after manufacture during the two years next following the issuing of the two such next following the issuing of the license relating to such distillery; and that during the distillery; and that during the three years next following the expiry of the said two the expiry of the said two years, such licensee may enter and remove for consumption of the said two years. and remove for consumption for any purpose, one third part of the yearly product of part has been manufactured for at least twelve months. 46 V., c. 15. s. 143 - 48.40 V

Molasses may

149. Molasses imported into Canada may be removed in the removed in the removed in the removed in the removed of the removed o bond without the payment of duties of customs anufaction into a licensed distillary and the spirit in bond. into a licensed distillery, and there used in the manufacture of spirits subject to read the covernor ture of spirits, subject to regulations made by the Governor in Council under this or over the council and in Council under this or any Act respecting the Inland Revenue; and when the collector of Inland Revenue other proper officer of excise contin other proper officer of excise certifies that the molasses has been so used, the bonds given in the that the molasses are been so used, the bonds given in that behalf shall be can celled; and the Governor in G celled; and the Governor in Council may, by regulation fix the quantity of the mode of d fix the quantity or the mode of determining the quantity of spirits which shall be held to be spirits which shall be held to be equivalent to any assigned weight of molasses. 46 V

Stowage of casks.

No refund of duties except under regulation.

Bottling spirits in bond.

150. All casks of spirits shall be arranged and stowed the warehouse so that account to each in the warehouse so that access may be easily had to each cask, and so that the marks and the marks are the marks cask, and so that the marks and numbers thereon may conveniently read or ascertained. 46 V., c. 15, s. 145.

151. The duty paid on spirits taken out of warehouse r consumption or which befor consumption or which have gone directly mack or sumption, shall not be refined a sumption, shall not be refunded by way of drawback of otherwise upon the exportation otherwise upon the exportation of such spirits out of Canada unless when specially permitted unless when specially permitted by some regulation made by the Governor in Council in the total some regulation of the s. 146.

152. The Governor in Council may make such regulations as to him seem necessary for the second secon ---- ine Governor in Council may make such regulations as to him seem necessary for allowing the bottling manufactured spirits in bond, at the distillery where the spirits were man factured, and for its removal the factor heing so factured, and for its removal therefrom after being $\frac{1}{80}$ bottled. 46 V., c. 15. s 147

DRAWBACK ON EXPORTATION.

Drawback on spirits export-

153. Every licensed distiller who imports and receives into the manufacture therein, is distillery, or uses in the manufacture therein. his distillery, or uses in the manufacture of spirits

any foreign grain on which a duty of customs has been paid, ed made from and experience distillery shall, foreign grain. and exports spirits thereafter made in such distillery, shall, foreign grain. on due proof of such use and export, be entitled to a draw-back operation used in the grain used in back equal to the customs duty paid on the grain used in the product the amount of the production of the spirit exported; and the amount of such domain of the spirit exported; and the amount as is such drawback shall be determined in such manner as is directed. directed by any departmental regulation in that behalf. 46 V., c. 15, s. 148.

154. Every distiller who exports any spirits in the pro-Drawback on duction whereof any malt is used upon which any duty of ed made from the production malt. customs or excise has been paid, shall, upon the production mait. of due proof of such use and payment of duty, be entitled to a drawback equal to the duty paid on the malt used in the production of the spirits so exported, and the amount of manner as is such drawback shall be determined in such manner as is directed in that behalf. 46 directed by any departmental regulation in that behalf. 46 $V_{1, C, 15}$

PERMITS.

155. No spirits shall be removed from any distillery, nor Removal of spirits from honded or distillery. from any warehouse in which they have been bonded or distillery. stored, until a permit for such removal has been granted in such formet. such form and by such authority as the Governor in Council, from and by such authority as the Governor in Coun-removed c. I time, directs and determines; and any spirits Forfeiture for illegal re-moved c. I time, directs and determines in the fore such per-integration of the second se removed from such distillery or warehouse before such per-moval. shall be seized and the seized of the transformation of the transf shall be seized and detained by any officer of Inland Revenue and d_{ext} = 15 s 150.

and dealt with accordingly. 46 V., c. 15, s. 150.

156. Any officer of Inland Revenue or Customs, or any Officer may from any superior officer, having general authority therefor packages detain any person officer of Inland Revenue, may stop and being removed. detain any superior officer of Inland Revenue, may stop and being supposed by the transformed by the supposed by the transformed by the such supposed by him to contain spirits, and may examine such packages, and require the production of a permit authorizing the removal thereof; and if such permit is produced, the officer shall thereof; officer shall indorse the time and place of examination thereon. Let indorse the time and place of examination thereon; but if no such permit is produced, then such pack-Forfeiture if ages, if found the such permit. ages, if found to contain spirits, and if the quantity thereof is greater than five gallons, and such officer has cause to believe that they had five gallons, and such officer has cause to believe that they have been unlawfully removed, may, with their contents have been unlawfully removed, may, with their is contents, be detained until evidence to his satisfaction is adduced that such spirits were being lawfully removed, and that the date that such spirits were being lawfully removed, and that the duty thereon had been paid, and if such evidence is not adduced within thirty days, the spirits so detained that he found within thirty days and the dealt with accordshall be forfeited to the Crown, and be dealt with accord-

ingly. 46 V., c. 15, s. 151.

157. No spirits shall be removed from a distillery at Least quan-by time in spirits shall be removed from a distillery at Least quanany time in casks or packages containing less than twenty-

moved in one five standard gallons each, except under special authority ask or pack-age on pain of granted by the donastment age on pain of granted by the department; and any spirits removed in forfeiture. violation of this sportion shall any spirits removed. violation of this section shall be forfeited to the Crown, and shall be seized by any spirits removed and and shall be seized by any officer of Inland Revenue, and dealt with accordingly the W dealt with accordingly. 46 V., c. 15, s. 152.

PENALTIES.

Special penalties applic-able to distilleries.

158. In addition to the general provisions in this Act con-ined respecting paralties the tained respecting penalties, the provisions contained in the three sections next following A^{CL} three sections next following the provisions contained in the three sections next following the provision of three sections next following apply to distilleries. c. 15, s. 153.

159. Every person who, without having a license under is Act, then in force this Act, then in force-

(a) Distils or rectifies any spirits, or makes or ferments by beer; or any beer; or-

(b) Assists in distilling or rectifying any spirits, or in a spirits, or spirits, and aking or fermenting any based making or fermenting any beer or wash in any unlicensed place; or-

(c) Imports, makes, commences to make, sells, offers for le or delivers any still wormen to make, sells, offers sale or delivers any still, worm, rectifying or other apparers, or tus suitable for the manufacture of tus suitable for the manufacture of wash, beer or spirits, of for the rectification of spirits. for the rectification of spirits, or any part of such apparatus; or -

(d) Completely or partially sets up or assists in setting up, prepares or partially sets up or assists in set such still, worm, rectifying or other

(e) Has in his possession any such still, worm, rectifying other apparatus. or any post or other apparatus, or any part or parts thereof, in any place or premises owned by him any part or parts thereof, in any place or premises owned by him or under his control, without having given notice thereof having given notice thereof, as required by this Act, hundred in cases of registration provided f in cases of registration provided for by section one hundred and twenty-five of this Act.

(f) Conceals, or keeps, or allows to be concealed or keeps or about any place or provide the second by fin or about any place or premises owned or controlled by him, any such still. worm rectify him, any such still, worm, rectifying or other apparatus, of part thereof; or-

(g) Conceals by removing, or removes, or assists in con-aling by removing or otherwise cealing by removing or otherwise, any such still, worm, rectifying or other apparatus or the still, worm,

Misdemeanor and how punishable.

Is guilty of a misdemeanor, and on conviction thereof hall, for a first offence, be liable to shall, for a first offence, be liable to a penalty not exceeding

Penalty for exercising any business of distilling without license.

five hundred dollars, and not less than one hundred dollars, and to improve the bord labor for a term and to imprisonment with or without hard labor, for a term not exceed: not exceeding six months and not less than one month; and for even for every subsequent offence, to a penalty of five hundred dollars and here to be a penalty of five hundred to be a penalty of the hundred beau to be a penalty of the hundred dollars, and to imprisonment, with hard labor, for a term not exceeding the imprisonment, with hard labor, six months; exceeding twelve months and not less than six months;

spirits, or for the rectification of spirits, or parts thereof, and all been much the rectification of spirits, or parts thereof of the all beer, wash or spirits that are found in the possession of any unline of spirits that are found in the possession of any unlicensed person, or in any unlicensed place, shall be

forfeited to the Crown, and shall be seized by any officer of Inland Dorthe Crown, and shall be seized by any officer of Inland Revenue, and may either be destroyed when and where formal and may either be destroyed when and where found or removed to some place of safe keeping, in the discretion of the seizing officer. 46 V., c. 15, s. 154. 160. Every person who becomes liable to the penalty Additional penalty. provided for in the next preceding section, shall, in addition thereto, forfait the next preceding section, shall, in addition thereto, forfeit and pay, for the use of Her Majesty, double the amount of excise duty and license duty which should have been paid by him under this Act. 46 V., c. 15, s. 155.

161. If in any distillery there is at any time found a Penalty for osed spinit any distillery there is at any time found a Penalty for closed spirit-receiver, high wine-tub, low wine-tub, doubler having un-or other vaccal the vaccal the second spirit second spir or other vessel that may be used for containing any of the ations in cer-products resulting in the transforment of the duantity of the transforment. products resulting from distillation before the quantity of tain vessels. such products is determined and an account taken thereof, in Which there is at any time found any perforation, hole or aperture, other than such as is necessary for the lawful needs of the than such as is necessary for the lawful use of such closed spirit-receiver or other vessel, or in violation of the closed spirit-receiver or other vessel, or in violation of this Act, the distiller in whose distillery the closed spirit-receiver or other vessel so perforated is found, although an the second spirit although a second sec although such holes or apertures or perforations have been plugged or the holes of apertures or perforations have been plugged or stopped, shall incur a penalty of five hundred dollars. and the plug with dollars; and the closed spirit-receiver or other vessel, with Forfeiture. its contents, and the closed spirit-receiver or other voor, the distilled together with all the stock of spirits or grain in the distillery at the time when such unlawful perforation is discovered via the time when such unlawful perforation is discovered, shall be forfeited to the Crown and dealt with

46 V., c. 15, s. 156.

UNLAWFUL SALE OR PURCHASE OF SPIRITS. 162. Every person who sells or offers for sale, or who Penalty for archases are been un-sale of spirit purchases any spirits, knowing the same to have been un-sale of spirits awfully manufactor, knowing the same to have been un-sale of spirits inlawfully manufactor. lawfully manufactured, shall, for a first offence, incur a manufac-penalty of 664-111 red, shall, for a first offence, a tured. penalty of fifty dollars, and for each subsequent offence, a tured. penalty of hity dollars, and for each subsequent once fully monotone hundred dollars; and all spirits so unlawfully manufactured, wheresoever they are found, and all horses, vehicle horses, vehicles and other appliances which have been or are being more and other appliances which have been shall are being used for the purpose of removing the same, shall be forfeited to the purpose of removing the same, shall be forfeited to the Crown, and shall be dealt with accordingly. 48-49 V., c. 62, s. 3, part.

All such stills, worms, fermenting-tuns, rectifying or other Apparatus to paratus work here or be seized. apparatus suitable for the manufacture of wash, beer or ^{be seized.}

COMPOUNDERS.

INTERPRETATION.

163. In the following sections of this Act respecting compounders, unless the context otherwise requires :-

(a) The expression "compounded spirits" means and in udes all articles containing (the discussion of the spirits and the spirits and the spirits and the spirits are spirits are spirits and the spirits are spirits and the spirits are spirits are spirits are spirits and the spirits are spirits and the spirits are s cludes all articles containing Canadian or other spirits, which are enumerated in the following are enumerated in the following schedule, the duty thereon having been paid—or which having been paid—or which are added to such schedule by any order of the Government G any order of the Governor in Council:

Schedule.

Imitations of British or foreign wines, brandy, rum, gin, d Tom, Geneva schwarze, British wines, brandy, rum, and Old Tom, Geneva schnapps, British or foreign whiskey and bitter liquors and cordials bitter liquors and cordials when containing alcohol; (b) The expression "compounder" means and includes or ery person who by himself

mixes for sale by wholesale any of the articles enumerated in the foregoing schedule the set of the articles enumerated

in the foregoing schedule, the duty thereon having of the

" Compounder."

Special provisions as to compounders. paid—or which are added to such schedule by order of the Governor in Council 46 V Governor in Council. 46 V., c. 15, s. 157, and schedule. 164. In addition to the general provisions in this Act ntained respecting licenses and helding contained respecting licenses, obligations of persons holding licenses, payment of dution and the licenses, payment of duties, and time and form of returns, penalties and bonding or users penalties and bonding or warehousing, the provisions 46 V. seven sections next following apply to compounders. c. 15, s. 158.

LICENSES.

165. A license to carry on the business of and to act as a compounder and to sell by whether the business of and to act as a connded compounder and to sell by wholesale the articles compounder under such license. may be control to act and to act and to act and to sell by wholesale the articles compounder the base of the sell by t under such license, may be granted to any person who has complied with the provisions of this Act, if the granting the license has been approved by the license has b the license has been approved by the district inspector, and the person has, jointly and source it the person has, jointly and severally with two good Her sufficient sureties, entered into a sufficient sureties, entered into a bond to Her Majesty, here and successors, in the sum of one thousand dollars and such bond shall be and such bond shall be entered into before the collector of Inland Revenue, his deputy of the control into t Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue—who shall cause such sureties to justify as to the cause such sureties to justify as to their sufficiency being him by affidavit indorsed upon such a such bond thim by affidavit indorsed upon such bond—and such the shall be conditioned for the rendering and such the Conditions of shall be conditioned for the rendering of all accounts and to payment of all dution and such accounts are to payment of all duties and penalties which the person sy whom the license is granted burgers which the der or pay whom the license is granted becomes liable to render or will under the provisions of this Act under the provisions of this Act, and that such person

Conditions of license as a compounder ; security and bond.

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Interpretation.

"Compounded spirits ;

every person who, by himself or his agent, compounds or mixes for sale by wholesale and for his agent, compounds of

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faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts accounts and penalties as to all other matters and things whatsoever. 46 V., c. 15, s. 159.

166. The person in whose name a license is granted to act Fee for a compare part to here a bicouse pay to here a bicouse base to here a bicouse base bicouse b as a compounder, shall, upon receiving such license, pay to license as a compounder. the collector of Inland Revenue the sum of fifty dollars. 46 $V_{\rm u.c.,15}$

BOOKS AND RETURNS.

167. Every compounder shall make such entries and Returns to be turns and returns are from made by returns, and keep such books and accounts, as are, from compounder. time to time, determined by departmental regulations. 46 $V_{\gamma,C,15}$

PENALTIES.

168. Every person who, without having a license under Penalty for its Act the second person who, without having a compounder, acting with this Act, then in force, carries on business as a compounder, out license. shall, for the first offence, incur a penalty of fifty dollars, and for each subsequent offence, a penalty of two hundred dollars and subsequent offence, a penalty of two hundred dollars, and all goods compounded, or in course of being compounded, which are found on his premises, shall be for-feited to the accordingly :

feited to the Crown, and shall be dealt with accordingly :

2. Every person who exposes, or offers for sale, or who And for re-moves for the sale of removes from his place of manufacture, any compounded cle not dearticle which is not designated by some label or brand, in signated hy proper label or brand, in signated hy proper label or brand, in signated hy accordance accordance with the provisions in the next following sec- &c. every such company in the next following sec- &c. every such compounded article so exposed or offered for sale to the Crown and shall be dealt with accordingly. 48-49

GENERAL PROVISIONS.

169. Every article made by a compounder shall be desig- Articles must hated by some label or brand which shall show the name of ^{be} designated by a label. the compounder and the place at which such article was made and the place at which such article was made; and the Governor in Council may, when it is deemed expedient expedient so to do, order that such brands or labels shall be in the form of a stamp issued by the Department of Inland

Revenue. 46 V., c. 15, s. 164.

170. All the articles made by a compounder shall be sub- Removal of ct to the ject to the same restrictions and provisions as to their re-moval from the restrictions and provisions as to their re-the same restrictions and provisions as to their re-by comhoval from the premises in which they are made, and as to pounder. their removal from the premises in which they are made, and expirite removal from place to place, as Canadian or other spirits are liable to. 46 V., c. 15, s. 163.

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Governor in Council may add to or take away article in schedule.

171. The Governor in Council may add to the schedule set forth in section one hundred and sixty-three of this Act, or may remove from the may remove from the said schedule, any article or ingredient the addition or removed of the said schedule. ent the addition or removal of which he deems necessary in the public interest and are the public interest; and every such order shall be published in the Canada Gazette and al all the order shall be published in the Canada Gazette, and every such order shall be public of thirty days from the data of the effect at the expiration of thirty days from the data of the effect at the expiration. of thirty days from the date of such publication. 15, s. 165.

BREWERIES.

INTERPRETATION.

Interpretation :

172. In the following sections of this Act respecting breweries, unless the context otherwise requires :---

"Beer ";

(a) The expression "beer" means and includes beer, ale, porter, lager beer and all other fermented liquor made in whole or in part from malt whole or in part from malt, grain or any saccharine matter;

(b) The expression "brewery" means and includes any ace or premises where are i "Brewery "; place or premises where any beer or malt liquor, or bever age in imitation of malt liquor. age in imitation of malt liquor, is manufactured; and all offices, granaries, mash-rooms offices, granaries, mash-rooms, cooling-rooms, vaults, yards, cellars and store-rooms, could and store-rooms, could be and store-rooms. cellars and store-rooms connected therewith or in which any material to be used in the any material to be used in the manufacture of beer or malt liquor is kept or stored or with liquor is kept or stored, or where any process of manufacture is carried on, or where any process of manufacture is carried on, or where any apparatus connected with such manufacture is kept or used manufacture is kept or used, or where any of the products of brewing or fermentation of brewing or fermentation are stored or kept, shall be held to be included in and to former to be included in and to form part of the brewery to which they are attached or are another to the brewery to which

"Brewer."

(c) The expression "brewer" means and includes any person who occupies, carries on, works or conducts 15 s. 166. brewery, either by himself or his agent. 46 V., c. 15, 5. 166.

LICENSES.

Special provisions as to brewery licenses.

Conditions of license as a brewer; security.

Bond.

173. In addition to the general provisions of this Act re-ecting licenses, the provision specting licenses, the provisions in the three sections following apply to brewaries and the three sections

174. A license to carry on the trade or business of a sever may be granted to any brewer may be granted to any person who has complied with the provisions of this Activity with the provisions of this Act, if the granting of such license has been approved by the license has been approved by the district inspector, and suffiperson has, jointly and severally with two good and suffi-cient sureties, entered into a hard with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors. in the sum of such and successors, in the sum of one thousand dollars; and such bond shall be entered into her housand dollars; and such bond shall be entered into before the collector of Inland Revenue, his deputy or other of Revenue, his deputy or other officer authorized thereto by the Department of Inland Department of Inland the Department of Inland Revenue-who shall cause

sureties to justify as to their sufficiency before him by affi- Conditions of davit index shall be bond. davit indorsed upon such bond—and such bond shall be bond. conditioned upon such bond—and such bond ment of all for the rendering of all accounts and the payment of all duties and penalties to which the person to whom the license the license is granted may become liable under the provi-sions of the instantial may become liable under the provisions of this Act, and that such person will faithfully comply with the with the requirements thereof according to their true intent and mean means thereof according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever. 46 V46 V., c. 15, s. 168.

175. Utensils used by any person solely for the purpose Beer brewed of brewing beer for the use of himself and his family, and for private not for sole not for sale, are exempt from the provisions of this Act; and beer so have duty under this beer so brewed shall not be liable to any duty under this Act not be liable to any duty person so Act, nor shall any license be required by any person so $\frac{46}{V}$ V c 15, s. 169. brewing for his own private use. 46 V., c. 15, s. 169.

DUTIES OF EXCISE.

176. The person in whose favor a license for brewing Duty on Brantal Discusse for the brewing is granted, shall, upon receiving such license, pay to the license to brewing. V, c. 15 of Inland Revenue the sum of fifty dollars. license for V., c. 15, s. 170.

177. There shall be imposed, levied and collected on Duties of exfermented beverages made in imitation of malt liquor, and cise imposed. wholly or in part from any other substance than malt, the following duties of excise, which shall be paid to the collector of the duties of excise, which shall be paid to the collector of Inland Revenue as herein provided, that is to

On every gallon of any fermented beverage made in On imitations initation of beer or malt liquor, and brewed in whole or in of beer, &c. part from any other substance than malt, four cents:

Provided, that any brewer using sugar, syrup or other Proviso: Ccharing, that any brewer using sugar, syrup or other Proviso: saccharine matter in the manufacture of beer, and having drawback on previously given ten days' notice, in writing, to the collector used. of Inland Revenue of his intention to use such sugar, syrup or other saccharine matter, and paying the before-mentioned duty on the matter, and paying the before-mentioned duty on the beer made therewith, may receive a drawback with such a duty of excise paid by him on the malt used with such sugar, syrup or other saccharine matter in making and sugar, syrup or other saccharine matter in haking such beer, under such restrictions and regulations as the Duch beer, under such restrictions and regulations. 46 V., as the Department of Inland Revenue prescribes. 46 V.,

DRAWBACK ON EXPORTATION.

alt line entitled to beer exported Malt liquor of his own manufacture, shall be entitled to beer exported. receive a drawback thereon equivalent to the duty herein

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2. No such drawback shall be allowed or paid unless the ever claiming it has tention to ex-port required, brewer claiming it has given at least two days' notice of big intractional break and his intention to export the beer on which it is claimed, and made such declaration on the line of the such declaration of of the made such declaration as to the strength thereof as is required by departmental required by departmental regulations in that behalf, not unless the beer has been deal unless the beer has been duly inspected and tested and certified by a proper officer of the second duly inspected and tested 15, s. 172.

RETURNS.

Special provisions as to returns.

179. In addition to the general provisions of this Act, specting payment of dution respecting payment of duties and time and form of returns, the provisions contained in the the provisions contained in the two sections next following apply to breweries. 46 V

180. Every person who carries on business as a brewer all render to the collector of the other shall render to the collector of Inland Revenue or d true officer whose duty it is to react officer whose duty it is to receive the same, a just and true account in writing extracted for account in writing, extracted from the books kept as by this Act provided, which account that

(a) The quantity of malt and of each description of veget ortable or saccharine matter brought into, removed from of tree used in the brewerv.

(b) The quantity of beer or other fermented liquor made the brewery; in the brewery:

(c) The serial numbers of the brewings made and the oducts of each of the sold by 46 V., c. 15, s. 174. products of each of the said brewings.

Returns to be for each month

181. Every such statement shall be made for and relate the month next preceding the to the month next preceding the day on which it is made. 46 V., c. 15, s. 175

182. In addition to the general provisions of this Act re-PENALTIES.

Penalties on brewer :-

For brewing without license.

specting penalties, the provisions contained in the four sections next following apply to b tions next following apply to breweries. 46 V., c. 15, 5. **183.** Every person who, without having a license under under the second this Act then in force, brews any beer or other fermented liquor, except for the use of bins the liquor, except for the use of himself or his family, is guilty

What brewers' returns must show.

of a misdemeanor, and shall, for the first offence, incur a penalty of a shall, and shall, for the first offence, a Penalty of fifty dollars, and for each subsequent offence, a penalty of fifty dollars, and for each subsequent offence, a Penalty of two hundred dollars. 48-49 V., c. 62, s. 11.

184. Every person who becomes liable to the penalty Additional for ideal for penalty. provided for in the next preceding section, shall, in addition thereto, forfeit and pay for the use of Her Majesty, double the amount of excise duty and license duty which should have been paid to be duty and license duty which should

have been paid by him under this Act. 46 V., c. 15, s. 178.

185. Every person who has in his possession any brew-For having apparatus e-11 and particular without ing apparatus, without having made a full and particular without list, description and return thereof, as by this Act required, making re-hundred dollars, and for hundred dollars and not less than fifty dollars, and for each subsequent offence, a penalty of one hundred dollars; and all such apparatus shall be forfeited to Her Majesty, and shall be seized by any officer of Inland Revenue and dealt with dealt with accordingly. 46 V., c. 15, s. 179.

186. Every brewer who adds to the malt brought into For adding brewer brewer who adds to the malt brought into For adding his brewery, any meal, raw grain or other material, or puts without mak-into his much the meal, raw grain or other material, or puts without makinto his mash-tub or mixes with his worts any syrup, sugar ing return. or other saccharine matter, without making a true return thereof thereof to the proper officer, or without entering the same in the books or accounts kept or required to be kept by him in pursuance of any regulations made under this Act, shall, for a first offence, incur a penalty of one hundred dollars, and for each subsequent offence, a penalty not exceeding three heach subsequent offence, a penalty not exceeding three hundred dollars and not less than two hundred

2. For any such subsequent offence all the malt, beer and Seizure on second second offence. utensils in his brewery when the offence is discovered, offence. shall be forfeited to the Crown and seized by any officer of Inland D of Inland Revenue, and shall be dealt with accordingly. 46 V., c. 15, s. 180.

MALTING AND MALT HOUSES.

INTERPRETATION.

187. In the following sections of this Act respecting Interpretamalting and malt-houses, unless the context otherwise re-

(a) The expression "malt" means and includes all pre- "Malt." parations of grain or leguminous seeds that have been steeped in water, allowed to germinate, and the germination checked in water, allowed to germinate, and the germinate duction of by drying, or which are to be used for the production of beer, or that may be malted for the purpose of

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" M alt-house.'	(b) The expression "malt-house" means and includes any place or premises where any malt is manufactured, made or produced; and all offices, granaries, malt-houses, kins yards, malt warehouses and store-rooms connected there with, or in which any grain, leguminous seeds or material to be used in the manufacture of malt are kept or stored, or where any process of such manufacture is carried on, or where any apparatus or utensils connected with or used in such manufacture are kept or used, or where any of the products of malting are stored or kept, shall be held to be included in and to form part of the malt-house to which they are attached or are appurtenant;
" Maltster."	they are attached or are appurtenant; (c) The expression "maltster" means and includes any person who occupies, carries on, works or conducts any malt-house either by himself or his agent;
" Cistern."	(d) The expression "cistern" means and include grant vessel, vat or other apparatus or utensil wherein any grant or leguminous seeds are steeped or wetted during the processes of converting the same into malt;
"Couch- frame."	(e) The expression "couch-frame" means and incumin any place or compartment into which the grain or legumin; ous seeds are conveyed after being removed from the cistern;
" Malt-floor."	(f) The expression "malt-floor" means and includinous floors in the malt-house whereon the grain or leguminous seeds are placed during the next process after removal from the couch-frame:
" Kiln."	the couch-frame; (g) The expression "kiln" means and includes all heated floors or apparatus wherein or whereon grain or leguminous seeds are dried or roasted in the next process after removal from the malt-floor;
Working of a malt-house.	(h) Any use made of any cistern, couch-frame, malter grant kiln for the steeping, germinating or drying of any grant or leguminous seeds, is a working of a malt-house, and v, acting as a maltster within the meaning of this Act. 46 v, c. 15, s. 181.
	LICENSES.
Licenses for, malting.	LICENSES. 188. In addition to the general provisions of this three respecting licenses, the provisions contained in the three sections next following apply to malting and malt-houses 46 V., c. 15, s. 182.
Application for license.	46 V., c. 15, s. 182. 189. Every application for a license to carry on business as a maltster shall, in addition to the matters required to be therein set forth by the general provisions respecting licenses, contain a description of all cisterns, couch-frames, malt-floors, kilns, malt warehouses or other places, utensils

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apparatus or things whereon or wherein malt is to be made, manufactured or stored—in every case stating the dimensions, cubical contents or area, as the case may be, of the cisterne storehouses. 46 cisterns, couch-frames, malt-floors, kilns or storehouses. 46 $V_{1,0,15}$

190. A license to carry on the trade or business of a Conditions of maltster may be granted to any person who has complied license; with the provide the granted to any person who has complied security. With the provisions of this Act, if the granting of such license has been approved by the district inspector, and the particular the parti the person has, jointly with not less than two or more than six good and into a bond to Her Six good and sufficient sureties, entered into a bond to Her Bond. Majestry Tr Majesty, Her heirs and successors, in a sum equal to the amount at which the collector of Inland Revenue estimates the dution the duties to accrue on the goods to be manufactured by the person to whom the license is granted during one month set in force and to such month of the time it is to remain in force, and to such further and Revenue deems further amount as the collector of Inland Revenue deems sufficient to cover the duty on goods remaining in warehouse, from time to time, during the currency of the license about to issue—such latter amount to be determined by such means as the Department of Inland Revenue prescribes, the person obtaining the license being bound in the full amount person obtaining the license being bound in the full amount of such estimates, and the sureties each severally for such for such amount of such estimates, and the sureties each so res-pectively amount as that the sums for which they are res-Pectively bound shall together be equal to the amount of such and be entered into before the maters; and such bond shall be entered into before estimates; and such bond shall be entered to other officer authorized thereto by the Department of Inland Roman Such surcties to justify Inland Revenue-- who shall cause such sureties to justify as to their sufficiency before him by affidavit indorsed upon such bond—and such bond shall be conditioned Conditions of bond—and such bond shall be conditioned bond. for the rendering of all accounts, inventories, statements bond. and returns prescribed by law, and the payment of all license is the penalties which the person to whom the license is to be granted becomes liable to render or pay under the provisions of this Act, and that such person will aithfully. faithfully comply with the requirements thereof, according to their the there is a well with regard to to their true intent and meaning, as well with regard to account intent and meaning, as well with regard to such accounts, inventories, statements, returns, duties and penalties whatsoever. penalties, as to all other matters and things whatsoever.

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191. The person in whose favor a license for malting is License fee. stanted, shall, upon receiving such license, pay to the collector of Inland Revenue, -

(a) For a first class license, which shall entitle him to First class license. work a malt-house having a capacity to produce two hun-bed thouse having a capacity to produce two hundred thousand pounds and upwards of malt during one houth's work. honth's Working, two hundred dollars;

	Chap. 32.
	400 to
Second class license,	(b) For a second class license, which shall entitle him to work a malt-house having a capacity to produce one hundred dred and fifty thousand and not more than two hundred thousand pounds of malt during one month's working, one hundred and fifty dollars;
Third class license.	hundred and fifty dollars; (c) For a third class license, which shall entitle him to work a malt-house having a capacity to produce one hun- dred thousand and not more than one hundred and fifty thousand pounds of malt during one month's working, one hundred dollars;
Fourth class license.	hundred dollars; (d) For a fourth class license, which shall entitle him to work a malt-house having a capacity to produce not more than one hundred thousand pounds of malt during one month's working, fifty dollars :
Classification of malt- houses.	month's working, fifty dollars : The capacity in each case to be as computed by the for lector of Inland Revenue, upon a survey of the premises for which a license is required. 46 V., c. 15, s. 185.
	DUTIES OF EXCISE.
Duties of ex- cise on malt.	DUTIES OF EXCISE. 192. There shall be imposed, levied and collected, hid following duties of excise on all malt, which shall be paid to the collector of Inland Revenue, as by this Act provided, that is to say:—
	(a) On every pound of malt one cent, -
Exceptions as to malt made for certain distilleries.	made for any other purpose than for use in a the product wherein no other material than malt is used for the product tion of spirits, may be removed from the malt-house be re- distillery in bond, and the duty on such malt may be re- mitted upon proof satisfactory to the Department of Inland mitted upon proof satisfactory to the Department of the pro- Revenue that such malt has been used solely for the pro- duction of spirits;
On imported malt.	(b) On every pound of malt imported into Canaur, and warehoused, when taken out of bond for consumption, and excise duty of one cent:
Imported malt to be bonded.	excise duty of one cent: Malt so imported shall be warehoused in a suitable bond ing warehouse provided at the cost of the importer and approved as such by a duly authorized revenue officer, are shall be bonded under the excise regulations then in force in respect of malt made in Canada, and shall be subjectly the same restrictions; and if not so warehoused immediate on importation, shall be forfeited to the Crown, and may seized by any officer of the revenue and dealt with accord ingly. 46 V., c. 15, s. 186.

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BOOKS, ACCOUNTS AND PAPERS.

193. In addition to the general provisions of this Act Special pro-respecting the obligations of persons holding licenses, the visions as to provisions in the protocology contained apply to provisions in the next following section contained apply to malting and malt-houses. 46 V., c. 15, s. 187.

194. Every person licensed to carry on business as a Books to be from time to 1 books or books in a form to be furnished, ster. from time to time, by the Department of Inland Revenue, which hash which book or books shall be open at all reasonable hours to the collector or other officer of Inland Revenue, wherein such matters and on the same day such maltster shall enter, day by day, and on the same day on which it on which the circumstance, thing or act to be recorded is

(a) The quantity of grain or leguminous seeds, and of malt, brought into or removed from his malt-house;

(b) The quantity by gauge and by weight of dry grain or guminous and in any cistern or leguminous seeds placed to steep or wet in any cistern or

(c) The quantity by gauge and (in pounds) by weight, of alt taken for the particulars malt taken from the kilns; and also such other particulars

relative to quantity in the various stages of its manufacture as are required by departmental regulations;

 $V_{\rm u}$ c 15 c 100 of malt warehoused and ex-warehoused.

DUTIES ON MALT.

46 V., c. 15, s. 188.

195. All grain or leguminous seeds brought into any Weighing of alt-house shall be grain and malt-house shall be weighed and the quantity shall be grain and seeds. stated in all books, returns and accounts kept and made under this Act, in pounds avoirdupois:

2. For comparing the several gauges of grain or legu- Malt measure inous seeds for the several gauges of grain or legu- Malt measure " is established. ninous seeds required by this Act, a "malt measure" is established. hereby established, which shall be a vessel, the capacity of

which is one thousand cubic inches:

8. The quantity of grain or leguminous seeds placed in Grain in steep. steep in any malt-house shall be stated in pounds and in ^{steep.}

4. All the quantities of grain or leguminous seeds in pro- Grain to be as of conversion of grain or leguminous seeds in pro- Grain to be measures. cess of conversion into malt, as determined by gauging, measures. shall, until the process of malting is completed, be stated in malt measured

5. The quantity of malt removed from any kiln and Quantity of malt removed from any kiln and Quantity of malt remove chargeable with duty, shall be the quantity determined by from kiln.

gauging and weighing, and shall be stated in all books and returns made under this Act. returns made under this Act in malt measures and pounds. 46 V., c. 15, s. 189. **196.** Every cistern shall be made with its interior its lindrical or it about the state of the

cylindrical, or it shall be a rectangular vessel, having per

bottom truly even and its sides perfectly straight and as is pendicular (but the better pendicular (but the bottom may have such an incline as is necessary for drin) on it is the line have such an incline as is necessary for drip), or it shall be of such other shape of approved by the Governor in Council. 46 V., c. 15, s. 190.

197. Every maltster licensed under this Act shall provide couch-frame and such and a licensed under this Act shall provide

Shape of cistern.

Couch-frame to be provided. How constructed.

Space around cistern and couch-frame.

c. 15, s. 191.

Grain how to be deposited on floor.

Steeping or removing grain.

Notice of intent to steep grain.

201. Whenever any maltster is about to place any grain leguminous seeds in the said or leguminous seeds in the cistern, to be steeped for when making of malt, he shall first give the proper officer, hours, the malt-house is within a site the malt-house is within a city or town, twenty-four hours, notice—or if not within a city or town, twenty-four hours notice—or if not within a city or town, twenty-four hours notice—or if not within a city or town, forty-eight hours notice—of his intention to store notice—of his intention to steep grain or leguminous hour as aforesaid, stating in events as aforesaid, stating in every such notice the day and hour at which he will place the creation of the day are in the at which he will place the grain or leguminous seeds in the cistern, and describing the sist. cistern, and describing the cistern, by number or otherwise, in which it is to be placed to W **202.** Whenever any maltster is about to place any grain leguminous seeds them into

grain or move or leguminous seeds, then in process of manufacture into dried malt.

198. Above and around every such cistern and couch frame, there shall be sufficient space for conveniently gang ing their contents and there is a line of the space for conveniently there ing their contents, and they shall be so placed that there shall be sufficient light for the shall be sufficient light for that purpose and for examining the contents 46 V ≈ 15 the contents. 46 V., c. 15, s. 192.

their true form when the frame is filled with grain.

199. The maltster shall, in all cases, when required so to by any officer of Inland D do by any officer of Inland Revenue, deposit the grain an process of manufacture into mall process of manufacture into malt on the malt floor, in make equal depth over the whole surface covered, and shall make the outward edges thereof in the overed, and shall for the outward edges thereof in straight lines convenient for gauging, as is required by the Ts. 193.

200. No grain or leguminous seeds shall be placed in ty cistern to steep or must any cistern to steep or wet, nor shall any malt be placed in any kiln to be dried nor more day any kiln to be dried, nor moved from any such kiln after the drying is completed drying is completed, nor moved from any such kiln after ight o'clock in the forenoon and for the hours of eight o'clock in the forenoon and five o'clock in the afternoon. V., c. 15 s 194 V., c. 15, s. 194.

a couch-frame, and such couch-frame shall be constructed with the sides and better the shall be constructed with the sides and bottom straight and at right angles with each other, and of such straight and at right angles are each other, and of such strength that they will $P_{46}^{reserve}$, their true form when the frame is the strength that they will $P_{46}^{reserve}$.

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malt, on any kiln to be dried, or when he is about to move any dried move has been been been been aball notify the any dried malt from any such kiln, he shall notify the proper off malt from any such kiln, he shall notify the proper officer of his intention so to do, in the same manner as is provided and the notices is provided in the next preceding section; and the notices required to 1 the next preceding section. required in the next preceding section; and the section shall be given by this and the next preceding section shall be in writing, and in such form as is, from time to time room 46 V., c. 15, to time, required by departmental regulations. 46 V., c. 15, 8. 196

208. Whenever any maltster requires to add water to Notice of in-he shall record in the notice book supplied by the Depart-ment of Inland D ment of Inland Revenue, his intention so to do, giving in each instant Revenue, his intention so to do, giving it each instance the number of the steep and at what stage it

is to be watered. 46 V., c. 15, s. 197.

204. The duty payable on malt shall be computed as Computing malt duty. follows :--

(a) The grain or leguminous seeds when about to be placed Gauging and steen and be fore weighing bein steep, and before being run into the cistern, shall be fore wetting. weighed and gauged by or in the presence of the proper officer of Inland Revenue; such gauging of the grain or leguminous souds are in the done in the cistern leguminous seeds may, if desired, be done in the cistern and before the grain or leguminous seeds are wetted, but the quantity in pounds shall, in all cases, be ascertained by actual moint. actual weighing : and the quantity so ascertained shall be immediately in a societation in a book immediately entered by the maltster, or his agent, in a book or books much person shall or books provided for that purpose, and such person shall also attact the bis signature;

also attest the correctness of the entry by his signature;

(b) The maltster or his agent shall also gauge the grain Gauging after leguminous according to the start they have wetting. or leguminous seeds while in the cistern, after they have wetting. been wetted, and again while in the cistern, after they at such other and again while in the couch-frame, and also at such other periods during the manufacture as is directed by departmental by departmental regulation; and the results of such gaug-ing shall be optimized at the results of such gauging shall be entered in the book provided for that pur-Pose by the maltster or his agent, and shall be used for computing the maltster or his agent, and shall be used for computing the quantity of malt manufactured, as herein

(c) The quantity of malt taken from the kiln after it has Gauging and en dried and it of malt taken from the kiln after it has Gauging and been dried, and the process of manufacture completed, shall when dried. be gauged and the process of manufacture completed, officer of evolution weighed by or in the presence of the proper officer of excise; and the quantity so ascertained shall be purpose both in the book or books provided for that purpose, both in pounds and in malt measures, by the maltster or his acout or his agent, who shall attest every such entry by his

(d) Provided, that at any time when the proper officer of Case of ab-land Revenue for which provided for Inland Revenue is not present at the time for which provided for.

notice has been legally given for any of the above mentioned operations the mentioned operations, the maltster may proceed with the operation or operations operation or operations, except the weighing of malt removed from the kiln as if the marker from the kiln, as if the officer was present, and shall enter the result of the second shall ench the result of the gauging or weighing, or both, of such operation or operation is the such of such of such of such of such of such operation of operation operation of operation operatio operation or operations, in the book or books provided for that purpose 46 W that purpose. 46 V., c. 15, s. 198.

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Basis of calculation for comparing results of gauging.

205. In comparing the results of the gaugings, weighings and computations, the following proportions shall form the basis of calculation : basis of calculation :---

(a) One hundred malt measures by gauge of dry barley all be held to be service shall be held to be equivalent to one hundred and seven malt measures by gauge of dry weren malt measures by gauge of dry malt;

(b) Eighty-one and a-half malt measures by gauge of dry barley shall be held to be equivalent to one hundred with measures (by gauge) of held measures (by gauge) of barley properly saturated with water for the purpose of malting water for the purpose of malting; or to eighty-seven and one-fifth malt measures by any seven and one-fifth malt measures by gauge of dry malt;

(c) One hundred pounds of barley or other grain weighed to the cistern shall without into the cistern shall, without any allowance for skimmings, be held to be correl to be held to be equal to not less than seventy-five pounds of malt taken from the bill and malt taken from the kiln, and so in proportion for every greater or less quantity. greater or less quantity;

(d) The principal gauge and weight whereby the duty all be computed shall be that weight whereby the dutyshall be computed, shall be that of the malt on its removal from the kiln: but whenever the from the kiln; but whenever the quantity computed from any other gauging or weight any other gauging or weighing, or series of gaugings or weighings, is greater than the f weighings, is greater than the final gauge of the malt, then that computation which wild the the quantity for duty; and whenever the difference between the results of any two sets of the results of any two sets of gaugings or weighings, the as aforesaid, exceeds seven as aforesaid, exceeds seven per cent., the return of have quantity of grain placed in steep shall be deemed to have been a fraudulent return of the been a fraudulent return, and the maltster shall be liable to all the penalties for making of all the penalties for making fraudulent or false returns; (e) Malt shall be weighed when removed from the kiln, id no less quantity than the

Removal of malt from kiln, &c.

Doubts, how decided.

Provisions in case of new process of malting.

manner of determining the quantity of malt liable to data under this Act, such doubt under this Act, such doubt or question shall be decided and determined by the Minister question shall be whose and determined by the Minister of Inland Revenue, 200. decision shall be final and conclusive. 46 V., c. 15, 5.

and no less quantity than the whole contents of one kiln shall be placed in the work-

shall be placed in the warehouse or taken for use ex-manu-factory at any one time. At W

206. If at any time any doubt or question arises as to the anner of determining the second duty

factory at any one time. 46 V., c. 15, s. 199.

207. When a maltster licensed under this Act desires to llow a process of malting follow a process of malting not therein provided for, and

Computation of quantity for duty.

duty has not been paid, subject to the survey of the proper officer of Inland P officer of Inland Revenue, which warehouse shall be included in his licensed premises, and shall, in all cases, be contiguous thereto; and every entrance to such warehouse, as well as every entrance to such warehouse, as well as every window or other mode of access thereto,

211. Every maltster shall, at his own charge, provide a Storage of warehouse for shall, at his own charge, provide a malt. suitable warehouse for the storage of malt on which the

210. So soon as any malt is dried and ready for removal Removal of much removal duly warehouse. from the kiln, and the required notice of such removal duly dried malt to warehouse. given, the said malt shall be removed to the malt-warehouse and shall be there stored under the lock of the owner thereof and the lock of the duty therethereof and the lock of the department, until the duty there-on has been poid on has been paid; except that any maltster may remove for Removal for use. use and enter for consumption ex-manufactory any portion of the products of his units of the products of his units of the products of his units of h of the products of his malt-house, not less than the contents of one kiln, which he does not intend to warehouse. 46 V.,

SUPERVISION.

Mental regulation made in that behalf. 46 V., c. 15, s. 203.

as is required by departmental regulation, of all malt placed in the malt regulation of the reduced there warehouse placed in the malt-warehouse, and all malt recorded at the therefrom. from; and the malt-warehouse, and all malt removed there- warehouse time of placing such a shall be taken and recorded at the therefrom. time of placing such malt in the malt-warehouse, and at the book or books to be kept time of placing such malt in the malt-warehouse, and a for that purpose it therefrom, in a book or books to be kept for that purpose, in such form as is required by any depart-mental required is a such form as is required by any depart-

in such warehouse, notwithstanding any deficiency that therefrom the transformer and the therefrom the transformer and the therefrom the transformer and the transform therefrom. 46 V., c. 15, s. 202. 209. An account shall also be kept in such other form Special ac-

208. The duty imposed upon malt shall be finally Final com-Imputed and divide the kiln, putation of the grant divide the second divide th computed and charged when it is removed from the kiln, duty. and an account thereof shall then be entered in the stock books kept under this Act, which shall be balanced on the first day of order this Act, which shall be balanced in that first day of each month for the month next preceding that day, but the date whenever any malt is day, but the duty shall be collected whenever any malt is taken from the duty shall be collected whenever any mut duty shall in all malt-warehouse for consumption; and the the full quantity of duty shall in all cases be collected on the full quantity of malt entered and the set of malt entered on the warehouse books as having been placed

gives notice to that effect, such notice being accompanied by such plans and descriptions as the department deems necessary for fully understanding the proposed process, the Governor in Gully understanding the proposed process, the Governor in Council may authorize such modes of determin-ing the quantity of the produced ing the quantity of malt that shall be held to be produced from a stated from a stated quantity of grain or leguminous seeds, ashaving reference to the proposed change in the process of manufacture to the proposed change in the process of manufacture—he deems necessary for insuring an equitable assessment of the duty. 46 V., c. 15, s. 201.

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shall be secured to the satisfaction of such surveying officer, and also to the satisfaction of such surveying $\frac{16 V_{e}}{16 V_{e}}$ and also to the satisfaction of the inspecting officers. c. 15, s. 205.

Securing of malt warehouses

212. Every principal entrance to the malt-warehouse sap shall be secured by two locks, one of which shall be key plied by the Department of the sale where the set plied by the Department of Inland Revenue, and the the thereof shall be kept by the officer of Inland Revenue, and the the other lock shall be provided with the officer of Inland Revenue, by the other lock shall be provided and the key thereof kept by the owner, and all other output owner, and all other entrances shall be secured on the with side; and every such malt malt and her with side; and every such malt-warehouse shall be fitted up the such convenient bins or othe such convenient bins or other compartments for storing the malt as are required by the malt as are required by the officer of Inland Revenue, so that it may, at any time be converdent it it may, at any time, be gauged and the quantity therein ascer-tained. 46 V. c. 15 c. 200

213. Whenever any maltster ceases from working his malt buse, the kiln and all means of house, the kiln and all means of access thereto shall be closed and secured by lock of the d and secured by lock of the department to the satisfaction of the proper officer of Inland Department to the satisfaction of such the proper officer of Inland Revenue, and the keys of such locks shall remain in the property of the property locks shall remain in the possession of the collector of Inland Revenue; and the kiln shall Revenue; and the kiln shall remain so closed and secured until the maltster gives the until the maltster gives the required notice of his intention to resume working. Provided to resume working: Provided always, that the collector of Inland Revenue may in his in Inland Revenue may, in his discretion, remove the locks while repairs are necessarily while repairs are necessarily and actually in progress, or while the kiln is being need while the kiln is being used, under departmental regula-tion, for the purpose of down. 46 V., c. 15, s. 207.

214. In addition to the general provisions of this Act specting payment of duties and the provisions of contracts. respecting payment of duties and time and form of returns, the provisions contained in the the provisions contained in the two sections next following apply to malting and malt be 46 V., c. 15, s. 208.

215. Every person who carries on business as a malister all render to the collector of the second se shall render to the collector of Inland Revenue of true officer whose duty it is to receive the same, a just and this account in writing extracted for the same, a just and this account in writing extracted from the books kept as by this Act provided, which account it is a by this

(a) The quantity of grain, malt or leguminous seeds, in unds, brought into the malt l

pounds, brought into the malt-house during the preceding month;

(b) The quantity of grain or leguminous seeds, in malt easures and in pounds, placed in the seed or used measures and in pounds, placed in steep or wetted or needs, for malting on each day during the for malting on each day during the preceding month;

(c) The quantity of malt, in malt measures and pounds, alted or made and removed from the measures and day dur malted or made and removed from the kiln on each day during the preceding month.

The same as to malt-

houses.

Proviso : as to repairs.

Special provisions as to returns.

What maltsters' returns must show.

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(d) The quantity of grain or leguminous seeds, in pounds, removed from the malt-house, or disposed of otherwise than for the prod for the production of malt, during the preceding month;

(e) The quantity of malt, in pounds, removed from the malt-house;

(f) The quantity of malt, in pounds, warehoused, ex-warehoused and entered for duty, ex-manufactory, during the preceding month. 46 V., c. 15, s. 209.

216. Every such statement shall be made for and relate To be made the month which it is made. for each month to the month next preceding the day on which it is made. for each month.

BONDING OR WAREHOUSING.

217. In addition to the general provisions of this Act Special prorespecting bonding or warehousing, the provisions contained bonding. in the two sections next following apply to malting and malthouses. 46 V., c. 15, s. 211.

218. No less quantity than two thousand pounds of malt Least quantity to be entered. shall be entered for warehouse under one entry; and-

2. Except for exportation, no less quantity than two Orex-ware-ousand pounds of housed. thousand pounds of malt shall be ex-warehoused for duty by housed. one entry $A_{\rm E,V}$ of malt shall be ex-warehoused for duty by one entry. 46 V., c. 15, s. 212;—48-49 V., c. 62, s. 12.

219. The duty paid on malt taken out of warehouse for No drawback maumption and paid on malt taken out of warehouse for No drawback cases. consumption, or which has gone directly into consump-in certain cases. tion, shall not be refunded, by way of drawback or other-wise, upon the exportation of such malt out of Canada.

PENALTIES.

220. In addition to the general provisions of this Act Special pro-specting penalties to the general provisions of this Act Special prorespecting penalties, the provisions contained in the six specting pen-tions next follows: the provisions contained in the six specting pensections next following apply to malting and malt-houses. alties.

221. Every person who, without having a license under Penalty for malting with the steeps any grain outlicense. this Act then in force, makes any malt or steeps any grain out license. or leguminous seeds for the purpose of malting, is guilty penalty of one hundred dollars, and for each subsequent offence, a negative of the burded dollars. 48-49 V., c. 62, offence, a penalty of two hundred dollars. 48-49 V., c. 62,

222. Every person who becomes liable to the penalty Additional penalty. Additional penalty. **Provided** for in the next preceding section, shall, in addition

thereto, forfeit and pay for the use of Her Majesty double the amount of excise duty and license duty which should have been paid by him under this Act. 46 V., c. 15, s. 216.

223. Every person who has in his possession any maltfloor, malt-kiln, or any malting implement, machinery or apparatus, without having made a full and particular list, deparatus, without having made a full and particular list, defineur, for a first offence, a penalty not exceeding one hundred dollars and not less than fifty dollars, and for each subsed dollars and not less than fifty dollars, and for each subsed up to the Crown, and shall be seized by an officer of Inland Revenue and dealt with accordingly. 46 V., c. 15, s. 217.

224. If any maltster adds, or causes or permits to be added, any grain or leguminous seeds to the grain or leguminous seeds wet in any cistern, or placed in any cistern for the purpose of being wetted, after the officer of Inland for the purpose of being wetted, after the officer of Inland for the purpose of being wetted, after the officer of Inland offence, incur a penalty of two hundred dollars, and for each offence, incur a penalty of five hundred dollars; and all subsequent offence, a penalty of five hundred dollars; and all the grain and leguminous seeds so mixed or added, together with all the grain and leguminous seeds and malt then in the malt-house, shall be forfeited to the Crown and dealt with accordingly. 46 V., c. 15, s. 218.

225. If any maltster removes, or causes or permits to be removed, any malt from his malt-house before an account has been taken of the same by the proper officer, and in the manner required by this Act, or if any person receives or has any malt so removed, knowing the same to have been so removed, the maltster and person so offending shall, for a first offence, incur a penalty of two hundred dollars, and for each subsequent offence, a penalty of five hundred dollars; and the malt so removed, together with all the grain, leguminous seeds and malt then in the malt-house from which the malt was so illegally removed, shall be forfeited to the Crown, and shall be seized by an officer of Inland Revenue and dealt with accordingly. 46 V., c. 15, s. 219.

Penalty for adding water without notice. **226.** Every maltster who adds water to any g^{rain} of leguminous seeds, after leaving the steep tub, without having first given the notice hereinbefore required, shall, for a first offence, incur a penalty of twenty dollars, and for each subsequent offence, a penalty of fifty dollars. 46 V, c. 15, s. 220.

UNLAWFUL SALE OR PURCHASE OF MALT.

Penalty for selling malt unlawfully 227. Every person who sells or offers for sale, or who purchases any malt, knowing the same to have been unlaw-

Penalty for fraudulently putting grain in cistern.

Penalty for removing malt before account is taken.

fully manufactured, shall, for a first offence, incur a penalty manufac-of fifty dollars used, shall, for a first offence, a penalty ^{tured}. of fifty dollars, and for each subsequent offence, a penalty tured. of one hundred dollars; and all malt so unlawfully manu-factured minimum dollars; and all malt so unlawfully manufactured, wheresoever it is found, and all horses, vehicles and other and the sector of the sector o and other appliances which have been or are being used for the purpose of removing the same, shall be forfeited to the Crown, and shall be dealt with accordingly. 48-49 V., c. 62, s. 3, phr.

BONDED MANUFACTURERS.

INTERPRETATION.

228. In the following sections of this Act respecting "Interpretabonded manufacturers, unless the context otherwise re-

(a) The expression "bonded manufacturer" means and "Bonded man-icludes any porces of bonded manufacturer in the expert carries on includes any person who, by himself or his agent, carries on ufacturer; the manufacture of any article or compound wherein goods liable to duties of customs or excise are used, before the

duties to which they are liable are paid;

(b) The expression "bonded manufactory" means and in-"Bonded man-udes any place in "bonded manufactory" means and in-"Bonded mancludes any place or premises where any article or compound ufactory." is manufactured or premises where any article or compound turing whereof or made, in the compounding or manufacturing whereof goods liable to duties of customs or excise are used have goods liable to duties of customs are liable are are used before the duties to which they are liable are warehoused, Paid; and every place where any such goods are warehoused, stored or kent of the bonded stored or kept, shall be held to form a part of the bonded manufactory to which it is attached or is appurtenant.

*229. In addition to the general provisions of this Act Special pro-specting licenses to the general provisions of the three special prorespecting licenses, the provisions contained in the three visions respecting licenses, the provisions contained in the three visions respecting 46 V, c. 15. s 292

230. The Governor in Council may, in his discretion, Manufacture authorize the manufacture in bond of such dutiable goods be authorised. as he, from time to time, sees fit to designate, in the manu-facture or product time, sees fit to designate articles subject facture or production whereof spirits or other articles subject to duties of customs or excise are used, by persons licensed and to that effect, and subject to the provisions herein made and

to the regulations made by the Governor in Council in that

231. Before any person shall be entitled to carry on any Conditions of carry on the manufacture in bond, he shall obtain a license so to security. carry on the manufacture of some certain kind or kinds of

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goods to be mentioned in the application for license, in some certain premises to be the some certain premises to be therein described: every such license shall be known as a horizont described: every such license shall be known as a bonded manufacturing license and no such license shall be and no such license shall be granted to any person district the granting thereof has been approved by the inland inspector, and authorized by the Department of Inland Revenue, nor until be been approved by the Department of the with Revenue, nor until he has, jointly and severally with not less than two was sufficient sureties, to the satisfaction of the collector or some superior officer of Inland P superior officer of Inland Revenue, entered into a bond for Her Majesty. Her heirs and Her Majesty, Her heirs and successors, in the sum of five thousand dollars, and in a first thousand dollars, and in a further sum equal to the amount at which the said collector or the sum equal to the amount at which the said collector or superior officer of Inland Reenue estimates the maximum amount of duties on the goods to be manufactured by such to be manufactured by such person during any one month of the time it is to remain the formation of the time it is to remain the time it of the time it is to remain in force; and such bond shall be entered into before the said be entered into before the said collector or superior officer of Inland Revenue—who shall are a superior officer of instity Inland Revenue—who shall cause such sureties to justify as to their sufficiency before b as to their sufficiency before him, by affidavit indorsed upon such bond—and such bond in the bond in the such bond—and such bond shall be conditioned for and rendering of all accounts, inventories, statements and returns prescribed by low returns prescribed by law, and the payment of all duies and penalties which the payment of all duies and penalties which the person to whom the license providence of the person to whom the license providence of the person to whom the person to become shall a providence of the person to become shall be providence of the person to be person tob granted becomes liable to render or pay under the propy sions of this Act, and that such sions of this Act, and that such person will faithfully comply with the requirements there of with the requirements thereof, according to their intent and meaning as well with intent and meaning, as well with regard to such accounts inventories, statements returned to such accounts inventories, statements returned to such accounts as to inventories, statements, returns, duties and penalties, as to all other matters and things are 2. Every application to manufacture in bond shall con-in a description of all the article

What application for license must contain.

Conditions of

bond.

tain a description of all the articles to be used in the stating factory and of the articles to be produced therein, stating the quantity of each of the said the quantity of each of the said articles, respectively, manu, used in the production of a staticles, respectively, manu, used in the production of a stated quantity of the menerer factured article to be produced the menerer factured article to be produced therefrom; and whenever the proportions stated, as herein required, are such as the make an evasion of duty or loss of a make an evasion of duty or loss of revenue on any Inland said articles possible (of which it said articles possible (of which the Department of Inland: Revenue shall judge), the license articles refused: Revenue shall judge), the license asked for shall be refused:

License fees; on goods for consumption.

On goods for exportation.

3. The person in whose favor a license for manufaction is or an is or an is or an is of the second s turing in bond, for consumption in Canada only, is granted, shall, upon receiving such license shall, upon receiving such license, pay to the collector of Inland Revenue the sum of fifty doll

4. The person in whose favor a license is granted to man^{tr} cture in bond for exportation about facture in bond for exportation, shall, upon receiving such license, pay to the collector of Inter 1.7 license, pay to the collector of Inland Revenue the sum of three hundred dollars. 46 V three hundred dollars. 46 V., c. 15, s. 224, part, and s. 225.

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apply to bonded manufacturers. 46 V., c. 15, s. 227.

284. In addition to the general provisions of this Act Special prorespecting payment of duties and time and form of returns, returns. the provisions contained in the two sections next following apply to honded on the two sections next following de V c 15, s. 227.

Methylated spirits, being composed of alcohol mixed with Methylated ood naphtha in conclusion of alcohol mixed with Methylated spirits. Wood naphtha in such proportions and subject to such regu-lations as are from the proportions and subject to such regulations as are, from time to time, made by the Department of Inland Revenue—for every gallon of the strength of Noof, by Sikes' budgeneter and so in proportion for any proof, by Sikes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a sallon, fifteen control to any less quantity than a Sallon, fifteen cents. 46 V., c. 15, s. 226.

Vinegar containing six per cent. of acetic acid, the Vinegar. strength to be determined by such tests as are established by Order in Conneil by Order in Council, and so in proportion for any greater or less strength less strength—on every gallon or less quantity than a gallon,

Provided always, that the undermentioned articles, when Proviso: ex-anufactured in the undermentioned for consumption ception as to certain artimanufactured in bond, shall, when entered for consumption certain arti-to canada, be subject to the full give during of excise, and cles. in Canada, be subject to the following duties of excise, and cles.

sumption, shall be paid as a duty of excise when it is taken into the bonded manufactory :

Inland Revenue, as by this Act provided, that is to say :--All goods manufactured in bond shall, if taken out of On goods and for communicatured in bond shall, if taken out of ex- in manufactured in bond. bond for consumption in Canada, be subject to duties of ex- in bond. cise equal to the duties of customs to which they would be subject if imported by the duties of customs to which they would be subject if imported from the United Kingdom and entered for consumption in Cd from the United Kingdom and entered for consumption in Canada; and whenever any article not the produce of Canada; and whenever any article would be produce of Canada; and whenever any article not the levied if produced, upon which the duty of excise would be Articles not canada. levied if produced in Canada, is taken into a bonded manu- produced in Canada, is taken into a bonded manu- canada, is taken into a bonded manu- canada. factory, the difference between the duty of excise to which it would be a light between the duty of excise to which it would be so liable, and the customs duty which would be levied on and the customs duty which would be levied on such article, if so imported and entered for con-sumption shall h article, if so imported and entered for con-

goods manufactured in bond within Canada, the following duties of evolution of the collector of duties of excise, which shall be paid to the collector of inland Revealed to say :-

283. There shall be imposed, levied and collected on Duties of excise.

as are determined by departmental regulations in that behalf. 46 V., c. 15, s. 224, part.

282. When wood naphtha, wood alcohol, or any similar or Certain nivalent articles banded manufactory, it supplied equivalent article is to be used in a bonded manufactory, it supplied by Inland Revenue of the manufacturer by the Department of Department.

Chap. 32.

SUPPLY OF CERTAIN ARTICLES.

Inland Revenue, or by such agency and on such conditions as are determined or by such agency and on such conditions in that

235. Every person carrying on business as a bonded nanufacturer, shall render to the business as and Bere manufacturer, shall render to the collector of Inland Refe nue or other officer where What acnue or other officer whose duty it is to receive the same, a just and true account in another officer the same, a counts renderjust and true account, in writing, extracted from the books kept as by this Act provided ed to collector must show. kept as by this Act provided, which account shall exhibit (a) The quantity of each description of article or commorty brought into the manufacture dity brought into the manufactory, to which the account re-lates, during the preceding much (b) The quantity of each description of article or commor ty used in the production of articles dity used in the production of the manufactured articles made in the manufactory during the manufactured the sectory during the made in the manufactory during the preceding month; (c) The quantity of each description of article or commor ty removed from the manuf dity removed from the manufactory, or disposed of other wise than for the production of disposed in manufactory. wise than for the production of the articles therein manufactured or made. during the (d) The quantity of each description of manufactured ticle or commodity made or production of heav during article or commodity made or produced on each day during the preceding month, except so for the preceding month, except so far as it may be dispensed with by departmental regulations. (e) The quantity of manufactured product removed from le manufactory ; the manufactory; (f) The quantity entered for warehouse; and-(g) The quantity ex-warehoused and the quantity entered r duty, ex-manufactory. 46 V for duty, ex-manufactory. 46 V., c. 15, s. 228. **236.** Every such statement shall be made for and relate the month next preceding the d to the month next preceding the day on which it is made 46 V., c. 15, s. 229. DRAWBACK AND IMPORTATION OF MATERIAL IN BOND. 237. Every person who manufactures any goods in bond inder a license granted under this the structure of the under a license granted under this Act, and who production any of the goods so manufactured by the product of whereas any of the goods so manufactured by him, in the production whereof any article has been mod whereof any article has been used upon which duties the customs or excise have been used upon which upon he goods excustoms or excise have been paid by him, shall, upon be production of due proof of such used upon which duties he entitled production of due proof of such use and payment of duty, on entitled to receive a drawback are high paid of paid of the article entitled to receive a drawback equal to the duties paid in the production of the production of the articles used in the production. the articles used in the production of the goods exported in and the amount of such drawback and the amount of such drawback shall be determined and such manner, and the proof of the such manner, and the proof of the payment of the dots shall export of the goods for which the d export of the goods for which the drawback is claimed shall be of such nature, as are directed or mental resolution. be of such nature, as are directed or required by any departmental regulation in that behalf mental regulation in that behalf. 46 V., c. 15, s.

To be made for each month.

Drawback on

238. Every person licensed to manufacture in bond may Dutiable receive into the place for which his license is granted, as articles used into a bonded. into a bonded warehouse, and, except as is herein otherwise manufacture provided warehouse, and, except as is herein all such may be take provided, without payment of the duty thereon, all such may be taken spirits and ett spirits and other articles as are commonly used in the manu-facture of the articles as are commonly used in the manufacture of the goods for which the license is granted, on a permit for the goods for which the license is director of Inland Revenue, in such form, and on such bond being entered into and into, and on such form, and on such bond being the in Connection such conditions as are prescribed in any Order in Council or departmental regulation in that behalf; but no less guantities shall be so less quantity of such spirits or other articles shall be so received at received at any one time than might be taken out of bond for consumption. 46 V., c. 15, s. 231.

239. Except in the case of methylated spirits, goods Payment of duties on the place for which months manufactured manufactured for which months manufactured manufactured for which months manufactured manufactured manufactured for which months manufactured manufactu manufactured in bond shall remain in the place for which goods ma the license which shall remain in the place for which duties on the license which shall remain in the place for which goods ma subject to the factured, the license was granted, in like manner and subject to the factured, &c. like restrictions and to the supervision of the officers of Inland Romand to the supervision of the officers to other Inland Revenue, as by law provided with respect to other goods manned to the supervision of the content of the supervision of t goods manufactured in Canada and subject to excise-and the data at the data and subject to excise-and the duty thereon shall be paid in like manner within six days of the alternation of the state of days of the close of every month, unless such goods are then exported on the manner exported or warehoused, as they may be, in the manner provided

provided or warehoused, as they may be, in the V, c. 15 with respect to other goods subject to excise.

SUPERVISION.

240. On the first day of each of the months of October, Quarterly account of Inland Revenue stock. January, April and July, the inspector of Inland Revenue stock. shall cause to be taken an accurate account of the quantity account of of each of the articles entered for use in the bonded manu-factories and articles entered for use in the bonded manufactories under his survey, then in stock, as well as the quantity in process of the process of quantity in process of manufacture; and whenever it appears

(a) That the articles made in any bonded manufactory have been made in conformity with the law;

(b) That the conditions of the license have been complied ith as to the produced ; with as to the proportion of each article used and produced;

(c) That the quantities of the several articles then on and, together quantities of the several articles then for use hand, together with the quantities lawfully taken for use in the manufacture the quantities lawfully taken for use in the manufacturing of the articles for which the license is granted, trained granted, truly represent the whole quantity of the articles made entered into the manufactory, as shown by the returns made

lations made in that behalf-

The collector shall certify the quantity of each article so Certificate of collector, if satisfied. taken for use, and the account, with the manufacturer's satisfied.

bond, shall be credited with the quantities so certified: but—

2. When the quantity of any article found in stock is less an that which with the article found in stock for $u^{g\theta}$ than that which, with the quantity lawfully taken for use and accounted for would be and accounted for, would be equivalent to the whole quan-tity of such article taken into the tity of such article taken into the manufactory, the bonded for manufacturer shall forthwith manufacturer shall forthwith pay the amount of duty for which the quantity so definition which the quantity so deficient would have been liable if entered for consumption from entered for consumption from a regular bonding warehouse, and the duty so collected ability of and the duty so collected shall be held to be a duty of excise, and shall be collected excise, and shall be collected and accounted for as such 46 V., c. 15, s. 233

BONDING OR WAREHOUSING.

241. In addition to the general provisions of this the specting bonding or worker respecting bonding or warehousing, the provisions of this in the next following section contained next following section contained apply to bonded manufacturers. 46 V \approx 15 \approx 224 warehousing.

Least quantity to be ex-warehoused by one entry.

Special pro-

visions as to bonding or

Duty to be paid on short

stock.

Governor may make regulations for giving effect to foregoing provisions.

May require oath, and impose penalties.

242. No less quantity of goods manufactured in bond hall be ex-warehoused by one cost manufactured by lisble shall be ex-warehoused by one entry than would be light

REGULATIONS BY ORDER IN COUNCIL.

213. The Governor in Council may, from time to time, artymake such regulations as to him seem necessary for carry ing into effect and enforcing th ing into effect and enforcing the provisions of this Act res-pecting the manufacture of the provisions of this ware pecting the manufacture of goods in bond, or the water housing of such goods when housing of such goods when manufactured, and for in claring the true intent and manufactured, and is in claring the true intent and meaning of such provisions any case of doubt, and for doubt any case of doubt, and for declaring how far any of the provisions of this Act shall be model? visions of this Act shall be modified in their application to the manufacture of goods in back the manufacture of goods in bond and matters thereanto not lating, or for substituting other lating, or for substituting other provisions of the like nature in the place of any of them. in the place of any of them which cannot, in his opinion, conveniently be so applied . conveniently be so applied; and may, by such regulations, require any bond or any oth require any bond or any oath or affirmation which for deems requisite for the pure of affirmation , may, 1 deems requisite for the purposes aforesaid, and may, of breach of such regulations breach of such regulations, impose any penalty not exceeding five hundred dollars in any cost ing five hundred dollars in any case, or the forfeiture of the goods or articles or things in goods or articles or things in respect of which they bare been violated. 46 V. c. 15 a 200

TOBACCO AND CIGARS AND TOBACCO AND CIGAB

Interpretation:

244. In the following sections of this Act, unless the ontext otherwise requires --context otherwise requires :---

as is, from time to time, ordered and regulated by the Department of Inland Revenue;

(f) The expression "cancellation stamp or die" means "Cancellation ad includes one die" cancellation stamp or die" means "Cancellation and includes any distinctive stamp or punch used to im- stamp or die." press or print upon, or burn into, or indent any tobacco or cigar stamp and intervention of the stamp of the stamp and the stamp of the cigar stamp subject to the provisions of this Act, or of any Order in Conneil er to the provisions made under Order in Council or departmental regulation made under such provisional or departmental regulation made under such provisions; and such stamps or dies shall be of such form, material and such stamps or dies shall be of such form, material and design, and shall be used in such manner

(e) The expression "tobacco manufacturer" means and "Tobacco cludes every for him- manufac-turer" includes every person who manufactures tobacco for him- turer." self, or who employs others to manufactures tobacco, other than circura and the set of t than cigars, whether such manufacture is by cutting, casing, Packing provide the such manufacture is by cutting or packing, pressing, grinding, rolling, drying, crushing or raw leaf or mount leaf tobacco, or otherwise preparing raw leaf or manufactured or partially manufactured to-bacco, or the matufactured or partially manufactured tobacco, or the putting up for use or consumption of scraps, Waste, clinnings store up for use or consumption from Waste, clippings, stems or deposits of tobacco resulting from any process of here it. any process of handling tobacco, or by the working or preparation of row 1.5 tobacco, stems, scraps, preparation of raw leaf tobacco, or by the working clippings or leaf tobacco, tobacco stems, scraps, clippings or waste, by sifting, twisting, screening or any

bacco; and every work shop, office, store room, warehouse, shed, vard a shed, yard or other place where any of the raw material is or is to be stored is to be stored, or where any of the raw material and manufacture or preparation of manufactured tobacco is, or is intended to be carried on, or where any of the products of held to be included or are intended to be stored, shall be held to be included in and to form part of the tobacco manufactors to be included in and to form part of the tobacco; manufactory to which they are attached or are appurtenant;

means that which consists of ten per cent. of water and ninety Tobacco." tobacco, scraps, which consists of ten per cent. of all raw leaf tobacco, scraps, cuttings, stems and other unmanufactured in all inventories, tobacco, scraps, cuttings, stems and other unmanuest statements be computed and charged in all inventories, statements, accounts and returns, with reference to such standard, in such manner as is provided by departmental (d) The expression "tobacco manufactory" means and in-"Tobacco udes any place is worked tory" cludes any place or premises where raw leaf tobacco is worked tory." up into what is designated by this Act as manufactured to-bacco. and

(c) The expression "standard leaf tobacco" of all kinds, "Standard leaf tobacco" of all kinds, "Standard Leaf

(b) The expression "manufactured tobacco" means and "Manufac-includes every article made from raw leaf tobacco by any Tobacco." process of manufacture whatever, except cigars;

(a) The expression "raw leaf tobacco" means unmanufac- "Raw Leaf tobacco" tured tobacco, or the leaves and stems of the plant before Tobacco." they have passed through any process of manufacture;

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"Caution label." (g) The expression "caution label" means and includes the notice required by the provisions of this Act to be attached to all packages containing tobacco or cigars;

"Cigarette."

(h) The expression "cigarette" means any description of cigarette made of cut tobacco, and weighing not more than four pounds and a-quarter of a pound per thousand, and wrapped with paper or one single thickness of leaf tobacco, or of a description identical with a sealed sample, approved in by departmental regulations in that behalf and deposited in the office of the collector of Inland Revenue for the division in which such cigarettes are manufactured, or where any such cigarettes are imported;

" Cigar."

(i) The expression "*cigar*" means and includes every description of cigar and cheroot;

"Cigar manufactory." (j) The expression "cigar manufactory" means and in cludes any place or premises where raw leaf tobacco is worked up into what is described and designated as a cigar under this Act; and every workshop, office, storeroom, shed, yard or other place where any of the raw material is or is to be stored, or where any process connected with the manufacture or preparation of cigars is, or is intended to be carried on, or where any of the products of the manufacture are, or are intended to be stored, shall be held to be included in and to form part of the cigar manufactory to which they are attached or are appurtenant;

"Cigar manufacturer."

(k) The expression "cigar manufacturer" means and in cludes any person, who by himself or his agent, carries on the manufacture of cigars as defined by this Act; and the casing, packing, cutting, pressing, grinding, rolling, drying, crushing or stemming of any raw leaf tobacco or otherwise crushing of a cigar manufacture into cigars, as a be a working of a cigar manufactory, and an acting cigar manufacturer within the meaning of this Act;

"Tobacco stamp."

"Cigar stamp." (1) The expression "tobacco stamp" means any distinc" tive stamp affixed to any package of manufactured tobacco, as required by any of the provisions of this Act, or of any Order in Council or departmental regulation made and such provisions; and such stamps shall be made and affired in such manner and by such means as are, from time to time, ordered and regulated by the Department of Inland Revenue;

(m) The expression "*cigar stamp*" means any distinctive stamp affixed to any package of cigars, as required by any of the provisions of this Act, or of any Order in Council of departmental regulation made under such provisions; and such stamps shall be made and affixed in such manner and Chap. 82.

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by such means as are, from time to time, ordered and regulated by the Department of Inland Revenue;

(n) The expression "cigar sample box" means any box "Cigar sam-containing not more than twenty-five cigars, and each bear-ing the special more than twenty-five cigars and each bearing the special sample stamp provided by the Department of Inland P Inland Revenue, and which box the manufacturer of cigars is permitted to have, in his factory premises, open for the purpose of the in his factory premises of the purpose of the purpo purpose of exhibiting the cigars contained therein to his

(o) The expression "common Canada twist," otherwise "Canada twist," otherwise "Canada twist." called "tabac blanc en torquette," means the unstemmed, twist." unflavored and unpressed leaf of tobacco grown in Canada, twisted and unpressed leaf of tobacco grown in bereof or by a twisted and unpressed leaf of tobacco grown in annfacture manufacture into coils by the cultivator thereof or by a manufacturer of tobacco duly licensed under this Act to 46 V. c. 15, s. 237. manufacturer of tobacco duly licensed under time and an leaf tobacco only. 46 V., c. 15, s. 237.

245. In addition to the general provisions of this Act Special pro-specting light in the seven visions as to licenses. LICENSES. respecting licenses, the provisions contained in the seven licenses. sections next following apply to tobacco and cigars and tobacco and cigars apply to tobacco and cigars. tobacco and cigar manufacturers. 46 V., c. 15, s. 238.

246. Every application for a license for the manufactur. Application for a license to the matters for license to the matters set forth cer ing of tobacco or cigars shall, in addition to the matters set forth cer-the to be therein a first the matters of tain matters. required to be therein set forth by the general provisions of tain matters. this Act respecting licenses, contain a list and description of all tools and machinery used or proposed to be used in the business for machinery used or proposed to be used in the business for which the license is sought, especially of Dresson for which the license is sought, especially of mills-stating the all presses for which the license is sought, especially part of the building in which they are to be used; and shall there state is in which they are to be used; and shall is in the state of the building in which they are to be used and shall is in the state of the building in which they are to be used and shall is the state of the building in which they are to be used and shall is the state of the building in which they are to be used and shall is the state of the building in which they are to be used and shall be at the state of the building in which they are to be used and the state of the building in which they are to be used and the building in the state of the building in the state of the building in th further state whether any foreign or imported raw leaf tobacco is to be used in or brought into the factory for which the line used in or brought into the factory for

which the license is required. 46 V., c. 15, s. 239. 247. Every application for a license as a cigar manufac- Additional as

turer shall also state the number of persons employed, or to to cigar manufacturer shall also state the number of persons employed, or to to cigar manufacturer of the number of persons employed of the er sapplicabe employed, or to manufacture requirements of this Act 46 W or 15 s. 240.

requirements of this Act. 46 V., c. 15, s. 240.

248. A license to carry on the trade or business of a Conditions of the conditions tobacco or cigar manufacturer may be granted to any person license. who has complied with the provisions of this Act, if the Security. granting of such license has been approved of by the district inspector, and the person has, jointly with not less than two nor more than the person has, jointly with not less than two hor more than six good and sufficient sureties, entered into a hond to Her Majesty, Her heirs and successors, in a sum equal to the amount at which the collector of Bond. Inland Revenue estimates the duties to accrue on the goods to be manufactured by the person to whom the sold to be granted, during one month of the time it

is to remain in force, and to such further amount as the collector of Index 1 P collector of Inland Revenue deems sufficient to cover the duty on goods remaining duty on goods remaining in warehouse, from time to time, during the currence of the li during the currency of the license about to issue; and such latter amount shall be det latter amount shall be determined by such means as the Department of Inland D Department of Inland Revenue prescribes; the person obtaining the license being the person obtaining the license being bound in the full amount of such estimates and the curvet such estimates, and the sureties each severally for such amount as that the sureties for such severally for such amount as that the sums for which they are respectively bound shall together be are the sums for which they are respectively bound shall, together, be equal to the amount of such esti-mates : and such bound shall. mates; and such bond shall be entered into before the said collector of Inland Roverna in the said collector of Inland Revenue, his deputy or other officer authorized thereto by the deputy thorized thereto by the department—who shall cause such sureties to justify as to the sureties to justify as to their sufficiency before him, by affidavit indorsed upon such har a affidavit indorsed upon such bond—and such bond shall be conditioned that he shall conditioned that he shall render correctly all the returns, inventories. statements and inventories, statements and accounts prescribed by law; that he shall pay all during and that he shall pay all duties and penalties which he becomes liable to pay under the preservice liable to pay under the provisions of this Act, and that he shall comply with all the shall comply with all the requirements of the law relating to the manufacture and work to the manufacture and warehousing of tobacco or cigars, according to their true int according to their true intent and meaning, as well with regard to such returns regard to such returns, inventories, statements, accounts, duties and penalties as to all at duties and penalties, as to all other matters and things what soever. 46 V. e. 15 e. 241 249. No manufacturer of tobacco shall, in such licensed

premises, carry on the business of a cigar manufacturer, nor shall a cigar manufacturer

shall a cigar manufacturer carry on, in such licensed pro-mises, the business of a manufacturer carry on, in such licensed pro-

mises, the business of a manufacturer of tobacco, nor shall either carry on in his licensed

either carry on in his licensed premises any other business deemed by the Department of L

deemed by the Department of Inland Revenue to be incom-patible with the business and patible with the business engaged in by him, and for which he has obtained a license for the business engaged in by him, and for traland he has obtained a license from the Department of Inland Revenue. 46 V. c. 15 c. 242

Tobacco manufacturer not to make cigars and vice versa.

Licensed premises must be near Inland Revenue station.

Proviso: as to renewal of licenses.

250. No license shall be granted to any person as in bacco or cigar manufactures in tobacco or cigar manufacturer for carrying on business and any building or premises under the any building or premises, unless the same is within one is one-half mile of a place where a manufacture of the same is within one is one-half mile of a place where an officer of Inland Revenue is stationed at the time the application of the stationed at the station stationed at the time the application is made, or within one and one-half mile of the limit. and one-half mile of the limits of any city or incorporated town: Provided always that the town: Provided always, that the provisions of this section shall not operate to prevent the shall not operate to prevent the granting of new der any from time to time, to persons holding licenses under any Act relating to Inland Revenue on the twenty-fifth $\frac{day}{46} \sqrt{\frac{1}{3}}$. May, one thousand eight bundred on the twenty fifth $\frac{day}{46} \sqrt{\frac{1}{3}}$. May, one thousand eight hundred and eighty-three. c. 15, s. 243.

License fee; foreign leaf.

251. The person in whose favor a license for manufacturing tobacco or cigars in a license for foreign turing tobacco or cigars in whole or in part from foreign leaf tobacco is granted shall and half of the license leaf tobacco is granted, shall, upon receiving such license,

Conditions of bond.

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Pay to the collector of Inland Revenue the sum of seventy-

². The person in whose favor a license for manufacturing And Cana-tobacco or cigars exclusively from tobacco grown in Canada granted at it exclusively from tobacco grown in the is granted, shall, upon receiving such license, pay to the collector of shall, upon receiving such license, pay to the collector of Inland Revenue the sum of fifty dollars. 46 V.,

252. Every collector of Inland Revenue shall cause the Manufactories several manufactories of tobacco and cigars in his division ed and be number of tobacco and cigars in his division ed and to be numbered in accordance with a register kept in the registered. Department of Inland Revenue, which registered number shall be in the inland Revenue, which registered number shall be issued from the Department of Inland Revenue, and shall not the registered number shall not thereafter be changed; and the registered number for tobaccion to changed; and the registered number for tobacco manufactories shall be separate and distinct from those is V = 15.8. 245.

those issued to cigar manufactories. 46 ∇ ., c. 15, s. 245.

8PECIAL OBLIGATIONS OF PERSONS LICENSED AS MANUFAC-TURERS OF TOBACCO AND CIGARS.

253. Every manufacturer of tobacco or cigars shall, at Application and de- for license to specify one the time when he applies for a license, mention and de- for license to specify one scribe in the papers accompanying his application, some one entrance into certain entrance accompanying his application, some one entrance into for raw leaf certain entrance to his manufactory as that at which raw for raw leaf tobacco will his manufactory as that at which raw for raw leaf leaf tobacco will be brought in, and shall place over the tobacco. entrance so mentioned a sign, in Roman characters, written or painted : or painted in oil colors, at least three inches in height, con-taining these words: "Raw Leaf Tobacco Entrance;" and no manufacturer of tobacco or cigars shall receive raw leaf tobacco into his manufactory through any other entrance or opening the manufactory through any other entrance and set opening than the one so mentioned, designated and set apart for that purpose. 46 V., c. 15, s. 246.

254. Every manufacturer of tobacco or cigars shall post Notice to be p in a compartment in posted in all apartments. b in a conspicuous place in each room or compartment in apartments. his manufactory (and to the satisfaction of the collector or other superior (and to the satisfaction) a printed notice, other superior officer of Inland Revenue), a printed notice, the letters of the inland revenue), a printed notice, the letters of which shall be at least one-quarter of an inch in height to the full in height, to the following effect: "The Inland Revenue Act provides that the following effect: "The Inland Revenue Act provides that raw leaf tobacco may only be brought into a Form of description or given leaf tobacco may only be brought into a Form of description of given leaf tobacco may only be brought into a Form of description of given leaf tobacco may only be brought into a Form of description of given leaf tobacco may only be brought into a Form of description of given leaf tobacco may only be brought into a Form of description of given leaf tobacco may only be brought into a Form of description of given leaf tobacco may only be brought into a Form of description of given leaf tobacco may only be brought into a form of description of given leaf tobacco may only be brought into a form of description of given leaf tobacco may only be brought into a form of description of given leaf tobacco may only be brought into a form of description of given leaf tobacco may only be brought into a form of description descriptin description description description description d tobacco or cigar manufactory through the one entrance, designated by the manufactory through the one entrance, designated by the sign containing the words 'Raw Leaf To-bacco Entropy the sign containing the words 'Raw Leaf Tobacco Entrance, and that any manufacturer who brings haw leaf tobacco into his manufactory by any other than the mention of the brings foreign leaf toabove mentioned entrance, or who brings foreign leaf to-bacco into bacco into a manufactory licensed to use Canadian leaf tobacco only, or who brings any Canadian or other raw or entering the a manufactory without reporting the same or entering the quantity so brought in, in his stock book, dollars; and further that all mode subject to excise, on the dollars; and further, that all goods subject to excise, on the

premises at the time the offence is committed, shall be for-feited." 46 V ≈ 15 = 245 feited." 46 V., c. 15, s. 247.

DUTIES OF EXCISE.

255. There shall be imposed, levied and collected on to bacco and cigars manufactured in Canada, the following duties of excise which challed Duties of duties of excise, which shall be paid to the collector of In-land Revenue as by this A-t excise. land Revenue as by this Act provided, that is to say On all chewing and smoking tobacco, cigarettes, fine-cut, vendish, plug or twist and cavendish, plug or twist, cut or granulated, of every de scription; on tobacco twist. On manufacscription; on tobacco twisted by hand or reduced into a condition to be consumed and tured tobacco : condition to be consumed, or in any manner other than the ordinary mode of drying and ordinary mode of drying and curing, prepared for sale or consumption. even if prepared for mar consumption, even if prepared without the use of any marchine or instrument and without the use of any marchine or instrument and without the use of any marchine or instrument and without the use of any marchine or instrument and without the use of any marchine or instrument and without the use of any marchine or instrument and without the use of any marchine or instrument and without the use of any marchine or instrument and without the use of any marchine or instrument and without the use of any marchine or instrument. chine or instrument and without being pressed or sweet-ened, and on all fine-out short ened, and on all fine-cut shorts and refuse scraps, cuttings and sweepings of tobaccast and On all snuff, manufactured of tobacco, or any substitute for bacco, ground. dry scontal tobacco, ground, dry, scented or otherwise, of all descriptions, when prepared for use On snuff: tions, when prepared for use and containing not more than forty per cent. of moisture Made in whole or in part from foreign or imported raw in whole or in leaf tobacco, or the product in any form, in whole or in part leaf. of foreign raw leaf tobacco; On every pound, actual weight, twenty cents—except that garettes or cut tobacco, where cigarettes or cut tobacco, when put up in packages duty ing one-twentieth of a pound Duty. ing one-twentieth of a pound or less, each, shall pay a duty of thirty-five cents per pound Snuff flour, when sold or removed for use or consumption in all pay the same duty are and the same duty are an shall pay the same duty as snuff, and shall be put up in packages and stamped in the Snuff flour. packages and stamped in the same manner as is herein pro-scribed for snuff completely scribed for snuff completely manufactured, except that snuff flour not prepared for use but that snuff flour not prepared for use, but which needs to be subjected to further processes by sifting which needs to be subjected to further processes by sifting, pickling, scenting or other wise, before it is in a condition for the subject of the subject wise, before it is in a condition fit for use or consumption, may be sold by one tobaccommunity of the sold may be sold by one tobacco manufacturer directly to another tobacco manufacturer and with tobacco manufacturer, and without the payment of the duty, under such regulations as an antiunder such regulations as are provided in that behalf by the Department of Inland Revenue On damp or moist snuff, when containing over forty or cent. of moisture and when per cent. of moisture, and when put up in packages of five pounds each, and over found On moist pounds each, and over, fourteen cents per pound, actual weight; 8nuff On damp or moist snuff, when containing over forty per nt. of moisture, and when cent. of moisture, and when put up in packages of

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 ${}^{than five}_{weight}$ pounds each, twenty cents per pound, actual

And all snuff, whether the product of foreign or domes- Same daty on c leaf tobaccit, whether the product of foreign or domes- Same daty on all snuff. tic leaf tobacco, shall be subject to the same rates of duty all snuff. as above provided;

On cigars of all descriptions, made in whole or in part On cigars from foreign or imported leaf tobacco, or any substitute foreign leaf. therefor, six dollars per thousand ;

On cigars of all descriptions, made solely from tobacco On cigars own in Contract all descriptions, made solely from tobacco On cigars Canadian grown in Canada, and made in a manufactory where no for- Canadian eign or importation and made in a manufactory where no for- Canadian eign or imported leaf is used or kept, three dollars per leaf.

On manufactured tobacco of all kinds (including common On manufac-anada twist) tobacco grown in tured tobacco grown in tured tobacco made from Canada twist) when made solely from tobacco grown in made from made from the canada and on the canada solely from tobacco grown, by the Canadian leaf. Canada, and on the farm or premises where grown, by the Canadian leaf. cultivator thereof, or in a manufactory where no imported or foreign leaf is used or kept, on every pound, actual weight, and c. 62 . 14 V., c. 15, s. 248;—48-49 V., c. 61, s. 10, part,

256. A drawback at the rate of two per cent. on the value Drawback on the stamps which at the rate of two per cent. on the value Drawback of and cigarettee of the stamps used shall be allowed to manufacturers of and cigarettes foreign leaf tobacco licensed under this Act, in respect of all in certain entered for data cigarettes manufactured by them when cases. entered for duty ex-manufactory and put up in packages Weighing on a weighing on a state of the drawback shall be paid Weighing one pound and less—which drawback shall be paid nonthly by the Department of Inland Revenue under regu-lations established of the council in that behalf; lations established by the Governor in Council in that behalf; bacco that has been placed in warehouse. 46 V., c. 15, s.

COLLECTION OF DUTIES ON TOBACCO AND CIGARS.

257. All manufactured tobacco and cigars, whether im- Packing and pared by the manufactured in Canada, shall be put up and pre- tobacco. pared or manufactured in Canada, shall be put up and r for sale. Or for manufacturer or importer before they are offered for sale, or for removal for sale or for consumption, in packages of the following description, and in no other manner, and shall be stamped by the manufacturer or importer in such manner and by the manufacturer or importer in such manner as is required by any departmental regulation, and to the satisfaction of the collector or other proper offi-

(a) All cavendish, plug and twist tobacco in rectangular Cavendish, wooden boxes, except as hereinafter provided, containing twist. from ten boxes, except as hereinafter provided, contained forty pounds inclusive, from thirty-five to pounds inclusive pounds inclusive. forty pounds inclusive, from thirty-inclusive, from thirty-inclusive, from sixty to eighty pounds inclus-

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	ive, or from one hundred to one hundred a inclusive :	nd ten pour
Fine cut, &c.	(b) All fine-cut chewing tobacco and all tobacco not otherwise provided for, in packa one-twentieth, one-sixteenth, one-tenth, one-e one-fourth, or one-half of one pound or one that fine-cut chewing tobacco, when of a c scription identical with a sealed sample appr- mental regulations in that behalf, and deposi of the collector of Inland Revenue for the di the tobacco is manufactured, or where any imported, may, at the option of the manu- porter, be put up in wooden packages contai pounds each;	other kinds of ages containing highth, one-fifth, pound—except quality and de- oved by depart- oved by depart- ted in the office vision in which such tobacco is afacturer or im- ning five or ten
Cut and granulated tobacco, &c.	 pounds each; (c) All cut and granulated tobacco, other chewing, all shorts, the refuse of fine-cut chewhich has passed through a riddle of thirty the square inch, and all refuse scraps, cutting ings of tobacco, in packages containing one sixteenth, one-tenth, one-eighth, one-fifth, one-half of one pound or one pound each; 	ngs and swore- -twentieth, or one-fourth, or
Snuff. Exception.	one-half of one pound or one pound each; (d) All snuff in packages containing one eighth, one-fourth or one-half of one poun each, or in wooden packages, containing fiv each—except that snuff, when containing per cent. of moisture, may, in addition to th up in packages containing twenty poun weight;	more than to put ne above, be put ds each, actual
Cigarettes.	 (c) All cigarettes in packages containing of twentieth, one-sixteenth, one-tenth, one-eight fourth, or one-half pound each ; 	one-fortieth, one th, one-fifth, one
To be put up in unused packages.	(f) All manufactured tobacco of every de snuff, whether plug, cut, cigarettes or other in packages not before used for that purpos	escription, control r, shall be put up se;
Quantities less than one pound.	nomination of stamp then authorized and i	1 487
Cigars. Exception.	nomination of stamp then authorized and i (h) All cigars shall be packed in wooden hereinafter provided) not before used for th taining respectively ten, twenty-five, fifty, two hundred cigars each; but Manilla cigar but not imitations thereof, may, when impo- be contained, in addition to the above-nam- boves of five hundred coch	hat purpose, con
	boxog of fine handred and handred	

boxes of five hundred each :

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2. Every wooden, metal or other package containing Packages to bacco work wooden, metal or other package containing Packages to tobacco weighing one pound or over, shall have printed be marked. or marked thereon the registered number of the manufactory, the number of the Inland Revenue division in which the manuf the manufactory is situated, and the gross weight, the tare and the net weight of the tobacco in each package:

Provided, that fine-cut, shorts (the refuse of fine-cut chew- Proviso: ex-g tobacco) the fine-cut, shorts (the refuse of fine-cut chew- Proviso: ex-tobacco, may be sold in bulk as material, and without the shorts, &c. payment of duty, by one manufacturer directly to another manufacturer directly to another manufacturer, or for exportation, under such restrictions, rules and the for exportation of Inland Revenue rules and regulations as the Department of Inland Revenue prescribes regulations as the Department of Inland Revenue prescribes; and provided further, that wood, metal, paper or other material provided further, that wood, metal, paper or other material may be used separately or in combination Department of or cigars, under such regulations as the

Department of Inland Revenue prescribes. 46 V., c. 15, s. 250; 48-49 V., c. 62, s. 15.

258. All boxes containing cigars shall have stamped, Boxes of arned on the containing cigars to douted in a legible stamped burned or impressed into them or indented in a legible stamped with the manufactor registered and durable manner, the registered number of the manufac- registered tory where tory where made, the number of the Inland Revenue divi- number of manufactory, which the number of the Inland Revenue divi- number of manufactory, sion in which the number of the Inland Revenue and the number &c. of cigars cont, the manufactory is situated, and the number &c. of cigars contained in each box; and such stamping, indent-ing, burning in each box; and such stamping, indenting, burning or impressing shall be done in such manner as is determined in each box; and such stamping, $V_{, C, 15}^{s, ourning}$ or impressing shall be done in such many $V_{, C, 15}^{s, ourning}$ by the Department of Inland Revenue. 46

259. All manufactured tobacco and cigars imported from Imported robacco and cigars imported from Imported tobacco a foreign countries shall have the stamps affixed and cancelled tobacco and tigars imported from imported tobacco and tobacco an by the owner or importer thereof while they are in the cigars to be clastody of the owner or importer thereof while they are in the cigars to be custody of the proper custom house officers, and such tobacco stamped. or cigars shall not pass out of the custody of the said officers, until the stall not pass out of the custody of the said officers until the stamps have been so affixed and cancelled: such tobacco or cigars shall be put up in packages, as prescribed And put up in packages, as prescribed And put up in packages, as prescribed in prescribed to packages. stamps are affixed: and the owner or importer thereof shall be subject to all the penal provisions prescribed in respect of manufactured in respect in anufactured in respect in resp of manufacturers of tobacco or cigars manufactured in canada: Provide of tobacco or cigars intended Canada: Provided, that imported tobacco or cigars intended Proviso: re-moval in her removal in her place within Canada, bond. for removal in bond to another port or place within Canada, bond.

may be removed in bond to another port or place within Canada as are established to such other port under such regulations as are established by the Governor in Council :

2. All imported manufactured tobacco and cigars, which, If not in prescribed imported manufactured tobacco and cigars, which, If not in prescribed prescribed in the respective packages when imported manufactured tobacco and cigars, which, ^{lf not in} kinds required, are not packed in packages of the respective packages to in a customs when the provisions of this Act, shall be bonded be bonded. in a customs warehouse approved of by the collector of s_{a} the col customs warehouse approved of by the concern equal to double the amount of customs duty to which the

tobacco or cigars are liable, and the conditions shall be that the customs duty shall be reid to conditions shall be reight the customs duty shall be paid, that such tobacco or cigars shall, within such limited time shall, within such limited time and in accordance with such conditions as are fixed by conditions as are fixed by regulation of the Governor re Council, be packed by the interview of the covernor re Council, be packed by the importer in packages of the red spective kinds required by the spective kinds required by the provisions of this Act, and duly stamped, or be exported 252

Removal of stamps when a package is emptied,

Empty stamped packages not to be retained.

Empty or partly filled stamped packages not to remain in manufactory.

As to sample boxes.

Empty stamped packages to be destroyed.

260. Whenever any stamped box, bag, vessel, wrapper is envelope of any kind control box, bag, vessel, cioars, is or envelope of any kind, containing tobacco or cigars, by emptied, the stamp or stamps to emptied, the stamp or stamps thereon shall be destroyed by the person in whose hands the

2. No licensed tobacco or cigar manufacturer, dealer or her person, shall rotain in the second second other person, shall retain in his possession any stamped package used for putting up package used for putting up or packing tobacco or cigars, upon which there remains and packing tobacco or cigars, upon which there remains any inland revenue or customs stamp or any part of such stamp stamp or any part of such stamp, after the contents thereof have been removed .

3. No empty or partly filled package of a description such is used for packing tobacce as is used for packing tobacco or cigars, and having attached to it any stamp or part of a star to it any stamp or part of a stamp, whether such stamp has been defaced or not and orout been defaced or not and—except under specific provisions established by Order in Connecil established by Order in Council—no package, the stamp which has been cut or broken all the package, the stamp which has been cut or broken, shall be brought into or remain in any tobacco or cigar manufacture in any tobacco or cigar manufactory; Provided, that packages containing samples of cigars and containing samples of cigars, each containing not more cigar twenty-five cigars. may be and twenty-five cigars, may be and remain open in the the manufactory where the same manufactory where the same were manufactured, for the purpose of exhibition to the purpose of exhibition to the customers of the manufactured, hall be but all such packages containing samples of cigars shall be regularly and duly stamped with regularly and duly stamped with a duty paid stamp and bear all the marks, the cantion label bear all the marks, the caution label and any other information required by the Department of any other information is and tion required by the Department of Inland Revenue; in the said packages containing the said packages containing samples of cigars if found in the possession of any other packages of any other the possession of any other person than the licensed manufacturer, and elsewhere there is a set of the set of facturer, and elsewhere than on the factory premises where made, or than in the possession of the authorized made, or than in the possession of his duly authorized by travelling agent. shall be formed travelling agent, shall be forfeited, and shall be seized by any officer of excise or customer and shall be seized.

261. Every such empty box or other package upon which ere remains any tobacco and the package upon which of the remains any tobacco and the package upon which of the remains any tobacco and the package upon which of the pack there remains any tobacco or cigar stamp, in violation of this Act, shall be destroyed by an any tobacco or cigar stamp, in the state of the state o this Act, shall be destroyed by an officer of customs or nected cise, who shall report the mbal cise, who shall report the whole circumstances connected with the discovery and destruction of the collection of the col with the discovery and destruction of the same to the collect tor of Inland Revenue within tor of Inland Revenue within whose division such empty stamped box or package way for stamped box or package was found. 46 V., c. 15, s. 254. **262.** Every such empty box or package, on which there mains any tobacco or given at

Act to apply to stamps

remains any tobacco or cigar stamp or part thereof, shall

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be subject to the provisions of this Act, whether such stamp heretofore Was affired a fixed a fixed. was affixed to the provisions of this Act, whether such stamp interest into force of the box or package before or after the coming affixed. into force of this Act. 46 V., c. 15, s. 255.

268. All cavendish, plug and twist tobacco shall be What shall be been put up in completely manufactured as soon as it has completely and from the sweat room: of plug and been put up in packages and moved from the sweat room: of plug and twist.

2. All cut and granulated smoking, fine-cut chewing Cut tobacco, bacco sping of tobacco &c. tobacco, snuff, cigarettes and all other descriptions of tobacco &c. and cigars, shall be considered as completely manufactured as soon as the considered as completely manufactured 46 V., c. 15, as soon as they have been put up in packages. 46 V., c. 15, 8.256

264. All tobacco and cigars, the manufacture of which Monthly re-produced, and at the month, shall be returned as pleted manuproduced, and at the end of each month shall either be facture. entered for duty ex-manufactory, or be warehoused. 46 V., c. 15, g $_{5,7}$

265. The deficiency between the raw leaf tobacco and Deficiency between ray in the material at material at material at material at material at the material other materials taken for use and the manufactured to bacco and between raw het other products of and other products resulting therefrom during the period products of manufactory, manufactory, between any two stock-takings, in any tobacco manufactory, manufactory.

shall not at any time exceed six per cent. 46 V., c. 15, s. 258.

twenty-five pounds of unstemmed raw leaf, scraps, cuttings material in ther material to the material to the material to the scraps and the scraps are the scraps. or other material taken for use in a cigar manufactory, at cigars. least one thousand cigars; but if at any time the Depart-herein establishing Revenue determines that the standard herein established exceeds or falls short of what is hereafter ascertained

ascertained to be the true standard, the Governor in Council may amound to the true standard, the Governor in the true standard to the true standard to the true standard to the standard to t may amend to be the true standard, the Governor in content of three such standard by regulation, to the extent of three pounds. 46 V., c. 15, s. 259.

267. Tobacco and cigars may be re-worked under such Re-working les and remulation of cigars may be re-worked charges as the tobacco and cigars.

rules and regulations and subject to such charges as the tobacco and cigars. Department of Inland Revenue prescribes. 48-49 V., c. 62,

268. All raw leaf tobacco, stems, cuttings, liquorice, Disposal of raw material shall, when brought into, deal, in, or removed for material shall, when brought into, used in, or removed from a tobacco or cigar manufactory, be dealt with in such manner and under such regulations as Department of manner and under such regulations as raw material. the Department of Inland Revenue prescribes. 46 V., c. 15,

289. No foreign leaf tobacco shall be brought into any No foreign have on circular license for license tobacco or cigar manufactory licensed to use Canadian leaf license for Canada leaf. tobacco only. 46 V., c. 15, s. 262. Canada leaf.

Duty to be paid on short production.

270. Whenever it is ascertained by stock-taking that the andard of production article in the bas standard of production established by or under this Act has not been reached by any standard by or under this cigars. not been reached by any manufacturer of tobacco or cigars, the commissioner of Tribulation of the commissioner of the tribulation of tribulation of tribulation of the tribulation of tribulation Inland Revenue may make an the collection assessment and order the collection from such manufacturer of the duty at the ball turer of the duty at the highest rate chargeable on the manufactured tobacco or similar to the constant of the duty at the highest rate chargeable σ is manufactured tobacco or similar to the duty of the duty manufactured tobacco or cigars so deficient. 46 V., c. 15, s. 263.

Manufactured tobacco to he in stamped packages.

Packages to be labelled and numbered by manufacturer.

Label to be affixed by importer on packages of tobacco.

Label to be affixed to packages of cigars by manufacturer.

271. No manufactured tobacco or cigars shall be sold of fered for sale. unless put up offered for sale, unless put up in packages and branded and stamped as prescribed in the stamped as prescribed in this Act, and then under such conditions as are prescribed by the conditions as are prescribed in this Act, and then under soil 46 V., c. 15, s. 264 nort

272. Every manufacturer of tobacco shall, in addition to mplying with all other received complying with all other requirements of this Act relating to tobacco, print on each made to tobacco, print on each package, or securely affix by posting on each package containing on each pac ing on each package containing tobacco manufactured by of for him, when containing many th for him, when containing more than one pound, a label, which shall be printed the point of the p which shall be printed the number of his manufactory, number of the Inland Revenue of the manufactory manufactory. number of the Inland Revenue division in which his manufactory, factory is situated, and these Form of label. factory is situated, and these words : "NOTICE :--- The manuf facturer of this tobacco have facturer of this tobacco has complied with all the requirements of the law. Even and the requirements of the law. ments of the law. Every person is directed to open is package in such a manuer as to l package in such a manner as to break the stamp, or the eautioned not to use this package cautioned not to use this package for tobacco again, ackage stamp thereon, or to remove the stamp thereon, or to remove the contents of this package without destroying the sold state without destroying the said stamp, under the penalties provided by law in such cases" vided by law in such cases." 48-49 V., c. 62, s. 18, Part.

273. Every importer of tobacco shall, in addition to com-ying with all other requirements plying with all other requirements of this Act relating by imported tobacco, print on coch imported tobacco, print on each package, or securely affix by pasting on each package contained by or pasting on each package containing tobacco imported by or for him, when containing many in the second package and for him, when containing more than one pound, a label, be which shall be printed the norm which shall be printed the name of the port where, and the number of the entry under where number of the entry under which such tobacco is ex ware housed for duty, and these words Form of label. housed for duty, and these words : "NOTICE :- The importer of this tobacco has complied - ''' of this tobacco has complied with all the requirements of the law. Every person is directed to Every person is directed to open this package in such ner as to break the stamp and th a manner as to break the stamp, and is cautioned not to use either this package for tobacco either this package for tobacco again, or the stamp instroying or to remove the contents of the or to remove the contents of this package without destroying the said stamp, under the package without destroying the said stamp, under the penalties provided by law in such cases." 48-49 V., c. 62 s 18

274. Every manufacturer of cigars shall securely after pasting on each package countries by pasting on each package containing cigars manufactured by or for him, a label, on which chall by or for him, a label, on which shall be printed the number of his manufactory. and the number of his manufactory. ber of his manufactory, and the number of the Inland and nue division in which his manufactory and the number of the Inland and the number of the Inland and nue division in which his manufactory is situated, these words: "NOTICE:-The The The State of the Cigars these words : "NOTICE :- The manufacturer of the cigars

required by law, and to merchants and others who have given

which the stamp into the wood or other many of the package is composed, with a steel die: 2. Such stamps shall be furnished to the collectors requir- Stamps to be them, and each with the stamps of all times a supply furnished to collectors. ing them, and each collector shall keep at all times a supply furnished to the brokehi and shall issue equal to the probable demand for three months, and shall issue and for three months in his the same only to the tobacco or cigar manufacturers in his division who have given bonds and paid their license fee as

be prepared with the original for the duty on duty. to be prepared suitable and special stamps for the duty on duty. manufactured suitable and special stamps for the day, in the case of tobacco and cigars, which shall indicate, in the case of tobacco, the weight of the article on which bayment is to back and in the case of which case of tobacco, the weight of the armonic cigars, payment is to be made, and in the case of in the number, and shall be affixed and cancelled the commissioner of in the number, and shall be affixed and cancelling Inland Revenue; and tobacco stamps when used on any Cancelling Wooden nachane, and tobacco stamps when used on any Cancelling tobacco stamps. wooden package, or on a metal package, —which shall tobacco wood or such other material as the Department of Inland Revenue prescribes,—shall be cancelled by sinking a por-tion of the states,—shall be cancelled by sinking a fortion of the stamp into the wood or other material of which the package into the wood or other material of

2. The said Department may, by departmental regula- Form of vary the continue of the continue notice in notice model. tion, vary the form, wording or use of the caution notice in notice may be varied. the four sections next preceding provided for. 46 V., c. 15, 8. 269; 48.40 V 8. 269; 48-49 V., c. 62, s. 19.

the Department of Inland Revenue :

276. Such label or caution notice shall be of such dimen-Dimensions of and shall be a caution notice shall be package containing labels. sions and shall be placed upon the package containing labels. tobacco or cigars in such manner as are prescribed by

275. Every importer of cigars shall securely affix, by Label to be affixed to marking on each imported by or affixed to packages of pasting on each package containing cigars imported by or affixed to for him, a label, on which shall be printed the name of the cigars by im-citat which and the shall be printed the name of the cigars by im-Port at which, and the number of the entry under which such porter. complied with all the requirements of the law. Every person is directed to open this package in such a manner as to break the store open this package in such a manner as to break the stamp, and is cautioned not to use either this package for cigars again, or the stamp thereon, or to remove, the contents of the stamp, the stamp, the contents of this package without destroying the stamp, under the possible package without destroying the stamp, 46 V., Under the penalties provided by law in such cases." 46 $\vec{V}_{.,}$

herein contained has complied with all the requirements of Form of label. the law. Every person is directed to open this package in such a mannery person is directed to open this package in the section of the sectio such a manner as to break the stamp, and is cautioned not to use either this package for cigars again, or the stamp thereon or the package for cigars again, or the stamp thereon, or to remove the contents of this package without destroying the remove the contents of this package without destroying the said stamp, under the penalties provided by law in such access in the said stamp. law in such cases." 46 V., c. 15, s. 267.

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bonds and taken out a license for an excise bonding ware house, under such reculation house, under such regulations as are prescribed by Department of Inland Power Department of Inland Revenue; and every collector shall keep an account of the number keep an account of the number, amount and denominate values of stamps issued by him stamps issued. values of stamps issued by him to each manufacturer or other person aforesaid.

3. Such stamps as are required to stamp tobacco or cigars ld under distraint by any call sold under distraint by any collector of Inland Revenue, or for stamping any tobacco for stamping any tobacco or cigars which have been about doned, condemned or forfait. doned, condemned or forfeited, and sold by order of the court or of any Government. court or of any Government officer for the benefit of the Dominion of Canada man Dominion of Canada, may, under such rules and regula-tions as the Department of the such rules and regulations as the Department of Inland Revenue prescribes, be used by the collector in the colle be used by the collector making such sale, or furnished by a collector to a shariff or the sale, or furnished by a collector to a sheriff or to any other Government officer making such sale for the officer making such sale for the benefit of Canada:

Disposal of forfeited tobacco when not worth the duty.

Collectors to

Stamps for

forfeited

tobacco.

Cancellation of tobacco and cigar stamps: how and when to be effected.

Instruments for attaching and cancelling stamps.

Department

ling them.

4. If it appears that any abandoned, condemned or forfeited bacco or cigars when offered tobacco or cigars, when offered for sale will not bring a price equal to the duty due and were high a set of the bring a price equal to the duty due and payable thereon, such tobacco or cigars shall not be sold for cigars shall not be sold for consumption in Canada Reve upon application made to the commissioner of Inland cigars nue, he may order the destruction of such tobacco or are st by the officer in whose custody and control the same are at the time, and in such manner the time, and in such manner and under such regulations as the Department of Inland Port 46 V., C. 15, s. 270;-48-49 V., c. 62, s. 20.

278. The cancellation of tobacco and cigar stamps shall by means of such dies and cigar stamps of be by means of such dies or device as the Department of Inland Revenue prescribes and shall i Inland Revenue prescribes, and shall be performed by the person entering the goods for person entering the goods for consumption before the pack-ages leave his premises ABV

279. The Department of Inland Revenue may prescribe such instruments or other means for attaching, protecting and cancelling tobacco and size and cancelling tobacco and cigar stamps, as are approved by the Governor in Conneil and the Governor in Council; and such instruments or other appliances shall be furnished. pliances shall be furnished by the Department of Inland Revenue to the person using the department of fixed of Revenue to the person using the stamps to be affixed of cancelled therewith under and cancelled therewith, under such regulations as the 272. ment of Inland Revenue prescribes. 46 V., c. 15, s. 272.

280. The Department of Inland Revenue may establish id, from time to time alter and, from time to time, alter or change the form, style, character, material and device of stamps, marks character, material and device of any stamp, mark, label or brand used on packages of take brand used on packages of tobacco and cigars, under and provisions of the law relating to the state and cigars, under and such stamps shall be attached, protected, removed, cancelin obliterated and destroyed in such at obliterated and destroyed in such manner and by such tal struments or other means as are prescribed by departmental regulation. 46 V., c. 15 s. 272 Chap. 32.

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281. All stems, sweepings, or other waste or refuse Tobacco found in stems, sweepings, or other waste or which stems and sweeping tobacco found in a tobacco or cigar manufactory and which stems and sweepings. are not worked up and charged at some manufactory with duty, shall be a up and charged at some manufactory with duty, shall be destroyed under such regulations as are pre-scribed in the destroyed under such regulations of this Act, or scribed in accordance with the provisions of this Act, or entered for exportation. 46 V., c. 15, s. 275.

282. Every manufacturer of tobacco or cigars shall pro-Appliances ide, for the Revenue, all for weighing at the stamping at vide, for the use of the collector of Inland Revenue, all stamping and testing. necessary means, tools and apparatus for weighing and testing. stamping the products of his manufactory and the raw leaf or other material used therein (except dies or stamps), and also a conversion used therein (except dies or stamps) and also a convenient place wherein such process of weighing may be performed. 46 V., c. 15, s. 276.

REGULATIONS BY THE GOVERNOR IN COUNCIL.

283. The Governor in Council may, subject to the provi- Regulations of this divernor in Council may, subject to him seem in Council. sions of this Act, make such regulations as to him seem in Council. necessary, as regards tobacco and cigars manufactured in Canada, and tobacco imported in a raw or manufactured

(a) For warehousing raw leaf tobacco;

(b) For destroying such as is not entered for exportation Destroying. or manufacture ;

^{another};

(c) For removing raw leaf tobacco from one warehouse to Removing.

(d) For causing accounts to be kept by tobacco and cigar Accounts manufacturers of all raw leaf tobacco received by them and subsequently disposed of by them by removal, sale or other-

(e) For determining the manner in which the computa- Computation of the weights of the manner in which the standard tion of the weights of tobacco with reference to the standard herein established shall be made;

(f) For the inspection of tobacco and cigars and the col- Inspection, ction of the different to the difference of the di lection of the inspection of tobacco and cigars and the col-Inspection, the prevention of the duty thereon, as is deemed most effective for duty. the prevention of frauds in the payment of such duty; (g) For the manufacture and sale of common Canada Manufacture of Canadian acht tobacco mode for the transformer in Canada, tobacco.

twist tobacco, made from raw leaf tobacco grown in Canada, tobacco. such tobacco, made from raw leaf tobacco grown in Canada tor only on all and into Canada twist by the cultivator only on whose farm or premises it is grown, or in a any factory license to any leaf tobacco only, handfactory licensed to use Canadian raw leaf tobacco only, and the duty of th and the duty of five cents per pound paid, as herein re-

Warehousing.

Carrying out Act.

Special pro-

visions as to books and accounts.

Books to be

cigar manu-

kept by tobacco or

facturer, what to show.

(h) For giving effect to the provisions of this Act. 46 V. 15, s. 278. c. 15, s. 278.

BOOKS, ACCOUNTS AND PAPERS.

284. In addition to the general provisions of this Act specting books accounts and respecting books, accounts and papers, the provisions to the sections accounts and papers, the provisions to bacco tained in the three sections next following apply to $t_{46}^{topolog}$, and cigars and to topped and to and cigars and to tobacco and cigar manufacturers. c. 15, s. 279.

285. Every person licensed as a tobacco or cigar man^u cturer shall keep a book or h facturer shall keep a book or books in a form furnished by the Department of Inland P the Department of Inland Revenue, which book or books shall be open at all reasonable b shall be open at all reasonable hours to the inspection of the collector of Inland Revenue, which book or both the inspection of the inspe collector of Inland Revenue or other officer; and therein such tobacco or cigar manufacture such tobacco or cigar manufacturer shall enter, day by day, and upon the same day on which it is hall enter, day thing of and upon the same day on which the circumstance, thing of act to be recorded is done or act

Quantities and numbers of certain articles.

(a) The quantity of raw leaf tobacco, scraps, cuttings, ems and other raw materials and the raw materials are to according to the scraps of th stems and other raw materials, and of manufactured tobacco of and cigars, brought into an and of manufactured bacco of and cigars, brought into or removed from his tobacco of cigar manufactory:

(b) The quantity of raw leaf tobacco, stems, scraps, cuttings other material taken for way in the start of th or other material taken for use in his manufactory;

(c) The quantity of manufactured tobacco, cigars and other ticles produced therein articles produced therein;

(d) The quantity of stems, scraps, cuttings or other materials destroyed; rials destroyed;

(e) The quantity of tobacco and cigars entered for ware house and ex-warehouse ;

(f) The number, denomination and value of tobacco of gar stamps used; cigar stamps used;

(g) The number and capacity of cigar boxes brought into id used, or otherwise dispersed again to manufact and used, or otherwise disposed of, in the cigar manufactory. 46 V., c. 15, s. 280.

Books to be kept by bonding warehouseman and what to show.

286. Every person who has a licensed bonding warehouse which raw leaf tobacco is stored in which raw leaf tobacco is stored or kept, shall keep of book or books, in a form proscribed or kept, shall ment all book or books, in a form prescribed by the Department al Inland Revenue, which book or book Inland Revenue, which book or books shall be open at all Revenues to the inspection of the Revenues of Inland reasonable hours to the inspection of the collector of Inland Revenue or other officer: and the collector of shall Revenue or other officer; and therein such person the enter, day by day, and upon the area which are enter, day by day, and upon the same day on which circumstance, thing or act to be recent day on or occurs, as follows: circumstance, thing or act to be recorded is done or occurs, as follows:-

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(a) The quantity of raw leaf tobacco, scraps, cuttings or Quantities stems brought into his warehouse, giving the name and brought in. residence of the into his warehouse, giving the name and brought in. residence of the person from whom purchased or received;

(b) The quantity of raw leaf tobacco, scraps, cuttings or Removed. stems removed from his warehouse, giving the name and residence of the state of the residence of the person to whom sold or conveyed. 46 V.,

287. With the exception of cigars, the quantities of which Quantities to hall be stated in the bestated in the nounds avoirshall be stated by number, all quantities or cigar manu- dupois, except books hereinbefore mentioned of a tobacco or cigar manu- dupois, except facturer or of facturer, or of a person having a license to use an excise as to cigars. bonding warehouse in which raw leaf tobacco is stored or kept and in the store in which raw leaf tobacco is stored or kept, and in all returns, inventories, descriptions and state-Ments required to be kept or made by this Act or any other Act, as well will be descriptions and other Act, as well with regard to fluids as to solids, used in or about the provide the regard to fluids as to solids, used in the about the premises subject to excise, or entering into the manufacture of any article or commodity produced in such tobacco or cigar manufactory, shall be stated in pounds avoirdupois de V c. 15, s. 282. avoirdupois and decimal parts thereof. 46 V., c. 15, s. 282.

RETURNS.

288. In addition to the general provisions of this Act Special pro-the provisions contain of duties and time and form of returns, returns. the provisions contained in the two sections next following apply to take apply to tobacco and cigars and tobacco and cigar manufac-

289. Every person carrying on business as a tobacco or Accounts to Revenue, or other shall render to the collector of Inland to collector to the state of the sta Revenue, or other officer whose duty it is to receive the and what they the same, a just and the same whose duty it is to receive the must show. same, a just and true account, in writing, extracted from must show. the books kept as by this Act provided, which account shall

(a) The quantity of raw leaf tobacco and of all other ma- Quantities of rials used in the raw leaf tobacco and of all other ma- Quantities of articles. terials used in the manufacture of tobacco or cigars, brought articles. into the manufactory during the preceding month;

(b) The quantity of raw leaf tobacco and other materials removed from the manufactory or disposed of, otherwise than for the production of manufactured tobacco or cigars,

during the proceeding month;

(c) The quantity of raw leaf tobacco and the quantity of other meta-intervention of tobacco or all other materials used in the manufacture of tobacco or the in the manufactory to cigars, materials used in the manufacture of topacco which such roturn preceding month, in the manufactory to

at each rate of duty, manufactured in, brought into month, moved from such manufactured in, brought into month, moved from such manufactured in, brought into of the showing the number of product and the showing the number of packages, the description and the aggregate quantity at each act of the description and the (e) The quantity of unmanufactured and manufactured bacco and other materials tobacco and other materials or manufactured cigars on hand; (f) The quantity of manufactured tobacco and cigars arehoused and ex-warehoused tobacco and cigars preceding warehoused and ex-warehoused during the (g) The quantity of manufactured tobacco and cigar tered for duty ex-manufactors l month : entered for duty ex-manufactory during the preceding month; and— (h) The number and capacity of cigar boxes brought into the cigar manufactory and the cigar boxes brought cigar f cigar the cigar manufactory, and the number and capacity of $r_{f_{c}}^{igar}$ boxes used therein during the boxes used therein, during the preceding month. **290.** Every such statement shall be made for, and relate the month next precediment 15, s. 284. to, the month next preceding the day on which it is made. 46 V., c. 15, s. 285. **291.** In addition to the general provisions of this con-specting bonding or work-BONDING OR WAREHOUSING. respecting bonding or warehousing, the provisions of this con-tained in the seven sections nort for tained in the seven sections next following apply to tobacco and eigers and tobacco and eigers **292.** No less quantity than one hundred pounds of other af tobacco, four hundred pounds of other bacco 15, s. 286. leaf tobacco, four hundred pounds of cavendish or ware tobacco, or eight thousand circum ab it is to a for ware tobacco, or eight thousand cigars, shall be entered for ware house by one entry: 2. Except for exportation, no less quantity than one of ed pounds of raw leaf tobaccast dred pounds of raw leaf tobacco, two hundred pounds is a manufactured tobacco. cavendish or manufactured tobacco, two hundred pounds shall be ex-warehoused by one cast 3. The restrictions in this section contained as to or antity of raw leaf tobacco that ex-warehoused at one time, shall not apply to sample of the depart foreign leaf tobacco made up in accord foreign leaf tobacco made up in accordance with the departmental regulations made in that had be at 15. 5. 201;

Limitation of size of pack-

293. No tobacco of any description put up in packages in any sized ontaining one pound or under containing one pound or under, or tobacco in any

-48-49 V., c. 62, s. 21.

To be made for each month.

Special provisions as to bonding and warehousing.

Least quan-tity of tobacco and cigars to be entered-

Or ex-warehoused.

Exception as to samples.

(b) For the delivery of such tobacco into a bonding warehouse, licensed under this Act; or-

relates to some one or more tobacco or cigar manufacturers duly licensed as such under any Act relating to the Inland

(a) For the delivery of the raw leaf tobacco to which it

297. The bond taken for raw leaf tobacco warehoused as Conditions of required at the for raw leaf tobacco. herein required, shall be for a sum equal to thirty cents per bond for raw leaf tobacco. pound on the tobacco to which it relates, and shall be con-

4. Each package shall be examined carefully by the Packages to ficer in charge and the examined labelled or branded be examined and marked. officer in charge, and shall be examined carefully by the Packages to in such manner and shall be marked, labelled or branded be examined and marked. in such manner and shall be marked, labelled or manner ment of Inland D and under such regulations as the Depart-46 V c 15, s. 291. ment of Inland Revenue prescribes. 46 V., c. 15, s. 291.

8. There shall be affixed to each package of tobacco or Labels or gars intended for a fixed to each package of tobacco ar Labels or each package of the stands of of the st cigars intended for immediate export, before it is removed brands on from the manufactors and the brand of such design as from the manufactory, a label or brand of such design as Department of y, a label or brand of such design as the Department of Inland Revenue prescribes, indicative of such intention :

2. The removal of such tobacco and cigars from the manu- To be under ctory shall 1 factory shall be made under such regulations, and after equations, low in the such entries of the such regulations in the such regulations is the such after the such regulations is the such after the such and after the such after t making such entries, and executing and filing with the col-lector of the dist, and executing and filing with the removal is made, lector of the division from which the removal is made, such bonds and vision from which the removal is made, such bonds, and giving such other additional security as is prescribed by the giving such other additional security and giving such other additional security and the security and the security as is prescribed by the Department of Inland Revenue and approved by the Governor in Council :

296. Manufactured tobacco and cigars intended for imme- Removal in ate errorted; bond of tobacco and cigars intended for imme- Removal in bond of tobacco diate exportation may, after being properly inspected, bond of tobacco and cigars intended for imme- neuronal from the manu- and cigars intended for imme- neuronal from the manu- and cigars intended for the man marked, labelled or branded, be removed from the manu- and cigars factory in bond or branded, be removed from the stamps manufacture for exporta factory in bond, without having affixed thereto the stamps for exporta-tion. indicating the payment of the duty thereon :

295. The duty paid on tobacco and cigars taken out of No refund of archonse for the duty on good archonse for the duty of the warehouse for consumption, or which have gone directly into duty on goods otherwise upon the refunded by way of drawback or housed for consumption. otherwise, upon the exportation of such tobacco or cigars out consumption. of Canada. 46 V., c. 15, s. 290.

294. All boxes, caddies or packages of tobacco and cigars, Stowage of hall be array of that access packages in warehouse. shall be arranged and stowed in warehouse so that access markages in warehouse. may be arranged and stowed in warehouse so that the marks required to be had to each package, and so that the marks required to be placed thereon by the provisions of this Act may be easily read. 46 V., c. 15, s. 289.

Packages whatever, if the product of raw leaf tobacco of age as to re-Canadian growth, shall be removed in bond from one ware-house to anoth, shall be removed in bond from one warehouse to another warehouse, whether within the same or any other Inland Derivations, whether within the same or any 10 40 V c. 62, s. 22. other Inland Revenue division. 48-49 V., c. 62, s. 22.

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(c) For its exportation or destruction, as herein required, ithin two years of the date -1within two years of the date of such warehousing

And the evidence of its delivery to a licensed bonding arehouse or to a licensed take warehouse or to a licensed tobacco or cigar manufacturer shall be the certificate of a collector be the certificate of a collector of Inland Revenue, or some proper officer. that the tobacco proper officer, that the tobacco has been delivered into some certain licensed tobacco or site certain licensed tobacco or cigar manufactory or manufactory and named, ries, or into some licensed bonding warehouse therein named, and that an account thereof band and that an account thereof has been entered in the manufacturer's books or in the manufactur turer's books or in the warehouseman's books, as required by law. 46 V. c. 15 s. 200

298. Raw leaf tobacco warehoused as herein provided ay remain in warehouse for the may remain in warehouse for a period of two years, at the expiration of which period or a period of two years, at the expiration of which period, or sooner, it shall be removed to and be entered in some license by and be entered in some licensed tobacco or cigar manufactories. or to some ath or manufactories, or to some other warehouse as herein provided, or entered for exponential vided, or entered for exportation, or re-warehoused in the same warehouse for a further to same warehouse for a further term, the full amount of duty being first paid, at the rate charge i being first paid, at the rate charged on manufactured tobactor on any deficiency that on any deficiency that is ascertained by stock taking at the expiration of two ways at the expiration of two years, or when the new bond is taken; or at the expiration of two is a second to be deep taken; or at the expiration of such period it shall be det troyed, under such regulation troyed, under such regulations as are made in that behalf by competent authority. 46 V

SPECIAL PROVISIONS AS TO CANADIAN LEAF TOBACCO.

299. Every cultivator of tobacco desiring to manufacture le leaf tobacco grown by him international trade the leaf tobacco grown by him into common Canada Inland for sale, shall make application to the sale of Inland Revenue for the sale of the make Canada for sale, shall make application to the collector of Inated for sale. Revenue for the division in which the collector of the division in which the division is the division in which the division is the division in which the division is the division in the di division in the di division in the Revenue for the division in which his farm is situated for license therefor; and every cultured is a who mind license therefor; and every cultivator of tobacco who mand factures any tobacco for solo million obtained factures any tobacco for sale without having alties and forfaitures, shall be liable to the such alicense, shall be liable to the same fines, penalties and forfeitures as if he had worked forfeitures as if he had worked a tobacco manufactory without a license. 46 V c 15 - 00

License fee.

Tobacco grown for private use.

300. The cultivator in whose favor a license is granted r manufacturing common Correct a license is granted for manufacturing common Canada twist, shall, Inland receiving such license, pay to the collector of Revenue the sum of two dollars.

2. Provided always, that any person who grows tobactor in his own land or property and the sentence the sentence in the senten on his own land or property, and manufactures his family solely for the use of himself and crud solely for the use of himself and such members of himself and such members of nine the tobac as are resident with him on the farm or premises on require the tobacco was grown, and not farm or premises on a license the tobacco was grown, and not for sale, shall not require a license for so doing; nor shall the same so manufactured be said a license for so doing; nor shall the tobacco so manufactured in the subject to excise duty. tured be subject to excise duty: but the quantity so manuf factured in any one year shall not factured in any one year shall not_exceed thirty pounds for

Evidence of compliance with bond.

How long allowed to remain in bond.

Moncton and St. Andrew's, in the Province of New Bruns-

804. Raw leaf tobacco shall not be imported into Canada Raw leaf to be imported into canada raw leaf ercept at the undermentioned ports, that is to say:—Prescott, at certain London, St. Catharines Paris, Brockwille, Brantford, Port London, St. Catharines, Paris, Brockville, Brantford, Port WPP, Belleville Graduate Chattan Stratford, Barrie, Simcoe, Hope, Belleville, Guelph, Chatham, Stratford, Barrie, Simcoe, Woodstock In Strate Preston. Berlin, Cobourg Woodstock, Ingersoll, St. Thomas, Preston, Berlin, Cobourg and Peterborough, in the Province of Ontario; Quebec, Mon-bial and St. Talifax and treal and St. John's in the Province of Ontario; Quebec, Market St. John's in the Province of Quebec; Halifax and Picton, in the Province of Quebec; Hallian and Moncton and St. John's in the Province of Quebec; Hallian and Moncton and St. John, Miramichi,

SPECIAL PROVISIONS AS TO FOREIGN RAW LEAF TOBACCO.

303. When any raw leaf tobacco of Canadian growth Canadian leaf to be deemed to be deemed in which there is foreign leaf has been taken into a licensed warehouse in which there is foreign leaf tob. any foreign leaf tobacco, or which is used for the storage of in certain has been been to the storage of the st foreign leaf tobacco, or which is used for the storage of mon-been licensed to bacco, or into any manufactory which has cases. been licensed to use foreign leaf tobacco, or into which any foreign leaf tol use foreign leaf tobacco, or into which any either for use or storage, foreign leaf tobacco has been taken, either for use or storage, such Canadian leaf tobacco has been taken, either for use or storage, such Canadian leaf tobacco has been taken, either for use of storing, foreign leaf tobacco shall thereafter be deemed to be dealt with accordingly. foreign leaf tobacco shall thereafter be deemen 46 V, c. 15 2000, and shall be dealt with accordingly.

302. The cultivator, having taken out a license as herein Sale of sur-tovided, max maximum canada twist the plus tobacco provided, may manufacture into common Canada twist the by cultivator surplus tobacco grown by him over what is required for the for private use of his own family, and may sell the tobacco so manufactured, after paying to the nearest officer of Inland Revenue the duty of charge to the nearest officer of Inland Revenue the duty of *five* cents per pound, and after causing such tobacco to be put up in packages in accordance with this duly stamped in such Act, and causing each packages in accordance with manner as is manner manner as is required by any departmental regulation in that behalf. 46 V., c. 15, s. 297.

8. Any package of tobacco exposed or offered for sale or Forfeiture of and in the most of tobacco exposed or offered for sale or Forfeiture of packages. found in the market without being sealed, stamped, labelled unstamped packages. or marked as herein required, shall be deemed to be tobacco unlawfully in the in required, shall be deemed to be tobacco unlawfully in the market. 46 V., c. 15, s. 296.

2. All tobacco so manufactured shall be stamped as herein Stamps to be quired herein is manufactured shall be stamped as herein Stamps to be removal. required before it is removed from the farm or premises on affixed before the tobacco so manufactured shall be stamped as herein stamps to to which the tobacco is removed from the farm or premises on affixed before removal. which the tobacco from which it was made was grown, or from the factor from which it was made is from the factory wherein it was manufactured :

301. Common Canada twist shall, before it is offered for Canada twist shall, before it is offered for Canada twist in rolls and sale, be put up in rolls or coils weighing one-fourth, or one in rolls and in rolls and the put up in rolls or coils weighing one-fourth or one in rolls and the roll or stamped. half of a pound or one pound each, and every such roll or stamped. coil shall be secured, and the stamp attached thereto in such manner as the Devenue determines: manner as the Department of Inland Revenue determines:

each adult male member of the family resident on the farm or premises as aforesaid. 46 V., c. 15, s. 295.

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wick; Victoria, in the Province of British Columbia; Winlottetown, in the Province of Prince Edward Island; nipeg, in the Province of Prince Edward Island; other ports of entry as the Committee, and at such other ports of entry as the Governor in Council authorizes. 46 V., c. 15. s. 299 46 V., c. 15, s. 299.

All such

305. All raw leaf tobacco imported shall be bonded at new or other of the above merced one or other of the above named ports of entry, in a customs warehouse, which shall be real ports of entry, in a customs warehouse, which shall be subject to the approval of 300. collector of Customs at the part collector of Customs at the port of entry. 46 V., c. 15, s. 300.

306. All imported raw leaf tobacco shall be weighed by enters the proper officer of customs at the port where it enters Canada; and when removed the port where it enters Canada; and when removed to his licensed premises pli-importer or owner thereof about importer or owner thereof shall provide all necessary and all ances for weighing the package ances for weighing the packages and their contents, and all labor necessary for moving with labor necessary for moving, piling or handling such pack-ages. 46 V., c. 15. 8 301

307. All imported raw leaf tobacco shall be in packages hich can be conveniently of How only to be packed and removed. **307.** All imported raw leaf tobacco shall be in Packes, which can be conveniently stamped; and except as from otherwise merided are shall be in packets. otherwise provided, no such tobacco shall be removed from any warehouse wherein it has h any warehouse wherein it has been bonded, except in such original stamped packages

308. Imported raw leaf tobacco shall only be removed bond and delivered to the removed in bond and delivered to the undermentioned persons and to no others, that is to say.

(a) To manufacturers of tobacco and cigars, duly licensed ider this Act ; or under this Act ; or—

(b) To persons who have taken out a license for an excise customs bonding warehouse to the license for an excise or customs bonding warehouse. 46 V., c. 15, s. 303.

309. All imported raw leaf tobacco which is removed on the custody of the customs and from the custody of the customs authorities and to a tobacco or cigar manufactory, or to a line or cigar manufactory, or to a licensed bonding warehouse, when it passes into the possession and control of the nd, land Revenue Department may be land Revenue Department, may be so removed in bond such bond being taken by the such bond being taken by the collector of customs and by companied by proper entry The bond given by companied by proper entry papers. The bond given the importer or owner of raw leaf tobacco removed as above shall be for an amount shall be for an amount equal to thirty cents per pound on the raw leaf tobacco to which it will be the the raw leaf tobacco to which it relates, and shall be the ditioned for the delivery of the the tobacco to reditioned for the delivery of the raw leaf tobacco ware bound or cigar manufacturer of the raw leaf tobacco ware tobacco or cigar manufacturer or licensed bonding water house mentioned therein

Cancelling of bond.

2. The bond hereinbefore referred to shall be cancelled the the certificate on the customer by the llector 2. Ine bond hereinbefore referred to shall be cancelled by the by the certificate on the customs removal entry, that the collector or other proper officer of Inland Revenue, that

tobacco to be bonded.

All raw leaf to be weighed at port of entry.

Removal in bond limited.

Removal in bond to a manufactory.

Amount of

bond.

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tobacco to which it relates has been received at the tobacco or cigar manufactory or licensed bonding warehouse mentioned therein, and an account thereof made in the manufacturer's or licensed warehouseman's books :

^{3.} The quantity certified to by the collector of Inland Quantity, how the officer in characteria by actual weighing by the officer in charge of the tobacco or cigar manufactory or on the promise of the tobacco or cigar manufactory or 46 V., c. 15, on the premises of a licensed warehouseman. 46 V., c. 15, s. 304.

310. The weight of all quantities of imported raw leaf Weight, how bacco after weight of all quantities of the customs stated. tobacco after passing out of the control of the customs shall be stated in standard pounds. 46 V., c. 15, s. 305.

811. All raw leaf tobacco received into a licensed bond- Warehousing ing warehouse shall be bonded—the necessary entries there- of raw being made with be bonded—the necessary entries there- of the transmitter of the proper officer. 46 for being made with and delivered to the proper officer. 46

312. All removals of raw leaf tobacco from a licensed All removals of raw leaf tobacco from a licensed All removals to be under bond. bonding warehouse shall be in bond, and the necessary re- to be under moval or other orter. moval or other entries passed for the quantity so removed on each occasion. 46 V., c. 15, s. 307.

PENALTIES.

313. In addition to the general provisions of this Act re-Special pro-Decting Denaltion the denaltion at the general provisions as to penaltice. specting penalties, the provisions contained in the following penalties. and cigar manufacturers. 46 V., c. 15, s. 308.

814. Every person who, without having a license under Penalty for doing certai things with-out license.

doing certain things with-out license.

(a) Manufactures any tobacco or cigars, except as by this Act permitted ; or-

(b) Manufactures for sale, or for consumption, except by himself or the members of his family resident with him on the farm or the members of his family resident with him on the farm or premises whereon it is grown, any tobacco

grown by himself for his private use; or-

(c) Claiming to have grown any tobacco and manufactured it solely for his own use, sells or barters away any tobacco so manufactured; or-

(d) Having purchased any raw leaf tobacco grown in manufactures multivator thereof, in any way unlawfully in the cultivator thereof, in any way unlawfully manufactures such tobacco and sells it, or offers it for sale

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Penalties for first and subsequent offences.

Further

penalty,

Is guilty of a misdemeanor, and shall, for the first offence, our a penalty not available of the first offence, incur a penalty not exceeding one hundred dollars, and not less than twenty-five dollars and not less than twenty-five dollars, and for each subsequent offence, a penalty of five hundred dollars, and for each subsequent miest to a penalty of five hundred dollars, and all goods subject is excise found on the premises excise found on the premises wherein any such offence be committed, shall be forfaited to the any such offence be committed, shall be forfeited to the Crown, and shall be seized by any officer of Inland P seized by any officer of Inland Revenue and dealt with accordingly. 46 V c 15 - 200 46 V., c. 15, s. 309;-48-49 V., c. 62, s. 23.

315. Every person who becomes liable to the penalty or in the next provided for in the next process. provided for in the next preceding section, shall, in addition thereto, forfeit for the next preceding section, shall, in addition forfeit for the use of Her Majesty hould the amount of excise duty and license duty which should have been paid by him under the have been paid by him under this Act. 46 V., c. 15, s. g10.

316. Every person who opens any package containing bacco or cigars in any other tobacco or cigars in any other manner than as herein pre-scribed, that is to say so can the line of the say in the say in the say in the say is a say to be the say in the say is a say in the say in th Penalty for scribed, that is to say, so as to break the stamp thereon found so doing, or in whose possession is so doing, or in whose possession there is, at any time, found any package of tobacco or size. of packages so any package of tobacco or cigars opened otherwise than in accordance with the providence of the package of tobacco or cigars opened otherwise that it for a first accordance with the providence of accordance with the provisions of this Act, shall, for each offence, incur a penalty of tweet offence, incur a penalty of twenty-five dollars, and for each subsequent offence a penalty of subsequent offence a penalty of one hundred dollars and

2. All packages of tobacco or cigars which are at any ne found that have been control of the second time found that have been opened otherwise than as seized directed, shall be forfaited to the formation of the seized to the sei directed, shall be forfeited to the Crown, and shall be seized by any officer of excise or construction of the seized accord. by any officer of excise or customs and dealt with accord-ingly. 46 V., c. 15. s. 311

317. Every manufacturer of tobacco or cigars, and every her person who, except as possible to bacco or cigars, and every her person who, except as possible to bacco or cigars, and every her person who are as a possibl other person who, except as permitted by this Act, Packs, puts up or has in his possession to up or has in his possession tobacco or cigars in packet the which have been before used for the which have been before used for that purpose, shall, for the first offence, incur a penalty of ter a purpose, shall, box or nackase first offence, incur a penalty of ten dollars for each box of package so unlawfully used and for package so unlawfully used, and for each subsequent offence, a penalty of fifty dollars for each subsequent of aged. a penalty of fifty dollars for each box or package so used. 48-49 V., c. 62, s. 24.

318. Every person who sells, or offers for sale, or has not spossession, except in a licensed to be signal. his possession, except in a licensed tobacco or cigar tobacco, factory, any loose or unpacked for loof tobacco or loof tobacco, shall factory, any loose or unpacked foreign raw leaf tobacco shall incur, for a first offence a structure in a structure in the st shall incur, for a first offence, a penalty not exceeding each hundred dollars and not less that for and for each hundred dollars and not less than fifty dollars, and for and subsequent offence, a penalty of the dollars, and for and all rows to dollars and not less than fifty dollars, and for and all rows to dollars and subsequent offence. subsequent offence, a penalty of two hundred dollars, and so unlaw all raw tobacco so offered or exceeded of an and for each dollars, and for each all raw tobacco so offered or exceeded of an and fully back all raw tobacco so offered or exposed for sale, or so forfeited fully had in possession, loose or unpacked, shall be forfeited to the Crown, and shall be seized by to the Crown, and shall be seized by any officer of 15. 5. 313. Revenue and dealt with accordingly.

Tobacco to be imported only at ports authorized.

819. All imported raw leaf tobacco brought into Canada any port or place other than at the All imported raw leaf tobacco brought into herein at any port or place other than at the ports of entry herein named, or which is hereafter anthere in Governor in named, or which is hereafter authorized by the Governor in

opening package without breaking

Forfeiture of packages so openeď.

Penalty for putting tobacco in package used before.

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For selling loose or unpacked foreign leaf. Chap. 32.

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Council, shall be forfeited to the Crown, and shall be seized by any officer be forfeited to the Crown, and shall be seized by any officer of customs or excise and dealt with accord-ingly. 46 V ingly. 46 V., c. 15, s. 314.

820. All imported raw leaf tobacco not bonded and not Imported leaf stamped and not imported raw leaf tobacco not bonded or not bonded or in the posses- in stamped in stamped packages as herein required, and in the posses- in stamped sion of any porceases as herein required, and in the posses- in stamped sion of any person except a licensed tobacco or cigar manu-packages to facturer or in a licensed bonding warehouse, shall be for-testoms or evolve and shall be seized by any officer of the total to the original distribution of the seized by any officer of the total distribution of the seized by any officer of the seized by the seized by any officer of the total distribution of the seized by any officer of the seized by the seized by any officer of the seized by the seized by any officer of the seized by any officer of the seized by any officer of the seized by the seized by any officer of the seized by the seized by the seized by any officer of the seized by the se customs or excise and dealt with accordingly. 46 V., c. 15, 8, 315

321. Every person who neglects or refuses to destroy the Penalty for not destroy or stamps or stamps, selli stamp or stamps on any box, bag, vessel, wrapper or enve-every person who neglects or refuses to destroy the Penalty for not destroying stamps, selling every person who has contained tobacco or cigars, and empty stamped pack-ages &c. every person who sells or gives away, or who buys or stamped pack-becepts from another ages, &c. accepts from another any such empty stamped box, vessel, bag, wrapped to the stamp or bag, wrapper or envelope of any kind, or the stamp or or envelope of any such empty box, bag, vessel, wrapper or envelope of any kind, shall, for each such offence, incur a penalty not any kind, shall, for each such offence, c. a penalty not exceeding one hundred dollars. 48-49 V., c.

322. Every manufacturer or other person who puts tobacco Using emptied packages, cigars into an envelope, counterfeit the same having been either emptied or partially emptied, or stamps, &c., who has in his power is the colle or offers for sale or having the who has in his possession, or who sells or offers for sale or having the same in the post of tobacco or cigars, having possession. affixed thereto any fraudulent, spurious, imitation or coun-terfeit stamp any fraudulent, spurious, imitation or counterfeit stamp, or any stamp that has been previously used, or sells from any stamp that has been previously used, or sells from any such fraudulently stamped box or package, or has in his or has in his possession any box or package as aforesaid, knowing the compatible of the same the same transformation of the same knowing the same to be fraudulently stamped: and every tobacco or cigar manufacturer who brings or allows to be brought into his manufacturer who brings or allows to be brought into his manufacturer who brings or allows to emptied stemped to partly emptied stamped box or package, such as is used for packing to bacco or cigore and or package, such as is used for packing or tobacco or cigars, and having attached to it any stamp or hot, or in whether such stamp has been defaced or hot, or in whose possession the same is found—and every tobacco or cigar manufacturer upon whose factory premises of packages of there is, at any time, found any package or packages of been unlawfully out a backage or labels upon which have been unlawfully cut or broken, whether such package or Packages are filled in grilly of a misdepackages are filled or partly filled—is guilty of a misdemeanor, and for a first offence shall incur a penalty not Misdemeanor. hundred dollars and for a first offence shall incur a penalty not Misdemeanor. hundred dollars, and for each subsequent offence, a penalty of five hundred dollars, and for each subsequent offence, a point shall be light dollars, and in addition to such penalties, shall be liable to imprisonment for a term not exceeding three months; and all articles subject to excise on the

Forfeiture of stock on premises.

premises at the time such packages are discovered, shall be forfeited to the Grown and discovered afficer forfeited to the Crown, and shall be seized by any c.15, of Inland Revenue and doubt with of Inland Revenue and dealt with accordingly. 46 V., c. 15, s. 317.

323. Every person who affixes to any package containing or bacco or cigars any false of the second forged stamps tobacco or cigars, any false, forged, fraudulent, spurious of counterfait stomp of the stamp of counterfeit stamp, or a stamp which has been before used, is guilty of felony and shall be high the before used and shall be high the before and shall be high the be high the be high the be high the be be high the be high the be high the be be high is guilty of felony, and shall be liable to a penalty not exceeding five hundred dollars on the standard dollars on the standard dollars on the standard dollars on the standard dollars of the standa ceeding five hundred dollars and not less than one hundred dollars, and to imprisonment dollars, and to imprisonment for any term not exceeding five years and not less than $\frac{1}{15} = 319$. 46 V., c. 15, s. 319.

324. Every person who removes from any manufactory, from any place where tel or from any place where tobacco or cigars are made, any manufactured tobacco or cigars are made &c., of tobacco manufactured tobacco or cigars are made, put or cigars. up in proper packages up in proper packages, or without being stamped by the stamps being properly stamps being properly cancelled as required by r regulations established in law or regulations established thereunder; or who in the sells or offers for sele or be sells or offers for sale, or has in possession, except in the manufactory, or while in the sells of the sells manufactory, or while in transit under bond from any manufactory, store or work manufactory, store or warehouse, to a vessel or railway ond for exportation to a foreign and the store of the for exportation to a foreign country, or for removal in bond from the manufactory or light from the manufactory or licensed bonding warehouse any another manufactory or licensed bonding warehouse, any manufactured tobacco or circuit distance di distance di distance distance distance distance manufactured tobacco or cigars without the proper stamps for the amount of duty thereas for the amount of duty thereon being affixed and cancelled, shall, for each such offence being affixed and cancelled. shall, for each such offence, be liable to a penalty not enceding five hundred dollar ceeding five hundred dollars and not less than one ding dred dollars, and to imprison dred dollars, and to imprisonment for a term not exceeding two years and not less than the two years and not less than three months; and all tobaco or cigars so offered or expected of a three months and all to wfully or cigars so offered or exposed for sale, or so unlawfully had in possession or without here. had in possession or without being stamped and the stamps being properly cancelled on the stamped and the herein being properly cancelled or the package branded, as herein required, shall be forfeited to the package branded, as herein required, shall be forfeited to the Crown, and shall be seized by any officer of Inland Bound by any officer of Inland Revenue and dealt with accord-ingly. 46 V., c. 15, s. 320

Absence of stamp to be notice of nonpayment of duty.

325. The absence of the proper duty paid stamp on kept uckage of tobacco or cigara call. package of tobacco or cigars sold, or offered for sale, or found in possession for sale, or found in possession of any person other licensed licensed manufacturer and in his manufactory, or a licensed bonding warehouseman and in his manufactory, or ding ware bonding warehouseman and in his manufactory, or a liceware house, shall be notice to all the licensed bonding has not house, shall be notice to all persons that the duty has not been paid thereon, and shall be been paid thereon, and shall be primû facie evidence of be non-payment thereof: and such the non-payment thereof; and such tobacco or cigars shall be forfeited to the Crown, and shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue or Customs and Inland Revenue or Customs and dealt with accordingly: Provided always, that tobacco and Provided always, that tobacco and cigars removed in bord and having only the removed in the remo and having only the removal permit stamp thereon, emoved for exportation emoved for exportation and having only the exportation

Penalty for

Forfeiture of articles.

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by this south thereon, shall not be liable to the forfeiture by this section provided, when regularly and legally in transit. 46 V transit. 46 V., c. 15, s. 321.

326. Every person who knowingly purchases or receives Receiving goods from any manufor sale any manufactured tobacco or cigars from any manu-facturer not double tobacco or cigars from any manu-manufactured tobacco or cigars from any manufacturer not duly licensed under this Act, shall, for each not duly offence income duly licensed under this Act, shall, for each not duly licensed under this Act, shall, for each not duly licensed. offence, incur a penalty of two hundred dollars, and shall, licensed. in addition thereto, forfeit all the articles so purchased or received for sale, or the full value thereof. 46 V., c. 15, 322.

327. Every person who purchases or receives for sale Receiving manufacture who purchases or receives for sale Receiving goods not been goods not been goods not been goods and packed an any manufactured tobacco or cigars which have not been goods not incur a penalty of the stamped according to law, shall stamped shall be according to law, shall stamped according to law.

incur a penalty of two hundred dollars for each offence, and law. shall, in addition, forfeit all the articles so purchased or received for all the articles so purchased or 46 V., c. 15, received for sale, or the full value thereof. 46 V., c. 15, 8. 323.

328. Every manufacturer of tobacco or cigars who neg-Penalty on manufacturer of tobacco or cigars who neg-Penalty on manufacture of refuses to the second lects or refuses to post up in a conspicuous place, in each manufacturer not affixing dured by section the in his manufactory, the notice re-notice in each the four of this Act, room.

quired by section two hundred and *fifty-four* of this Act, room. shall incur a penalty of fifty dollars for the first offence, and of one hundred days of fifty dollars for the first offence. 46 V., of one hundred dollars for each subsequent offence. 46 V., 9. 15, 8. 394

329. Every manufacturer or importer of tobacco or cigars Not affixing to neglecte to an indication label to package. who neglects to print on or affix to any package containing to packages. offered for sale by or for him, or sold or offered for sale by or for him, the notice or caution label required for sale by or for him, the notice or cauton approvisions of this Add to packages of tobacco or cigars by the provisions of this Act, and every person who removes any such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to packages of tobacco or cigate s, such label so affixed to package s, such label so affixed to packag such label, so affixed, from any such package, shall incur a penalty of fifty days penalty of fifty dollars for each package in respect of which such offence is compared to the state of the st

such offence is committed. 46 V., c. 15, s. 325.

or permits to be brought into, or into whose manufactory factory un-there is brought into, or into whose manufactory factory unthere is brought any raw leaf tobacco through any other lawfully. entrance than the one mentioned in the papers accompany-

ing his application for a license and designated by the sign "Raw Leaf Tobacco Entrance;" or—

(2.) Who having obtained a license to manufacture exclu-Bringing in vely from row 10 obtained a license to manufacture exclu-Bringing in foreign leaf unlawfully. sively from raw leaf tobacco grown in Canada, uses in or foreign leaf unlawfully. brings into, or permits to be used in or brought into his manufactory any foreign raw leaf tobacco; or-

(3.) Who omits to enter or who allows any person in his Omitting employ to omit to enter or who allows any person in his omit....

or returns kept or made in pursuance of this Act, or of any regulations made thereas de regulations made thereunder, a true account of all tobacco of Canadian or foreign annual true account of all tobacco of Canadian or foreign growth brought into his manufactory :---

Shall, for each such offence, incur a penalty not exceeding the thousand dollars and not like the state of th one thousand dollars and not less than two hundred dollars; and all goods subject to every first the state of and all goods subject to excise found on the premises where in any such offence is compared to the in any such offence is committed, shall be forfeited to the Crown and dealt with according to the and the second states of the second s Crown and dealt with accordingly. 46 V., c. 15, s. 326.

331. Except as herein specially provided, every person ho sells or offers for an analysis of the sells of t who sells or offers for sale, or not being a licensed tobacco or cigar manufacture. tobacco or cigar manufacturer, has in his possession any kind of manufactured toba kind of manufactured tobacco or cigars not put up of packages and stamped in course packages and stamped in accordance with the provisions of this Act, shall incur a population this Act, shall incur a penalty not exceeding five hundred dollars and not less then fifthed in dollars and not less than fifty dollars; and any tobacco and cigars so found which are not tobacco and cigars so found which are not put up in packages and stamped as herein provided, shall be forfeited to the Crown, and shall be seized by any officer of the crown and and shall be seized by any officer of Inland Revenue and dealt with accordingly 16 V

332. Every person who sells or offers for sale any in-orted tobacco or circum articl ported tobacco or cigars, or tobacco or cigars purporting and claimed to have been imported claimed to have been imported, not put up in packages and stamped as provided by this Art stamped as provided by this Act, shall incur a penalty dol-exceeding five hundred dollar exceeding five hundred dollars and not less than fifty dol-lars: but the provisions of the lars: but the provisions of this section shall not law. fere in any way with tobacco or cigars imported and law fully packed and stamped in fully packed and stamped in compliance with the regula-tions in force prior to the first tions in force prior to the first day of July, one thousand eight hundred and eighty-there

333. Every person who sells or offers for sale, or delivers offers to deliver any circuit or offers to deliver any cigars in any other form than in new boxes, as by this Act provided boxes, as by this Act provided, or who packs in any box any cigars in excess of the number cigars in excess of the number required by law to be pat in each box respectively or who each box respectively, or who falsely brands any of duty affixes a stamp on any box denoting a less amount of each than that required by law about the state of the st than that required by law, shall incur a penalty, for each offence, not exceeding five bundle incur a penalty, loss than offence, not exceeding five hundred dollars and not less than fifty dollars. 46 V. c. 15 a 200

334. Whenever any cigars are removed from any being factory or place where cigars are made, without being packed in boxes as required be packed in boxes as required by the provisions of the duty, or without the proper stamps the or without the proper stamps thereon, denoting or without the proper bonded normality, or without the proper bonded normality of the state of the st or without the proper stamps thereon, denoting the with-out the proper bonded removal permit stamp, or into out the stamping, indenting burned to be a stamping of out the stamping, indenting, burning or impressing of each box, in a legible and durables each box, in a legible and durable manner, of the number of the cigars contained therein the the cigars contained therein, the number of the manufacture

Penalty and forfeiture of goods.

Penalty for unlawfully having or selling manufactured tobacco or cigars.

The same as to imported tobacco or cigars.

Proviso.

Selling cigars unlawfully packed or fraudulently branding, &c.

Forfeiture of cigars impro-perly packed or branded, &c.

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tory and the number of the Inland Revenue division in which the number of the Inland Revenue division in which the number of the Inland Revenue united affiring the manufactory is situated; or without the properly affiring the manufactory is situated; or without the property of the stamp denoting the duty on the and the cancelling of the stamp denoting are offered the duty on the same; or whenever any cigars are offered for sale not the same; or whenever any cigars shall for sale, not properly boxed and stamped, such cigars shall Penalty. be forfeited to the Crown—and every person who commits any offence against the provisions of this section shall, for each such offence, be liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars, and to imprisonment for a term not exceeding two years and not less than 41 less than three months. 48-49 V., c. 62, s. 26.

335. Every person who unlawfully has in his possession Unlawfully having sample by the former incur a box of the any sample box of cigars, shall, for the first offence, incur a box of cigars. penalty of fifty dollars, and for each subsequent offence, a 46 V = 615, s. 331.

dollars.	46 V., c. 15, s. 331.

b					
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated• elsewhere	To be Consolidated with.	
31 v ⁷ c. 43 37 v ⁷ c. 49 46 v ⁷ , c. 7 48-49 v ⁷ , c. 61 48-49 v ⁷ , c. 62	Sub-s 2 of s. 3 ss 1, 2, 3, 4 and 6 s 3. The whole except the sections mentioned in the next column Sect 10. The whole ex- cept s. 27.	ss. 5 and 7. Sub-s 1 of s. 31; ss. 264 (part), 274, 318 and 333. s. 27.	Remainder	Customs Act.	

CHAPTER 33.

An Act respecting the Postal Service. HER Majesty, by and with the advice and consent of the Senate and House of Communications and consent of the Senate and House of Commons of Canada, enacts as 's : follows :-38 V., SHORT TITLE. 1. This Act may be cited as "The Post Office Act." 7. s. 1. nort Short title. c. 7, s. 1, part. 2. In this Act, unless the context otherwise requires Interpreta-(a) The expression "letter" includes packets of letters; tion. "Letter." (b) The expression "postage" means the duty or sum argeable for the conveyance of chargeable for the conveyance of post letters, packets and other things by post: "Postage." (c) The expression "foreign country" means any country t included in the dominious of T "Foreign country." not included in the dominions of Her Majesty; (d) The expression "foreign postage" means the postage the conveyance of letters product on the conveyance of letters, packets or other things, ment; any foreign country or payable to the conveyance of letters, packets or other things, ment; "Foreign postage." any foreign country or payable to any foreign Government; (e) The expression "Canada postage" means the postage of e conveyance of letters, packate and the postage by post the conveyance of letters, packets, and other things, by post within Canada or by Canada mail "Canada postage." (f) The expression "mail" includes every conveyance by hich post letters are carried wheth which post letters are carried, whether it is by land or by water; "Mail." (g) The expression "British packet postage" means the packet postage " packet posta postage due on the conveyance of letters by British North boats, between the United Kinger boats, between the United Kingdom and British North America;—and the expression "Point" includes "British packet post-age." America;—and the expression "British postage all postage which is not foreign coloridation of the second data is a second data in the second data in the second data is a second data in the all postage which is not foreign, colonial or Canadian; (h) The expression "employed in the Canada Post $O_{\text{fice}}^{\text{fice}}$ plies to any person employed in applies to any person employed in any business of the Post Office of Canada; "Employed in the Canada post office." (i) The expression "post letter" means any letter transmit d or deposited in any post office to be any letter by the ted or deposited in any post office to be transmitted by "Post letter."

3. Every Act of the Parliament of Canada respecting the Application collection and management of the revenue, the auditing of Management the public accounts and the public accounts, Acts to posta matters. the public accounts and the liabilities of public accountants, Acts to postal matters.

(n) The expression "between," when used with reference "Between." to the transmission "between," when used with remains to such transmission of letters or other things, applies equally to such transmission of letters or other things, applies equi-c. 7, s. 1. nort

whatsoever entitling or evidencing the title of any person to any share or interest in any public stock or fund, whether of or possession or of the United Kingdom, or of any British colony or possession, or of the United Kingdom, or of any Dillon or stock of any hole any foreign country, or in any fund or stock of any body corporate, company or society in Canada or elsewhere of the company of society in Canada or elsewhere, or to any deposit in any savings' bank, or the whole or any or to any deposit in any savings' bank, or the whole or any part of any deposit in any savings' Dana, or money order hard of any debenture, deed, bond, post office money order, bank note, bill, note, cheque, warrant or order or other sources of the source of the s or other security for the payment of money, or for the delivery or transfer for the payment of money, or for the delivery or transfer of any goods, chattels or valuable thing, whether in Canada or elsewhere;

(n) The expression "valuable security" includes the whole "Valuable security." or any part of any tally, order or other security of any person to

where post letters or other mailable matter are received or delivered delivered, sorted, made up or despatched;

(!) The expression "post office" means any building, room, "Post office." street letter box, receiving box or other receptacle or place where post latt

(k) The expression "post letter bag" includes a mail bag "Post letter box or pochet or box, or packet or parcel, or other envelope or covering in bag." which mailable matter is conveyed, whether it does or does not actually contain mailable matter;

(j) The expression "mailable matter" includes any letter, "Mailable matter." packet, parcel, newspaper, book or other thing which by this matter." Act, or by any regulation made in pursuance of it, may be sent by post;

box but up and through the post, or deposited in any letter box put up anywhere under the authority of the Postmaster General to 1 where under the authority of the post;—and General to be transmitted or delivered through the post;—and a letter shall the transmitted or delivered through the post;—and a letter shall be deemed a post letter from the time of its being so deposited a post letter from the time of its being so deposited or delivered at a post letter from the time of its being delivered at a post office, to the time of its being delivered or delivered at a post office, to the the delivered to the person to whom it is addressed; and a delivery to any person authorized to receive letters for the post shall to receive office; and a post shall be deemed a delivery at the post office; and a delivery of any letter or other mailable matter at the house or office of the letter or other mailable matter at the house or office of the person to whom the letter is addressed, or to him, or to her person to whom the letter is addressed to him, or to his servant or agent, or other person considered to be authorized to agent, or other person considered to be authorized to receive the letter or other mailable matter, according according to the usual manner of delivering that person's letters, shall the usual manner of delivering that person's letters, shall be a delivery to the person addressed ;

shall apply to the post office service, and to the officers and persons employed in respect of the persons employed in respect of the same, or in collecting as accounting for postage during and the same or in collecting as accounting for postage duties and dues, except in so far as any provision of such Act is not any provision of such Act is not susceptible of such application or is inconsistent with tion or is inconsistent with any provision of this Act. V., c. 7. s. 6. V., c. 7, s. 6.

ORGANIZATION AND GENERAL PROVISIONS.

4. There shall be at the Seat of Government of Canada a post Office Department for the Post Office Department for the superintendence and man agement, under the direction of the superintendence Coneral of Post office agement, under the direction of the Postmaster General, of the postal service of Canada department. 5. The Postmaster General shall be appointed by the of overnor General, by commission Governor General, by commission under the Great Sed y, Canada, and shall hold office dr Postmaster General. s. 8. 6. The Governor in Council may appoint an officer who all be called the "Deputy Party appoint an officer who all be called the "Deputy Party appoint and such shall be called the "Deputy Postmaster General," and such other officers and servants Deputy Post-master Genother officers and servants as are necessary for the proper conduct of the business of the d conduct of the business of the department, all of whom shall hold office during pleasure eral. 7. Every officer, clerk or servant employed in or by the stated Post Office Department, shall be remunerated by a state salary or pay, to be fixed by the D Remunerasalary or pay, to be fixed by the Postmaster General, 31 V, ject to the provisions of "The Chain and the salary of the salary of the provision of the Chain and the salary of the salary tion of ject to the provisions of "The Civil Service Act." officers. 8. No allowance or compensation shall be made to any erk or other officer in the Post off shall be made to read tion for extra clerk or other officer in the Post Office Department by real son of the discharge of duties of course of the or officer in the son of the discharge of duties of course of duties of course of the discharge of duties of course of duties o son of the discharge of duties of any other clerk or officer in the same department; and no allow more name of the same department and no allow the same department a the same department; and no allowance or compensation shall be made for any extra source or compensation such allowance or compensation shall be made for any extra service whatsoever which any such clerk or officer is required to high the base to be the base to be any service whatsoever which never such clerk or officer is required to perform : subject, never theless, to the provisions of "The Great and the subject, since the subject of theless, to the provisions of "The Civil Service Act." 9. The Postmaster General may, subject to the provisions this Act-Powers of Postmaster of this Act-General. (a) Establish and close post offices and post routes; (b) Appoint officers and servants, and remove or suspend y postmaster or other officer or a sub- rost office; Post offices any postmaster or other officer or servant of the post office; (c) Enter inter (c) Enter inter (c) and (c) Enter (c) and routes. (c) Enter into and enforce all contracts relating to the office; yance of the mails, or other busice Postmasters. veyance of the mails, or other business of the post of Mail con-(d) Make regulations declaring what shall and what shall and what shall to be mailable most a shall and what shall and what shall are specified of the shall be deemed to be mailable most a shall and what shall are specified of the shall be determined of the shaltracts. not be deemed to be mailable matter for the purposes of this Mailable matter.

(i) Make orders and regulations concerning the money Post office money orders and the issuing and paying of post office money orders. dient arrange for the orchance of such money orders with dient arrange for the exchange of such money orders with *the United K*: Descent Possession or foreign the United Kingdom or any British Possession or foreign country on such terms and conditions as he agrees upon, and as are set forth in the regulations relating to the

(h) Make arrangements for refunding such postage as is, Refunding authorities on official by Her Majesty's military or naval M. military or seven ities on official authorities on official correspondence passing between the naval service. in Canada:

(g) Make and give effect to any arrangements which are Arrange-cessary to be a give effect to any arrangements with the postal ments with the postal au necessary to be made with the Government or with the postal ments with sion, or of any force Kingdom, or of any British Posses- thorities out inc. sion, or of any foreign country, with regard to the collect- of Canada. ing and accounting for postage, the transmission of mails, and other matters connected with posts and postal business, and the remuneration or indemnity to be paid or received under any such arrangement;

(f) Cause to be prepared and distributed postage and regis-ation stamps be prepared and distributed postage and registration registration V) Cause to be prepared and distributed postage and regis- registration registration stamps necessary for the prepayment of postages and stamps, wrapregistration charges, under this Act; also stamped envelopes pers, &c. for the like purpose and post cards and stamped post bands or wrappers for newspapers or other mailable articles not being post letters;

they are suspected to be of a fraudulent character; (e) Establish the rates of postage on all mailable matter, Rates on the being that the rates of postage on all mailable matter mailable to not o ^(e) Establish the rates of postage on all mailable matter, Rates on specially provided for; and prescribe the terms and conditions wise provided case or class of correct provided to pass by post, and case or class of cases, be permitted to pass by post, and ing whether cash and thereof, for the purpose of ascertaining whether such conditions have been complied with;

Act, and for restricting within reasonable limits the weight and dimensions of letters and packets and other matters sent by post, and for prohibiting and preventing the sending of explosive a for prohibiting and preventing the sending of explosive, and for prohibiting and preventing the scheme of scene or immediate contraband or improper articles, obscene or immoral publications, or obscene or immoral post-cards and fletters, circulars cards; and for marking on the covering of letters, circulars Postmaster or other mail or other mail matter suspected to concern illegal lotteries, mark letters so-called wift so-called gift concerts, or other illegal enterprises of like suspected to character of concerts, or other illegal enterprises of like suspected to respecting character, offering prizes, or concerning schemes devised or be circulars obtaining monopole or defraud the public, for the purpose of illegal lotobtaining money under false pretences, whether such letters, teries. circulars or other mail matter are addressed to, or received by mail from the mail matter are addressed to a warning that mail from, places within or without Canada, a warning that they are splaces within or without Canada, a warning that

	same; and all orders and regulations so made by him shart be binding and conclusive upon the persons in favor of whom such money orders are issued, and the payees thereof and all persons interested through or claiming under them, and upon all other persons whomsoever;
Department- al rules and orders.	(<i>j</i>) Make and alter rules and orders for the conduct of and management of the business and affairs of the department and for the guidance and government of the postmasters and other officers and servants of the post office in the perfor mance of their duties;
Registration of letters.	(k) Prescribe and enforce such regulations as to letters directed to be registered, as to him seem necessary, ing respect to the registration of letters and other matter passing by mail, as well between places in Canada as between Canada and the United Kingdom, or any British Possession, Canada and the United Kingdom, or any British Possession or any foreign country, and to the charge to be made for or any foreign country, and to the charge to be made for officers of the post office of letters unquestionably contain officers of the post office of letters unquestionably contain registration by the senders of the same, and the imposing a rate of two cents registration charge upon such letters;
Questions as to periodi- cals, &c.	(1) Decide all questions which arise as to what priod be deemed to be a letter or letter packet, newspaper, period ical or other article of mailable matter, admitted to pass by post under this Act, and as to the rate of postage. to which it is consequently liable;
Suits for post age, &c.	or for penalties under this Act, or <i>due</i> by any postur- his sureties;
Street letter boxes, &c.	(n) Establish and provide street letter boxes of F of boxes or boxes of any other description, for the receipt of letters and such other mailable matter as he deems at pedient, in the streets of any city or town in Canada, or at any railway station or other public place where siders such letter box necessary;
Sale of stamps, &c.	(o) Grant licenses, revocable at pleasure, to agents stage than postmasters, for the sale to the public of postagents stamps and stamped envelopes, and allow to such agents a commission not exceeding five per cent. on the amount of their sales:
Penalties for contraven- tion of regu- lations.	their sales; (p) Impose, with the approval of the Governor in Countrian collars cil, pecuniary penalties not exceeding two hundred dollars for any one offence on persons offending against any such regulation as aforesaid, whether they are or are not officers of the post office;

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(9) Make such regulations as he deems necessary for the General purdue and effective working of the post office and postal poses. business and effective working of the post once and points into effect.

2. Every such regulation shall have force and effect as if it Effect of re-red part of 10 med part of 10 med regulations. formed part of the provisions of this Act. 38 V., c. 7, s. 10; - gulations.

10. Every regulation made by the Postmaster General Publication, ader this regulation made by the Postmaster General Publication, under this Act, other than those made solely for the ment and employed in the postal service, which may be communicated made by the by department of the officers or other persons regulations by department postal service, which may be communicated made by the by departmental order, or otherwise, as the Postmaster Postmaster on which the shall have effect from and after the day on Which the same is published in the Canada Gazette, or from and after such later day as is appointed for the purpose in such regulation, and during such for that purpose in such regulation, and during such for that purpose there is revoked or altered. for that is therein expressed, or if no time is capacity of that purpose, then until the same is revoked or altered. 88 V., c. 7, s. 11. Provision as to evidence omitted.

11. Every bond or security required or authorized by any Bonds, &c., the regulation of the valid. such regulation or by any order of the Postmaster General, to be valid. in any matter relative to the post office, or to the observance of any matter relative to the post office, or to the observation under it shall of this Act or any regulation or order made under it, shall be valid in law, and may be enforced accord-ing to its to 10 Valid in law, and may be enforced according to its tenor on breach of the condition thereof. 38 V.,

POST OFFICE INSPECTORS.

12. The Governor in Council may, from time to time, appoint Chief ne or more point in Council may, from time to time, appoint Chief one or more person or persons to be Chief Inspectors of Canada, with Inspectors of the Post Office Department of Canada, with authority over all or over as many post office inspective districts assistant post office inspectors and their respective districts as the Government of the districts and with such as the Governor in Council designates, and with such other duties connected with the post offices of Canada as are, from time to time, assigned to him or them by the Posthaster General; and with power in any part of Canada to Their powers. of the into and industry of suspected cases Investigation of complaints inquire General; and with power in any part of Canada to Incurpose of misconduct and investigate complaints or suspected cases Investigation employed and investigate complaints of any person of misconof misconduct or mismanagement on the part of any person of miscon-or in the Original and the original and the person of the pe employed in the Canada Post Office or performing duties in duct, loss of interview of the connection o or in connection with any post office in Canada, and also other mailable and the miscarriage or loss of letters or been mailable and the miscarriage or loss of letters or the contents thereof, and with other y complaints of the miscarriage or loss of letters power mailable matter, or the contents thereof, and with the r to support of the during the pleasure of power mailable matter, or the contents thereof, and the power to suspend from his duties, during the pleasure of one postmaster of any post the Postmaster General, any person employed in any post beck, pending the pleasure of any complaint or susoffice, pending the investigation of any complaint or suspected case of misconduct or mismanagement, and generally

with similar powers to those possessed by post office in spectors or assistant post office spectors or assistant post office inspectors appointed under this Act. 42 V c 20 c^{-1}

13. The Governor *in Council* may, from time to time, and int fit and proper persons to the set of the set point fit and proper persons to be post office inspectors and assistant post office inspector. assistant post office inspectors, and to be stationed at such places and to exercise their parts places and to exercise their powers and perform their duties and functions within such lines and perform their from and functions within such limits respectively as he, from time to time, prescribes 22 Y

14. Every post office inspector and assistant post office to spector shall under such the to inspector shall, under such instructions as are, from the per time, given by the Postmanter C time, given by the Postmaster General, superintend the per-formance of the mail sorrige to the the formance of the mail service, taking care that, as far as the state of the roads and atte state of the roads and other circumstances permit, mail stipulations of all contracts for the stipulations of all contracts for the conveyance of the mail are strictly complied with here are strictly complied with by the contractors; instruct heir postmasters in their duties. postmasters in their duties; keep the postmasters to their duty in rendering their duty in rendering their accounts and paying over to balances; inspect every post of balances; inspect every post office, from time to time, see that it is properly bout see that it is properly kept, and that the postmasters and their assistants perfectly understand their assistants perfectly understand their instructions and perform their duty well in perform their duty well in every particular; inquire into complaints or suspected complete and their instructions into complaints or suspected cases of misconduct or mismans of ment in respect of such duty ment in respect of such duty, and also into complaints of the miscarriage or loss of letters and the miscarriage or loss of letters or other mail matter; generally do all and what generally do all and whatsoever he is, from time to do for instructed or required by the D instructed or required by the Postmaster General to do for the service of the Post Office D part.

Power of Chief Inspector to apply for order to compel persons to come before him.

Issue and effect of order.

15. Any chief inspector may, for the purpose of any inquity investigation, apply in torus or investigation, apply in term or in vacation, to any induce of the Exchequer Court of C of the Exchequer Court of Canada, or of any to any index judge or stipendiary magistrate in and for the com such subpœna shall issue from at the person time and place mentioned in such subpœna, and ledge and there to testify to all matters and there to testify to all matters within his knowledge relative to such inquiry or invosting to here relative to such inquiry or investigation, and (if so required) to bring with him and produce to bring with him and produce any document, paper or thing which he has in him or thing which he has in his possession relative such inquiry or investigation such inquiry or investigation; and such subpons stipen issue accordingly upon the order of issue accordingly upon the order of any such judge or stiped diary magistrate; and any such judge to summon the diary magistrate; and any such witness may be summoned from any part of Canada, whether within or without is ordinary jurisdiction of the count ind ordinary jurisdiction of the court, judge or magistrate is ing the subpœna ; and every next the provident shall, his ing the subpœna; and every post office inspector shall, for the purpose of any inquiry or increase. the purpose of any inquiry or investigation which it is

Their duties specially.

Generally.

RESTITUTION OF STOLEN PROPERTY.

19. The Postmaster General may pay over or deliver to Delivery of person of the person of the deliver of the person of the deliver of the person of the deliver of the delivero of the deliver of the de such person or persons as he considers to be the rightful money or perty lost or

⁴² V., c. 20, s. 3. (Post Office Inspector, or as the case may be.)

(or made) and subscribed before me the Signature of per-Signature. *

"I (insert the name of the person and the capacity in which Form of oath is employed in the person and the capacity in which Form of oath is employed in the person and the capacity in which Form of oath he is employed in or by the Post Office Department), do tion. solemnly and sincerely promise and swear (or declare, if the erson is one entitled to be instead of taking an oath in person is one entitled to declare instead of taking an oath in civil cases 11 civil cases) that I will faithfully perform all the duties required of me by my employment in the service of the Post Office, and will abstain from everything forbidden by the laws for the establishment and government of the Post Office Department of Canada. So help me God." This oath (or declaration) was sworn a made

18. Every chief inspector, post office inspector or assis- Chief inspec-tor, &c., may post office in postmaster or administer tant post office inspector, post office inspector or assis- tor, &c., may assistant in any postmaster or administer in it and in any postmaster or other person oath or deassistant in any post office, mail contractor or other person oath or de-claration of any duty or work of the contractor of the mail contractor of the mail of the any duty or work of the contractor of the contractor of the claration of the contractor of the contractor of the contractors of any duty or work of the contractor of the contractors of any duty of work of the contractor of the contractors of the claration of the contractor of the contractors of the contractors of any duty of work of the contractor of the contractors of the contractors of any duty of work of the contractors of the cont any duty or work for the Post Office Department, to make tractors or and sign before the for the Post Office Department, the following and sign before him an oath or declaration in the following form, or to a like effect, that is to say :--

ter pertinent to any such inquiry or investigation; and such oath or any such inquiry or investigation; and such oath or affirmation may be administered by him to any person whom he desires to examine. 42 V., c. 20, s. 2, part.

17. Every chief inspector and every post office inspector Power to ex-amine on any mat- oath. may examine any person on oath or affirmation on any mat- oath.

gaol of the locality as for contempt of court for a period not erceeding fourteen days. 42 V., c. 20, s. 2, part.

16. Reasonable travelling expenses shall be paid or tend-Penalty for refusing to annear of such ser annear or to ered to any Witness so subpænaed at the time of such ser- appear, or to vice; and ; vice; and if any person so duly summoned neglects or give evi-refuses to any person so duly summoned neglects or give evirefuses to appear at the time and place specified in the sub-prena served pena served upon him, or refuses to give evidence or to produce the papers demanded of him, the court, or the judge or manistration demanded of him, the subbogena, or any or magistrate who ordered the issue of the subpœna, or any other index of the subpœna or any other judge of the same court, may cause the said person to be taken in the same court, may cause the said person to be taken into custody, and to be imprisoned in the common gaol of the local distribution of the local distributical distributical distribution of th

duty to make, have like powers as those conferred by this Inspector to have like power. section upon a chief inspector. 42 V., c. 20, s. 2, part.

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stolen from mails when recovered.

owner or owners thereof, upon satisfactory evidence of claim, any sum of money or other property stolen or lost from the mails, which is, by the Postmaster General, recovered from the thief or thieves, or otherwise comes into his possession. 38 V., c. 7, s. 18.

	RATES OF POSTAGE.
Rates of postage on letters.	20. On all letters transmitted by post for any within Canada, except in cases herein otherwise provided for, there shall be charged and paid one uniform ate of three cents per half ounce weight, any fraction of a half ounce being chargeable as a half ounce; and such all by postige
Prepayment obligatory. Exceptions.	half ounce being chargeable as a half ounce, postage postage rate of three cents shall be prepaid by postage stamp or stamps at the time of posting the letter, otherwise such letter shall not be forwarded by post,—but letters addressed to any place in Canada and on which one full rate of three cents has been so prepaid, shall be forwarded to their destination charged with double the amount of the post age thereon not so prepaid, which amount shall be collected on delivery. 38 V., c. 7, s. 19.
On local or drop letters.	21. On letters not transmitted through the mails, only posted and delivered at the same post office, common per known as local or drop letters, the rate shall be one cent per half ounce weight, which shall, in all cases, be prepaid by postage stamps affixed to such letters. 38 V., c. 7, s. 20.
On letters to or from seamen or soldiers in H. M. service	all British postage thereon, the payment of such such such such such such such such
Or to com- missioned officers in army or navy, &c.	23. Whenever a letter addressed to a commissioned on ing of the army or navy, or of any of the departments belonged thereto respectively, at a place where he has been employed on actual service, would be free from British postage on he transmission thereof from such place to any place to which he transmission thereof from such place to any place to which has removed in the execution of his duty, before the delive has removed in the execution of his duty, before the delive free from Canada postage; and the Postmaster General mare make such regulations, declaratory and otherwise, as 21, necessary for giving effect to this section. 38 V., c. 7, 5. 21, neart.
On news- papers, &c., posted singly.	part. 24. Newspapers and periodicals weighing less than lif a ounce each may be posted singly at a postage rate of half a cent each, which shall, in all cases, be prepaid by postage

stamp affixed to each. 38 V., c. 7, s. 23.

27. On all newspapers and periodicals posted in Canada, Rate of in the company of the postage books, p except in the cases hereinbefore expressly provided for, and postage on books, parally between the postage of the pos on books, pamphiets, occasional publications, printed circu- phiets, &c. larg, prices current, hand-bills, book and newspaper manuscripts, printers' proof sheets, whether corrected or not,

from time not been complied with in respect of 10, and hecessary to time, may make any regulations he deems hecessary to give full effect to the provisions of this section, by the prevent for the provision of this section, the prevent for the provision of the section of the prevent for the prevent or to prevent fraudulent evasions thereof. 45 V., c. 9, s. 1.

Automation, for which free transmission is claimed, is or is P M. General test of this section, and whether the requirements thereof the said con-from to have not been complied with in respect of it, and, ditions. have of this section, and whether the requirements thereof the same from time to time

And the Postmaster General may decide whether any Powers of blication for the General may decide whether any Powers of B. General may decide whether any powers of the for prevention of the former publication, for which free transmission is claimed, is or is P M. General tent a newspaper of the meaning and in- for prevent-ing evasion of

(d) It is delivered into the post office, under such regula- Delivery as the Dotted into the post of time to time, makes to Post O tions as the Postmaster General, from time to time, makes to Post Office.

(c) It is addressed to a *bonâ fide* subscriber, or to a known To whom to be addressed. hews dealer in Canada ;—and,

plement to it and sent with it;

(b) The full title, place and date of publication, and the Title, date distinguishing number of the issue are printed at the top of and place of publication. the first page, and also on any paper purporting to be a sup-

(a) Such newspaper or periodical is known and recog-Intervals of as a normalized as a normalized as a normalized by the generally received publication. hized as a newspaper or periodical is known and recog- Intervals of sense of the word or device blicked regularly at intervals of sense of the word, and published regularly at intervals of more that Not more than one month;

than in the place of publication, shall be transmitted by Mail to their representation of publication and the place of publication and the place of publication and the place of postage if:-Mail to their respective addresses free of postage if:-

26. Newspapers and periodicals printed and published in Certain anada, mail and periodicals printed and published in Certain anada, mail and periodicals printed and periodicals printed and published in Certain and a mail and periodicals printed and published in Certain and periodicals printed and published in Certain and a mail and periodicals printed and published in Certain and periodicals printed and published and periodicals printed and published in Certain and periodicals printed and published in Certain and periodicals printed and published and periodicals printed and periodicals periodicals printed and periodicals perio Canada, mailed by the publisher in the post office at the and periodi-set where these the publisher in the post office at the and periodi-set where the publisher in the post office at the and periodi-set where the publisher in the post office at the and periodi-tion of the publisher in the post office at the set of the periodi-set of the publisher in the post office at the set of the periodi-tion of the publisher in the post office at the set of the periodi-tion of the periodi-set of the publisher in the post office at the set of the periodi-tion of the periodi place where they are published and addressed to regular cals to go than in the place in Canada, resident elsewhere ada by mail.

such regulations as the Postmaster General, from time to time, directs. 38 V., c. 7, s. 22.

25. The rate of postage on newspapers and periodical Rates of ablication and issued postage of newspapers and periodical Rates of newspapers and periodical Rates of newspapers and issued postage of newspapers and periodical Rates and periodical publications printed and published in Canada, and issued postage on newspapers and periodical Rates or not less frequently than once a month from a known office and periodi-of publication and publication and periodical results of the print of the periodical results of the peri of publication or news agency, and addressed and posted by cals direct and from the or news agency, and addressed and posted by grant from office of publication. and from the same to regular subscribers or news agents, publication. shall be one cent for each pound weight, or any fraction of a pound weight. a pound weight, which shall be prepaid by postage stamps or otherwise a pound weight, which shall be prepaid by postage stamps or otherwise as the Postmaster General, from time to time, directs; and such newspapers and periodicals shall be put How to be up into packup into packages and delivered into the post office, and the put up. postage rate thereon prepaid by the sender thereof, under

Chap. 33.

Prepayment.

No letters to be enclosed.

How to be put up.

Postage on mailable matter between Canada and any other country.

package or thing shall be sent in covers open at the ends of sides, or otherwise so put up and the sent in covers open at the by the sides, or otherwise so put up as to admit of inspection by the officers' of the post office to inspect to the post office to inspect the post office to post officers' of the post office to insure compliance with this provision. 38 V., c. 7. s. 24 next 29. Notwithstanding any thing herein contained, all let not not so that any set of the s ters, newspapers and other mailable matter passing by mail between any place in Canada and the matter passing by any between any place in Canada and the United Kingdom, and British possession, or any force British possession, or any foreign country, shall be liable in such charges and rates of charges and rates of postage on being posted a, or on delivery therein and the second postage on being posted. Canada, or on delivery therein, and be subject to such regu-lations and conditions as and be subject to such regulations and conditions as are agreed upon, under any arrangement made by the Post arrangement made by the Postmaster General for the trans-mission, despatch, receipt and division mission, despatch, receipt and delivery of the same, and con-tained in any regulation made tained in any regulation made by the Postmaster General in pursuance of such arrangement

age or thing mentioned in the next preceding section any newspaper or periodical

any newspaper or periodical; and the newspaper, periodical package or thing shall be sont

30. British, foreign or colonial postage as well as hall, anada postage on any letter and in postage as well as hall, age on unpaid Canada postage on any letter or other mailable matter shall, letters may be if not prepaid, in all cases in the mailable matter has not recovered. age on unpaid Canada postage on any letter or other mailable matter short letters may be if not prepaid, in all cases in which prepayment has not been made obligatory, he payable to the prepayment of the short been made obligatory, be payable to the Postmaster dener by the person to whom the same by the person to whom the same is addressed, or who may lawfully receive such letter lawfully receive such letter or other thing, which not be detained until the postere be detained until the postage is paid : and any refused to neglect to pay such postage shall be in the postage shall be postage shall be in the postag neglect to pay such postage shall be held to be a refusation the detained the detained the receive such letter or thing, which shall be detained the dealt with accordingly; but if the same is delivered, by the Postage on it shall be charged and a by the Postage delivered a postage on it shall be charged against and paid by the post master delivering it, saving his right to recover it from the person by whom it was due as more in for such person: person by whom it was due, as money paid for such person; 2. If or 2. If any letter or other mailable matter is refused, or if e person to whom it is addressed by found, and

Letters refused. - 11 any letter or other mailable matter is refused, on the person to whom it is addressed cannot be found,

Chap. 33

of four ounces; and the postage rate shall be prepaid by postage stamp or stamped post postage stamp or stamped post bands or wrappers, whenever any such articles as are monthly and so wrappers, whenever any such articles as are mentioned in this section are posted in Canada. 38 V. c. 7 s. 24

28. No letter or other communication intended to serve e purpose of a letter shall be the purpose of a letter shall be sent or enclosed in any or in age or thing mentioned in the Сһар. 33.

Postage due thereon shall be recoverable by the Postmaster General from the sender of such letter or packet :

⁸. The postage marked on any letter or other mailable Amount of ^{postage}. hatter shall be held to be the true postage due thereon; and postage. the person signing or addressing it shall be held to be the sender, until the contrary is shown :

4. All postage shall be recoverable with costs, by action How rein any court of competent jurisdiction, or in any way in covered. which customs doubter the state of the stat

Which customs duties are recoverable. 38 V., c. 7, s. 26.

31. Whenever letters or other mailable matter are posted Cases in places of Canada, to which which start ed letters for places Whenever letters or other mailable matter are posted Cases in stamps for prepayment are affixed of less value than the places out of the rate of postthe rate of postage to which such letters are liable,—or Canada may to any place for prepayment are affixed to letters addressed as unpaid by place of postage to which such letters addressed as unpaid to any place of prepayment are affixed to letters addressed as unpaid by place of prepayment cannot letters. to any place as aforesaid for which prepayment cannot letters. be taken in Canada,—the Postmaster General may forward in ch letters and a, the Postmaster General may forward such letters, charged with postage, as if no stamp had been thereto are other mailable thereto affixed; and when any letter or other mailable matter is posted in Canada without prepayment, or insuffi-letters not prepayment is by this letters not prepaid. ciently prepaid, in any case in which prepayment, or insum-the made oblight any case in which prepayment is by this prepaid. Act made obligatory, the Postmaster General may detain the same and cause it to be returned, when practicable, to the sender. 38 V., c. 7, s. 27.

32. No postmaster or letter carrier shall, as respects any No change any postage is payable matter delivered by him on which need be given the exact amount of the restarce so payable shall be tendered carrier. the exact amount of the postage so payable shall be tendered carrier. or paid to him in current coin; and in like manner the eract value in current coin; and in like manned to stamps, registra-tion stamps in current coin of any postage stamps, registration stamps, stamped envelopes, post cards, or post bands or wrappers with the stamped envelopes, post cards, or post bands or the stamped envelopes and postmaster, shall be wrappers, stamped envelopes, post cards, or post bands of tendered or purchased from any postmaster, shall be 88 V, c. 7 paid to him at the time of purchase thereof.

38. The Postmaster General may make such reasonable Conveyance mpensation to the masters of vessels, not of letters by sea to or from compensation as he sees fit to masters of vessels, not of letters by being post officer he sees fit to masters of vessels, not of letters by very post officer he sees fit to master conveved by such Canada in being post office packets, for each letter conveyed by such Canada in the vessels office packets, for each letter conveyed by such Canada in the vessels other than post vessels between places beyond sea and Canada: and the vessels other ports, such vessels chall not that at any port or class of office packets. ports, such vessels shall not be permitted by the officers of the stores to anticustoms to enter or break bulk until all letters on board the same have been delivered at the post office, nor until the haster have been delivered at the post office, nor unan scribed that made declaration, in such form as is prescribed has made declaration, in such form as V, c. 7 so has delivered all such letters accordingly.

EXCLUSIVE PRIVILEGE OF THE POSTMASTER GENERAL, AND EXCEPTIONS FROM IT.

	AND EXCEPTIONS FROM IT.				
No one but the Postmaster General to collect, con- vey and deli- ver letters in Canada.	34. Subject always to the provisions and regulations aforesaid, and the exceptions hereinafter made, the post master General shall have the sole and exclusive privilege of conveying, receiving, collecting, sending and delivering letters within Canada: and, except in the cases hereinafter mentioned, any person who collects, sends, conveys or delivers or undertakes to convey or deliver any letter within Canada, or undertakes to convey or deliver any letter within Canada, or who receives or has in his possession any letter for the formity with this Act, shall, for each and every letter so unlawfully conveyed or undertaken to be conveyed, received, unlawfully conveyed or undertaken to be conveyed, received, delivered or found in his possession, incur a penalty not er ceeding twenty dollars:				
Exceptions.	ceeding twenty dollars: 2. Such exclusive privilege, prohibition and penalty shall not apply to—				
Letters by private friends.	(a) Letters sent by a private friend in his way, journed to travel, provided such letters are delivered by such friend to				
Messenger.	(b) Letters sent by a messenger on purpose, concert the private affairs of the sender or receiver;				
Commissions, writs, &c.	(c) Commissions or returns thereof, and affidavits or w ^{rits} , process or proceedings or returns thereof, issuing out of s court of justice;				
Private vessel.	court of justice; (d) Letters addressed to a place out of Canada and sent by sea and by a private vessel;				
Posted on arrival.	sea and by a private vessel; (e) Letters lawfully brought into Canada, and immediately posted at the nearest post office; handise;				
Letters with goods, &c.	(f) Letters of merchants, owners of vessels of merchants or of the cargo or loading therein, sent by such vessel of the chandise, or by any person employed by such owners for ad- carriage of such letters according to their respective are dresses,—and delivered to the persons to whom they are respectively addressed, without pay, hire, reward, advantage or profit for so doing :				
The same.	(g) Letters concerning goods or merchandise goods or common known carriers to be delivered with the goods or which such letters relate, without hire or reward, profit advantage for receiving or delivering them:				
Proviso.	advantage for receiving or delivering them: 3. Nothing herein contained shall authorize any person to collect any such excepted letters for the purpose of send-				

sent The Postmaster General may, with the con-Provision of the Governor in Council, establish in any letters in letters in the document of free de-cities free. city, of the Governor in Council, establish in any letters in When he deems it expedient, a system of free de- cities free. may, with the con-Provision for

Ment of all moneys received by him. 38 V., c. 7, s. 33, part. to. The Postmaster General

B. Each of such carriers shall give a bond, with sureties Carriers to give securit approved by the Postmaster General, for the safe custody give security. ment of all more all letters, and for the due account and pay-28 V. c. 7, s. 33, part.

ceipts, by the carriers in any city or town, shall be accounted for to the Postmatter of any city or town, shall be accounted for to the Postmaster General. 38 V., c. 7, s. 33, part.

ton the person to whom any letter is delivered by a carrier The rates. eeding two cents for each letter and for the delivery of ceeding two cents for each letter, and for the delivery of which reeach newspaper and pamphlet one cent; all of which re-

town, employ letter carriers for the delivery of letters re- and rate of the next of the post of the post of the city postage. ceived at the post office in such city or town and for the city postage. receipt of letters at such places in such city or town and to the Postmaster Construction of the deposit of the Postmaster General directs, and for the deposit of the same in the post office; but letters shall not be so delivered has rewhenever the post office; but letters shall not be so users of quested the person to whom they are addressed has re-Quested the person to whom they are addressed has in post office. 38 V., c. 7, s. 33, part.

tions for the branch post offices established by virtue of this Act, and no additional postage shall be charged for the necept or delivery of the packet at such branch receipt or delivery of any letter or packet at such branch **37.** The Postmaster General may, whenever the same is Employment for the source of letter carriers in citizes in any city or of letter carriers in citizes in a state of the source of proper for the Postmaster General may, whenever the same is Employment town, employ letter carriers in cities rein, employ letter delivery of letters re- and rate of city postage.

36. The Postmaster General may, when in his judgment Establish-ne public interest the public interest or convenience requires it, establish one gulation of any office in any city and the post offices to facilitate the operation of the branch post offices in any city and the bis opinion requires offices in cities. post office in any city or place which in his opinion requires cities. any such additional accommodation for the convenience of the inhabitants. the inhabitants; and he may prescribe the rules and regula-tions for the branch de may prescribe the rules and regula-

BRANCH OFFICES AND DELIVERY IN CITIES.

in the post office or in the collection of the revenue of tion letters Canada shall solve in the collection of the revenue of tion letters and a shall solve in the collection of the revenue of the reve Canada shall, seize any letters conveyed, received, collected, may be seized sent or delivered in violation of this Act, and take them with postage. to the nearest post office, and give such information to the the effectual process time offender: and the letters shall the effectual prosecution of the offender; and the letters shall also be charges 11 union of the offender; 38 V., c. 7, s. 31. also be chargeable with letter postage. 38 V., c. 7, s. 31.

ing or conveying them as aforesaid,—or shall oblige any person to send any newspaper, pamphlet or printed book by

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livery by letter carrier of letters brought by mail, and he may direct that, from the time of letters brought by mail, and he mail a may direct that, from the time that such system is so established, no charge shall be made and so that such system is so further and the such system is so that lished, no charge shall be made for the delivery of such letters by letter carriers in and letters by letter carriers in such city; and such system of free delivery, when established free delivery, when established in any city, shall be subject to such regulations as the Det to such regulations as the Postmaster General, from time to time, sees fit to make 20 V

PARCEL POST.

Parcel post.

Rate to be fixed by Postmaster General.

41. The Postmaster General may establish and maintain parcel post; and closed parcel a parcel post; and closed parcels, other than letters and not containing letters. may be are to containing letters, may be sent by such parcel post; and when so sent shall be liable to a very such parcel post; when so sent shall be liable to such charges for conveyance and to such regulations on the providence of the sector of the secto and to such regulations as the Postmaster General, from time to time, sees fit to make

FRANKING AND FREE MAIL MATTER.

Certain letters and other mailable matter to be free of postage.

parliamen-

42. All letters and other mailable matter addressed to of nt by the Governor General sent by the Governor General—or sent to or by any department of the Government at the sent to or by any shall be ment of the Government at the seat of Government, shall be free of Canada postage under the seat of Government, shall be free of Canada postage under such regulations as are, in time to time, made in that are time to time, made in that respect by the Governor in Council:

2. Letters and other mailable matter addressed to or sent the the speaker or Clerk and the sent the se by the Speaker or Clerk of the Senate or shall the House of Commons at the seat of Government shall be free of Canada postage. and lotter determined at Senate and , House of free of Canada postage, and letters and other House at matter addressed to or by any member of either House at the seat of Government. during the seat of Government and at Commons. the seat of Government, during any Session of Parliament of or to any of the members at the seat of Government of aforesaid, during the ten days next before the meeting Parliament, shall be free of Course

3. All books belonging to the library of Parliament ay be sent from the same to any of the House of any any sent from the same to any of the same may be sent from the same to any member of either House of from any such member addressed to the member of either during bor Books from from any such member addressed to the librarian, during the recess of Parliament, and free of G recess of Parliament, and free of Canada postage in either case: tary library. given

this section shall apply only to mail matter passing between the seat of Government and places Limitation.

5. Members of either the Senate or the House of Commons ay, during the recess of Parliant may, during the recess of Parliament, send by mail, free of Canada postage, all papers printed and member Canada postage, all papers printed by order of either Provinces of Canada and members of the Legislature of Parliamentary papers. and members of the Legislature of any one of the Provinces of Canada may, in like manner and it for of the provinces of Canada may, in like manner, send by mail, free of Canada postage, all papers printed by order of any one of the resistance in the main of the postage of postage, all papers printed by order of such Legislature:

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2. If any such dead letter, of which the writer or sender If containing and be ascentained letter, of which the writer or sender If containing money, the Post-money. cannot be ascertained letter, of which the writer or sender it contains master General money. the Post-money. haster General may appropriate it as postal revenue, keepng an account thereof; and the amount shall be paid by the formaster Gamma to the state of the s Postmaster General to the rightful claimant as soon as he is

44. DEAD LETTERN. remain undelivered in any post office, or which, having how dealt reput with. reput with the forwarded by post, shall, under such been posted in any post office, or which, makes, be trans-tegulations and be forwarded by post, shall, under such regulations as the Postmaster General makes, be transhitted by Postmasters to the Post Office Department as Dead Letters, there is to the Post Office Department as Dead Letters, there to be opened and returned to the writers or anders on part of the post of the due thereon with three senders on payment of any postage due thereon with three net additional on any latter to defray the cost of cents additional on each dead letter to defray the cost of letter ing the same letter to defray the cost of returning the same, less, in the case of insufficiently prepaid letters or other mailable matter posted in Canada, such such dead letters or class of cases, be such dead letters may, in any case or class of cases, be otherwise disposed of the postage of th otherwise disposed of as the Postmaster General directs:

person or legal representatives of the person to whom it is addressed. 38 V., c. 7, s. 37.

2. No letter, packet or other mailable matter shall, whilst in Mailable mat-e post office or is the formation of the mailable matter shall, whilst in Mailable mat-to seizure. the post office or in the custody of any person employed in the to seizure. Canada Post office or in the custody of any person employed and a Post Office, be liable to demand, seizure or detention, under level of thereof, or against the under legal process against the sender thereof, or against the

48. From the time any letter, packet, chattel, money or Property in sent by post it shall be post office for the purpose of being mailable matar. sent by post, it shall cease to be the property of the sender, and shall be the post of the sender. and shall be the property of the person to whom it is ad-nessed or the law property of the person to whom it is addressed or the legal representatives of such person : and the Postmaster General shall not be liable to any person for the loss of any letter, packet or other thing sent by post:

PROPERTY IN POST LETTERS, AND OTHER MAILABLE MATTER.

7. Petitions and Addresses to the Provincial Legislatures Petitions to any of the Daries of the Provincial Legislatures Petitions to any branch thereof, local Legisof any of the Provinces of Canada, or to any branch thereof, local Legislature. and also Votes and Proceedings and other papers printed by order of any branch thereof, may order of any such Legislatures or any branch thereof, may be sent free of Canada postage under such regulations as the Postmaster G Postmaster General prescribes. 38 V., c. 7, s. 36.

6. The Postmaster General may prescribe the conditions Post office Id circumstantian dependence accounts and papers, letters, &c and circumstances under which letters, accounts and papers, letters, &c. relating solely to the business of the post office, and addressed to or sent business of the post office from Canada to or sent by some officer thereof, shall be free from Canada

LETTERS CONTAINING CONTRABAND GOODS.

45. The Postmaster General, or any postmaster by him that effect duly authorized to that effect duly authorized, may detain any post or other article of mail matters. or other article of mail matter suspected to contain any post room traband goods. wares or more that the suspected to contain any post room traband goods. traband goods, wares or merchandise, or any goods, wares of merchandise on the importation of any goods, wares any merchandise on the importation of which into Canada and duties of customs are by low a duties of customs are by law payable, and suspected to have been enclosed therein and sust been enclosed therein and sent by post to evade payment of such duties, and forward the such duties, and forward the same to the nearest collector to of Customs, who in the the person whom the same is addressed, or in his absence, in such of non-attendance after due of non-attendance after due notice in writing from such collector requiring his attend collector requiring his attendance, left at or forwarded by the post according to the address of the post according to the address of the reduced by the red the post according to the address on the letter or other article of mail matter. may open and of mail matter, may open and examine the same:

lf any such goods are found.

And if not.

2. If, on any such examination, any contraband goods, ares or merchandise or any such examination, any contraband second wares or merchandise, or any goods, wares or merchandise on the importation of which is to a wares or merchandise on the importation of which into Canada any duties of cus toms are payable are discovered toms are payable are discovered, such collector may detail the letter or other article of mail the letter or other article of mail matter and its contents for the purpose of prosecution. the purpose of prosecution; and if no contraband goods, wares or merchandise or any and if no contraband sector. wares or merchandise, or any goods, wares or merchandise on the importation of which interform on the importation of which into Canada any duties of cus toms are by law pavable toms are by law payable, are discovered in such letter it other article of mail matter it al. It is a whom it other article of mail matter, it shall, if the person to whom is is addressed is present, be banded is addressed is present, be handed over to him on his paying the postage, if any, charged the the postage, if any, charged thereon, or if he is not present to the post of the is not present to the post of the is not present to the post of the p it shall be returned to the post office and be forwarded to the place of its address. 38 V

46. No mail stage, or other winter or summer vehicle rrying a mail, shall be exampted of the summer of s when exempt carrying a mail, shall be exempted from tolls or dues on any road or bridge in Canada unloss road or bridge in Canada, unless, in the Act or chardel: authorizing such road or bridge it. authorizing such road or bridge, it is specially so provided:

2. Every ferryman shall, upon request and without delay, nvey over his ferry any course convey over his ferry any courier or other person traveling with the mail, and the carriege and the correst of the person traveling with the mail, and the carriage and horse or horses employed in carrying the same : and the carriage and horse or horses and set ed in carrying the same ; and the sum to be paid for such soft vice shall be fixed by contract to a for such soft vice shall be fixed by contract; or if any ferryman demands more than the post office authorities more than the post office authorities or the contractor paid carrying the mail are willing to carrying the mail are willing to pay, the amount to be pail shall be fixed by arbitrators — and the carrying the mail are willing to pay. shall be fixed by arbitrators, —each party naming an arbitrators decision of any the two arbitrators naming and the decision tor, and the two arbitrators, —each party naming an arbitrators ar

Mail not to be delayed.

Obligations of ferrymen.

> 3. No toll-gate keeper or ferryman shall detain or delay mail on pretence of demandiant. a mail on pretence of demanding toll or ferriage, but the

Detention, &c., of letters suspected to contain contraband or dutiable goods.

49. The Governor in Council may appoint all post-Appoint-anters having the covernor in Council may appoint all post-Appoint-and towns; and masters. hasters having permanent salaries in cities and towns; and masters. Gener, postmater all other having permanent salaries in cities and towns, General: postmasters may be appointed by the Postmaster

punishable under the existing laws of Canada if the same punishment the Canada mail was a Canada mail or part of a Canada mail, an offence of the same degree and or part of a Canada mail, an offence of the same degree and magnitude and punishable in the same hanner and to the same extent as if the same was a manda mail Canada mail or part of a Canada mail;—and in any indicthent for such act or offence, such mail or part of a mail may held to be alleged to be be alleged to be, and on the trial of such indictment shall be beld to be, and on the trial of such indictment shall be any indictment for the trial of a Canada mail: and in Property in indictment for the trial of a Canada mail: and in Property in such mails. any indictment for stealing, embezzling, secreting or destroy-such mails. ing any post letter, post letter-bag, packet, chattel, money any post letter, post letter-bag, packet, chattel, mono, said table security sent by post through and by any of the bras United States and the indictment belerred against in the property of such post Preferred States mails as aforesaid, in the manual letter, post lotter, the offender, the property of such post battel money or valuable referred against the offender, the property of such point letter, post letter-bag, packet, chattel, money or valuable than ty sent by post as borein mentioned, may be laid in the post master of the shall not be necessary to the Postmaster General, —and it shall not be necessary to with the instruction of the state of t allege in the indictment, or to prove upon the trial or other-val, that the indictment, or to prove upon the trial or other-Wise, that the indictment, or to prove upon the trial or other Valuable second the post letter, post letter-bag, packet, chattel or 22 V c. 7, s. 42. valuable security was of value. 38 V., c. 7, s. 42.

when required and whenever the Postmaster General shall have under the whenever the Postmaster General shall have undertaken or agreed to provide for the carriage or transportation of the carriage of the United States through any transportation of the mails of the United States through any Mails of U.S. Portion of Canada, such mails, when so carried or transported or Canada on Canada on Canada, such mails, when so carried or transported or Canada on Canada or required by the Postmaster General to be so carried or Canadian hansported by the Postmaster General to be so carried or Canadian by the Postmaster General to be so carried transported by the Postmaster General to be so carried or Canadian poses of the sixty-fourth section of this Act, be deemed to be Her Majesty's Majesty's weil and the sixty of the section of this Act, be deemed to be Her Majesty's mails. Her Majesty's mails. 38 V., c. 7, s. 41;-41 V., c. 2, s. 2. **48.** Every United States mail so carried or transported as Such mails to a foresaid that States mail so carried or transported as Such mails to be deemed and taken while in Ca-**18.** Every United States mail so carried or transported as Such mains to be a foresaid shall, while in Canada, be deemed and taken while in Canada, be deemed and taken while in Canada, her mail of Her Majesty, so far as to make any violation nada, Her majesty's Canada mails, a nada mails, a nad

UNITED STATES MAILS PASSING THROUGH CANADA. 47. The Postmaster General may, from time to time, with Carriage of Ment Which he down in Council, make any arrange- through main which he down in Council, for allowing the Canada. ment which he deems just and expedient for allowing the Canada. mails of the United States to be carried or transported through any portion and the United States to be carried or transported through any portion of Canada, from any one point in the territory of the said United States to any other point in the transpor-territory monitor states to any other point in the same territory, upon obtaining the like privilege for the transportation of the mails of Canada through the United States

course of law from the person liable. 38 V., c. 7, s. 40.

^{8ame,} if due and not paid, shall be recoverable in the usual

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thereof, any depredation thereon, or any act or offence in Majesty's Ca-punishable under the existing laws of Canada if the same punishment of offences.

Postmaster to give bonds.

2. The Postmaster General shall, upon the appointment any postmaster, require a bill, upon the appointment of any postmaster, require and take of such postmaster as bond, with good and appoint. bond, with good and approved sureties, in such penalty as he deems sufficient conditioned for the such penalty of he deems sufficient, conditioned for the faithful discharge of all the duties of such postmet all the duties of such postmaster required by law, or which are required by any instruction are required by any instruction or regulation or general rule for the government of the second secon

Sureties may be changed and new bonds executed.

3. When any surety of a postmaster notifies to the Post aster General his desire to be a postmaster notifies to the post master General his desire to be released from his surety high or when the Postmaster General or when the Postmaster General deems it necessary, he may require such postmaster to require such postmaster to execute a new bond, with sure ties,—which bond when accepted by the Postmaster General, shall be as valid as the bond given upon in original appointment of the matter original appointment of the postmaster; and the sureties all the prior bond shall be released. the prior bond shall be released from responsibility for all acts or defaults of the postmatter acts or defaults of the postmaster done or committed sate sequent to the acceptance of the sequent to the acceptance of the new bond, —and the prior of the acceptance shall be del of the acceptance of the new bond, —and the prior bond :

Application of payments made after new bonds.

Limitation of suits against sureties.

Accountability of postmasters to be enforced by Postmaster General.

Penalty for delay in the rendering of Accounts.

4. Payments made by such postmaster subsequent to the discreptance of a new bond about acceptance of a new bond, shall be applied first to hacceff charge of any balance due by bin charge of any balance due by him at the time of such acception that the time of such acception of the time of time of time of the time of time of the time of tance, unless the Postmaster General otherwise directs:

5. No suit shall be instituted against any surety of some structure of the desite of t postmaster after the lapse of two years from the death resignation or removal from after the lapse of two years from the deather, h resignation or removal from office of such postmaster, the desort from the date of the acceptance of such postmaster, the postmaster of the acceptance of such postmaster. from the date of the acceptance of a new bond from such postmaster. 38 V., c. 7. ss 9 10

50. The Postmaster General may appoint the periods at hich each postmaster or person and a point the periods and the periods at the periods at the postmaster or person and the periods at the periods which each postmaster General may appoint the periods of age, or any class or number of personal authorized to receive persons respective destination of persons are persons and the persons of the perso age, or any class or number of postmasters or persons respectively, shall render his or their and the form respectively, shall render his or their accounts, and the and and manner in which such as the such as and manner in which such accounts shall be kept the rendered : and if any postmaster or reference of the such accounts shall be here there there the such accounts shall be here the such acco rendered : and if any postmaster or any such person neg the or refuses to render his accounts or refuses to render his accounts, and to pay over to do Postmaster General the balance derived to the end of Postmaster General the balance due by him at the end of any such period, the Postmaster General the source a suit any such period, the Postmaster General may cause a suit to be commenced against the period. to be commenced against the person so neglecting or refus-ing. 38 V., c. 7, s. 44.

51. If any postmaster neglects to render his accounts for ne month after the time or in the render his accounts are preone month after the time or in the form and manner pier scribed by the Postmaster General' scribed by the Postmaster General's instructions and regulations, he shall forfeit double the relations of the states which tions, he shall forfeit double the value of the postages which have arisen at the same office in previous of have arisen at the same office in any equal portion of the postages of the previous or subsequent thereto with a recover and by the Post previous or subsequent thereto, which shall be recoverable by the Postmaster General in an action of the the state of the by the Postmaster General in an action of debt on which the survey of the postmaster and big to the big of the against the postmaster and his sureties, and for which the sureties shall be liable. 38 V

The Postmaster General may, in his discretion, Postmaster hthorize and the discretion of the undertake and per- lowed to be anthorize and allow a postmaster to undertake and per-88 and allow a postmaster to undertake and per-a contractor a contractor.

Persons as will accept such offer. 38 V., c. 7, s. 49.

West tender route opinion of the Postmaster General, the Lowest offer and the contract of the advertisement for the cepted if lowest tender received after public advertisement for the cepted if communice of a main after public advertisement for the cepted if communice of a main after public advertisement at the deemed experformance of a mail contract is excessive, he shall not be deemed ex-tion pelled to contract is excessive, in his discrecompelled to accept the said tender, but may, in his discre-tion, either readent the said tender, but may, in his discretion, either re-advertise the said contract for further compe-tition, or office the said contract for further compe-tion, or office the said contract for further competition, or offer to the persons from whom tenders have been seceived each is the persons from whom the lowest, such Received, or offer to the persons from whom tenders have been such as he door his turn, beginning with the lowest, such Proceedings con as he door sum as he deems a reasonable and sufficient price for the said contract, and may enter into a contract with such of the said $\frac{1}{29}$ V c. 7, s. 49.

the the Postmaster General shall not be bound to consider If otherwise, failed to execute of any person who has wilfully or negligently reported to when to execute on the person who has wilfully or negligently reported to failed to execute or perform a prior contract; but in all cases the Governor. where he does not give the contract to the lowest *tenderer*, he shall report his reasons therefor to the Governor General for the information of Parliament. 38 V., c. 7, s. 48.

2. The contracts, in all cases in which there is more than Contract to be awarded to be a shall a set to be awarded to be a shall a set to be a shall a set to be one tender, shall be awarded to the lowest tenderer who offers the lowest tender giving a security of the contract of the contract to be awarded to the lowest tenderer who offers tenderer who off sufficient security for the faithful performance of the con-bidder giving the index the D that; unless the Postmaster General is satisfied that it is for good security interest of the security for the faithful performance of the con-bidder giving the interest of the security unless for cause. the interest of the public not to accept the lowest tender: ³ The Postmaster General shall not be bound to consider If otherwise, tender of new providence of the state
contract for Carrying the mail involving an annual cost of tracts for more than two hundred dollars, shall give at least six weeks' \$200 per an-new notice that two hundred dollars, shall give at least six weeks' and the newspaper or swarded on new notice that the newspaper of the newspaper of the swarded on the state of the newspaper of the ne previous notice by advertisement in such newspaper or num to be availed only advertisement in such newspaper or num to be notices but us selects in each case, and by public after adver-tion of the selects in each case, and by public after adver-tion of the selects in each case. Notices put up in the principal post offices concerned in such tising for the day on which is the contract is intended to be made, and of the day on which tenders for the same will be, by him,

54. The Postmaster General, before entering into any Mail con-intract for any annual cost of tracts for more than

MAIL CONTRACTS AND CONTRACTORS.

53. Postmasters whose salaries are not fixed by law may Postmaster Paid by Comparison of the paid by them, General magnetic collected by the such fix such be paid by a percentage on the amount collected by them, General may or by such solution the amount collected by them, Selected by the solution of the percentage of the solution of the solut or by such salary and allowances as the Postmaster General, salary on per-having due and allowances as the Postmaster General, salary on perhaving due regard to the duties and responsibilities assigned centage in case. ach case 20 Tr post office, by regulation determines in each case. 38 V., c. 7, s. 47.

52. No postmaster shall, under any pretence whatsoever, Postmasters ave or reasonable of the amount have or receive or retain for himself any greater or other to have only than the amount of any kind, in respect of his office, their author-ized salaries and allowances as fixed and allowthan the amount of his salary and allowances as fixed and ized salaries authorized 1 38 V., c. ances. authorized by law or by the Postmaster General. 38 V., c. ances.

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form a contract for the transportation of a mail, subject to the regulations applying to all mail contracts, will be in his opinion, the interact of the sector of the in his opinion, the interests of the public service will be thereby promoted. 38 V

Every tender to be accompanied by a written guarantee to give good security.

57. Every tender for carrying the mail shall be accom-nied by an undertaking circuit in the mail shall be accompanied by an undertaking, signed by one or more responsible persons, to the effect that he could persons, to the effect that he or they undertake that the tent derer will, if his tender is another undertake that ion, derer will, if his tender is accepted, enter into an obligation, within such time as is present. within such time as is prescribed by the Postmaster service with good and sufficient sureties, to perform the service proposed:

2. If, after the acceptance of a tender and notification ereof to the tenderer be full. failure to give thereof to the tenderer, he fails to enter into an obligation acceptance of Within the time prescribed bether the prescribed bether into an obligation of with acceptance of within the time prescribed by the Postmaster General, good and sufficient sureties for the good and sufficient sureties for the performance of the service, the Postmaster General shall the Postmaster General shall proceed to contract with some other person for the performance of the service, some other person for the performance of the said service, and may forthwith cause the diff and may forthwith cause the difference between the amount contained in the tender and the contained in the tender and the amount for which he has contracted for the performance of the mount for which for the contracted for the performance of the said service, said ten whole period thereof, to be abave whole period thereof, to be charged up against the said be derer and his surety or suret derer and his surety or sureties; and the same may of immediately recovered in an action of the name of How recover immediately recovered in an action of debt, in the name able. the Postmaster General account the same may of the sure of the s the Postmaster General, against the tenderer and his sure ties, or any of them. and when ties, or any of them, and when recovered shall form part of the postal revenue. 38 V c 7 c T

Contracts for less than \$200 per annum to be let as the Postmaster General sees fit.

Proviso.

Contracts not to be made with persons who have combined to keep back tenders.

58. The Postmaster General may, in his discretion, submit annual examples of the second states of the second sta contracts for mail transportation, involving an annual eri-pense of less than two hundred and the state of t pense of less than two hundred dollars, to public competi-tion in the manner and form and the public contracts of a prostor tion in the manner and form prescribed for contracts of a greater annual charge. or he man line to receive greater annual charge, —or he may direct an agent to receive tenders for and execute such contracts of the section of the sect tenders for and execute such contracts on his behalf, or the may, in special cases, conclude and hy price may, in special cases, conclude such contracts by private agreement when he conceives the private will be agreement when he conceives the public interest will be promoted by such a course but he public interest and such course but he public interest and promoted by such a course; but he shall not pay under and such contract made by private actions and the shall not pay under rate of annual such contract made by private agreement, a higher rate is annual payment for the services annual payment for the services to be performed outracts ordinarily paid for services of a 131ordinarily paid for services of a like nature under contracts made after public advertisement made after public advertisement. 38 V., c. 7, s. 52.

59. No contract for carrying the mail shall knowingly has a by the Postmaster General with the state of the made by the Postmaster General with any person who any entered into any combination combined into any combination combined into any combination combined into any person into any combined into entered into any combination, or proposed to enter into and combination, to prevent the making of the star for a mail combination, to prevent the making of any tender for a gree contract by any other person or well any tender for a gree ment or b contract by any other person, or who has made any agree ment, or has given or performed ment, or has given or performed or promised to give or per form any consideration whatever form any consideration whatever, or to do or not to not to thing whatever, in order to induce to give or not to the or not to not to not to not to not to thing whatever, in order to induce any other person not to tender for a mail contract

by Postal service, shall, at all times when thereunto required carried in Canada, and mill in the carried on any railway in railway on terms and terms are conditions and terms and terms are terms and terms are terms and terms and terms are terms Canada, and with the whole resources of the railway com-band in required to the resources of the railway com-required to the resources of the railway com-sent required to the resources of the railway com-sent required to the resources of the railway com-terms and conditions to required to the railway com-sent required to the resources of the railway com-terms and conditions and under be fixed by bay if required, on such terms and conditions and under be fixed by

carriers necessarily employed in its execution. 38 V., c. 7, s. 57. **64.** Her Majesty's mail and persons travelling therewith Her Majesty's mail to be carried in the service of th on postal Her Majesty's mail and persons travelling therewith Her Majesty the Postmarter, shall, at all times when thereunto required carried in railway on railway in railway on the rems and

Ca. No additional compensation shall be made to any mail Additional compensation for additional limited. contractor so as to make the compensation for additional limited. regular service exceed the exact proportion which the original compensation bears to the original service stipulated to be performed: and no extra allowance shall be made by the And so of ex-Postmaster General to any contractor for an increase of traallowance. expedition in the transportation of the mail, unless the employment of additional stock or carriers by the contractor is thereby rendered necessary; and in such case, the additional stock or carriers by the contractor additional stock or ca compensation shall never bear a greater proportion to the sum addition shall never bear a greater proportion to the stock or carriers rendered necessary than the sum that the stock and the stock and the stock and the stock and the stock are bears to the stock and stipulated in the original contract bears to the stock and carriers necessary in the original contract bears to the stock and

S2. The Postmaster General may make temporary con-Temporary on Temporary for such contracts. tracts for such services until a regular letting in the form contracts. prescribed can take place. 38 V., c. 7, s. 56.

2. No contract shall be entered into for a longer term than No contract years. but the entered into for a longer term than No contract to be for more than the four terms of the second terms of terms four years; but the Postmaster General may, in special than four than four bas been satisfactorily years. Performed mide point the service has been satisfactorily years. performed under an expiring contract, and on conditions advantageous to the public interest, renew the same with the same contractor for a further term not exceeding four

61. The Postmaster General shall keep recorded, in a well Abstracts of tenders made to tenders to be recorded. bound book, a true and faithful abstract of tenders made to tenders to be recorded. him for carrying the mail, embracing as well those which are rejected as those which are accepted ; the said abstract shall contain a description of each contract advertised for public competition, the dates of the tenders made, the dates at which they were the dates of the tenders made, the dates at which they were received by the Postmaster General, the names of the persons to a log which they propose to the persons tendering, the terms on which they propose to carry the mail it is offered to contract, carry the mail, the sum for which it is offered to contract, the Postmatter of time the agreement will continue; and Originals to the Postmaster General shall also put on file and preserve be preserved. die originals of the state of which abstracts are here the originals of the propositions of which abstracts are here directed to be made :

60. The Postmaster General may, with or without pre- As to con-tracts with advant. vious advertisement, contract with any railway or steamboat tracts with company for company for conveying the mail; but no contract involv- steamboat ing the part of the part ing the payment of a larger sum than one thousand dollars companies. shall be entered into without the approval of the Governor h Council. 38 V., c. 7, s. 54.

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the Governor such regulations as are made by the Governor in Council. in Council. 38 V., c. 7, s. 58.

POST OFFICE SAVINGS BANKS.

65. The Postmaster General may, with the consent of the overnor in Council establish General may establish post office savings Banks in connection with a system of Post Office Savings office savings office savings Banks in connection with a central savings bank, established as a branch of the Post Office Destart, the seat of as a branch of the Post Office Department at the seat of Government. 38 V. c. 7 s. 50

66. The Postmaster General may, with the consent of the overnor in Council authors to receive and repay depo-sits. **DD.** The Postmaster General may, with the consent of the Governor in Council, authorize and direct such postmaster as he thinks fit to receive as he thinks fit, to receive deposits for remittance defined central office, and to repay the same, under such regulations as he, with the sanction of the G as he, with the sanction of the Governor in Council, pro-

Deposits to be entered in depositor's book, and entry to be attested.

Acknowledgment of deposit by Postmaster General to be transmitted to depositor within ten days.

Proviso.

No seizure of moneys in hands of Postmaster General.

67. Every deposit received by any postmaster appointed r that purpose shall be entered by him in the time in the for that purpose shall be entered by him at the time in the depositor's book, and the entry deputy with the time in time in time in the tin the tin the time in the tin the time in the time in the ti depositor's book, and the entry shall be attested by him at the time in and by the dated stamp of his office the attested by him at the start of such by the dated stamp of his office; and the amount of such deposit shall, upon the day of such deposit shall, upon the day of such receipt, be reported by such postmaster to the Postmast such postmaster to the Postmaster General, and by the knowledgment of the Postmaster General, and by the knowledgment of the Postmaster General, signified by the officer whom he appoints for the survey of the start of the survey of t officer whom he appoints for the purpose, shall be forthwith transmitted to the depositor. transmitted to the depositor; and such acknowledgment shall be conclusive evidence of him shall be conclusive evidence of his claim to the repayment thereof, with the interest thereof thereof, with the interest thereon, upon demand allow a him on the Postmaster General him on the Postmaster General; and, in order to allow the source of the second to allow the second to allow the second to the se reasonable time for the receipt of the said acknowledge the also have the entry by the proper officer in the depositor's book she also be conclusive evidence of the title depositor's from Las also be conclusive evidence of the title for ten days from has making of the deposit: and if and if and in the deposit is and if making of the deposit; and if such acknowledgment within not been received by the deposit. not been received by the depositor through the post within ten days, and before or upon the sector through the post within such as ten days, and before or upon the expiry thereof he demands such acknowledgment from the D such acknowledgment from the Postmaster General, tile the entry in his book shall be and in the original time of or during the entry in his book shall be conclusive evidence of pro-during another term of ten days, and toties quoties: wided always, that no deposit shall be received of less thereof. 22 W anount than one dollar, or of any sum not a multiple thereof. 38 V., c. 7, s. 61 part

68. No sum of money deposited under this Act, shall hile in the hands of any postment while in the hands of any postmaster or while in course of transmission to or from the Postmater or while in any coss be liable to d transmission to or from the Postmaster General, at any process be liable to demand, seizure or det be liable to demand, seizure or detention, under legal process against the depositor thereof against the depositor thereof. 31 V., c. 7, s. 61, Part.

69. On demand of the depositor, or person legally such form is present. repaid to be **69.** On demand of the depositor, or person legally authors positor on de-mand with as is prescribed in that behalf of as is prescribed in that behalf for repayment of any deposit

erificates, and bearing the rate of interest specified therein; erificates, and bearing the rate of interest specified therein; erificates and bearing the rate of interest specified therein; and such certificate shall not be transferable, but shall be How and when rede of the lite the lite the such special deposit able. evidence of the depositor's claim upon such special deposit able. account to the depositor's claim upon such special upon interest due the amount expressed in such certificate, with the bar redeemable upon such interest due thereon, and shall be redeemable upon such notice Previous notice as is expressed therein, and in all re-

Governor in Council, whenever it is deemed expe-bearing in the council, whenever it is deemed expe-tions of not less than the council is th dient, issue certificates of deposit in sums of not less than terest at five ence hundred deposit in sums of not less than terest at five ence hundred deposit in sums of not less than terest at five interest at a rate not may be issued ^{cat}, issue certificates of deposit in sums of not less than terest at a rate not may be issued dollars, and bearing interest at a rate not may be issued to depositors who, hav-for sums not less than \$100. exceeding five per centum per annum, to deposit accounts, less than state and the sum of ing five dollars, and bearing interest at a standard define five per centum per annum, to depositors who, hav- for sums not less than \$100. Active sums at the credit of their ordinary deposit accounts, less than \$100. desire sums at the credit of their ordinary deposit accounts, accounts to transfer such sums from such ordinary deposit and cates, and begins the rote of interest specified therein;

est on deposits shall be added to and become part of the principal money and the state of the principal. principal money. 38 V., c. 7, s. 66.

72. The interest payable to the persons making such de- Interest on all deposits shall be at the payable to the persons centum per annum; to be payable to the persons centum per annum; to be payable to the persons deposits to be payable to the persons deposite to be persons deposite to be payable to the persons deposite to be persons deposite posite the interest payable to the persons making such de-interest all deposits but such interest the rate of four per centum per annum; to be payable less such interest the rate of four per centum per annum; to be payable to be payable to the persons making such de-interest. but such interest payable to the percentum per annum; to be payable to the such interest shall not be calculated on any amount for each \$1, commence until the first the month next following darmonth, at the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be calculated on any amount for each \$1, the such interest shall not be such interest shall not be such interest shall not be such the day of deposite first day of the month next following darmonth, at per cent. the day of deposit, and shall cease on the first day of the per annum. **Ret** in which a shall cease on the first day of the per annum. **to day of deposit**, and shall cease on the first day of the **bind bin which such deposit** is withdrawn. 38 V., c. 7,

71. All moneys so deposited with the Postmaster General Money depos-Receiver General, and shall be credited to an account Receiver withdrawn by depositors or by persons legally authorized to drawn to be repaid by withdrawn by depositors, or by persons legally authorized to drawn to be the on account of the period by the second to them by him. claim on account of depositors, shall be repaid to them by him. the Minister of Finance and Receiver General, through the out Office Definition of Strange and Receiver General, through the Post Office Department, and charged to such account. 38 V., c. 7, g. 64

70. The postmasters and other officers of the post office Name of de-gaged in the postmasters and other officers of the post office Name of de-gositor or amount deengaged in the postmasters and other officers of the post office rame of a close the name of the receipt or payment of deposits shall not dis- amount deposited or posited or po close the name of any depositor or the amount deposited or posited or withdrawn around the positor of the amount deposited or not to be of a standard the second se withdrawn, except to the Postmaster General, or to such of not to be dis-bis officers accept to the Postmaster General, or to such of not to be dishis officers as are appointed to assist in carrying into closed by eavings hards a contract of this Act in relation to post officers. Bayings banks. 38 V., c. 7, s. 63.

or any part thereof, the authority of the Postmaster General the least pos-for such a the depositor sible delay. for such repayment shall be transmitted to the depositor sible delay. forthwith, and the depositor shall be entitled to repayment of any such the depositor shall be entitled to repayment of any sum that is due to him with the least possible delay after his demand is made at any post office where deposits are received or paid. 38 V., c. 7, s. 62.

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spects subject to such regulations as are made by the Post master General, with the same are made by the post master General, with the sanction of the Governor in Council. 38 V c 7 s 67

75. Except as is herein otherwise specially provided e Postmaster General more in the special provided the Postmaster General may make and, from time to time as he sees occasion alter as he sees occasion, alter regulations for supering and ing, inspecting and regulations to ing, inspecting and regulating the mode of keeping to examining the accounts of d examining the accounts of depositors, and with respect to the making of deposits and the transmission of deposits the making of deposits and to the withdrawal of deposits and interest, and all other and interest, and all other matters incidental to carrying the provisions of this Act in the second the provisions of this Act in relation to post office savings banks into execution by him. banks into execution by him; and all regulations so made shall be binding on the new solutions so made shall be binding on the persons interested in the subject matter thereof to the same matter thereof to the same extent as if such regulations formed part of this Act and Copies to be formed part of this Act; and copies of all regulations office parliament. under the authority of the total office under the authority of this Act, in relation to post office savings banks, shall be last 1 of the relation to post parlies savings banks, shall be laid before both Houses of Parlise ment within fourteen down ment within fourteen days from the date thereof, if Parlie ment is then sitting and if ment is then sitting, and if not, then within as V, c. 7, s. 68.

Provision as to evidence omitted.

Monthly returns of receipts and payments to be published in Canada Gazette.

Annual account and statement to be laid before parliament.

Annual report to parliament.

76. As soon as possible after the end of each month, the of postmaster General shall make the end of each month, and the shall make the state of the Postmaster General shall make a return to the Minister and Finance and Receiver General of an article in the maired and Finance and Receiver General of all moneys received in paid during the preceding month paid during the preceding month, and of the total amountail deposit at the end of each month deposit at the end of each month, and the said minister shall cause such monthly statement to be cause such monthly statement to be published in the Canada Gazette. 38 V., c. 7, s. 69

77. An annual account of all deposits received and paid ider the authority of this Act and position received and paid under the authority of this Act, and of the expenses incurred during the year ending the third of the expenses incurred a statement of the statement of the expenses of the statement of the stat during the year ending the thirtieth of June, together year a statement of the total amount dea statement of the total amount due at the close of the year to all depositors, shall be loid to the close of the general to all depositors, shall be laid by the Postmaster after the before both Houses of Parliament at the close of the year before both Houses of Parliament within ten days after 38 commencement of the next fell commencement of the next following session thereof. V., c. 7, s. 70.

POSTMASTER GENERAL'S REPORTS.

78. The Postmaster General shall annually make to the overnor General, so that they may a shall annually make to the parliament

Governor General, so that they may be laid before Parliament within ten days after the meeting of the following th the following reports, which shall be made up thirtieth day of June then next thirtieth day of June then next preceding, that is to say

First. A report of the finances, receipts and expenditure the Post Office of Canada for the counts cur-rent, what to of the Post Office of Canada for the year ended on the contain and thirtieth day of June previous in the year of a general shew. thirtieth day of June previous, in the form of a general

Post office savings bank regulations may be made by Postmaster General.

Legal effect of regula-

Seventh. The cost of the money order system for the Cost of money order which the report relates, specifying in detail the dis-system.

allowed as compensation to the postmaster, and the propor-accruing to the sect of the commission of the proportion accruing to the revenue in each case;

Sixth. A report of the money order offices in operation Money order any time with: of the money order offices in each case at any time within the said year, designating in each case the country within the said year, designating in each our amount of order in the office is situate, the number and his of order in the office is situate. bission arising thereupon at each office respectively,—dis-allow ishing mill $i_{10}^{\text{MS}_{10}}$ arising thereupon at each office respectively, allowed as complete to the commission, the proportion

and through the post, shewing the particulars of each each by the department of the proceedings instituted therein by the department;

the and the names of the persons to whom paid; Fifth. A report of all cases occurring within the said Cases of loss or abstraction by the abstraction of money of money year of the abstraction or loss of letters containing money of money and stating the post, shewing the particulars of each case, letters.

Fourth. A report in detail of the expenditure of the de-Incidental partment. A report in detail of the expenditure of the de-Incidental and for all incidental and year for printing and advertising, expenditure nent all incidental and even items of disburseand for all incidental and miscellaneous items of disburse-the shewing the second of expendiwent, shewing the sum paid under each head of expendi-type, and the sum paid under each head of expendi-

Third. A report in detail of all charges for salaries, com- Salaries, &c, missions and allowances, shewing in each case the name of ^{in detail}. the person, the service or duty performed, and the amount

Second. A report shewing in detail all payments made Payments, charges in detail all payments made Payments, for mail tra and charges incurred for mail transportation, during the port in between the many of the contractor or detail. said year, stating in each case the name of the contractor or detail. person receiving payment, the mail route, the mode and requency of the payment, the mail route, the mode and frequency of transportation, and the sums paid;

account current, shewing on the one side the whole amount of balances due to the department from postmasters or others at it due to the department from last report was others at the time up to which the then last report was that accrued within the made, the time up to which the then last report year elanced within the amount of postage that accrued within the year elapsed since such last report, and any and every other item of round the since such last report, and any and every other item of revenue or receipt, --- and on the other side of the account the side or receipt, --- and on the other side of the deaccount, the charges and expenditures incurred by the department within the said year, of every kind and nature, shewing in shewing in separate amounts the charges for mail trans-portation comparate amounts the charges for mail trans-Portation, for salaries and commission and allowances to postmasters, for salaries and commission and anowance and miscollar for printing and advertising, and for incidental and miscellaneous items of expenditure, shewing also the balances remaining due from postmasters and others at the close of such close of such year, —and shewing in the shape of a balance what the result of the operations of the department is for the said versult of the operations of the expenditure, the said year, whether the revenue exceeds the expenditure, or the expenditure in either case, to what or the expenditure the revenue, and in either case, to what

bursements for salaries, advertising, account books, printing, stationery and every other it stationery and every other item of expenditure; Eighth. The losses, if any, sustained in conducting the oney order system, and how in Losses under money order money order system, and how incurred; Ninth. Statement of dead letters received during the year, d of their contents vehicle system. and of their contents, valuable or otherwise, shewing how Dead letters. Tenth. Statement of post office savings bank transactions during the said year and a state of the save tions during the said year, and of the total amount $\frac{transat}{7}$ s. 71. Post office 38 V., c. 7, s. 71. savings bank transactions. OFFENCES AND PENALTIES. 79. Every one who steals, embezzles, secretes or destroys by post letter is guilty of fol any post letter is guilty of felony, and liable to imprison ment for a term not exceeding f Stealing, &c., ment for a term not exceeding five years and not less the three years; unless such post but post letters. three years; unless such post letter contains any chattel money or valuable security in the se money or valuable security, in which case the offender than be liable to imprisonment for life or f be liable to imprisonment for life, or for a term not less than five years. 38 V., c. 7. s 72 met 80. Every one who steals from or out of a post letter and attel, money or valuable sources chattel, money or valuable security, is guilty of felony, that liable to imprisonment for life, or for a term not less five years. 38 V., c. 7. s. 72 next Stealing from a post letter. **S1.** Every one who steals a post letter bag, or a post office, om a post letter bag, or a post office, nost office, and the state of t from a post letter bag, or a post letter bag, or a post office, or from any officer or person employed from any post post or from a mail,—or stops Stealing a post letter or Office, or from a mail,—or stops a mail with intent to to or search the same,—is guilty of fill post letter or search the same,—is guilty of felony, and liable for imprisonment for life, or for a town five years. ĥag. imprisonment for life, or for a term not less than five years. 38 V., c. 7, s. 72, part. 82. Every one who unlawfully opens any post letter bag or unlawfully takes any letter is guilt -or unlawfully takes any letter out of such bag, is $g_{V,r}^{\text{bbc}}$. Opening a post letter bag. of felony and liable to imprisonment for five years. 83. Every one who steals, embezzles or secretes any urcel sent by parcel post or and in ant 7, s. 72, part. parcel sent by parcel post, or any article contained in ant such parcel, is guilty of felow, and in parcel is parcel. such parcel, is guilty of felony, and liable to imprisonment for a term not less than three ways and liable to imprison to the second second in the second s Stealing par-38 V., c. 7, s. 72, port. cel or its contents. 84. Every one who receives any post letter or post letter or parcel or parcel of parcel ing bag, or any chattel, money or valuable security, parcel or other thing, the stealing taking taking other thing, the stealing, taking, secreting or embersion whereof is hereby declared to be a security to have b Receiving whereof is hereby declared to be felony, knowing the same to have been feloniously stolen. to have been feloniously stolen. stolen post letter or post letter bag, to have been feloniously stolen, taken, secreted or embergied, δcc.

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is guilty of felony, and liable to imprisonment for any term not less than five years. 38 V., c. 7, s. 72, part.

85. Every one who unlawfully issues any money order unlawfully issues any with a fraudulent intent, is guilty of felony, and liable to money order. imprisonment for a term not less than three years.

%6. Every one who forges, counterfeits or imitates any Forging any postage stamp issued or used under the authority of this Act, stamp, &c. or by or under the authority of the Government or proper authority of the authority of the Government or proper authority of the authority of the Government of pro-or of any fithe United Kingdom, or of any British possession, or of any foreign country,—or knowingly uses any such forged and foreign country,—or knowingly uses any such forged, counterfeit or imitated stamp,—or engraves, cuts, sinks or makes any plate, die or other thing whereby to forge, counterfeit or imitate such stamp or any part or portion thereof, or has possession of any such plate, die or other thing as aforesaid aforesaid, except by the permission in writing of the Postmaster General, or of some officer or person who, under regula-tions made: a state of some officer or person who, under regulations made in that behalf, may lawfully grant such permission, or forme or forges, counterfeits or unlawfully imitates, uses or affixes, b or property initiates or unlawfully imitates initials to or torges, counterfeits or unlawfully imitates, uses or and or other mon any letter or packet, any stamp, signature, initials or other mark or sign purporting that such letter or packet, or sign purporting that such letter or packet to pack or sign purporting that such letter or packet to pack or sign purporting that such letter or packet to pack or sign purporting that such letter or packet to pack or sign purporting that such letter or packet to pack or sign purporting that such letter or packet to pack or sign purport of packet to packet to pack or sign purport of packet to pack or sign purport of packet to pa ought to pass free of postage, or at a lower rate of postage, or that the post that the postage thereon or any part thereof has been prepaid or ought to lage thereon or any part thereof has been prepaid or ought to be paid by or charged to any person or depart-ment, is million and by or charged to any person or depart-Ment, is guilty of felony, and liable to imprisonment for life, Felony. or for a term not less than five years. 38 V., c. 7., s. 72, part.

87. Every one who forges, counterfeits or imitates any Forging post office money order, or advice of such money order, or or depositor's book office service of the book, &c. post office money order, or advice of such money order, or or action of the book, &c. postnaster General for repayment of a post office savings bank deposit or of any part thereof,—or any signature or Writing in Company and part thereof, and be any order, when any order is the set of th Writing in or upon any post office money order, money order advice, post office money order, or authority advice, post office savings bank depositors' book, or authority of the Post office savings bank depositors' book, or authority of the Post office savings bank depositors' book, or autorice savings hand depositors' book, or autorice the postmaster General for' repayment of a post office savings bank deposit or of any part thereof, with intent to defraud, is guilty of felony, and liable to imprisonment for any term not exceeding seven years, and not less than y_{pears} two years. 38 V., c. 7, s. 72, part.

enbezzling, or obtaining by any false pretence, or know-ingly or unlowed in the second secon ingly or unlawfully makes, forges or counterfeited, or knowto be unlawfully makes, forges or counterfeits, or know-ingly aids on and unlawfully make, forged or counterfeited, or knowingly aids or assists in falsely and unlawfully making, forg-

ing or assists in falsely and unlawfully making, to a set of the by the Doct Construct to any lock adopted for any the Doct Construct, and in use on any such Use by the Post Office Department, and in use on any such Canada mail or mail-bag, or has in his possession any such mail-key or any such mail-lock, with the intent unlawfully

88. Every one who steals, purloins, embezzles or obtains by Stealing, &c., In false proton who steals, purloins, embezzles or obtains by Stealing, &c., mail key or mail key or mail lock. any false pretence, or aids or assists in stealing, purloining, mail lock.

or improperly to use, sell or otherwise dispose of the same, or to cause the same to be real and a sell used, or to cause the same to be unlawfully or improperly liable

Felony. Punishment.

Unlawfully opening, &c., post letter bag or post letter.

sold or otherwise disposed of, is guilty of felony, and liable to imprisonment for a term and to imprisonment for a term not exceeding seven years, and not less than two years. 20 W 89. Every one who unlawfully opens, or wilfully keeps, cretes, delays or detains secretes, delays or detains, or procures, or suffers to be unlaw fully opened, kept secreted and be unlaw bag of fully opened, kept, secreted or detained, any post letter bag of any post letter.—whether the any post letter, — whether the same came into the possession of the offender by finding or other the offender by finding or otherwise howsoever, ---or after pay ment or tender of the posters in ment or tender of the postage thereon, if payable refuses person having possession of the same, neglects or refuses to deliver up any post latter to the same, neglects or it is to deliver up any post letter to the person to whom it addressed or who is legelly control of the person to whom addressed or who is legelly control of the person to whom a some of the perso addressed or who is legally entitled to receive the same

38 V., c. 7, s. 72, part.

Stealing, &c., certain other mailable matter.

ter sent by

mail or par-

cel post.

90. Every one who steals or for any purpose emberzles secretes any printed not secretes any printed vote or proceeding, newspaper, inted paper or book product printed paper or book, packet or package of patterns samples of merchandise samples of merchandise or goods, or of seeds, cuttings, bulbs, roots, scions or goods, or of seeds, cuttings bulbs, roots, scions or grafts, or any post card or other mailable matter, not being mailable matter, not being a post letter, sent by mail, is guilty of a misdemeanor

91. Every one who wilfully and maliciously destroys, mages, detains or delaws damages, detains or delays any parcel sent by parcel post, any packet or package of rott Wilfully deany packet or package of patterns or samples of merchan dise or goods, or of sould stroying matdise or goods, or of seeds, cuttings, bulbs, roots, scions of grafts, or any printed vote contract of seeds. grafts, or any printed vote or proceeding, newspaper, printed paper or book or other mailed paper or book or other mailable matter, not being a post letter, sent by mail. is guilty of s. 72, part.

Enclosing explosive substance in matter sent by post.

Enclosing a letter in any other mailable matter.

92. Every one who encloses in or with any letter, packet other mailable matter south or other mailable matter sent by post, or puts into any post office, any explosive. dangement office, any explosive, dangerous or destructive substance or liquid or any matter or this in the substance of the substance o liquid or any matter or thing likely to injure any cor or ser or other mailable matter or the person of any officer unless vant of the post office, is guilty of a misdemeanor, magnisuch offence is by law constituted a crime of greater magni-tude. 38 V., c. 7. s. 72 part

93. Every one who encloses a letter or letters, or any write g intended to serve the purchase of a letter or letters, or any or a letter of a letters, or any or a letter of ing intended to serve the purpose of a letter or post card, in parcel posted for the parcel post parcel posted for the parcel post, —or in a packet of samples to patterns posted to pass at the mile and packet of samples to patterns posted to pass at the rate of postage applicable of samples and patterns,—or enclosed samples and patterns,—or encloses a letter or post card, or any writing to serve the purpose of any writing to serve the purpose of a letter or post card, encloses any other thing in encloses any other thing, in a newspaper posted to pass as a newspaper at the rate of postners a newspaper at the rate of postage applicable to newspaper (except in the case of the accounts) (except in the case of the accounts and receipts of newspaper

to pass through such toll-gate, whether on pretence of the pass through such toll-gate, whether on pretence whatsoever, is Non-payment of any toll or other pretence whatsoever, is Sully of a misdemeanor. 38 V., c. 7., s. 72, part.

acts, is guilty of a misdemeanor. 38 V., c. 7, s. 72, part. Sects forthmitt who, being a toll-gate keeper, refuses or Refusing to allow any mail or any allow mail or any allow through the allow any mail or any allow through the allow through the allow any mail or any allow through the allow the allow through the allow the allow throug heglects forthwith upon demand to allow any mail or any allow mail to to pass through such tall cots whether on pretence of the

by Every one who, being a mail carrier or person em- Being drunk hill to convert the latter bag or post letters, is on duty as a mail carrier, ployed to convey any mail, post letter bag or post letters, is on duty as a whereby the sofety of drunkenness, negligence or misconduct &c. whereby of any act of drunkenness, negligence or miscourse letter bag or panetal delivery of such mail, post letter bag or post letters might be endangered,—or contrary to this Act or any regulation made under it, collects, receives or delivers any regulation made under it, collects, receivers to use due any letter or other mailable matter,—or neglects to use due care and diligence to convey any mail, post letter the or bost lott bag or post letter, at a rate of speed appointed therefor by the repost letter, at a rate of speed appointed therefore, acts, is philter then in force or the contract under which he

96. Every one who cuts, tears, rips or wilfully damages Cutting, &c., or destroys any post letter bag, is guilty of a misdemeanor. bag.

Punishment than is provided for any offence under this section: but no person shall be punished twice for the same Proviso. offence. 40 V., c. 34.

95. Every one who abandons, or obstructs or wilfully Abandoning clays the provide the providence of th delays the passing or progress of any mail, or any car, train, or obstruct-employed in tender, carriage, vessel, horse or animal to be misde-bill on any railway, public meanor. employed in conveying any mail on any railway, public meanor. highway, river, canal, or water communication, is guilty of singlemean of the seca misdemeanor: Provided always, that nothing in this sec- Not to pre-under any other Act or otherwise, to any other or greater if incurred.

94. Every one who, with fraudulent intent, removes from Removing postage the sent by post, stamp or any letter, newspaper or other mailable matter sent by post, stamp or fully, with interview which has been affixed thereon, or wil- mark thereon with fraudufully, with intent aforesaid, removes from any postage lent intent. stamp or post card, post band or wrapper which has been previously used, any mark which has been made thereon at any post office, is guilty of a misdemeanor.

Publishers, which shall be permitted to pass folded within the newspare which shall be permitted to pass folded within closes a letter or any writing intended to serve the purpose of a letter or any writing intended to serve the purpose not of a letter or any writing intended to serve the post not being a lott post-card, in any mail matter sent by post not being a letter, shall incur a penalty not exceeding forty dollars a letter, shall incur a penalty not exceeding 38 V., c. 7, s. 79 not less than ten dollars in each case. 38 V.,

Detaining, &c., mail at ferry.

99. Every one who, being a ferryman, wilfully detains delays or refuses to convert or delays or refuses to convey over a mail at his ferry, is guilty of a misdemeanor and the second s guilty of a misdemeanor. 38 V., c. 7, s. 72, part.

100. Every one who, being a postmaster or other person order, ney orders be fore payment authorized to issue money orders, issues any money or unless he has previously orders, issues any money or unless he has previously orders, issues any money or unless he has previously received the purchase money of a g V, c. sum payable therefor, is guilty of a misdemeanor. 7, s. 72, part.

101. Every one who, being a postmaster, wilfully der to official books, stroys, mutilates or obliterates or refuses to produce of the deliver up to any inspect. deliver up to any inspector or other proper officer of the Post Office Department on day Post Office Department on demand, any book containing of which ought to contain the arrival. which ought to contain the record or account of the money orders issued or paid or of the orders issued or paid, or of the registered letters or other business of his office is conjutated business of his office, is guilty of a misdemeanor. 38 V, c. 7, s. 72, part.

Hypothecating postage stamps, &c.

102. Every one who, being a postmaster or other officer, $hVPO^{-1}$ agent or employee of the Post Office Department, hypor thecates, pledges or subjects to thecates, pledges or subjects to any lien in any shape or way, any postage stamps way, any postage stamps, stamped envelopes, post bands or wrappers intrusted envelopes, post bands or wrappers envelopes, post bands or post bands or wrappers intrusted to him for safe keeping, sale or issue to the public sale of the public sal sale or issue to the public, or for any other purpose, or attempts to commit such offence in the public of any other purpose, or attempts to commit such offence, is guilty of a misdemeanor. 38 V., c. 7, s. 72. part 103. Every one who posts for transmission or delivery by through the post any observed

or through the post any obscene or immoral book, pamphiet, picture, print, engraving lith

publication, matter or thing of an indecent, immoral, sedir tious, disloyal, scurrilous on libell tious, disloyal, scurrilous or libellous character, —or any letter upon the outside or envelope of upon the outside or envelope of which, or any post devices, post band or wrapper upon which is any post devices.

post band or wrapper upon which there are words, letter or matters or things of the character there are words, letter or

Posting of tures, &c., or picture, print, engraving, lithograph, photograph or other of advertise-ments of publication, matter or thing of swindling enterprises.

matters or things of the character aforesaid, — or any letter of circular concerning an illegel letter circular concerning an illegal lottery, so-called gift concerning or other similar enterprise or other similar enterprise, offering prizes, or concerning schemes devised and intended schemes devised and intended to deceive and defraud the public for the purpose of obtain public for the purpose of obtaining money under false pre-tences, is guilty of a misdometric money under false pre-Wilfully contravening regulations.

104. Every one who wilfully violates any regulation is such lly made under this Act is such fully made under this Act is guilty of a misdemeanor, if such violation is declared to be a misdemean of regulation is declared to be a misdemean of the such regulation is declared to be a misdemean of the such regulation of the violation is declared to be a misdemeanor by such regula-tion. 38 V., c. 7, s. 72 mart

him by an officer of, or

105. Every officer of or connected with the post office who nverts to his own use in any set of uses. lawful use of converts to his own use in any way whatsoever, or uses trusted to way of investment in any kind of way of investment in any kind of property or merchandlic or lends, with or without interest or lends, with or without interest, any portion of the public moneys intrusted to him for sofe b moneys intrusted to him for safe keeping, transfer, disburse

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ment, or for any other purpose, shall be deemed to have connected embezzlo. ender, or for any other purpose, shall be deemed to nave connected enbezzled so much of the said moneys as are so taken, con-with the post verted, invested, used or lent, and is guilty of a felony; and felony. the neglect or refusal to pay over any public moneys in his hands on the neglect of refusal to pay over any public moneys promptly, hands, or to transfer or disburse any such moneys promptly, on the road shall be primá on the requirement of the Postmaster General, shall be primá facie evidence of so much facie evidence of such conversion to his own use of so much of the public bands of such officer: of the Public moneys as are in the hands of such officer: And every person who advises or knowingly and willingly Penalty for participate person who advises or knowingly for every such advising & such embez-Participates in such embezzlement, shall, for every such advising, &c., offence for the such embezzlement, shall, for every such advising, &c., offence, forfeit and pay to Her Majesty a fine equal to the zlement, &c. amount of the money embezzled, and shall be liable to im-prisonment of the money embezzled, and shall be liable to imprisonment for a term not exceeding seven years and not less than three months. 38 V., c. 7, s. 73.

the business of selling postage stamps or stamped envelopes to sell post-to the Dublic male in the postage stamps or stamped envelopes to sell post-age stamps of bub in the postto the public, unless duly licensed so to do by the Post- age stamps master Good view without difference as he prescribes ; without license. master General and under such conditions as he prescribes; license. and every person who violates this provision, by selling Postage stamps or stamped envelopes to the public without a license from the Postmaster General, shall, on summary conviction

conviction, incur a penalty not exceeding forty dollars for each offence. 38 V., c. 7, s. 74.

destrows or other recep- juring, &c., any street or destroys any street letter box, pillar box or other recep- juring, &c., the deposit of latter authority of the Postmaster General for letter box, m: deposit of latter in the deposit of latter i the deposit of letters or other mailable matter, is guilty of a &c. **hisdemeanor** and liable to fine or imprisonment or both, in the discret: the discretion of the court. 38 V., c. 7, s. 75, part.

108. Every person who uses or attempts to use in prepay- Penalty for ent of post post in using postar stamps used **Next of** Every person who uses or attempts to use in prepay- Penalty for Canada, postage on any letter or mailable matter posted in using postage lib. Any posterior who uses or attempts to use in prepay- Penalty for stamps used in using postage stamps used for a before. Canada, any postage on any letter or mailable matter poster a stamps like purpose stamp which has been before used for a before. like purpose, or who uses or attempts to use for the purpose of transmission who uses or attempts to use for the purpose and or the purpose and the post of the purpose of the post of the post of the purpose of the pu of transmission by or through the post, any post card, or stamped envelope or stamped post band or wrapper, which has been before used for a like purpose, shall incur a penalty tot exceed; bot exceeding forty dollars and not less than ten dollars an every maker of the letter or other mailfor every such offence; and the letter or other mailable matter on which such stamp has been so improperly used, and the post card, stamped envelope, or stamped post band or wrapper so used more than once may be detained, it the diapeter so used more than once may be detained to or in the discretion of the Postmaster General forwarded to its destination of the Postmaster General forwarded to

its destination charged with double postage. 38 V., c. 7, s. 76. Log, Every person who, without the authority of the Post-Penalty for the General Person who, without the authority shall rest on placing the words "Pon

haster General, the proof of which authority shall rest on words "Post rem. Person - 1 the proof of which authority shall rest on words "Post rem. Person - 1 the proof of which authority shall rest on be placed or to Office" on a house, &c., the person, places or permits or causes to be placed or to Office or house, &c., any high berson, places or permits or causes to be placed or to office or house, &c., without autemain on his house or premises, the words Post Office or without au-without auany other words or mark which imply or give reason- thority.

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able cause to believe that such house or premises is a post office or a place for the received of the sum office or a place for the receipt of letters, shall, on dollars mary conviction, incur a penalty not exceeding ten dollars

PROCEDURE, CRIMINAL AND CIVIL.

Venue, &c, in cases of in-

110. Every indictable offence against this Act may be and and the with, inquired of this? dealt with, inquired of, tried and punished, and laid and charged to have been committed punished, and listrict of fences against charged to have been committed, either in the district of this Act. county or place where the ar county or place where the offence is committed, or in that is which the offender is approximately or indiv. as if which the offender is apprehended or is in custody, as if actually committed therein

2. When the offence is committed in or upon or in spect of a mail. or upon a merit in cases of offences com- respect of a mail, or upon a person engaged in the conveyance in the in re- or delivery of a post letter box and the conveyance chattel of the spect of mitted in re- or delivery of a post letter bag, or post letter, or chattel be mails, &c., in money or valuable security souther mails, &c., in money or valuable security sent by post, such offence may education in transit. dealt with and inquired of, tried and punished and charged to have been committed as well -----to have been committed as well within the district, in cus, or place in which the offender is apprehended or is in cust tody, as in any district country tody, as in any district, county or place through any part whereof such mail, person post lotter whereof such mail, person, post letter bag, post letter, chattel, money or valuable security paged money or valuable security passed in the course of converting as if it ance and delivery by the post in the ance and delivery by the post, in the same manner as if or had been actually committed in the same manner as if or had been actually committed in such district, county of place:

As to roads, rivers, &c., forming boundaries.

Accessories and abettors and their offences how dealt with.

3. Whenever the side or centre or other part of a highway, the side, bank, centre or other or the side, bank, centre or other part of a high or navigable water, constitutes the hear of a river or two he navigable water, constitutes the boundary between that be tricts, counties or places to page all tricts, counties or places, to pass along the same shall be held to be passing through both.

4. Every accessory before or after the fact, if the of fence is felony,—and every point of the shetting if offence is felony,—and every person aiding or abetting if counselling or procuring the course of a diffence if counselling or procuring the commission of any offenced the same is a misdemeanor maximum of any indicted the same is a misdemeanor, may be dealt with, indicted, tried and punished as if he ways a dealt with his offence tried and punished as if he were a principal, and his offence may be laid and charged to have may be laid and charged to have been committed in may district, county or place where the district, county or place where the principal offender may be tried. 38 V., c. 7, s. 75, part, and s. 79.

Property of any mailable matter sent by post, may be laid in the Postmaster General.

Value need not be alleged or proved.

111. When an offence is committed in respect of a fter, tter bag, or a post letter or the stable matter letter bag, or a post letter, or other mailable matter chattel, money or a valuable chattel, money or a valuable security, sent by post, ble property of such post letter bar security, sent by mailable matter property of such post letter bag, post letter, or other mailable matter, chattel, money or valuable matter, chattel, money or valuable security, sent ther mall^{ast}, may in the indictment preferred may in the indictment preferred against the offender, be laid in the Postmaster General. laid in the Postmaster General; and it shall not be necessary to allege in the indictment sary to allege in the indictment, or to prove letter, or trial or otherwise, that the post lett trial or otherwise, that the post letter bag, post letter, or

bostage, or of any penalty under this Act, the same may be

in the discretion of the court. **It Stage**, or of f any action or proceeding for the recovery of Evidence. **Stage**, or of f and f action or proceeding for the same may be

2. If the penalty does not exceed forty dollars it shall be Penalty \$40 overable before the penalty does not exceed forty dollars it shall be reader, how any recoverable. recoverable before any one justice of the peace in a summary recoverable. hanner, and if not paid, may be levied by distress under dollart of such a such as the penalty exceeds forty Warrant of such justice; and if the penalty exceeds forty vial..., the office justice; and if the penalty exceeds forty dollars, the offender may be indicted for a misdemeanor for has the offender may be indicted for a misdemeanor for that ing the second second second second second second second dollars, the offender may be indicted for a misdemeanor for the second violating the offender may be indicted for a misdemeanor in the offender may be indicted for a misdemeanor in the provisions of this Act, or the regulations made when offender it, instead of the provisions of this Act, or the regulations made when offender indicted for a misdemeanor. widering the provisions of this Act, or the regulations made When oneu-victed, shall be punishable by fine or imprisonment or both, misdemeanor.

cer or person by part or the whole of such penalty to the om-was recovered . L Was recovered; but no such penalty shall be sued for except penalties. Within one year after it is incurred :

113. Every pecuniary penalty imposed by this Act, Penalties to **by any regulation of the Postmaster General made ble with costs Gauge it, shall be** it costs by the Postmaster by the Post-master General made by the Post-master General by t under it, shall be recoverable with costs by the Postmaster General made ble with costs General, by civil action in any court of competent jurisdic- rai, and to canada shall belong to Her Majesty for the public uses of belong to the cil to allow any part of the rubble of such penalty to the officil to allow any part or the whole of such penalty to the offi-

the Governor in Council) may compromise and compound compromise his action spit aby action, suit or information at any time commenced by any action, bis authority, or under his control, against any person for covering any action, against any person for action, against any person for action, against any person for a second sec Recovering any pecuniary penalty incurred under this Act, on such terms and conditions as he in his discretion thinks proper, with full power to him or any of the officers or persone acting under his orders, to accept the penalty so incurred or alleged to be incurred, or any part thereof, without action, the or information of the recovery thereof. 38 V thereof. 38 V., c. 7, s. 81.

3. In any indictment against any person employed in General alle-e Post Official action of emthe Post Office of Canada for any offence against this Act, or gation of em-n any indict. for an offence com- accused in in any indictment against any person for an offence com- accused in the din respect of the post of the nitted in respect of any person so employed, it shall be of Can-sufficient to all sufficient to allege that such offender or such other person as ada, sufficiaforesaid, was employed in the Post Office of Canada at the ent. time of the commission of such offence, without stating forther the commission of such offence, without carry, c. 7, s. 80

². The property of any chattel or thing used or employed Property of other things duties of post-of the post office, or of moneys arising from and of postduties service of the post office, or of moneys arising from and or post-laid in Her We shall, except in the cases aforesaid, be age money to be laid in Her Majesty. laid in Her Majesty, if the same is the property of Her Majesty. Majesty, or if the loss thereof would be borne by Her Majesty, and not here if the loss thereof would be borne by Her Majesty, and not by any person in his private capacity:

^{other} mailable matter, chattel or valuable security was of

be laid in Her

recovered on the evidence of any one credible witness, and any postmaster or other office any postmaster or other officer or servant of the Post he is of Canada shall be a compatible of the Post he is of Canada shall be a competent witness, although he is entitled to or entertains entitled to or entertains reasonable expectation of receiving some portion or the whole of the some portion or the whole of the sum to be recovered; and the burden of proof that any the the burden of proof that any thing proved to have been done by the defendant was done by the defendant was done in conformity to or without vio lation of this Act, shall lie 38 V., c. 7, lation of this Act, shall lie upon the defendant. s. 83.

Evidence in action ties.

115. In any action, suit or proceeding against any post aster or other officer of the D master or other officer of the Post Office of Canada, or be sureties, for the recovery of sureties, for the recovery of any sum of money alleged to be due to the Crown as the balance other officer of due to the Crown as the balance remaining unpaid of moneys the post office or his sure-received by such postmaster of the sure of the balance remaining the sure of the balance remaining the balance of the balance remaining the balance of the balance remaining the balance of the balance o received by such postmaster or officer by virtue of his officer a statement of the account of a statement of the account of such postmaster or of bis officer by virtue of his officer of icer of officer o showing such balance, and attested as correct by the certification of the th cate and signature of the accountant of the Post of such Canada, or of the officer then doing the duties due and accountant, shall be evidence that accountant, shall be evidence that such amount is so and shall unpaid as aforesaid : and in some shall be evidence that such amount is so and shall be rendered for double the amount appearing by such but count to be so due to the Chart count to be so due to the Crown by the defendant; the nothing herein contained shall be nothing herein contained shall be construed to prevent the provisions of "The Consolidated provisions of "The Consolidated Revenue and Audit Act from applying to such postmert from applying to such postmaster or officer. 38 V., c. 7, 5 84.

Suits, &c., by the Postmaster General to be brought in his name of office and may be continued, &c., by his successor.

Suits for debts, &c., to be in the name of the Postmaster General.

116. All suits, proceedings, contracts and official acts ought, had, entered into or down but is brought, had, entered into or done by the Postmaster dependent shall be brought, had, entered into or done by the Postmaster dependent by his shall be brought, had, entered into or done by the Postmaster Gener bis name of office, and may be continued and const plated levels and may be continued and const name of office, and may be continued, enforced and by as pleted by his successor in office are ally as pleted by his successor in office as fully and effectually as by himself; and no appointment by himself; and no appointment or authority of any Postmaster General of Canada are Postmaster General of Canada, or of any postmaster, of be or servant of the Post Office of Control of the liable to be or servant of the Post Office of Canada, shall be liable those traversed or called in question traversed or called in question, in any case, except by those who act for the Crown:

2. All suits for the recovery of debts or balances due to Her ajesty in respect to the postal are to the postal are to be appear Majesty in respect to the postal service, whether they appear by bond or obligation made in the by bond or obligation made in the name of the existing be any preceding Postmaster General, or otherwise, 38 V, instituted in the name of "The Post instituted in the name of "The Postmaster General." c. 7. s. 85.

Bonds by sureties for officials of

117. Any bond or instrument of guarantee given rite, secured to Her Majesty, by and security of guarantee given his executed to Her Majesty, by any person or body duties of red office by as security for the due performance of the duties of the duties of the by or mul office, by any officer, employee, clerk or servant employed to by or under the Postmaster Grouped to are an armessed of usy include once, by any officer, employee, clerk or servant employed to losses of mail by or under the Postmaster General, may be expressed to extend to and include as a breach of the server determined of the server dete extend to and include as a breach of the conditions

any theft, larceny, robbery, embezzlement, loss or destruction matter by by such of through his their crim by such officer, employee, clerk or servant, or through his their crime or neglect. malfeasance, misfeasance or neglect of duty, of any money, goods that, misfeasance or neglect of duty, of any money, goods, chattels, valuables or effects, or of any letter or parcel containing the same, which may come into his custody or bossession the same, which may come into his custody or servant, and possession as such officer, employee, clerk or servant, and although the same does not belong to the Crown and the Postman does not belong to the loss thereof; the Postmaster General is not liable for the loss thereof; and Her Majesty may, upon such bond or instrument of Suit upon guarantee Majesty may, upon such bond or instrument of and applic Ruarantee, proceed for, demand and recover the amount or such bond value of any content of the such and applicaralue of any such money, goods, chattels, valuables or effects tion of the persons entitled to the money recover hot otherwise recovered by or for the persons entitled to the moneys recovered. same, to the amount of the penalty stipulated in such bond or instrument of the penalty stipulated in such bond or instrument; the penalty stipulated in same the Postmant; and upon the recovery and receipt of the same to the Postmaster General shall apportion and pay the same to be person as he determines to be such person or amongst such persons as he determines to be the owner of or otherwise entitled to receive any such honey, goods, chattels, valuables or effects, or the equivalent or value thereof: but nothing herein contained shall Proviso: beate any light of thereof but nothing herein contained shall Proviso: create any liability on the part of Her Majesty or the of Postmaster Contained shall rouse. Postmaster General, to any person whomsoever, to indemnify General, &c. or hold harmless, pay or reimburse such person for the loss of any such money, goods, chattels, valuables or effects, except herein and such money, goods, chattels, valuables or effects, except

herein expressly provided. 38 V., c. 7, s. 78.

PROTECTION OF OFFICERS.

Its. All provisions of "The Customs Act," and more especi- Certain pro-by the provisions of "The Customs Act," and more especi- Certain pro-train of the provisions of "The Customs Act," and more especi- Certain pro-visions of "The Customs Act," and more especi- Certain proally the provisions of "The Customs Act," and more especi- visions of ployed in collections for protecting officers and others em- "The Cus-the in collection of the proventing the evasion of toms Act" ployed in collecting duties or in preventing the evasion of toms Act the laws imposing duties or in preventing the performance of the to extend duties or in the performance of the to extend the laws imposing duties, when in the performance of the to extend to the son of the son duties imposing duties, when in the performance of the to once. against them for the office, or in respect of suits or proceedings the post and the office. sainst them for things done or alleged to be done in pursu-of ant lor things done or alleged to be done in pursuance of any law, shall extend and apply in like manner to officers any law, shall extend and apply in like manner Canada, and persons employed in or under the Post Office of Canada, and persons employed in or under the Post Chica done or allegod to builts or proceedings against them for things done or allegod to builts or proceedings against them for things. done or alleged to be done under this Act. 38 V., c. 7, s. 86.

Proposed to be Consolidated.	Part Consolidated	Left for Repeal	To be Consolidated elsewhere.	To be Consolidated with.
40 Y 41 Y'' C 34 42 Y' C 2	8ub-8s 23, 28, 29 and 30 of s. 72	9, and sub-ss 23, 28, 29 and 30 of s 72		Act respecting the Revised Statutes.

CHAPTER 34.

An Act respecting the Public Works of Canada. ER Majesty, by and with the advice and consent of the Senate and House of Commentation and consents as Senate and House of Commons of Canada, enacts as 's:--follows :---

SHORT TITLE.

1. This Act may be cited as "The Public Works Act." Short title.

INTERPRETATION. 2. In this Act, unless the context otherwise requires

(a) The expression "Minister" means the Minister of ablic Works;

Interpretation.

" Minister."

Public Works:

of Public Works :

" Department.'

" Public Works.'

(b) The expression "department" means the Department Public Works ; (c) The expression "public work" or "public contro means and includes any work or property under the control of the Minister. New.

3. There shall be a department of the Civil Service of pablic anada which shall be called "The Division of Pablic of Pablic of Pablic anada which shall be called "The Division of the Civil of Pablic anada which shall be called "The Division of the Civil of Pablic anada which shall be called "The Division of the Civil of Pablic anada which shall be called "The Division of the Civil of Pablic anada which shall be called "The Division of the Civil of Pablic anada which shall be called "The Division of the Civil of Pablic anada which shall be called "The Division of the Civil of Pablic anada which shall be called "The Division of the Civil of Pablic anada which shall be called "The Division of the Civil of the Ci Canada which shall be a department of the Civil Service function Works," over which the Minister of Department of Pathe time b

Works," over which the Minister of Public Works for seal time being, appointed by commission

time being, appointed by commission under the Great Seal of Canada, shall preside and the chall have

of Canada, shall preside; and the minister shall and the management and direction for the minister shall and the management and direction of the department, shall hold office during al shall hold office during pleasure. 42 V., c. 7, s. 4, part. Re-drafted.

The Governor in Council may appoint an officer who be called the Deputy of the March Problec Works, the shall h

Department and Minister of Public Works.

Deputy and officers.

Acting Secretary.

shall be called the Deputy of the Minister of Public Works, and who shall be the chief of Japartment, and who shall be the chief officer of the department are chief are secretary for the department, and one or more as the gineers, a chief architect, and such other officers as the necessary for the proper conduct. necessary for the proper conduct of the business of department, all of whom shall hald of 2. In case of the absence of the secretary, or of his inabil-y to act, the minister may in most -. 111 case of the absence of the secretary, or of his inautrity to act, the minister may, in writing, authorize some other

The minister shall have the management, charge and Matters under the control of the down of the down in the control of the down in the minister. direction of the minister shall have the management, charge and Matters under and repair of the dams, the hydraulic works, the construction the Control of having of heating in the management in the control of the Minister. avigation of harbors, piers and works, the construction of the dams, the hydraulic works, the construction avigation of harbors, piers and works, for improving the shaded by the slides. dams, piers, booms the roads and the roads are the transmission of timber the roads and bridges, the public buildings, the vessels, and bridges, acours to declare and machinery for the the roads and bridges, the public buildings, the vesser, inprovement of the telegraph lines, and all the telegraph lines and all in provement of navigation—the telegraph lines, and all works and which now belong to Canada, and also the constructed, extended, works and properties acquired, constructed, extended, or reserved, repeties acquired, constructed, extended, tanding, enlar and properties acquired, constructed, extended, or for the acquired or improved at the expense of Canada, enlar the acquired or improved at the expense of Canada, money is votaging or improved at the expense of Canana, votaging or improved at t voted and appropriated by Parliament (except works for ^{valging or improving of which any public money ---844 appropriated by Parliament (except works for}

POWERS OF THE MINISTER.

The chief engineer, or the chief architect, shall prepare Duties of plans and a state of the chief architect works which are chief Engineer and The chief engineer, or the chief architect, shall prepare Duties of about to he constrained for all public works which are Chief Engi-the to he constrained for all public works which are chief Archi-tect about to be constructed, altered or repaired, by or under Chief Archi-informanagement of the shall report, for the tect. the management of the minister; he shall report, for the tect. information of the minister; he shall report, included and public methods and public meth the public work which is submitted to him; he shall eramine and revise the plans, estimates and recommendations of other engineers, architects and officers in respect to bill bublic state and bublic state and officers in respect to bill bublic state bublic state and officers in respect to any such bublic state and officers in respect to any such bublic state and advise the any of other engineers, architects and officers in respective biolister on all work; and generally he shall advise the hinister on all engineering or architectural questions affecting any such work. 42 V., c. 7, s. 10, part.

perform by the minister. 42 V., c. 7, s. 9, part.

5. The secretary of the department shall, unless other- Duties of Secretary Wise directed in any case by the minister, keep separate Secretary. accounts of the moneys appropriated for and expended on each public the moneys appropriated for and expended on each public work; he shall submit such accounts to be andited in such manner as is appointed by law, or by the charge of all plans, Governor in Council; he shall have charge of all plans, the shall have charge of all plans, contracts, estimates, documents, titles, models and other like bings relations to the shall keep proper things relating to any such work; he shall keep proper accounts with each contractor or other person employed by or under with each contractor or other person employed a properly drament; he shall see that all contracts are the department; he shall see that all contracts are properly drawn out and executed; he shall prepare all cer-incates upon interview of money the shall prepare and is to issue. In the shall prepare and is to issue. In the shall prepare of all proceedings of the is to issue; he shall keep minutes of all proceedings of the department; he shall keep minutes of all proceedings of the direction of the property of the correspondence of the the direction of the minister, the correspondence of the minister, the shall do and perform all department; and generally he shall do and perform all department; and generally he shall do and perform department and things pertaining to the business of the department as he is, from time to time, directed to do and

officer of the department to act, for the time, in his stead. 42 V., c. 7, s. 7, part.

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which money has been appropriated as a subsidy only, and every work required for and every work required for any such purpose and all such portions of the present all such portions of the property known as the "Ordnance" Property," as were transformed to the property in the late Property," as were transferred to the Government of the late Province of Canada or to the Government of the by Province of Canada or to the Government of Canada by the Government of the United The Government of Canada areas the Government of the United Kingdom, and afterwards placed under the control of the J placed under the control of the department, --with the exceptions following that is to the department, --with the exceptions following that is to the department, --with the exception of the department of the Exceptions. (a.) Such public works as have been or are hereafter wfully transferred to any Decision of the second day. transferred to lawfully transferred to any Province forming part of Canada; Provinces. (b.) Such public works as have been or are hereafter ased, sold or otherwise land in the been of are municileased, sold or otherwise lawfully transferred to municipalities, incorporated compare And to munipalities, incorporated companies or others, unless the same are subject to be and are required to the subject to th cipalities and are subject to be and are resumed by Her Majesty in virtue of the provisions of any Act others. of the provisions of any Act, or of any lease, sale or transfer thereof, or relating therete. (c.) Such public works as are, by this Act or by any other and it of the Parliament of Canada Act of the Parliament of Canada, placed under the control and management of any other mini-Under other departments. management of any other minister or department; (d.) Such public works as have been or are hereafter, proclamation, abandoned and the been or are hereafter, by proclamation, abandoned or left to the control of municipal or local authorities. Works abandoned. 2. The minister shall also have the management, charge id direction of the heating main the management of the heating main the and direction of the heating, maintenance and keeping in re-pair of the Government buildings Government pair of the Government buildings at the seat of Government, and any alterations, from time to the seat of Government, buildings, &c. and any alterations, from time to time, requisite therein, and the supplying of furniture of the supplying of the supplyi and the supplying of furniture and fittings, or repairs 35, 8. Supprying of furniture and fittings, or repairs to $\frac{1}{35}$, $\frac{1}{5}$, \frac part ;--35 V., c. 24, s. 1 ;-42 V., c. 7, s. 5, part. 8. If at any time a doubt arises whether the manager ent, charge and direction ment, charge and direction of any public work belongs the Minister of Public Work case of doubt. the Minister of Public Works or to the Minister of Railways and Canals, the question shall h and Canals, the question shall be decided by the shall be under the shall be the sh in Council, and the works and property which of either under the management. charge which of either under the management, charge and direction of either minister may, from time to time minister may, from time to time, be determined in by manner; and the Governor in Gar manner; and the Governor in Council may determined by which minister any power vosted which minister any power vested in the Minister of Public Works on the fifteenth day of M Works on the fifteenth day of May, one thousand 42 V., c. , bundred and seventy-nine shall b s 5, part. 9. The minister shall direct the construction, main ten and id repair of all harbors, roads Re-drafted. and repair of all harbors, roads or parts of roads, bridges, slides and other public works or bridges or structed or slides and other public works or bridges. slides and other public works or buildings constructed Construction or repair of works.

14. The minister, in all cases in which any public work Security to be care that good and by contract, shall take all reasonable taken from name that good and by contract, shall take all reasonable to the contractors. Care that good and sufficient security is given to and in the work within the analysis, for the due performance of the work within the amount and time specified for its completion; and also in all cases in which it seems to the minister not Provision when the lowest tenderer, he lowest tenderer, he lowest tenderer is taken the lowest tenderer. to be expedient to let such work to the lowest tenderer, he lowest tender ern. report the authority of the Gov- is not taken. the expedient to let such work to the lowest tenderer, ne lowest tenue. enor in Connect and obtain the authority of the Gov- is not taken. enor in Council previously to passing by such lowest ten-on ; and no reviously to passing by such lowest tender; and no sum of money shall be paid to the contractor the any contract the ny contract, nor shall any work be commenced, until the ontract, nor shall any work be commenced, units of has been signed by all the parties therein y ed, nor not the security has been given. 31 V, c. 12, R or until the requisite security has been given.

18. The minister shall invite tenders, by public adver- Tenders to be ment. for the shall invite tenders, by public adver- Tenders to be works. tisement, for the execution of all works, except in cases of invited for the execution of all works, except in cases of works. present, for the execution of all works, except in cases of works. the mergency in which delay would be injurious to Exception. Work, it can be the which delay would be injunction of the work, it can be the which attional and economically Work, it can be more expeditiously and economically v_{1} , v_{2} , v_{3} , v_{1} , v_{2} , v_{3} , v_{2} , v_{3} , v_{3} , v_{2} , v_{3} , $v_{$

2. Such persons shall comply with the summons of the Penalty for who neglects are notice; and every person so summoned neglecting to attend, &c. who neglects or refuses to attend and be examined shall sucura person in characterized and be examined shall incur a penalty of twenty dollars. 31 V., c. 12, s. 18.

12. The minister may send for and examine, on oath, all Power to exsuch persons as he deems necessary, respecting any matter amine persons pon which is he deems necessary, respecting any matter amine persons which is he deems necessary, respecting any matter which is he deems necessary and may cause such upon which his action is required, and may cause such persons to the books, persons to bring with them such papers, plans, books, reference the things as it is necessary to examine with reference to such matter, and may pay such persons a disbursements: reasonable compensation for their time and disbursements:

Quire any account sent in by any contractor, or by any tractors. person in the employ of the department, to be attested on oath, which oath, which oath, as well as that to be taken by any withese, may be administered by the minister or the deputy of the minister. 31 V., c. 12, s. 17.

10. Nothing in this Act shall authorize the minister No expendi-caneed by Parlia- authority of to cause expenditure not previously sanctioned by Parlia-ment, excent of the previously sanctioned by Parlia-ture without authority of the previously sanctions as the neces- Parliament. The transferred the second transferred by rama-authority of sities of +1 for such repairs and alterations as the necess-Parliament. sities of the public service demand. 31 V., c. 12, s. 15, part.

 $\frac{Maintained}{Maintained}$ at the expense of Canada, and which are by this Act, or are hereafter, placed under his management and control. 31 V., c. 12, s. 15, part.

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SALE OR TRANSFER OF PUBLIC WORKS TO LOCAL AUTHORITIES

Works may be declared no longer under control of the Minister.

How they

shall then be

kept up, &c.

15. The Governor in Council may, by proclamation, de are any public road or bridger and clare any public road or bridge under the management and control of the minister to b control of the minister, to be no longer under his management and control and management and control cont ment and control; and upon, from and after a day cesse named in the proclamation, such road or bridge shall cease to be under the management to be under the management and control of the minister, and no tolls shall thereafter be low in a state of the minister is anthor no tolls shall thereafter be levied thereon under the author ity of this Act. 31 V = 10

16. Every public road or bridge declared, as aforesaid, the min no longer under the more be no longer under the management and control of the min ister, shall be under the control of the intained ister, shall be under the management and control of the minutained and kept in repair by the municipal and kept in repair by the municipal or other authorities of the locality and the road officers it the locality and the road officers thereof, in like manner as other public roads and hard as other public roads and bridges therein under their control. 31 V., c. 12, s. 52

Power to enter into arrangements for transfer of works to local authorities. åс.

Transfers. how made.

17. The minister may enter into arrangements with and local covincial Government Provincial Government, municipal council or other pro-corporation or authority or with corporation or authority, or with any company in the purpose vinces of Ontario or Quebec inc vinces of Ontario or Quebec, incorporated for the purple of constructing or holding and of constructing or holding such work or works them any company is purposed for the purpose of interview of the same Province. nature in the same Province—for the transfer to improve any of the public roads harborn any of the public roads, harbors, rivers or river improver ments, bridges or public build ments, bridges or public buildings, whether within in multi-without the limits of the local in the multiwithout the limits of the local jurisdiction of such munici-pal councils or other authorities pal councils or other authorities, which it is found corvenient to place under their man

2. On the completion of such arrangements, the formed in a second ernor in Council may grant, and, by so granting, any of and convey for ever or for any terms of all or all of all and convey for ever or for any term of years, all or anges such roads, harbors, rivers and with of years, all or anges or public being such roads, harbors, rivers and river improvements, main or public buildings, to such Provide interments and interments in the provide interment. or public buildings, to such Provincial Government, hereir cipal council or other local antherit cipal council or other local authority or company (hereins after called the grantee). upon crucial council and itions after called the grantee). after called the grantee), upon such terms and conditions are agreed upon; and the cail of the municipal connect. are agreed upon; and the said Governments, into such arranges councils or other local authorities may enter into trans arrangements and may take and have a such that the solution of the so arrangements and may take and hold any works so trans-ferred. 31 V., c. 12, s. 54

18. Any such grant may be made by Order in Council, and rights and rights in sted in the order and rights in and by such grant may be made by Order in Country and by such order any or all of the powers and right vested in the Crown, or in any of vested in the Crown, or in any officer or department, respect of such public work respect of such public work, may be granted to and vested in the grantee to whom the public in the grantee to whom the public work is granted.

Conditions and limitations of the grant.

Form and

effect of transfer.

> 2. Such Order in Council may contain any conditions agreed as the provisions of such Order in Council, shall, in so far

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TOLLS ON PUBLIC WORKS. The Governor in Council may impose and authorize Governor in Council may impose and public work Council may impose tolls the Collection of tolls and dues upon any public work Council may impose tolls

20. One of the conditions of every such lease or trans- Work trans-work shall be kept in the remain and that, for all the rough repair Work shall be kept in thorough repair, and that, for all the rough repair. purposes of such contract, sale or lease, the sufficiency of encircles in the such contract, sale or lease, the sufficiency of decided on by such such repair shall be ascertained and decided on by such as it to examine the same. engineer as the minister appoints to examine the same.

an infringement of the rights of the municipal corporation, conditions. In this section of the rights of the municipal corporation of the section of the rights of the municipal corporation of the section of the rights and nothing the section of the rights in this section shall prevent the enforcement of the rights of the Crown in any lawful manner not inconsistent with an Provision of any lawful manner not inconsistent with the provisions and conditions of any such Order in Council.

19. The provisions and conditions of any Order in What the con-omacil mode of ditions of the mode of ditions of the grant may ex-Conneil made under this Act may extend—to the mode of ditions of the grant may exadjusting and determining any difference arising between tend to. the Crown and determining any difference arising better or combany and any municipal corporation, local authority or company, as to their respective rights under the same, or to the reservation of the right of re-entry by the Crown into possession of any public work on the default of such corporation any public work on the default of such differentiation anthonis any public work on the default of such corporation, authority or company to perform the con-bower to give upon, — and to the vesting in any sheriff power to give possession of such public work to any pub-ic officer for the Crown, on any warrant, under the hand and seal of the Crown, on any warrant, under the hand and seal of the Governor General, addressed to such sheriff, Reciting such 1 covernor General, addressed to such sheriff, Reciting such default and commanding him to give possession to such officer for the Crown as aforesaid: 2. No enactment made for the purpose of enforcing the Enactments ovisions of an and for the purpose of enforcing the Enactments for enforcing the Enactment and the purpose of the Enactments of the Enactment and the Enactments of
or agreement of such grantee. 31 V., c. 12, s. 55.

⁸. Any such Order in Council may, with the consent of Revoking or grantee 1 order in Council may, by any subsequent amending the orant. the grantee, be revoked or amended by any subsequent amending the grant. Order in Council, and the consent of the grantee thereto shall be proceed, and the consent of the grantee, and, if shall be presumed unless disputed by such grantee, and, if disputed, may be proved by any copy of such Order in Council on the proved by any copy of such Order is Conncil, on which the consent of the grantee thereto is Written and which the consent of the grantee thereto h, as Written and attested by such signature or seal, or both, as Would he are attested by such signature or seal, or both, as would be sufficient to make any deed or agreement the deed of $\frac{12}{3}$ s. 55.

they are not inconsistent with this Act and do not purport to grant any right or power not immediately before the making of the Crown or making of such Order in Council vested in the Crown or in the Government of the Gove as if they had been contained in this Act and had formed

provisions of any such Order in Council shall be deemed may be made for enforcing the Enactments here the municipal corporation, conditions.

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for use of Public Works.

vested in Her Majesty, and under the control or manager ment of the minister and man a ment of the minister, and may, from time to time, may de manner, alter and change such tolls or dues, and may and clare the exemptions therefore clare the exemptions therefrom; and all such tolls and dues shall be payable in adverse dues shall be payable in advance and before the right to the use of the public work in reason to a second before the right incur use of the public work in respect of which they are red accrues, if so demanded by red accrues, if so demanded by the collector thereof:

Recovery of tolls.

2. All tolls and dues imposed under this Act shall be re-verable, with costs in any set indiction, coverable, with costs, in any court of competent jurisdiction, by the collector or person and any court of competent jurisdiction, by the collector or person appointed to receive the sand by in his own name, or in the in his own name, or in the name of Her Majesty, and by any form of proceeding by which a set of the Majesty, and are any form of proceeding by which debts to the Crown are recoverable :

Goods on board vessels liable for tolls, λc.

3. The goods on board of any steamboat, vessel, raft, ib or other craft, and the aviant crib or other craft, and the animal or animals attached to any carriage or vehicle and the carriage or vehicle, and the animal or animals attached therein, whomsoever the same belt whomsoever the same belong, shall be liable for any there dues or penalties imposed and dues or penalties imposed and levied under this Act, and they, or any of them, may be seized additional and they are the same or any of them, may be seized, detained and sold in the safe, manner as the steamboat worked with the sold in the safe, manner as the steamboat, vessel, raft, crib or other or the they are carriage or vehicle in which they are or to which they are attached, as if they belonged to 11 attached, as if they belonged to the person violating wer such regulation, saving the massive of the save such regulation, saving the recourse of the real owner of the result of thereof against such person who is deemed the owner for the purposes of this Act 21 V the purposes of this Act. 31 V., c. 12, s. 58, s. 61, part, and s. 62. 22. Her Majesty's officers and soldiers, being in proper niform, dress or undress excert uniform, dress or undress, except when passing horses and hired or private vehicle. and all are the passing horses and played in H

Exemptions from foll in favor of H.M. troops.

Moneys from tolls to be paid over to the Receiver General.

or baggage, shall be exempted from payment of and the on using or travelling over any model and the only the second of the secon on using or travelling over any road or bridge under the control of the minister. 31 V **23.** All tolls, dues or other revenues imposed and collected the public works, shall be paid by the me to the area of the paid by the state of the on public works, shall be paid by the persons receiving in same to the Minister of Finance and Bergiver General hat same to the Minister of Finance and Receiver General by such manner and at such interest Receiver General by such manner and at such intervals as he appoints, such intervals shall in more such intervals shall, in no case, exceed one month. c. 12, s. 63.

hired or private vehicle, and all carriages and horses of ployed in Her Majestv's service and any persons

ployed in Her Majesty's service, when conveying persons to or baggage, shall be exempted from

24. The Governor in Council may order the tolls at the veral gates erected on any public the bridge vested be let out to several gates erected on any public road or bridge vestor of farm. in the Crown, or under the mouth of the minister, of in the Crown, or under the management of the minister, of be let to farm, under such reculation be let to farm, under such regulations and by such form lease as he thinks expedient. lease as he thinks expedient; and the lessee domand of take such to any person be such tolls, or any person he appoints, may f the same it take such tolls, and proceed for the take such tolls, and proceed for the recovery of the same the name of such lessee or formation. the name of such lessee or farmer, in case of non-payment Chap. 34.

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or evasion thereof, in the same manner and by the same means as are given by law to any collector of tolls or other person and $V_{\rm means}$ as are given by law to any collector of tolls or other $21 V_{\rm m}$ c. 12, s. 64. person authorized to collect the same. 31 V., c. 12, s. 64.

REGULATIONS FOR USE OF PUBLIC WORKS.

25. The Governor in Council may, from time to time, Governor in Council may, from the man-Council may make regula make such regulations as he deems necessary for the man-agement, maintenance, proper use and protection of all or tions for use in the public mathematic for the ascertaining and collec- of Public Works. any of the public works, or for the ascertaining and collec- of Public Works. $t_{0n}^{(j)}$ of the public works, or for the ascertaining and concerts, δ_{0n} of the tolls, dues and revenues thereon. 31 V., c. 12,

26. The Governor in Council may, by such regulations, And impose impose such penalties, not exceeding in any one case four penalties for hundred dollars, for any violation of any such regulation. $t_{on, as}^{ton, as}$ he deems necessary for insuring the observance of the same deems necessary for the tolls and dues of the same and the payment of the tolls and dues lations, provide for the non-passing or detention and sale of vessel or other craft, carriage, animal, timber or goods, regulations. on which tolls or dues have accrued and have not been paid, or in Paid, or in respect of which any such regulations have been violated violated, or in respect of which any such regulations and not paid for any injury done to such public works and not paid for, or any injury done to such public works we been incomed or on account of which any penalty has is and for the sale thereof, been incurred and remains unpaid—and for the sale thereof, if such tolls, dues, damages or penalty are not paid by the time fixed for the purpose, and for the payment of such builts, dues damages or penalty are not pair of such tolls, dues done purpose, and for the proceeds of such tolls, dues, damages or penalty out of the proceeds of such sale, returning to the owner or his sale, dues, damages or penalty out of the proceeds of sale agent; hut ng the surplus, if any, to the owner or his cont; but ng the surplus, if any, to the right of the sent; but no such provision shall impair the right of the Proviso: the way to recover a provision shall impair the right of the Proviso: Crown to recover such tolls, dues, penalty or damages in Crown saved. the ordinary course of law; and any such tolls, dues or benalties shall a sherein provided. 31 penalties shall always be recoverable as herein provided.

PENALTIES.

*7. Every one who is an officer or servant of, or a per-Punishment

son employed by the minister on any public work under of persons by law, order on any who wilfully or negligently violates any Public Works in the minister of persons employed on by law, order on the department, or any Order disobeying regulations by-law, order or regulation of the department, or any Order disobeying Work on Which have a provided and of which a copy has made. work on which he is employed, and of which a copy has made. been delivered to him, or has been posted up or open to his or any inspection in the higher big work or his duties, or any of them, are to be place where his work or his duties, or any to the place where his work or his duties injury of them, are to be performed—if such violation causes injury If injury is any proposition of the performed in the performed of the performed o to any property or to any person, or exposes any property or done by such than it would have be to be performed—if such violation causes injury If injury is than it would have been been by the person of the person of actnot. Would have been bet for such violation, although no property. than it would have been but for such violation, although no property. actual injury occurs—is guilty of a misdemeanor, and shall,

according as the court before which the conviction is had considers the offence proved to a considers the offence proved to be more or less grave, or injury or risk of injury to more of injury or risk of injury to person or property to be more of less great, be liable to a population less great, be liable to a penalty not exceeding four hundred dollars, or to imprisonment for dollars, or to imprisonment for a term not exceeding four hunding years, or to both penalty and years, or to both penalty and imprisonment, in the discretion of the court. 31 V c 12 c cRe-drafted.

If such injury is not done.

28. If such violation does not cause injury to any property or person, or expose any property or person to the risk of injury, or make such risk greater than it would have been but for such violation. been but for such violation, the officer, servant or other person guilty thereof shall ----person guilty thereof shall incur a penalty not exceeding the amount of thirty days' the amount of thirty days' pay and not less than discre-days' pay of the offender days' pay of the offender, from the department, in the discrete tion of the justice of the passes have been a second seco tion of the justice of the peace before whom the conviction before had, and such penalty shall be had, and such penalty shall be recoverable, with costs, before any one justice of the pages have been appended by the page the any one justice of the peace having jurisdiction where the offence has been committed and in the peace having jurisdiction where found. offence has been committed or where the offender is former. on the oath of one credible witness other than the informer. 31 V., c. 12, s. 68

Application of pecuniary penalties.

29. A moiety of every pecuniary penalty recovered under ther of the two sections norther and the recovered to Her either of the two sections next preceding shall belong to the molety for the public uses of Correct to the section of the public uses of Correct the section of the section Majesty for the public uses of Canada, and the other moient shall belong to the informer unloss h shall belong to the informer, unless he is an officer or server of or person in the employ of the of or person in the employ of the minister, in which case he shall be a competent witness or bit he shall be a competent witness, and the whole penalty shall in such case belong to Her Majort in such case belong to Her Majesty, for the uses aforesaid. 31 V., c. 12, s. 69.

30. All pecuniary penalties imposed by this Act, or by regulation made under the act of shall or RECOVERY OF DUES AND PENALTIES.

Recovery of penalties.

any regulation made under the authority thereof, shall for recoverable, with costs, before and the district the district recoverable, with costs, before any justice of the peace of the district, county or place in which is the district of the peace was contracted and the district. the district, county or place in which the offence was before mitted, under the "Act respectivemitted, under the "Act respecting summary proceedings before Justices of the Peace," and if and Justices of the Peace," and if sufficient distress cannot justice found, and such penalty is not forth found, and such penalty is not forthwith paid, such person may, by warrant under his hand may, by warrant under his hand and seal, cause the performance offending to be imprisoned for and seal, cause such justice directs offending to be imprisoned for such term as such justice directs, not exceeding thirty down directs, not exceeding thirty days, unless such penalty as costs are sooner paid : and such costs are sooner paid; and such penalties shall, exceptive hereinbefore provided, belong to II hereinbefore provided, belong to Her Majesty, for the public uses of Canada: Application.

As to tolls and dues on timber.

2. Provided always, that all tolls and dues on regular ussing any slide, and all penaltices passing any slide, and all penalties for violating any regula-tion respecting such slides on form tion respecting such slides, or for non-payment of such and and dues, may be enforced improved by and and dues, may be enforced, imposed and collected by Chap. 34.

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before any justice of the peace within any district or county in Canady justice of the peace within any district or county in Canada in which the timber respecting which such tolls or dues on the which the timber respecting which such tolls or dues, or the person from whom such payment or penalty is demanded, happens to be at the time when application is made. is made to such justice to enforce payment of the same. 31 V., c. 12, s. 61, part.

GENERAL PROVISIONS.

31. All actions, suits and other proceedings at law or in Actions for enforcing collicity for the enforcing collicity for the enforcing collicity for the enforcement of tracts. &c. equity, for the enforcement of any contract, agreement or tracts, &c. obligation in respect of any public work, may be instituted in the name a spect of any public work, may be instituted. 31 V., c. in the name of the Attorney General of Canada. 31 V., c.

32. All contracts, bonds, agreements or leases for or Existing conrespecting any work or building now the property of tracts, &c., Commissioner of the late Province of Commissioner of Public Works of the late Province of Scotia or of the Board of Works of the Province of Nova Scotia or of the Board of Works of the Province of any any commission the Province of New Brunswick, or by any duly authorized to enter into commissioners or other persons duly authorized to enter into the same in the same in the same inter the same inter state in the same inter the same inter the same inter shall inter to the use the same, in any Province of Canada, shall inure to the use of Her Majesty, and may be enforced as if they had been entered into the authority of this entered into with Her Majesty under the authority of this Act. 31 V., c. 12, s. 12.

33. The Governor in Council may, from time to time, Recovering possession of any normal authority, having maps, plan. require any person, or any provincial authority, having possession of estimates, reports or other papers, books, drawings, instru-not standeds, contracts, documents or records, which are ments, models, contracts, documents or records, which are to private provide the relate to any public work, Not private property, and which relate to any public work, deliver the property of the to deliver the same forthwith to the secretary of the department. 31 V., c. 12, s. 9.

84. No deed, contract, document or writing in respect of What writing the minister under the shall be direction of the minister bind the De any matter under the control or direction of the minister bind the De-ball be binding. The control or direction of the minister bind the Deshall be binding on Her Majesty or be deemed to be the partment. act of the minister, unless the same is signed by him or by the deputy of the minister, unless the same is signed by him or by the deputy of the minister, and countersigned by the minister of the minister, and countersigned by the secretary of the minister, and countersigned of the for him. 10 Tr department, or the person authorized to act for him. 42 V., c. 7, s. 11. The words "and sealed" are omitted.

A copy of any map, plan, or other document in the Effect of Seccustody copy of any map, plan, or other document in the Effect of Sec-him to be a the secretary of the department, certified by ficate. him to be a true copy, shall be held to be authentic and in the prime of the secretary of the department, certain and in the prime of the secretary of the department, certain and in the prime of the secretary of the department, certain and in the secretary of the secretary of the department, certain and in the secretary of the secretary of the department, certain and in the secretary of the secretary of the department, certain and in the secretary of the secretary o

shall be a true copy, shall be held to be automatic in any const a facie of the same legal effect as the original 42 W c 7 s. 9, part. in any court or elsewhere. 42 V., c. 7, s. 9, part.

Publication of regulations, άč.

liament.

36. All proclamations, regulations or Orders in Council ade under this Act. shall be well in or Orders in Grada Gr made under this Act, shall be published in the Canada Get zette. 31 V., c. 12. s 70 nant **37.** The minister shall make and submit to the Governor eneral an annual report on all the submit to the bis conto the Gover- General an annual report on all the works under his con-before Par- trol, which shall be laid before built works under his parliament. trol, which shall be laid before both Houses of Parliament, within twenty-one days after th within twenty-one days after the commencement of each session thereof, showing the stat session thereof, showing the state of each work and with amounts received and expanded amounts received and expended in respect thereof, s. 19.

such furthe	er informati			0111
Proposed to be Consolidated.	Part Consolidated.	-	To be Con- solidated elsewhere	To be with. Consolidated with.
	all inclusive, and 70. part.			Act respecting Expropri- ation of Lands; respecting the Official Arbitrators; armentof Specting Departmentof Railways and Canals; Railways and Deferer Militia and Deferer
31 V., e 35 35 V , e. 24	s 2 (part) The whole	s. 2 (part)	Remainder	Act. The Contingencies for and Act respecting for Department of the Department of State.
42 V , c. 7	ss 4, 5, 7. 9, 10 ~ and 11, parts	ss 1, 2(part), 3 (part), 6, 8.12 (part) and 15.	Remainder	and Actient of the Department of the retary of State. De- Act respecting partment Act respecting the artment of the partment of the specting the Act re- and Canals; Off- specting the Act of Arbitrators; salaries Arbitrators; salaries specting the salaries certain Public respect tionaries; Act respect ing Lighthouses.

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CHAPTER 35.

An Act respecting the Department of Railways and

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

INTERPRETATION.

1. In this Act, unless the context otherwise requires :-(a) The expression "minister" means the Minister of Rail- "Minister." Interpre-

ways and Canals;

(b) The expression "department" means the Department of "Department." Railways and Canals;

(c) The expressions "railway" and "canal" mean and in-"Railway" and "Canal" mean and in-"Canal." clude respectively, every railway " and " canal " mean and in and every court railway and the rolling stock thereon, and every canal and lock which belong to Canada; and every railway and the rolling stock thereon, and every and "Canal." every railway and lock which belong to Uanaua, canal and lock which belong to Uanaua, repaired or included, constructed, extended, enlarged, repaired or included, constructed, extended, or for the repaired or improved at the expense of Canada, or for the acquisition, construction, repairing, extending, enlarging or improving of which any public money is voted and appro-biated by Parliant the works for which money has priated by Parliament (except works for which money has been appropriated as a subsidy only), and all works and moperty appropriated as a subsidy only), and all works and property appertaining or incidental to such railway or canal, which are a subside to such railway or canal, Which are placed under the control of the minister by the y the second Governor in Council. 31 V., c. 12, s. 10, part ;—35 V., c. 24, s. 1, part ;-42 V., c. 7, s. 5, part.

DEPARTMENT OF RAILWAYS AND CANALS. Canada which shall be a department of the Civil Service of Department and Canada which shall be called "The Department of Railways of Railways Canals." One which the Minister of Railways and and Canals. and Canals," Over which the Minister of Railways and Canals, the Corthe time the tim Canals," over which the Minister of Kallways and the Great Soul of being, appointed by commission under shall preside; and the minister the Great Seal of Canada, shall preside; and the minister and have the of Canada, shall preside; and the department, shall have the management and direction of the department, h. shall have the management and direction of the department, h. shall hald one 42 V., c. 7, s. 4, part. and shall hold office during pleasure. 42 V., c. 7, s. 4, part.

Canals, and who shall be the chief officer of the department, Canals, and who shall be the chief officer of the department,

engineers, and such other officers as are necessary for the proper conduct of the business are necessary all of proper conduct of the business of the department, all of whom shall hold office during a

Acting Secretary.

2. In case of the absence of the secretary, or of his inabi-7 to act, the minister man ity to act, the minister may, in writing, authorize some other officer of the department to other officer of the department to act for the time in his stead:

Chief Engineers.

3. One of such chief engineers shall act as chief engineer as one branch of the department of the department. of one branch of the department, and another shall act as chief engineers of the other branch and another shall act and chief engineer of the other branch of the department, and with respect to such works with respect to such works, or classes of works, as the Governor in Council from time to the department, the Governor in Council, from time to time, directs. 7, s. 7, and s. 10, part. Re-drafted.

Duties of Secretary of the Department.

4. The secretary of the department shall, unless other ise directed in any case back wise directed in any case by the minister, keep separate accounts of the moneys approximate in a separate accounts of the moneys appropriated for and expended min-each railway or canal under the each railway or canal under the management of the min ister; he shall submit such as ister; he shall submit such accounts to be audited in such manner as is appointed by the such accounts to be audited in such manner as is appointed by law, or by the Governor Council; he shall have charge of all plane contracts, Council; he shall have charge of all plans, contracts, things estimates, documents, titles, models and other like things relating to any such reilucer to a relating to any such railway or canal; he shall keep pro-per accounts with each country is a shall keep proper accounts with each contractor or other person employed by or under the department. by or under the department; he shall see that all contracts are properly drawn out and are properly drawn out and executed; he shall prepare of certificates upon which any certificates are moving and the shall prepare of certificates upon which any certificate for the payment of money is to issue; he shall keen mind the average of the state of the payment of money is to issue; he shall keep minutes of all proceedings of the department: he shall of the department; he shall keep minutes of all proceeding of under the direction of the minist under the direction of the minister, the correspondence all the department; and generally bed with a perform ba the department; and generally he shall do and perform the such acts and things performing such acts and things pertaining to the business of the department as he is, from time department as he is, from time to time, directed by the minister to do and perform 19 V minister to do and perform. 42 V., c. 7, s. 9, part. Re-drafted.

Duties of Chief Engineer.

5. The chief engineers respectively shall prepare maps, ans and estimates for all with plans and estimates for all railways and canals which the about to be constructed, altered are about to be constructed, altered or repaired by or under the management of the minister. management of the minister; they shall report, for any information of the minister on such as a lating to any information of the minister; they shall report, for any such railway or canal which is any question relating to they shall any shall report. such railway or canal which is submitted to them; and recomshall examine and revise the plans, estimates and revent mendations of other engineers, architects and officers touch ing any such railway or canal ing any such railway or canal, and generally they shall advise the minister on all our hitectural advise the minister on all engineering or architectural questions affecting any such work questions affecting any such work. 42 V., c. 7, s. 10, part. Re-drafted.

which persons as he deems necessary, touching any matter be sent for. hents to bring with the matter papers plans, books, docupersons to bring with them such papers, plans, books, docu-ence and this action is required, and may cause such ence and this with them such papers, plans, books, docuhents to bring with them such papers, plans, books, user ence to such things as it is necessary to examine with reference to such matter, and may pay such persons a reasonable compensation for their time and disbursements :

9. The minister or the deputy of the minister, or any Evidence on a contract of the department of th officer of the minister or the deputy of the minister, or any Evidence on pay or the department whose duty it is to investigate or required as account of the department whose duty it is to investigate or required as bay or certify for payment any claim, may require any to claims. account sent in by any contractor, or any person in the minister, or any claim for damages, to be with on oath which cath as well as that taken by any attested on oath—which oath, as well as that taken by any contractor, of the minister, or any claim for damages, to be withess, may be administered by the minister, the deputy c. 7, s. 5, part — 44 W = 25 5 99 c. 7, s. 5, part ;-44 V., c. 25, s. 99.

8. Nothing in this Act shall authorize the minister No expendi-cause expenditure without sanctioned by Parlia- ture without authority of to cause expenditure not previously sanctioned by Parlia- ture without authority of alterations as the neces- Parliament. hent, except for such repairs and alterations as the neces- Parliament. eities of the public service demand. 31 V., c. 12, s. 15, part;

7. The Minister shall direct the construction, mainten- Construction or repair of works. ance and repair of all railways and canals, and of all other or repair of tail railways and constructed or mainworks appertaining or incident thereto, constructed or maintained at the expense of Canada, and which are by this Act or are hereafter placed under his management and control. V, c. 19 V placed under his management and control. ³I V, c. 12, s. 15, part ;-42 V., c. 7, s. 5, part.

². Whenever, by any Act or document, the Minister of Certain ablic W_{orbe} , by any Act or document, the Minister of Certain powers a duty duties to Public Works is given any power or authority, or has a duty duties to be-public Works is given any power or authority, or has a duty duties to be-public works and regard to railways or canals, or other long to Min-multic works and the second se public works of any of the classes which, by this or any sister of Rail-are placed under all Order in Council made under any Act, Canals. are placed under the management, charge and direction of the Minister of the management, charge and direction of the Minister of Railways and Canals, or in regard to any alway could relate a forward the classes aforesaid, railway, canal or other work of any of the classes aforesaid, whether the construction of the majesty, whether the same are or are not the property of Her Majesty, the power are or are not the property of the Majesty, the power or authority so given, or the duty so cast upon formed by the Minister of Public Works, shall be exercised or performed by the Minister of Railways and Canals. 42 V., c. 7, 8. 5, part ;-46 V., c. 5, s. 1.

6. The Minister shall have the management, charge and Powers of the rection of all Minister. direction of all Government railways and canals, and of all Minister. Works and property appertaining or incident to such rail-

POWERS OF THE MINISTER.

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Penalty for neglecting to attend, &c.

2. Such persons shall comply with the summons of the inister after due notice minister after due notice, and every person so summonal who neglects or refuses to att who neglects or refuses to attend and be examined, shall incur a penalty of twenty dollars 31 V., c. 12 s. 18; -42 V., c. 7, s. 5, part; -44 V., c. 25, s. 100.

Tenders to be invited for works. Exception.

11. The minister shall invite tenders, by public advertises of sement, for the execution of " tisement, for the execution of all works, except in cases to pressing emergency in which it pressing emergency, in which delay would be injurious of the the public interest, or in which, from the nature of the work, it can be more and the nature of the nature of the more and the nature of the natu work, it can be more expeditiously and economicallyexecuted by the officers and control of the second state of the second executed by the officers and servants of the minister. c. 12, s. 20; -42 V., c. 7, s. 5, part; -44 V., c. 25, s. 103.

12. The minister, in all cases in which any public work and the shall be the shall under his control is being carried out by contract, is take all reasonable care that Security to be take all reasonable care that good and sufficient security is given to and in the name of U. required. given to and in the name of Her Majesty, for the due per formance of the work within the formance of the work, within the amount and time specified for its completion : and also in ... for its completion; and also, in all cases in which it seems to the minister not to be expedient to the minister not to be expedient to let such work to the lowest tenderer, he shall report to lowest tenderer, he shall report the same and obtain by authority of the Governor in Communication of the same and obtain by Report when lowest tender authority of the Governor in Council previously to passing to such lowest tender : and no is not acsuch lowest tender; and no sum of money shall be paid to the contractor on any contract money shall be comcepted. menced, until the contract has been signed by all the parties therein named, nor until the parties has been Conditions previous to therein named, nor until the requisite security has 14 V, given. 31 V., c. 12. 8, 21 · 10 T payment. given. 31 V., c. 12, s. 21;-42 V., c. 7, s. 5, part;

13. The Governor in Council may impose and authorize e collection of tolls and dues upon a may from an the collection of tolls and dues upon any canal, and may, from time to time, in like manuer alter time to time, in like manner, alter and change such dues in tolls, and may declare the average of the such dues and the such dues and the such dues and tolls. tolls, and may declare the exemptions therefrom; and before such dues and tolls shall be parallel such dues and tolls shall be payable in advance and they the right to the use of the coupling the right to the use of the canal in respect of which the collector are incurred accrues, if so down are incurred accrues, if so demanded by the collector thereof:

Recovery of tolls.

Governor in

Council may impose tolls

for use of canals.

> 2. All tolls and dues imposed under this Act may be covered, with costs, in any count of recovered, with costs, in any court of competent jurisdiction, by the collector or person appreciation of the same, by the collector or person appointed to receive the said of in his own name or in the name of the said in his own name or in the name of Her Majesty, and are any form of proceeding by which debts to the Crown are recoverable:

Goods on board vessels liable for tolls, åс.

3. The goods on board of any steamboat, vessel, raft, be or other craft, to whomsoever the same belong, shall be liable for any tolls, dues or papeltice incode and level, under this day liable for any tolls, dues or penalties imposed and seized, under this Act, and they or any of them may be Chap. 35.

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detained and sold in the same manner as the steamboat, yessel we are as if they vessel, raft, crib or other craft in which they are, as if they belonged belonged to the person violating any such regulation, saving the saving the the person violating any such regarded to the person where thereof against such person where the recourse of the real owner thereof against such the purposes of this Act:

person who is deemed the owner for the purposes of this Act:

4. The same tolls shall be payable on steamboats or vessels Tolls on the any kind of any kind, and passengers, taken down the river St. Law-St. Lawrence canals. rence past any of the canals between Montreal and Kingston, as would a versels or pasas would be payable on such steamboats, vessels or passengers, if the same had been taken through the canal or canals past and such tolls canals if the same had been taken through the same had been taken through the same had been taken down; and such tolls shall be levice in the source and moder the like penalties shall be levied in like manner, and under the like penalties and forfait. a like manner, and under the like penalties and forfeitures for the non-payment thereof. 31 V., c. 12, ss. 58, 59, 61, part, and 62; -42 V., c. 7, s. 5, part.

14. All tolls, dues or other revenues imposed and col- Moneys from Cted under the dues or other revenues imposed and col- Moneys from tolls to be paid over to the lected under this Act, shall be paid by the persons receiving tolls to be paid the same to the Ministry of the paid by the persons receiving over to the in the same to the Ministry of the persons receiver General, Receiver Genthe same to the Minister of Finance and Receiver General, Receiver Gen-such mannes in such mannes in the same to the Minister of Finance and Receiver General, Receiver Genin such manner and at such intervals as he appoints, but eral. such manner and at such intervals as ne appointed, 12, 8, 63, 40 That in no case exceed one month. 31 V., c. 12, 8, 63; -42 V., c. 7, s. 5, part.

REGULATIONS FOR USE OF CANALS.

15. The Governor in Council may, from time to time, Governor in segment, maintenance, proper use and protection of all or tions for use the canals on for the canals on for the canals. any of the canals or for the ascertaining and collection of $^{\rm of \ canals}$. the tolls, dues as to the ascertaining and collection of $^{\rm of \ canals}$. the tolls, dues and revenues thereon. 31 V., c. 12, s. 65;

PENALTIES.

16. The Governor in Council may, by such regulations, And impose impose Such penalties, not exceeding in any one case four fines for con-travention. hundred dollars, for any violation of any such regulation as he deems the observance of the as he deems necessary for insuring the observance of the same and the payment of the tolls and dues imposed as aforesaid the payment of the tolls and dues imposed as the non-bassing also, by such regulations, provide for Or authorize on the seizure at the risk of the the seizure and sale of the non-passing or detention and seizure, at the risk of the the seizure owner, of any the tention and seizure, at the risk of the the seizure and sale to the tention and seizure, at the risk of the the seizure and sale to the tention and seizure and seizure and select owner, of any steamboat, vessel or other craft, timber or vessels con-boods, on which tall goods, on which tolls or dues have accrued and have not travening been paid or in tolls or dues have accrued regulations have been paid, or in respect of which any such regulations have been violated, or in respect of which any such regulations and not had for or to any injury done to such canals and not paid for, or any injury done to such canado and been inchroad or on account of which any penalty has been incurred and remains unpaid—and for the sale thereof, if such tolls d if such tolls, dues, damages or penalty are not paid by the fixed for the such tolls, time fixed for the purpose, and for the proceeds of such sale, dnes, damages or penalty out of the proceeds of such sale, het ming the or penalty out of the proceeds of such sale; returning the surplus, if any, to the owner or his agent: but no such provision shall impair the right of the Crown Proviso:

날 영양 영상은 가 나라 문제

rights of the to recover such tolls, dues, penalty or damages in the ordine crown saved. ary course of law and the ard the constitues Crown saved ary course of law; and any such tolls, dues or penalties shall always be received in the or penalties of the shall always be received in the or penalties of the shall always be received in the state of the shall always be received in the state of the shall always be received in the state of -31 V., e. shall always be recoverable as herein provided. 12, s. 66; -42 V., c. 7, s. 5, part.

Punishment of persons em-

property.

17. Every one who is an officer or servant of, or a person nployed by the minister or a person of a servant of the minister of the servant of employed by the minister on any canal, and who wilfully or negligently violates and negligently violates any order or regulation of artment, or any Order in Correct or regulation made or tions lawfully department, or any Order in Council lawfully made, in force, respecting the courcil in force, respecting the canal on which he is employed, and of which a copy has be and of which a copy has been delivered to him, some has been posted up or open to his inspection in some place where his work or big dart place where his work or his duties, or any of them, are to be performed—if such violation performed—if such violation causes injury to any property or to any person. or exposed and any property done by such or to any person, or exposes any property or any person disobedience to person or the risk of iniury or random and property or any person it would the risk of injury, or renders such risk greater than it would have been but for such violation have been but for such violation, although no actual injury occurs, is guilty of a miedown occurs, is guilty of a misdemeanor, and shall, according the the court before which the conviction is had considers the offence proved to be more or h offence proved to be more or less grave, or the injury or neat, be of injury to person or property of injury to person or property to be more or less great, be liable to a penalty not exceeding of the states of to liable to a penalty not exceeding four hundred dollars, both imprisonment for a term not imprisonment for a term not exceeding five years, or to court. penalty and imprisonment in the penalty and imprisonment, in the discretion of the court. 31 V., c. 12, s. 67, part - 49 V Re-drafted.

If such injury is not done.

18. If such violation does not cause injury to any properly of person, or expose any property of or person, or expose any property or person to the risk of injury, or make such risk greater the person to the per injury, or make such risk greater than it would have person but for such violation, the officer but for such violation, the officer, servant or other person guilty thereof shall incur a person of other person the guilty thereof shall incur a penalty not exceeding days amount of thirty days' pay and not a amount of thirty days' pay and not less than fifteen days of the offender from the days pay of the offender from the department, in the conviction of the justice of the peace before of the justice of the peace before whom the conviction is had; and such penalty shall be is had; and such penalty shall be recoverable, with costs, before any one justice of the secoverable, inrisdiction 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 condition is found, on the oath of one credible witness other than the informer. 31 V., c. 12, s. 68 . 40 Y 31 V., c. 12, s. 68 ;-42 V., c. 7, s. 5, part.

Application of pecuniary penalties.

19. A moiety of every pecuniary penalty recovered under ther of the two sections next provide the section of two secti either of the two sections next preceding shall belong to ther moiety Majesty for the public uses of Clauding shall belong ther moiety Majesty for the public uses of Canada, and the other moiety shall belong to the informer multiple of the other of the set shall belong to the informer, unless he is an officer of which vant of or person in the employ of the island the other which vant of or person in the employ of the minister, in whole case he shall be a competent which the whole case he shall be a competent witness, and the whole penalty shall in such case belows the project of the start of the witness and the start of the s penalty shall in such case belong to Her Majesty, for uses aforesaid. 31 V., c. 12 s 60 uses aforesaid. 31 V., c. 12, s. 69; —42 V., c. 7, s. 5, part.

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RECOVERY OF PENALTIES.

20. All pecuniary penalties imposed by this Act, or by Recovery of a regulation of shall be penalties. any regulation made under the authority thereof, shall be penalties. recoverable, with costs, before any justice of the peace for the district, with costs, before any justice of the second the district, with costs, before any justice of the practice mitted, under the "Act respecting summary proceedings be-fore Justices of the "Act respecting summary proceedings before Justices of the Peace," and if sufficient distress cannot be formation be formation of the peace, and if sufficient distress cannot be found, and such penalty is not forthwith paid, such justice mand such penalty is not forthwith paid, such justice may, by warrant under his hand and seal, cause the person of the such term as such person offending to be imprisoned for such term as such justice dimensions such penalty Justice directs, not exceeding thirty days, unless such penalty and costs are sooner paid; and such penalties shall, except Applica-public uses of provided, belong to Her Majesty, for the tion. Public uses of Canada. 31 V., c. 12, s. 61, part ;-42 V., c. 7,

GENERAL PROVISIONS.

part ;- 44 V., c. 25, s. 93.

21. All contracts, bonds, agreements or leases for or res-Existing con-Pecting any railway or canal now the property of Canada, tracts, &c., continued. or for any railway or canal now the property of canada, or by the commis-sioner of D_113 for the same, entered into by the Commistioner of Public Works of the late Province of Canada, or by the Board of Public Works of the late Province of Canada, Province of Works of the Province of Nova Scotia or of the commissioners or Province of Works of the Province of Nova Scotta of Con-other Dersons der Brunswick, or by any commissioners or bersons der Brunswick, or by any commissioners or other persons duly authorized to enter into the same in any

Province of Canada, shall inure to the use of Her Majesty, and may be canada, shall inure to the use of Her Majesty, and may be enforced as if they had been entered into with Her Maiost 31 V., c. 12, s. Her Majesty under the authority of this Act. 31 V., c. 12, s. 42 V 12; 42 V., c. 7, s. 5, part.

And The Governor in Council may, from time to time, Recovery of any normal support of the maps, plans, dec. require any person, or any provincial authority, having the maps, plans, estimates, report. The course drawings, instru-

tary of the department. 31 V., c. 12, s. 9;-42 V., c. 7, s. 5,

estimates, reports or other papers, books, drawings, instru-hents, model ments, reports or other papers, books, drawings, models, contracts, documents or records, which are hot private property and which relate to any railway, building or property and which relate to any ranway, which is now or which connected therewith, or to any canal which is how or which is hereafter placed under the control of the without delay to the secrehinister, to deliver the same without delay to the secre-no of the deliver the same $12 ext{ s} ext{ 9} := 42 ext{ V}$, c. 7, s. 5,

As No deed, contract, document or writing relating to what deeds a pratter under the minister shall or writings shall be bind any matter under the control or direction of the minister shall be bind-be binding to what accurses the control or direction of the minister shall be bind-minimized by the ing on the Grown

be binding upon Her Majesty, unless it is signed by the ing on the ter, and countersized by the secretary of the department, ter, and countersigned by the secretary of the department, h, inless it is signed by the secretary of the department, h, inless it is signed by the secretary of the department, h, inless it is signed by the secretary of the department, h, inless it is signed by the secretary of the department, h, inless it is signed by the secretary of the department, h, inless it is signed by the secretary of the department, h, inless it is signed by the secretary of the department, h, inless it is signed by the secretary of the department, h, inless it is signed by the secretary of the department, h, inless it is signed by the secretary of the department, h, inless it is signed by the secretary of the department, h, inless it is signed by the secretary of the department, h, in the secretary of the secretary of the department, h, in the secretary of the secretary of the department, h, in the secretary of the secre or unless it is signed by the secretary of the acpartment by the minister in the minister is signed by some person specially authorized we minister in the minister is a secretary of the acpartment of the minister is a secretary of the acpartment by the minister, in writing, for that purpose: Provided al-Ways, that enal Ways, that such authority from the minister, to any person

professing to act for him, shall not be called in question except by the minister and except by the minister, or by some person acting for him or for Her Maiesty 44 V = 27

The words "or signed and sealed" are omitted wherever they occur.

Effect of Secretary's certificate.

24. A copy of any map, plan or other document in the ustody of the secretary of the custody of the secretary of the department, certified by hin to be a true conv shall be bell to be all be to be a true copy, shall be held to be authentic, and shall be primâ facie of the same local. (7) primâ facie of the same legal effect as the original in any court or elsewhere 42 V

ment.

25. Moneys in the hands of an officer, employee or servant the minister, as an officer nanus of offi-cers not liable of the minister, as an officer or servant of Her Majesty, any to attach-ment. or payable by Her Majester to or payable by Her Majesty to any person, or out of which any payment on behalf of Her Majesty Weither Meriden to payment on behalf of Her Majesty is to be made, and given to or being in the possession of the base of or being in the possession of such officer, employee or servant for that purpose, shall not be served for that purpose, shall not be subject to any execution, attach ment or garnishee process to a line to any execution, alogee ment or garnishee process; and if any such officer, ament of or servant is served with or servant is served with any execution, attachment of garnishee process in roomal garnishee process in regard to such moneys, the same may be set aside, with costs but be set aside, with costs, by any court of competent jurisdiv tion. 44 V. c. 25 s 10c

26. All actions, suits and other proceedings at law or in Juity, for the enforcement equity, for the enforcement of any contract, agreement the obligation in respect of any contract, agreement the As to actions obligation in respect of any railway or any canal under the control of the minister or in for enforcing control of the minister, or in respect of the construction be instruction. contracts, &c. maintenance, working or repair of the same, may a 31 V, tuted in the name of the Atten tuted in the name of the Attorney General of Canada. c. 12, s. 8; -42 V., c. 7, s. 5, part ; -44 V., c. 25, s. 107.

27. All proclamations, regulations or Orders in Council ade under this Act. shall be the difference of the Canada made under this Act, shall be published in the mart. **Publication** of 31 V., c. 12, s. 70, part ;-42 V., c. 7, s. 5, part. regulations,

Annual re-

Ac.

28. The minister shall make and submit to the Governor energy and an annual report on all the submit to the governor of the submit to General an annual report on all the railways and canals unlish his control, which shall be loid be be laid before his control, which shall be laid before both Houses of Parlia ment within twenty-one days of the the same of the second ment within twenty-one days after the commencement of the session thereof, showing the state session thereof, showing the state of each work and the amounts received and expended amounts received and expended in respect thereof, 12, s. 19; -42 V

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Proposed to be Consolidated.	Part Consolidated	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with
35 V 42 V'', C. 24	ss. 8, 9, 10, 12 and 15, 17 to 21 58, 59, 61, 62, 63 and 65, 66, 67 (part), 68 and 69, all in- clusive, and 70 (part) The whole. ss. 4, 5, 7, 9 and 10 (new fee)	ss 1, 2 (part),	Remainder	respecting the Official Arbi- trators; Act respecting the Public Works of Canada. Act respecting
	85.00	12 (p art) and 15.		the Depart- ment of Fi- nance; Actre- specting the Public Works of Canada; Act respecting the Official Ar- bitrators; Act respecting the salaries of cer- tain Public functionaries; Act respecting Lighthouses A ct respecting G over nment Railways; Act respecting Ex- propriation of lands; Act re- specting Wit- nesses andEvi- dence; Crimi- nal Law.

CHAPTER 36.

An Act respecting Government Railways.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "The Government Railways Act." 44 V., c. 25, s. 1.

INTERPRETATION.

Interpreta- tion.	2. In this Act, unless the context otherwise requires
" Minister."	(a) The expression "Minister" means the Minister Railways and Canals and any member of the Queen's minister
" Deputy."	for the time being; the expression "Deputy" means "xpression"
Becretary.	"secretary" means the secretary of the Department," means
"Depart- ment."	ways and Canals; and the expression "Department
ment.	the Department of Kallways and Canals;
"Superin- tendent."	the Department of Railways and Canals; (b) The expression "superintendent" or "chief ^{superin} tendent," in this Act or in the regulations relating to Gov ernment railways, means the superintendent of the min ment railway or railways of which he has, under the min ister, the charge and direction, and his powers shall be the same in regard to the railway or railways so under in charge and direction, whether he is called "superinten dent" or "chief superintendent;"
	ucht of chief superintendent,
"Engineer."	dent" or "chief superintendent;" (c) The expression "engineer" means any engineer the person permanently or temporarily employed by minister to perform such work as is ordinarily performed by a civil engineer;
"Arbitra- tors."	(d) The expression "arbitrators" or "official arbitrators means the official arbitrators mentioned in the "Act respective the Official Arbitrators":
"Lands."	the Official Arbitrators"; (e) The expression "lands" includes all granted or all granted, wild or cleared, public or private lands, and hereditar real property, messuages, lands, tenements and hereditar ments of any tenure, and all real rights, easements

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^{servitudes} and damages, and all other things for which compensation is to be paid by the Crown; (f) The expression "toll" includes any rate or charge or "Toll." other payment payable for any passenger, animal, carriage, goods, merchandise, matters or thing conveyed on the rail-(g) The expression "goods" includes things of every kind "Goods." that may be conveyed upon the railway, or upon steam or other vessel. other vessels connected therewith ; (h) The expression "county" includes any union of "County." counties, county, riding or like division of a county in any Province Province, county, riding or like division of a county ties, in the Day division thereof into separate municipalities, in the Province of Quebec; (i) The expression "highway" means any public road, "Highway." street, lane or other public way or communication; J) The expression "railway" means any railway, and "Railway." all property and works connected therewith, under the cathe department; 44 V., c. 25, Management and direction of the department; 44 V., c. 25, 8. 3, Dari (k) The expression "constable" means a railway constable "Constable." appointed under this Act. **3.** Whenever the powers herein given to the minister are Power exer-tercised by the powers herein given to ther person or cised by de-puties. exercised by the powers herein given to the minister are Power exer-officer, employee superintendent, or by any other person or cised by de-puties. officer, employee or servant of the department thereunto specially authorized by the minister, or his deputy, or an acting deputy deputy of the minister of the deputy of the deput acting deputy, the same shall be presumed to be exercised by the anthonic same shall be presumed to be exercised by the authority of the minister, unless the contrary is Made to appear. 44 V., c. 25, s. 4. APPLICATION OF AUL. er Majesty applies to all railways which are vested in To what rail-applies. Her Majesty, and which are under the control and manage-ways this Act ment of the minimum of th ment of the minister. 44 V., c. 25, s. 2. The minister may by himself, his engineers, superin- Powers of minister. tendents, agents, workmen and servants, (a) Explore and survey the country through which it is To explore. proposed to construct any Government railway;

(b) Enter into and upon any public lands or the lands of To enter on lands. any corporation or person whatsoever for that purpose ;

To fix the site of railway.

To fell timber.

To construct all necessary works.

To make conduits or drains.

To cross or unite with other railways.

To carry railway across streams, &c.

To make and work railway.

To erect necessary build-ings, &c.

goods

(k) Take, transport, carry and convey persons and goods the railway, and construct on the railway, and construct, make and do all other To convey persons and

(c) Make surveys, examinations or other arrangements a such lands necessary for ferries on such lands necessary for fixing the site of the railway, and set out and acceptain and and set out and ascertain such parts of the lands as are necessary and proper for the mil

(d) Fell or remove any trees standing in any woods, lands forests where the railway is t or forests where the railway is to pass, to the distance of six rods on either side thereof.

(e) Make or construct in, upon, across, under or over any nd, streets, hills vallens are a controads, land, streets, hills, valleys, roads, railways or tramroads, canals, rivers, brooks streams hills canals, rivers, brooks, streams, lakes or other waters, such temporary or permanent inclusion other waters, such temporary or permanent inclined planes, embankments, cuttings, aqueducts bridges cuttings, aqueducts, bridges, roads, sidings, ways, passages, conduits, drains, piers, archer conduits, drains, piers, arches or other works as he thinks proper;

(f) Make conduits or drains into, through or under any nds adjoining the railway for the conveying lands adjoining the railway, for the purpose of conveying water from or to the railway.

(g) Cross, intersect, join and unite the railway with any he lands other railway at any point on its route, and upon the lands of such other railway with the of such other railway, with the necessary conveniences dis-the purposes of such connection the purposes of such connection; and in the event of dis agreement upon the amount agreement upon the amount of compensation to be made therefor, or upon the point or therefor, or upon the amount of compensation to be many connection, the same shall be different to be many official connection, the same shall be determined by the official arbitrators;

(h) Construct, maintain and work the railway acrossing or upon any stream of along or upon any stream of water, watercourse, but the highway or railway which it is highway or railway which it intersects or touches; but the stream, watercourse. highway stream, watercourse, highway, canal or railway so inter sected or touched, shall be noted or railway state, or to sected or touched, shall be restored to its former state, or to such state as not to impair its model

(i) Make, complete, alter and keep in repair the rail way it is in the rail way it is the repair the rail by the rail the rail by the rail of rails and here in repair the rails and here in rains and here in rails and here in rails and with one or more sets of rails or tracks, to be worked by and force and power of steam, or of the set of a formation of the set of t force and power of steam, or of the atmosphere, or of anity mals, or by mechanical power of the atmosphere bination mals, or by mechanical power, or by any combination of them; (*j*) Erect and maintain all necessary and convenient uildings, stations, depots where the state and, from

buildings, stations, depots, wharves and fixtures, and, purchase time to time, alter, repair or enlarge time to the and purchase time to time, alter, repair or enlarge the same, and carriages, and acquire stationary or locometiand acquire stationary or locomotive engines and carries the wagons, floats and other machine wagons, floats and other machinery necessary or b accommodation and use of the accommodation and use of the passengers, freight or business of the railway;

The minister shall not cause any obstruction in or im- Navigation the free free shall not cause any obstruction in or im- not to be impeded. pede the minister shall not cause any obstruction in or im- Navigaus across or along vigation of any river, stream or canal, to or impeded. 8. b across or along vigation of any river, stream or canal, to can impeded. 44 V., c. 25, across or along which the railway is carried. 44 V., c. 25,

structing a branch or siding not exceeding one mile in the structing a branch or siding not exceeding one mile in the structure of this Act which are applicable length, all the provisions of this Act which are applicable to extensions, as aforesaid, shall likewise apply in the manher aforesaid. 44 V., c. 25, s. 6.

⁸. If the branch or siding does not exceed one mile in As to short sight, the minilength, the branch or siding does not exceed one much without an Oral error may construct such branch or siding without an Order in Council; and in the event of his so con-

2. The minister and those acting under him shall, for Powers in Very such must and those acting under him shall, for Powers in case. every such purpose, have and may exercise all the powers such case. given them with respect to the main line; and all pro-Fisions of this Act which are applicable to such extension shall extend and apply to every such siding or branch line

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Governor in Council, for the purpose of connecting any made for cer-metry, town willow of the purpose of connecting any made for cercity, town, village, manufactory or manufactories, mine or tain purposes. Well or spring with the purpose of stone or slate, or any and the store of the railway or with Well or spring, with the main line of the railway or with the main line of the railway or with any branch thereof, or for the purpose of giving increased products of or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, build, make and construct, and work and use, sidings, build, make and construct, and work and use, and case or branch lines of railway, not exceeding in any one

(m) Change the location of the line of railway in any To change particular part at any time, for the purpose of lessening a line in cer-bic reducing the second se curve, reducing a gradient, or otherwise benefiting such tain cases. line of railway, or for any other purpose of public advantage; and all the provisions of this Act shall relate 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. 44 V., c.

(1) Enter into and upon any lands of Her Majesty, or into To erect snow fences on adand upon the lands of any person whatsoever, lying along joining lands. the rootthe route or line of railway, between the first day of November in any year and the fifteenth day of April next fol-lowing, and erect and maintain temporary snow fences thereon, subject to the payment of such land damages (if any) as an in the payment of such land damages (if a_{ny}) as are thereafter established, in the manner by law pro-vided to the thereafter established, in the manner by law provided, to have been actually suffered: but all such snow Proviso. f_{ences}^{acu} , to have been actually suffered: but all such and d_{ay} of A rected shall be removed on or before the fifteenth day of April next following the erection thereof;

matters and things necessary and convenient for making, extending and using the railway;

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Bridges to be

properly floored.

8. If the railway is carried across any navigable river of anal, the minister shall leave are in a navigable river about canal, the minister shall leave openings between the abut ments or piers of the bridge ments or piers of the bridge or viaduct over the same, and shall make the same of such shall make the same of such clear height above the surface of the water, or shall construct of the water, or shall construct such drawbridge or swing bridge over the channel of the bridge over the channel of the river, or over the the free width of the canal, as will not width of the canal, as will not obstruct or impede mations navigation of the river or canal, subject to such regulations as to the opening of such as to the opening of such swingbridge or drawbridge 44 V, the Governor in Council with the Governor in Council makes from time to time. c. 25, s. 8.

9. No train shall be allowed to pass over any canal, or ver the navigable channel of over the navigable channel of any river, without such proper flooring being first laid under flooring being first laid under and on both sides of the rail way track over such canal and the sides of the deems way track over such canal or channel as the minister deems sufficient to prevent anything full sufficient to prevent anything falling from the railway for such canal or river. or upon the t such canal or river, or upon the boats or vessels, or craft or persons navigating such canal persons navigating such canal or river. 44 V., c. 25, s. 9.

HIGHWAYS AND BRIDGES.

10. The railway shall not be carried along an existing ghway, but merely cross the highway, but merely cross the same in the line of the rain way, unless leave has been abt way, unless leave has been obtained from the proper muni-cipal or local authority therefore cipal or local authority therefor; and no obstruction of such highway with the works aball highway with the works shall be made without turning the highway so as to leave the highway so as to leave an open and good passage for carriages, and, on the complete carriages, and, on the completion of the works, replacing the highway; but in either the highway; but in either case the rail itself, if it does not rise above or sink below the not rise above or sink below the surface of the road more than one inch, shall not be d than one inch, shall not be deemed an obstruction; but the section shall not limit or interf section shall not limit or interfere with the powers of the minister to divert or alter and the powers when minister to divert or alter any road, street or way, what another convenient road is and the street or way. another convenient road is substituted in lieu thereof. V., c. 25, s. 49

11. No part of the railway which crosses any highway ithout being carried over here is a ture without being carried over by a bridge, or under by a high way nel, shall rise above or sink below. nel, shall rise above or sink below the level of the high way more than one inch : and the rise across more than one inch; and the railway may be carried 44 V, or above any highway within the level of the high 44 V. or above any highway within the limits aforesaid. c. 25, s. 50.

ing the railway over or across any highway, shall, at the times, be and be continued of the times, be and be continued of the open and clear breadth and space, under such arch of met and space, under such arch, of not less than twenty the and of a height from the surface of and of a height from the surface of such highway and in descent centre of such arch of not less than twelve feet; and foot in descent under any such bridge the literation of the such arch of not less than twelve feet; and foot in descent under any such bridge shall not exceed one foot in twenty feet. 44 V., c. 25×51

Railway not to be carried along a highway unless by leave of municipality.

Proviso; if road is diverted under this Act.

Rise of rail above road limited.

Span and height of arch over highway.

railway, or tunnel, is constructed over or on the line of a hereatter any highway bridge of any out the line of a hereatter the highway bridge of any out of the line of a hereatter the highway bridge of any out of the line of a hereatter the highway bridge of any out of the line of a hereatter the highway bridge of any out of the line of a hereatter the highway bridge of any out of the line of a hereatter the highway bridge of any of the line of a hereatter the highway bridge of any of the line of a hereatter the highway bridge of any of the line of a hereatter the highway bridge of any of the line of a hereatter the highway bridge of any of the line of a hereatter the highway bridge of any of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of a hereatter the highway bridge of the line of the line of a hereatter the hereatter bridge of the line of a hereatter the hereatter bridge of the line of the l any highway or whenever it becomes necessary to reconstruct over mannel already bridge or other erection, or structure, or to have a main of a railway, or to certain cleater height about the line of a railway, or to certain cleater height about the line of a railway. tunnel already built over or on the line of a railway, or to height above have large repairs to the section of the line of a railway, or to height above the lower beams, mem- the rails. make large repairs to the same, the lower beams, mem- the rails. high way or or other superstructure of any such tunnel, highway or overhead bridge, or of any other erection or structure over any railway, and the approaches thereto, thall be constructed at the cost of the shall be constructed or reconstructed at the cost of the Crown or of the municipality or other owner of the municipality or other as the case may be, bridge, erection or 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 the surface of the rails of the railway. open and clear headway of at least seven feet between the top of the highest freight cars then used on the railway and the highest freight cars then used on the ranney or other beams, members or portions of such bridge before using higher freight; and thereafter, the minister, Provision if higher freight then those used on the cars are used before using higher freight cars than those used on the cars are used all way at the time of the cars than those used on the cars are u railway at the time of the construction or reconstruction of, thereafter. or large repair to, such bridge or other erection or structure, or tunnel, shall, after having first obtained the consent of

^{2.} The minister, before using higher freight cars than Provision if higher freight cars than Provision if higher freight cars are her her which admit the formula of the second those which admit of such open and clear headway of at higher freight least seven feet shall all a bring first obtained the con-after used on relivation. least seven feet, shall, after having first obtained the con- after used on an of the municipal after having first of such bridge or railway. sent of the municipality or of the owners of such bridge or railway. other erection, structure or tunnel, raise every such bridge or other erection, structure or tunnel, raise every such other thereto, if necessary structure or tunnel, and the approaches thereto, if necessary, so as to admit of such open and clear ceding sub-section shall not apply to any bridge, erection, bridges, &c. the operation thereof by the Covernor in Council: the operation thereof by the Governor in Council:

14. Every bridge or other erection or structure over, or Height of wough or which this Act lowest men through or under which any railway to which this Act bers of any point bers of any which any railway to which this Act bers of any which any such structure over applies passes, and every tunnel through which any such structure over alway Dasses, and every tunnel through which any such structure over scribed as to railway passes, and every tunnel through which any such structure as to admit of shall, at all times hereafter, be so maintained scribed as to as to admit of an open and clear headway of at least seven existing rail-thet between the open and clear headway of at least seven existing rail-thet between the open and clear headway of at least seven existing railfeet between the top of the highest freight cars used on the ways and the between the top of the highest freight cars used on the structures. railway and the bottom of the lower beams, members or portions of that bottom of the lower beams, structure or portions of that part of such bridge, erection, structure or tunnel which is over the railway :

13. The ascent of all bridges erected to carry any high-Ascent of bridge car-Way over any railway shall not be more than one foot in bridge car-twenty feet increases shall not be more than one foot in high-way over twenty feet increase over the natural ascent of the high- way over way; and a good a local of the natural be made on each railway. way; and a good and sufficient fence shall be made on each railway. side of every bridge, which fence shall be not less than four $\frac{1}{44}$ V. c. 25, s. 52. feet above the surface of the bridge. 44 V., c. 25, s. 52.

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8. Whenever a highway bridge or any other erection, or Highway bridges, &c., structure, or tunnel, is constructed over or on the line of a hereafter allway, or whenever is constructed over or on the line of a hereafter construct construct

the municipality, or of the owners of such highway bridge or other erection or struct or other erection or structure, or tunnel, raise the and the tunnel or bridge, or other erection or structure, and the approaches thereto if nearest approaches thereto, if necessary, so as to admit, as aforesaid, of an open and clear boodof an open and clear headway of at least seven feet over the top of the highest freight court! top of the highest freight cars then about to be used on the railway.^{*} 44 V. c. 25 c. 52

Signboards at railway crossings.

15. Signboards stretching across or projecting over the ghway crossed at a lovel be highway crossed at a level by any railway, shall be erected and kept up at each crossing and kept up at each crossing at such height as to leave sixteen feet from the high sixteen feet from the highway to the lower edge of the sign board, and shall have the such as the lower edge of the sign board, and shall have the words "railway crossing" painted on each side of the signboard, in letters not less than six inches in length. 44 V or 25

FENCES.

Fences on each side of railway with gates and crossings.

16. Within six months after any lands have been taken r the use of the reilman di for the use of the railway, the minister, if therewild required by the proprietors of the adjoining lands, shall erect and maintain, on each side of the railway the proprietors of the adjoining lands, sat erect and maintain, on each side of the railway, fences at least four feet high and of the railway, ordinary least four feet high and of the strength of an ordinary division fence, with swing division fence, with swing gates or sliding gates, commonly called hurdle gates, with present called hurdle gates, with proper fastenings, at farm crossings of the railway, for the use of the of the railway, for the use of the proprietors of the public adjoining the railway; and also adjoining the railway; and also cattle guards at all public road crossings, suitable and arts road crossings, suitable and sufficient to prevent cattle and animals from getting on the rol

Liability of Her Majesty until fences and cattle guards are made.

17. Until such fences and cattle guards are duly made, er Majesty shall, subject Her Majesty shall, subject to the provisions of sections twenty, twenty-two and tmenter the twenty, twenty-two and twenty-three, be liable for all damages done by the trains or engines of the state of done by the trains or engines on the railway, to cattle, horses or other animals on the railway, to cattle, access therets f or other animals on the railway, which have $g_{ained}^{ained} 4V$. 25, s. 56.

But not afterwards.

Crossings to be fenced.

18. After the fences or guards have been duly made, and hile they are duly maintained while they are duly maintained, no such liability shall done at the such damages multiply such damages multiply accrue for any such damages multiply accrue for accrue for any such damages, unless negligently or wilfully done. 44 V., c. 25, s. 57

19. At every road and farm crossing on the grade of the both ilway, the crossing shall be crossing in the grade of both a. railway, the crossing shall be sufficiently fenced on $V_{,,}$ sides so as to allow of the safe passage of trains. 25, s. 63.

20. No horses, sheep, swine or other cattle shall be mile itted to be at large upon and hit within a cer- mitted to be at large upon any highway within half a mit

WORKING THE RAILWAY. ad sufficient manual arrangements as best afford good Certain con-trivances to be used upon and sufficient means of immediate communication; between be used upon

(d) When they gain access to the railway through or Or through rer a fence constructed is the railway through or Or through rely made. over a fence constructed in accordance with section sixteen; fence pro-perly made. (e) When they are at large contrary to the provisions of Or in contra-ction twenty and residue the resilvant from the vention of s. 20. section twenty, and gain access to the railway from the vention of $\frac{1}{5}$ when the provisions of 0^{r} in conhighway at the point of access to the railway from the vention of $\frac{1}{5}$ 25, s. 64. highway at the point of intersection. 44 V., c. 25, s. 64.

(c) When they gain access to the railway through a gate Or through a farm or private a farm or private access to the railway through a gate Seft unfistened. of a farm or private crossing, the fastenings of which are gates left unfastened. in good order, unless such gate is left open by an employee of the minister;

(b) When they gain access to the railway from property Coming from her than that of the access to the railway from which the certain lands other than that of the owner, or other than that in which the ^{certain} lands. owner has a right of pasturage;

(a) When they are at large contrary to the provisions of Cattle at ction twenty and engine or large. ^{section} when they are at large contrary to the provisions of outer ^{train} at the point of killed or injured by any engine or ^{large}. train at the point of intersection ;

23. Neither Her Majesty nor any officer, employee or Non-liability rvant of the minist Majesty nor any officer, employee or injur- in certain cases. servant of the minister (except where the killing or injur-ing is neoligent and except where the killing or injur- in certain description of the minister (except where the killing or injur- in certain description of the server of the serve ing is negligent or wilful) shall be liable for any damage done by any train or wilful) shall be liable for any mals, on the reilmals, on the railway, in any of the following cases, that is

22. If the cattle of any person, which are at large con- If killed, &c., ary to the provide of any person, which are killed or not liable. trary to the cattle of any person, which are at large con- Her Majesty injured by any terms hereinbefore contained, are killed or not liable. injured by any train at such point of intersection, he shall not have any train at such point of intersection. not have any train at such point of intersection, in respect of the faction or be entitled to compensation in respect of the same, unless the same are killed or injured Exception. through the same, unless the same are Killed of the employee or wilfulness of some officer, 44 V c. 25, s. 62. employee or servant of the minister. 44 V., c. 25, s. 62.

trespass on private property. 44 V., c. 25, s. 61.

21. All cattle found at large in violation of the next Cattle found at large in finding the same at at large may be preceding section may, by any person finding the same at may be large, be impounded in the pound nearest to the place where impounded. the same are so found, and the pound keeper with whom the same are so found, and the pound keeper with whom the same are so found, and the pound keeper with manner 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 trespass on the case of cattle impounded for the space of the case of the

of the intersection of such highway with any railway on tain distance grade, nulses grade, unless such cattle are in charge of some person or of railway. persons to prevent their loitering or stopping on such high-Way at such intersection. 44 V., c. 25, s. 60.

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passenger trains.

the conductors and the engine drivers of such trains while the trains are in motion and the trains are in motion, and good and sufficient means of applying, by the power of the applying, by the power of the steam engine or otherwise, at the will of the engine draw at the will of the engine driver or other person appointed to such duty, the brakes to the such duty appointed appoi to such duty, the brakes to the wheels of the locomotive or tender, or both. or of all or tender, or both, or of all or any of the cars or carriages com-posing the trains and of di posing the trains, and of disconnecting the locomotive tender and cars or carriages to tender and cars or carriages from each other by any such power or means, and also such power or means, and also such apparatus and arrangements as best and most securely place as best and most securely place and fix the seats or chains in the cars or carriages shall be in the cars or carriages, shall be provided and used in 44 V, upon trains run for the conveyance of passengers. c. 25, s. 65.

Precautions at crossing on a level.

25. Every locomotive or railway engine, or train of care, a every railway shall before it and on every railway, shall, before it crosses the track of any other railway on a level be start other railway on a level, be stopped for at least the space of one minute. 44 V = 25

And on crossing a draw or swingbridge.

26. When a railway passes any draw or swingbridge over a navigable river, canal or stream, which is subject to be open for the purposes of norm be open for the purposes of navigation, the trains shall be overy case be stopped at locattly every case be stopped at least three minutes before crossing to ascertain from the bridge to ascertain from the bridge tender that the said bridge is closed and in perfect and s. 67.

Employee at level crossings.

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27. An employee shall be stationed at each point on the train ne crossed on a level by any train shall proceed over such crossing until signal has 44 V, made to the conductor thereof the tri made to the conductor thereof that the way is clear. c. 25, s. 68.

28. No locomotive or railway engine shall pass in or rough any thickly-peopled must be town as speed through through any thickly-peopled portion of any city, town of village at a speed greater the village at a speed greater than six miles per hour, unless the track is properly fenced 44 W **29.** Whenever any train of cars is moving reversely in the rear, by city, town or village the leaves the leav

any city, town or village, the locomotive being in the train, who a person shall be stationed on the loc

Precautions when moving reversely.

Servants of department to wear badges.

a person shall be stationed on the last car in the train, who shall warn persons standing on car in the track of such shall warn persons standing on or crossing the track of such railway, of the approach of such t **30.** Every servant of the minister employed on a particular properties of the minister employed on a particular propertie senger train or at a station for passengers, shall wear, and his hat or cap, a badge which shall is the ball is office; and he shall not his hat or cap, a badge which shall indicate his office; dor he shall not, without such bedge he shall not, without such badge, be entitled to demandise receive from any passenger any of the receive from any passenger any fare or ticket, or to express any of the powers of his office and the any passenger and the powers of his office and the powers of his office and the power of his offi any of the powers of his office, or to interfere with any passenger or his baggage or property. senger or his baggage or property. 44 V., c. 25, 8. 71.

36. The bell shall be rung or the whistle sounded at How and the distance of at loss to introduce the when to be used. the distance of at least eighty rods from every place where when to be used. the railway crosses any highway, and shall be kept ringing be sounded at any highway, and shall be kept ringing or be sounded at short intervals, until the engine has

claimed by the person entitled thereto. 44 V., c. 25, s. 77. as. Every locomotive engine shall be furnished with a Bell and with a steam whistle. bell of at least thirty pounds weight, and with a steam whistle. 44 v a steam whistle.

*4. If any goods remain in the possession of Her Majesty Sale of Claimed for the superin- unclaim unclaimed for the space of twelve months, the superin-her dent may thereof tendent may thereafter, and on giving public notice thereof the Descent for the space of twelve months, the superin- unclaim by advertisement for and on giving public notice thereof by advertisement for six weeks in the Official Gazette of Notice. the Province in which such goods are, and in such newspapers as he deems necessary, sell such goods by public anction at a time and place mentioned in such advertise-Ment, and may, out of the proceeds thereof, defray the rail- Application way claims and all of the proceeds thereof, defray the rail- Application. way claims and all expenses incurred in respect thereof; of proceeds. Main the balance of the proceeds thereof in respect thereof; of proceeds. and the balance of the proceeds, if any, shall be paid to the Minister of Fine of the proceeds, if any, shall be kept until Minister of Finance and Receiver General, to be kept until claimed by the and Receiver General, to be kept until 44 V., c. 25, s. 77.

over the railway, for the freight and charges thereon, as freight and charges on wise by the owner previously due for freight or other- goods car-Wise by the owner or consignee; and the said goods shall ried. be liable to be sold by public auction for the payment of the charges there is a public auction for the payment of the charges there is a public auction for the payment of the charges thereon and other balances due; and if the Sale of such owner or his month and other balances due; and if the Sale of such it is the days after the ar- goods in de-fault of payowner or his agent does not, within ten days after the ar- goods in de-free. of the goods rival of the goods at the place of destination, pay the ment. freight and other charges due thereon, or payable in respect thereof, and take possession of and remove such article from the railway possession of and remove such article from the railway premises, the superintendent may sell the same at public auction—after giving ten days' public notice of incurred in record the railway claims and all expenses sold sale to defray the railway claims and all expenses goods shall be at the reof, and in the meantime the said Risk of the owner thereof. 44 V., owners. goods shall be at the risk of the owner thereof. 44 V., owners.

32. Such passengers and goods shall be taken, transported Passengers ad discharged and goods shall be taken, transported Passengers be carried. and discharged at, from and to such places, on the due pay- and goods to be carried. ment of the toll, freight or fare lawfully authorized therefor. 44 $V_{, c. 95}$ **33.** Her Majesty shall have a lien on all goods transported Lien for the rail relation of charges thereon, as freight a charges

established for receiving and discharging way-passengers and goods from receiving and discharging way-passengers 72. and goods from the trains. 44 V., c. 25, s. 72.

81. The trains shall be started and run at regular hours Trains to be red by pulling the started and run at regular hours. fixed by Public notice, and shall furnish sufficient accom- run at re-modation for the notice, and shall furnish sufficient accom- run at re-gular hour modation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transport. for transportation at the place of starting, and at the place of starting places junctions of other railways, and at usual stopping places

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Liability in case of neglect.

crossed such highway; and Her Majesty shall be liable for all damages sustained by any set damages sustained by any person by reason of any neglect to comply with this provision to comply with this provision, and one half of such damages shall be chargeable to and be d shall be chargeable to and be deducted from any salary due to the engineer having chargeable to the engineer having charge of such engine, and neglecting to sound the whistle of such engine, and neglection of the sound the state of such engine, and neglection of the sound the state of such engine, and neglection of the sound the state of such engine, and neglection of the sound the state of such engine, and neglection of the sound the state of the sound the state of the sound the soun ing to sound the whistle or ring the bell as aforesaid, or shall be recoverable from and the bell as aforesaid, s. 79. shall be recoverable from such engineer. 44 V, c. 25, s. 19. 37. Passengers shall produce and deliver up their rail of ay tickets to the conductor

Passengers to produce their tickets. or be removed.

Proviso.

way tickets to the conductor or other person in charge of the train, whenever requested the train, whenever requested so to do by such officer; and if any passenger refuses so to do by such officer; fare, if any passenger refuses so to do, or to pay the proper fare, he may be removed from the he may be removed from the train—the train being first stopped and no uppequeene stopped and no unnecessary force being used. Provided always, that the place of remarked to be half. 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 distant from a dwelling house in sight of the place of re-moval and accessible therefore

38. No person who is injured while on the platform of car, or on any baggage wood and the platform of the pl a car, or on any baggage, wood or freight car, in violation of any printed regulations post of any printed regulations posted up at the time in a contained the spicuous place inside of the spice of tspicuous place inside of the passenger cars then in the train, shall have any claim in reason of the passenger cars then in the train, shall have any claim in respect of the injury, if room inside of such passenger cars until the proper at th inside of such passenger cars, sufficient for the proper time. commodation of the passengers, was furnished at the time. 44 V., c. 25, s. 81.

Dangerous goods may be

Non-recourse of passengers

injured while

platforms, &c.

standing on

39. Any officer, employee or servant of the minister may fuse to take any package or servant of the minister may be appreciate the server of the minister may be appreciated as a server of the minister may be app refuse to take any package or parcel which he suspects the contain goods of a dangerous which he suspects the contain goods of a dangerous nature, or may require descent of a dangerous nature, or may require descent and to ascertain the first same to be opened to be op Cars contain same to be opened to ascertain the fact; and no such goods so marked. vars contain- same to be opened to ascertain the fact; and no such goods ing them to be of a dangerous nature shall be carried, except in each specially designated for that specially designated for that purpose, on each side the words of which shall be plainly marked of which shall be plainly marked, in large letters, the words "dangerous explosives." 44 V

Governor in Council to fix tolls.

Recovery of tolls.

40. The Governor in Council may impose and authorise e collection of tolls and dues are interested by the collection of tolls and dues upon any railway vested the Her Majesty, or under the control Her Majesty, or under the control or management of the minister, and, from time to time in the management of the minister, and, from time to time, in like manner, may and change such tolls or dues and have been the event. and change such tolls or dues, and may declare the particulation of management and change such tolls or dues, and may declare the particulations therefrom; and all such tolls tions therefrom; and all such tolls and dues shall be ref. able in advance, if so demanded and dues shall theref. How payable. able in advance, if so demanded by the collector thereof. 44 V., c. 25, s. 85.

41. All such tolls and dues may be recovered, with costs of any court of competent invited to the collector in in any court of competent jurisdiction, by the collector in person appointed to receive the collector in name of the name of t person appointed to receive the same, in his own name of Her Majesty and the name of H the name of Her Majesty, and by any form of proceeding

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by which debts to Her Majesty may be recovered. 44 V., c.

42. All tolls, dues or other revenues imposed and collected To be paid respect of a dues or other revenues imposed and collected To be paid over to Receiver in respect of any Government railway, shall be paid by the Receiver persons receiver and General. persons receiving the same to the Minister of Finance and General. Receiver General, in such manner and at such intervals as approximately in such manner and at such intervals as are appointed by him; but such intervals shall in no case exceed one month. 44 V., c. 25, s. 87.

RULES AND REGULATIONS.

43. The Governor in Council may, from time to time, Governor in Council may, for the man-Council may make regula make such regulations as he deems necessary for the man-ways, including static property in the man-construction of all or any such rail-tions for cer-tain purposes Ways, including station houses, yards and other property in tain purposes. connection therewith, or for the ascertaining and collection of the tolls derived in the collection or to be observed of the tolls, dues and revenues thereon, or to be observed by the condby the conductors, engine drivers and other officers and perservants of the minister, and by all companies and persons using such railways or relating to the construction of the carriages and railways or relating to the trains on the carriages and other vehicles to be used in the trains on such railways. 44 V., c. 25, s. 88.

44. The Governor in Council may, by such regulations, May impose apose such fines for vio-lation of impose Such fines, not exceeding in any one case four hun-lation of decord dollars, for any interview regulation, as he regulations. dred dollars, for any violation of any such regulation, as he regulations. 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 regulations, provide for And seize the detention and also, by such regulations, of goods as to which vio the detention and seizure, at the risk of the owner, of goods as to any carriage mining seizure, at the risk of the owner, of goods as to the detention and seizure, at the risk of the owner, of goods as to which viola. any carriage, animal, timber or goods on which tolls or tion takes these have accounted and the tolls of place. dues have accrued and have not been paid, or in respect of place. which any such regulations have been paid, or in respectively has been done gulations have been violated, or any injury has been done to such railways and not paid for, or for or on account of such railways and not paid for, or for or on account of which any fine has been incurred and re-mains unpaid and for the has been incurred and remains unpaid, and for the sale thereof, if such tolls, dues, Sale of such amages or fine and for the sale thereof, if such tolls, dues, of non-paydamages or fine are not paid by the time fixed for the purpose, of non-pay-ont for the payment of the sale thereof, if such tolls, dues, Sale of such and for the payment of paid by the time fixed for the purpose, of non-pay-damages or fine, ment. and for the payment of such tolls, dues, damages or fine, ment. out of the payment of such tolls, dues, damages of any, to the proceeds of such sale—returning the surplus, if any, to the proceeds of such sale—returning the surprise, the salary of owner or his agent; and for the retention out of the salary of owner or his agent; and for the retention out of the minister, the salary of any officer, employee or servant of the minister, of the amount of any officer, employee or servant of the minute, violation of any forfeiture incurred by him for violation of any such regulation; but no such provision Rights of and impair the sink regulation; but no such provision Rights of Crown sa shall impair the right of the Crown to recover such tolls, &c. dues, fines or damages in the ordinary course of law; and any such tollo damages in the ordinary course of law; and any such tolls, dues, fines or damages may always be re-covered under the ordinary course of this Act; and covered under the foregoing provisions of this Act; and and regulations of this Act; and such regulations shall be taken and read as part of this Act.

Crown saved,

GENERAL PROVISIONS.

Railways to be public works.

Construction of lines of telegraph.

Use of com-

panies' tele-graphs by

Government.

Conveyance of H. M.'s

&c., and on what condi-

tions.

45. All Government railways are, and shall be, public orks of Canada. 44 V a 25 and 2 works of Canada.

46. The Governor in Council may, at any time, cause a new or lines of electric tolerand line or lines of electric telegraph to be constructed along the line of the railway for the the line of the railway, for the use of the Government of Canada, and for that purpose Canada, and for that purpose may enter upon and v_c . 44 V., c. 23. s. 94.

47. Every company shall, when required so to do by the overnor in Council or every Governor in Council, or any person authorized by him, place any electric telegraph and the any electric telegraph, and the apparatus and operators which they have, at the overlap which they have, at the exclusive use of the Government of Canada, and shall thereafter be used of the bla compenof Canada, and shall thereafter be paid reasonable compen-sation for such service 41 V

48. Her Majesty's naval or military forces, and all artifront for and all artifront for the state of the st lery, ammunition, baggage, provisions or other stores Her their use, and all officers and the stores on Her their use, and all officers and others travelling on their hages? Majesty's naval, military or others Majesty's naval, military or other service, and their baggage and stores, shall, at all times forces, mails, and stores, shall, at all times, when such service is required by one of Her Majesty's principal State, or by by one of Her Majesty's principal Secretaries of State, or by the the commander of Her Majesty's find the commander of Her Majesty's forces in Canada, or by the chief naval officer on the North chief naval officer on the North American or North Pacific Station, be carried on the railway Station, be carried on the railway on such terms and condinitions and under such reculations for the conditions and under such reculations and the railway on such terms and the reculation of the conditions and under such reculations are chosen of the conditions and under such reculations are chosen of the conditions are chosen of the tions and under such regulations as the Governor poly Council makes, from time to time Council makes, from time to time, or as are agreed Her between the Government of Council are one of of. between the Government of Canada and one of 25, s 96. Majesty's principal Secretarias of Strategy and the secretarias of Strategy and Strat

Witnesses may be examined on oath.

Liability for neglect, notwithstanding notice.

Noxious weeds to be cut down.

49. The minister, or any person acting for him, vestigating or making interview. investigating or making inquiry into any accident upon the railway, or relating to the maximum accident and the railway. the railway, or relating to the management of the railway may examine witnesses under call may examine witnesses under oath; and for that purpose may administer such oath. 44 V 50. Her Majesty shall not be relieved from liability by notice, condition or declaration

any notice, condition or declaration, in the event of all damage arising from any peoliser damage arising from any negligence, omission or default of any officer, employee or servant of any officer. any officer, employee or servant of the minister; hability any officer, employee or servant be defaulted any netting any officer, employee or servant of the minister; not subject to the minister and the minister and the minister and the minister and the server and the mage stress any notice, condition or declaration of the mage stress from him. any notice, condition or declaration, if the damage 74. from his negligence or omission. 44 V., c. 25, s. 74. **51.** All thistles and other noxious weeds growing on ground adjoining the state and belonging the state and state and belonging the state and belongi

cleared land or ground adjoining the railway and belong out to the railway shall be cut down to the railway shall be cut down and kept constantly down, or rooted out. 44 V Chap. 36.

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52. All proclamations, regulations and Orders in Council Publication and and a standard of proclamations, &c. made and and a set this Act shall be published in the Canada of proclamations, &c. Gazette. 44 V., c. 25, s. 91, part.

PROTECTION OF OFFICERS.

53. No action shall be brought against any officer, em- Limitation in servent - C is brought for anything done by of time for actions ployee or servant of the minister for anything done by of time for three of his office, service or employment, unless within against month's previous notice the act is committed, and upon one officers. shall be tried in the county or judicial district where the action of action ac

cause of action arose. 44 V., c. 25, s. 109.

RAILWAY CONSTABLES.

54. Any two justices of the peace, or a stipendiary or Constables plice magistrate in the peace, of Contario, Nova Scotia, pointed to police magistrate, in the Provinces of Ontario, Nova Scotia, may be ap-Manitoba or the North-West Territories, and any judge of the line of any peace of Queen's Bench or Superior Court, or clerk of the how. Court of Queen's Bench or Superior Court, or clerk of the how. 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 any railway which passes within the local jurisdiction of such justices of the peace, as the case judge, clerk, or judge of the sessions of the peace, as the case may be, may, in their or his discretion, appoint any persons recommended 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

"I, A. B., having been appointed a constable to act upon Oath of office. and along (here name the railway), under the provisions of By Government By a super that I will well The Government Railways Act,' do swear that I will well and truly serve our Sovereign Lady the Queen, in the said office of constable, without favor or affection, malice or ill-Will; and that I will, to the best of my power, cause the be been will, to the best of my power, cause the reace; peace to be kept, and prevent all offences against the peace; that while, 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 wick, British Columbia Driver Forward Island or Manitoba several Pro-vinces. wick, British Columbia, Prince Edward Island or Manitoba several Pro-man the North-Word D., Prince Edward Island or Manitoba several Pro-vinces. and the North-West Territories, by any one such justice or vinces. magistrate, and, in the Province of Quebec, by any such judge, clerk, or judge of the sessions of the peace; and Powers of oath or made such doctoration may act as a constable for to what lo-

oath or made such declaration, may act as a constable for to what lo-

calities they shall extend. the preservation of the peace, and for the security of persons and property against felowice and property against felonies and other unlawful acts on such railway, and on any of the such railway, and on any of the works belonging land and on and about any trains, roads, wharves, quays, hether ing places, warehouses, lands and premises thereof, whether the same are in the country the same are in the county, city, town, parish, district or other local jurisdiction within and in the county, city, town, parish, district, or other local jurisdiction within which he was appointed, of in any other place through which in any other place through which such railway passes, or in which the same terminates and in which the same terminates, and in all places not more than one quarter of a mile dist than one quarter of a mile distant from such railway; and shall have all such powers shall have all such powers, protections and privileges by definition of offenders are the such privileges by definition of the apprehending of offenders are the such privileges by definition of the such privileges by definition of the such privileges are the such privileges are the such privileges by definition of the such privileges are th the apprehending of offenders, as well by night as by and and for doing all things for the and for doing all things for the prevention, discovery and prosecution of felonies and other prosecution of felonies and other offences, and for keeping the peace, which any constable the peace, which any constable duly appointed has within his constable-wick :

Further powers and duties of such constables.

3. Any such constable may take such persons as are put hable by summary conviction. ishable by summary conviction, for any offence against provisions of this Act, or of any offence against provisions of this Act, or of any offence against provisions of this Act. provisions of this Act, or of any of the Acts, rules or resolutions affecting any such reilers of the Acts, rules or instice of lations affecting any such railway, before any justice of any district of any of the Acts, rules or resolution in the district of any construction of the any such railway, before any justice of any construction of the any justices appointed for any county, city, town, parish, district or other local jurisdiction within or other local jurisdiction within which any such all such passes; and every such justice passes; and every such justice may deal with all the cases as though the offence had cases as though the offence had been committed and juris person taken within the limits of his own local june

Who may dismiss any such constable.

Superintendent may dismiss. Effect of dismissal.

4. Any two justices of the peace, in either of the Pro-nces of Ontario, Nova Scotic N. vinces of Ontario, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island Wost T Columbia, Prince Edward Island, or Manitoba or the North West Territories, and any index West Territories, and any judge of the Court of clerker Bench or Superior Court. or clerker Bench or Superior Court, or clerk of the Court of clerk of the Crown, or judge of the sension of the peace, in the Pis the Crown, or judge of the sessions of the peace, in the who is vince of Quebec, may dismiss vince of Quebec, may dismiss any such constable who is acting within their several invise: acting within their several jurisdictions; and the super out tendent may dismiss any such constable when a such rest tendent may dismiss any such constable who is acting such railway; and upon event such railway; and upon every such dismissal, all powers protections and privileges belowers protections and privileges belonging to any such person no reason of such appointment of the such person and privileges belonging to any such person and person and such appointment of the such appoi reason of such appointment, shall wholly cease; and provide the stable f person so dismissed shall be again appointed or act as out stable for such railway. without the stable for such railway, without the consent of the authority by whom he was dismissed.

5. The superintendent shall cause to be recorded in the fice of the clerk of the peace or of the unty site to be recorded office of the clerk of the peace or of the municipality for every with certain particulars. county, city, town, parish district county, city, town, parish, district or other local jurisdiction through which such railway poor other local and designed through which such railway passes, the name and designed tion of every constable so and the name and designed tion of every constable so appointed at his instance, and date of his appointment and the authority making it, the also the fact of every dismission of also the fact of every dismissal of any such constable, with date thereof, and the authority making the same,

violation, although no actual injury occurs, is guilty of a

19. Every officer or servant of, and every person employ- Punishment is the minister of officers or servants control of the of officers or servants control of the servants ed by the minister or servant of, and every person employ- Punishment minister, who will any railway under the control of the servants con-servants con-value will be any rule, travening re-value will be any rule, travening re-value of the servants of the servants con-servants con-servants con-servants of the servants of the servants con-servants con-servants con-servants con-servants con-servants of the servants con-servants con-value of the servants con-servants rvants con-servants con-servantservants con-servantservants co minister or servant of, and every regulation of the servants con-order or regulation of the or negligently violates any rule, travening re-the or regulation of the servants or regulation made by gulations, ac order or regulation of the department, or regulation made by gulations, &c. the Governor in Council, lawfully made or in force, respecting the railway on which he is employed, and of which a open to his inspection in some place where his work or his duties, or any of the inspection in some place where his work or his duties, or any of them, are to be performed, if such violation If any person any of them, are to be performed, if such violation is thereby injury to any of them are to be performed. If any person or exposes injured, or auties, or any propertion in some place where his work of any property of them, are to be performed, if such violation If any person any property to any property or to any person, or exposes injured, or such risk greater than it would have been but for such injury.

of a locomotive engine or acting as the conductor of a car ductor intoxi-train of cars in cardinal acting as the conductor of a car ductor intoxi-cated. or train of cars, is guilty of a misdemeanor. 44 V., c. 25,

58. Every person who is intoxicated while he is in charge Driver or con-the conductor of a car ductor intoxi-cated.

57. Every officer or agent of the minister, and every con-Placing freight of a trainer of a trainer of the minister of the minister of the second s ductor of a train, who directs or knowingly permits any freight cars, in rear of the passenger cars is milter of a misdemeanor, cars a misde-man of the passenger cars is milter of a misdemeanor, meanor. in rear of the passenger cars, is guilty of a misdemeanor, meanor. Rear of the passenger cars, is guilty of a misdemeanor, meanor. 1 + V = 25, s. 75. and shall be punishable accordingly. 44 V., c. 25, s. 75.

imprisonment with or without hard labor for a term not exceeding two months. 44 V., c. 25, s. 110, part.

56. Every person who assaults or resists any constable Punishment the execution of him of assaults or resists any person so for resisting constables. in the execution of his duty, or who incites any person so constables. to do, shall, for every such offence, be liable, on summary imprisonment with a with bard labor for a term not

55. Every constable who is guilty of any neglect or Punishment reach of duty is the who is guilty shall be liable, on of constables neglecting breach of duty in his office of constable, shall be liable, on of constables to the duty in his office of constable, shall be liable, on of constables to the duty. summary conviction thereof, within any county, city, dis- their duty. trict or other local jurisdiction through which such railway passes, to a penalty not exceeding eighty dollars, the amount of which penalty not exceeding eighty dollars, the amount such offender if y may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the minister of the such constable is in receipt of a salary from the minister, if such constable is in receipt of a salary new two months. At we months the second se two months. 44 V., c. 25, s. 110, part.

PENALTIES AND FORFEITURES.

one week after the date of such appointment or dismissal, as the case may be; and such clerk of the peace or of the, municipality of the such clerk of the peace or of the *municipality* shall keep such record in such form as the Governor in Gall keep such record in such form abook Governor in Council, from time to time, directs, in a book which shall h which shall be open to public inspection, charging such fee or fees as the G or fees as the Governor in Council, from time to time, authorizes. 44 V., c. 25, s. 110, part.

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misdemeanor, and shall, in the discretion of the court before which the conviction is had which the conviction is had, and according as such or be considers the offence proved to 1 considers the offence proved to be more or less grave, or of injury or risk of injury to ported injury or risk of injury to person or property to be moth less great, be punished by fine or intervention of both, th less great, be punished by fine or imprisonment, or both, up no such fine shall exceed four bord no such fine shall exceed four hundred dollars, and 44 V, c imprisonment shall exceed the term of a such that the state of the term of a such that the state of the term of a such that the term of a such that the term of a such that term of a such term of a s 25, s. 112, part. **60.** If such violation does not cause injury to any the arty or person, or expose and the arty of the second to t

perty or person, or expose any property or person to the risk of injury, or make such risk or person to the heavy but f risk of injury, or make such risk greater than it would be been but for such violation the off

been but for such violation, the officer, servant or other the son guilty thereof shall incurs son guilty thereof shall incur a penalty not exceeding the amount of thirty days' pay and not a penalty not exceeding the period. amount of thirty days' pay and not less than fifteen discretions

If no injury or exposure to injury.

Penalty.

pay of the offender from the department, in the discretion of the justice of the peace before of the justice of the peace before whom the conviction is had; and such penalty shall be How recover had; and such penalty shall be recoverable, inrisdiction before any one justice of the before any one justice of the peace having infender he formed

Penalty if goods of a dangerous

Punishment tor boring casks or breaking packages, &c., on railway.

62. Every person who bores, pierces, cuts, opens or other winds ise injures any cask. how on the state of the wise injures any cask, box or package, containing pack spirits or other liquors. or any cask are or and the spirits of the spi spirits or other liquors, or any case, box, sack, wrapper, bosh age or roll of goods, in or sheet vessel, warehouse, station house, wharf, quay or preninted of or belonging to any Government, quay with interto felonionship of or belonging to any Government railway, what of other any car, was premier to any or premier to any feloniously to steal or otherwise the steal of the steal or otherwise the steal of t feloniously to steal or otherwise unlawfully to obtain of unlawfully to any matter of unlawfully to any otherwise unlawfully to unlawfully to the unlawfully injure the contents, or any part thereof, or who waste ace, such liquer drinks, or wilfully spills or allows to run to waste not be liable such liquors, or any part thereof, or who waste not be liable, upon summary control of poly penalty, the be liable, upon summary conviction, to a penalty the goods or liquors so taken or destructed as to imprison 19. goods or liquors so taken or destroyed, or to imprison 19. for a term not exceeding one

Punishment for obstructing officers or employees

63. Every person who wilfully obstructs any officer of nylogies in the execution of his 1 on sumpor employee in the execution of his duty, shall, on summer conviction, be liable for every state of the state of conviction, be liable for every such offence to a penalty not

where the offence was committed or where the offender the found, on the oath of one credible found, on the oath of one credible witness other than informer. 44 V., c. 25. s. 112 **61.** Every person who sends or carries, by the railway, it aquafortis, oil of vitriol and carries, by the railway it is a sender to be a sen any aquafortis, oil of vitriol, gunpowder, dynamite, with glycerine or any other goods of glycerine or any other goods of a dangerous nature, goods out, at the time of sending or distinction out, at the time of sending or carrying the said goods is a dangerous nature, with are cont perly marked. distinctly marking their nature on the outside of the pack age containing the same and add age containing the same, and otherwise giving notice the minister writing to the station master or oth writing to the station master or other servant of the minister with whom the same are left aball. with whom the same are left, shall incur a penalty of 82 hundred dollars for every such off. Re-drafted

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exceeding forty dollars; and in default of payment to in the execu-imprisonment of their three months. tion of their duty. imprisonment for any term not exceeding three months. $\frac{1}{duty}$. 44 V., c. 25, s. 120, part.

highway, except where the same is laid across or areas exceeding twenty such offence, incur a penalty not exceeding twenty dollars. 44 V., c. 25, s. 59. **66.** Except as herein otherwise provided, all pecuniary Recovery of pecuniary penalties. Penalties imposed by this Act, or by any regulation made penalties.

65. Every person not connected with the department or Penalty for walking on walking on the track of the the track. employed by the minister, who walks along the track of the track. railway, except where the same is laid across or along a highway shall where the same is laid across or along a

64. Every person who rides, leads or drives any horse or Penalty for going on the source or other animal track, &c., any other animal, or permits any such horse or other animal track, &c., to enter upon the railway, and within the fences and guards, with cattle, without the catle and within the fences and guards, with cattle, without the catle and within the fences and guards, with cattle, without the catle and within the fences and guards, with cattle, without the catle and within the fences and guards, with cattle, without the catle and within the fences and guards, with cattle, without the catle and within the fences and guards, with cattle, with cattle, with cattle, without the catle and within the fences and guards, with cattle, with cattle, without the catle and within the fences and guards, with cattle, with catter, with catt without the consent of an officer or employee of the minister shall for the consent of an officer or employee of the minister, shall, for every such offence, incur a penalty not exceeding fort, for every such offence, incur a penalty not exceeding forty dollars, and shall also pay to the person aggrieved all i aggrieved all damages sustained thereby: Provided always, Proviso. that no person shall be liable to the said penalty when he ides, leads on shall be liable to the said penalty when he rides, leads or drives any horse or other animal over a farm crossing, unless he allows such horse or other animal to loiter unness he allows such horse or other animal to loiter unnecessarily or remain upon the railway or the appurtenances thereof. 44 V., c. 25, s. 58.

under the authority hereof, shall be recoverable, with costs, before any institution of the district, county or

before any justice of the peace for the district, county or confession or built offence was committed, upon proof by confession, or by the oath of any one credible witness, and may, if not forther with the oath of any one credible witness and sale of may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, by warrant under hand and chattels of the offender, by warrant under the soods and chattels of the offender, by warrant under cannot be found, and such justice; and if sufficient distress Imprison-such justice may be and such penalty is not forthwith paid, paid. such justice may, by warrant under his hand and seal, cause the person offending to be imprisoned for such time as such justice direct. justice directs, not exceeding thirty days, unless a longer time is, by this Art

Her Majesty for the uses aforesaid. 44 V., c. 25, s. 121. INTERCOLONIAL RAILWAY.

informer, unless he is an officer or servant of or person in the employ of the shall be a the employ of the minister—in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the minister—in which case he shall belong to

time is, by this Act, in that behalf provided:

67. The line of railway from the city of Halifax to Intercolonial Railway from the line of rail- Railway defined. Picton, in the Province of Nova Scotia, and the line of rail-way from the city of Nova Scotia, and the line of rail-defined. way from the Province of Nova Scotia, and the fine of Province of Nova Scotia, and the fine of Province of Nova Scotia, and the fine of the bar with the line from with the line from the state of Nova Scotia, and the fine from the state of Nova Scotia, and the fine from the state of Nova Scotia, and the fine from the state of Nova Scotia, and the fine from the state of Nova Scotia, and the fine from the state of Nova Scotia, and the fine of Nova Sc Hadlow, in the Drunswick, together with the line from Hadlow, in the Province of Quebec, to Moncton, in the

2. A moiety of every penalty shall belong to Her Majesty Application the public uses of Quenalty shall belong to the moiety to the ^{of penalties.} for the public uses of Canada, and the other moiety to the ^{of penalties.}

Province of New Brunswick, and from Painsec Junction, in the Province of New Brunswick, and from Painsec Junction the Province of New Brunswick, and from Painsec Junction the Province of New Brunswick, to Truro, in the Province of Nova Scotia, and all brough of Nova Scotia, and all branches, works and property thereto appertaining are hereby deal appertaining are hereby declared to constitute and form the Intercolonial Railway 11 V

68. In the case of lands which were taken for the Inter-lonial Railway underset colonial Railway, under an Act made and passed in the thirty first year of Her Majestry's root. first year of Her Majesty's reign, intituled "An Act respective the construction of the Interest. the construction of the Intercolonial Railway," and when plans of such lands were deposited of of such lands were deposited of record in the office of the registrar of deeds for the the registrar of deeds for the county or registration division in which the londer division in which the lands were situate, without and description of the land being description of the land being deposited of record, with act plans thereof as in the same in plans thereof as in the seventh section of the said taken required, the filing of the plan required, the filing of the plans only shall be held, with and construed to have been and construed to have been a sufficient compliance of the provisions of the said the provisions of the said section; and the depositing as such plans only shall be hold and the depositing as such plans only shall be held and taken to have operated as a dedication to the public of a dedication to the public of such lands, whereupon

Effect of certified copies.

2. A certified copy of any such plan may be used, and all be evidence in like many such plan may be used, the shall be evidence in like manner and effect and under the like circumstances as provide to the state of the s like circumstances as provided in "The Expropriation and in regard to the plane and d in regard to the plans and description therein mentioned. 44 V., c. 25, s. 10. nart

Plans of lands taken for the same in N.S. and N.B., under local Acts.

69. In all cases in which lands now in the possession of er Majesty for the said roll-Her Majesty for the said railway were taken under any ket or Acts of the Provinces of New Company with or Acts of the Provinces of Nova Scotia or New Brunswick, by the provisions of which Acts of New Bruns of the by the provisions of which Acts, plans and descriptions of in lands so taken should have been and descriptions ited in lands so taken should have been recorded, filed or deposited in the office of the registrar of doctors filed or deposited such the office of the registrar of doctors filed or deposited such the office of the registrar of deeds of the county in which such lands were situate, and plane a lands were situate, and plans only, without any description were recorded, filed or deposited were recorded, filed or deposited as aforesaid, or in which plans and descriptions or plans and rescaid, or ken were plans and descriptions or plans only of lands taken Act or recorded, filed or deposited as afore and the Act of Acta and the Act of recorded, filed or deposited as aforesaid, although the Act of Acts under which they were taken line at them to be Acts under which they were taken did not require them to be so recorded, filed or deposited the so recorded, filed or deposited, the recording, filing or deposited, the recording, filing or deposited. iting of the plans and descriptions, or plans only, as the case may be, shall be taken and construction been a sufficient to the plans of the state of the plans may be, shall be taken and construed to have been a Actor Ac cient compliance with the provisions of any such Actor and and the recording, filing or departition of any such nlans, ald and the recording, filing or depositing of such plans held descriptions, or plans only as the descriptions, or plans only, as the case may be, shall be in and taken to have vested in the G and taken to have vested in the Crown such an interest the the lands taken as would now be the lands taken as would now be vested in the Crown such an interest the provisions of such Act or Acta by the state of the such and literally provisions of such Act or Acts had been fully and literally complied with:

Effect of certified copies.

2. A certified copy of any such plans and descriptions, plans only, as the case may be -. A certified copy of any such plans and descriptive or plans only, as the case may be, may be used and shall be

As to plans of lands taken for Intercolonial Railway.

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evidence in like manner and effect and under like circum-stances as provided in "The Expropriation Act" in regard to 8. 10, part.

Proposed to be ConsolidatedPart Consolidated.Left for Repeal.To be Consolidated elsewhere.To be Consolidated elsewhere.44 y, c. 25The whole except sub-s. 1 and 7 ot s. 3, sub-ss. 5, 6, 8, 15 and part of 9 of s. 3 5; sub-ss. 1 to 8 of s 10, both inclusive; 90, 91 (part), 93, 95, 105, 106, 107, 105, 106, 107, 105, 106, 112, 128To be Consolidated elsewhere.To be Consolidated elsewhere.44 y, c. 25The whole except sub-s. 1 and 7 of s. 3, sub-ss. 5, 6, 8, 15 and part of 9 of s. 5; sub-ss. 1 to 8 of s 10, both inclusive; 90, 91 (part), 93, 95, 99, 100, 105, 106, 107, 105, 106, 112, 118, 120 (part), and 111, 118, 120 (part), and 1123.To be Consolidated elsewhere.To be Consolidated elsewhere.91 (part), 93, 95, 99, 100, 105, 106, 107, 105, 106, 107, 105, 106, 107, 102, 103, 104, 113, 118, 120 (part), and 113, 116, 116, 116, 116, 116, 116, 116,					
$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	Consolidated.	Consolidated.	for Repeal.	Consolidated elsewhere.	Consolidated with.
and Canals. ss. 114, 115, 116, Criminal Law. 117 and 118		part of 9 of s 5; sub-ss. 1 to 8 of s 10, both inclusive; ss 11 to 48, both inclusive; 90, 91 (part), 93, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, 114, 115, 116, 117, 118, 120		of 9 of s. 5; sub-ss 1 to 8, both inclusive, of s. 10; ss. 11 to 15, and 18 to 26, a'l in- clusive; s 27, sub-s. 1, part, s. 16 and 17 and 27 to 48, both inclusive, and s. 108. ss 90 and 91, part. ss. 93, 98, 99,100, 102, 103, 104, 105, 106 and 107. ss. 114, 115, 116,	Act respecting Official Ar- bitrators. An Act res- pecting Wit- nesses an d Evidence. An Act res- pecting the Department of Railways and Canals.

CHAPTER 37.

An Act respecting Expropriation of Lands.

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

SHORT TITLE.

Short title.

1. This Act may be cited as " The Expropriation Act." New.

INTERPRETATION. 2. In this Act, unless the context otherwise requires:

(a) The expression "Minister" means the head of the det intenance

(b) The expression "department" means the department the Government of Canada charry in the construction

Interpretation.

partment charged with the construction and maintenance of the public work : " Minister."

" Department."

"Superintendent."

"Public Works.

of the Government of Canada charged with the construction and maintenance of the public and (c) The expression "superintendent" means the superint the ndent of the public work of reliance inder the tendent of the public work of which he has, under the minister, the charge and direction New.

"public works means and includes the dams, hydraulic works, improving privileges, harbors, wharnes nice privileges, harbors, wharves, piers and works for improving the navigation of any water the individual heaconst the navigation of any water—the lighthouses and beacons the slides, dams, piers. booms and in for facilities the slides, dams, piers, booms and other works for facilitating the transmission of timber ing the transmission of timber—the roads and bridges, public buildings, the telegrant line public buildings, the telegraph lines, Government railware, canals, locks, fortifications of defence, to Canada, and also the works and properties acquired, of the int. construction, repairing, extending, enlarging or improved construction, of which and public money is voted and approving of which and public money is voted and appropriated by Parliament, and every work required for any and by Parliament, and work for every work required for any such purpose, but not only; work for which money is appropriated by Parliament, any Bade for any such purpose, but not only; work for which money is appropriated as a subsidy only; Re-drafted. Chap. 37.

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(e) The expression "conveyance" includes a "surrender" "Convey-the Crown or to the ance." to the Crown, and any conveyance " includes a "surrender "" minister or and any conveyance to Her Majesty, or to the ance." minister, or any officer of the department, in trust for or to the near of the department, in trust for or;

to the use of Her Majesty, shall be held to be a surrender;

(f) The expression "land" includes all granted or un-"Land." granted, wild or cleared, public or private lands, and all real property real property, messuages, lands, tenements and hereditaments of any tenus, messuages, lands, tenements and hereditaments of any tenure, and all real rights, easements, servitudes and damages and all real rights, easements, servitudes is damages, and all real rights, easements, services is to be baid by II other things for which compensation is

to be paid by Her Majesty under this Act; (8) The expression "lease" includes any agreement for "Lease." a lease. 31 V., c. 12, s. 10, part ;—35 V., c. 24, s. 1, part ;— 37 V., c. 13, s. 3, part ;—44 V., c. 25, s. 3, part.

POWER TO TAKE LAND.

3. The minister may, by himself, his engineers, superin- Powers of the minister. tendents, agents, workmen and servants,-

(a) Enter into and upon any land to whomsoever belong- Entering g, and survey and make lands, &c ing, and survey and take levels of the same, and make lands, &c. such borings, or sink such trial pits as he deems necessary for any pure or sink such trial pits as he deems necessary for any purpose relative to the public work; 31 V., c. 12,

(b) Enter upon and take possession of any land, real Taking tion of which is in the and watercourses, the appropriation of which is, in his judgment, necessary for the use, construction, maintenance or repair of the public work, or for obtaining bett for obtaining better access thereto; 31 V., c. 12, s. 24, part; -33 V. c. 12 S. 5, sub-s. 5. -33 V., c. 18, ss. 8 and 9, part ;-44 V., c. 25, s. 5, sub-s. 5.

(c) Enter with workmen, carts, carriages and horses upon Deposit and ly land, and deposit and removal of removal of materials. any land, and deposit thereon soil, earth, gravel, trees, materials. bushes, logs, poles, brushwood or other material found on the land required control of for the purpose of the land required for the public work, or for the purpose of digging no another the public work, or for the purpose of digging up, quarrying and carrying away earth, stones, gravelor other matrix and carrying away earth away gravelor other material, and carrying away earth, trees, bushes loss the loss of the trees bushes loss of the trees bushe trees, bushes, logs, poles and brushwood therefrom, for the making, construct, poles and brushwood therefrom, the public making, constructing, maintaining or repairing the public work: and the minister may make and use all such temporary roads to and from such timber, stones, clay, gravel, sand or gravel, sand or gravel pits as are required by him for the convenient passing to and from such timber, stones, clay, grannet passing to and from the works during their construction and repair, and from the works during their construction of making may enter upon any land for the purpose of making proper drains to carry off the water from the public work of the start of Public work, or for keeping such drains in repair; 31 V., c. 12, s. 25; -44 V., c. 25, s. 5, sub-s. 6.

(d) Alter the course of any river, canal, brook, stream or Changing atercourse and diverse of any river, canal, brook, stream or Changing course of stream, and the course of the course watercourse, and divert or alter, as well temporarily as stream, &c.

water, roads, streets or ways, or raise or sink the level of the same, in order to correctly the same, in order to carry them over or under, on the level of, or by the side of the wall. of, or by the side of, the public work, as he thinks proper; but before discontinuity but before discontinuing or altering any public road, he thereof; shall substitute another convenient road in lieu thereof; and the land theretofore much f

and the land theretofore used for any road, or part of a road, so discontinued more have been any road, or part of a

Proviso.

Agreements to purchase.

And for compensation.

road, so discontinued, may be transferred by the minister of and shall thereafter become the and shall thereafter become the property of the owner in the land of which it originally for the owner in the land of which it originally for the owner in the land of which it originally for the owner in the land of which it originally for the owner in the land of which it originally for the owner in the land of which it originally for the owner in the land of which it originally for the owner in the land of which it originally for the owner in the land of which it originally for the owner in the land of which it originally for the owner in the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it originally for the owner is the land of which it owner is the land of wh s. 29;-44 V., c. 25, s. 5, sub-s. 8. (e) Contract and agree with all persons, seigneurs, guar ans, tutors, curators and t dians, tutors, curators and trustees whatsoever, not only for themselves, their beirs and themselves, their heirs, successors and assigns, but also for and on the behalf of them and and on the behalf of those whom they represent, whether infants, absentees invoting infants, absentees, lunatics, married women or other persons otherwise incapable of court otherwise incapable of contracting, for the purchase of any land or other property ways land or other property necessary for the constructing, as are tenance and use of the public work, at such prices as are agreed upon: and also sent agreed upon; and also contract and agree with all such persons as to the amount of persons as to the amount of compensation to be paid for any damages sustained by the any damages sustained by them by reason of anything done under and by onther done under and by authority of this Act, or of any other Act respecting public another c. 12, s. 24, part ;—33 V., c. 18, ss. 8 and 9, part ;—44 $V_{.,}^{31}$ c. 25, s. 5, sub-s. 15

Latter part of sub-section 15 of s. 5 of 44 V., c. 25, omitted as inconsistent with the other provisions of the Act.

4. Whenever it is necessary, in the building, maintain g or repairing of the public ing any public ing or repairing of the public work, to take down or remove work. any wall or fence of any any wall or fence of any owner or occupier of land or premises adjoining the public premises adjoining the public work, or to construct any fence ditches or drains for carrying off water, such wall or fence shall be replaced as soon or the state of the st shall be replaced as soon as the necessity which caused its taking down or romand Obligations of its taking down or removal has ceased; and after back same has been so removal has ceased; and after back same has been so replaced, or when such drain or land of ditch is completed the area. ditch is completed, the owner or occupier of such land of premises shall maintain and premises shall maintain such walls or fences, drains or back ditches, to the same article back ditches, to the same extent as such owner or occupier might be by law required to the same back ditches are back owner or occupier might be by law required to do if such walls or fences had never been so taken down never been so taken down or removed, or such drains of back ditches had always 31 V., c. 12, s. 30; V., c. 25, s. 5, sub-s. 9, part.

MANNER OF TAKING LANDS, ETC., TITLES, BOUNDARIES.

Proceedings for taking possession of lands.

5. Land taken for the use of Her Majesty shall be laid off metes and bounds : and when by metes and bounds; and when no proper deed or convey ance thereof to Her Majost ance thereof to Her Majesty is made and executed by the person having the power to a secure and executed by the person having the power to make such deed or conveyance,

7. A copy of any such plan and description, certified by Notwithstand-ceding sub-section montioned shall be arimá facie evidence officer. ceding sub-section mentioned, shall be primâ facie evidence officer. of the original and of the depositing thereof, although such

6. A copy of any such plan and description, certified by Effect of certhe registrar of deeds, or his deputy, to be a true copy tified copy. thereof, shall, without proof of the official character or hand-writing of such a such as the such as writing of such registrar or deputy, be deemed and taken in all courts as prima facie evidence of the original, and of

5. In all cases, when any such plan and description, pur-Attestation of the minister. or by deposited. porting to be signed by the deputy of the minister, or by deposited. the secretary of the department or by the superintendent of the public work, or by an engineer of the department, or by a land surveyor duly licensed as aforesaid, is deposited of lecord as aforesaid if licensed as aforesaid, is deposited to record as aforesaid, the same shall be deemed and taken to have been deposited to the same shall be deemed and taken to have been deposited by the direction and authority of the direction and authority of the land minister, and as indicating that in his judgment the land therein described is the purposes of the public therein described is necessary for the purposes of the public work; and the said a second public the purposes of the public the said and the said a second public the said Work; and the said plan and description shall not be called in question except by the minister or by some person acting

4. A plan and description of any land now in the occu- Deposit of plan of lan of any land for the Dur- plan of lan powin per Pation or possession of Her Majesty and used for the pur- now in pos-billing of any public of the majesty and used for the pur- now in pos-billing of any public of the pur- now in posposes of any public work may be deposited at any time, in session of H. M. like manner and with like effect as herein provided, saving H. M. always the lawful claims to compensation of any person

³ Such plan and description may be deposited at any Wh n to be deposited at any when to be deposited. time, either before entry upon the land or within twelve deposited.

2. In case of any omission, misstatement or erroneous Correction any allowed. description in such plan or description, a corrected plan and allowed. description in such plan or description, a contract of the second
or when a person interested in such land is incapable of making such a person interested in such land is incapable of making such deed or conveyance, or when, for any other reason, the minimum deed or conveyance, or when, for any other reason, the minister deems it advisable so to do, a plan and Deposit of description of the deputy description description of such land signed by the minister, the deputy description. of the minister or the secretary of the department, or by the superintender of the secretary of the department, or by the superintendent of the public work, or by an engineer of the department department, or by a land surveyor duly licensed and sworn in and for the Dy a land surveyor duly licensed and sworn in and for the Province in which the land is situate, shall be deposited of record in the office of the registrar of deeds for the country in which the land is for the county or registration division in which the land is situate and situate shall thereupon situate, and such land, by such deposit, shall thereupon become and remain vested in Her Majesty:

registrar or deputy, at the time the same is so offered in evidence, is dead, or has review. The same is so offered from evidence, is dead, or has resigned or has been removed from office :

8. If the land taken is Crown land, under the control of e Government of the Province tincial Crown the Government of the Province in which such land in the taken. situate, a plan of such land shall also be deposited in the Crown Land Department of the

9. No surrender, conveyance, agreement or award under is Act shall require registration not necessary. 9. No surrender, conveyance, agreement or award universe this Act shall require registration or enrolment to preserve the rights of Hor Moint the rights of Her Majesty under it, but the same may be registered in the registry officer of the same where registered in the registry office of deeds for the place where the land lies, if the minister of deeds for the place v, c. the land lies, if the minister deems it advisable. 13, s. 3, part ;-44 V., c. 25, s. 3, part, and s. 10, part.

6. Every contract or agreement made by any person are orized by this Act to convert he had by any person the before deposit thorized by this Act to convey land, and made before the deposit of the plans and description. deposit of the plans and description, and before the setting out and ascertaining of the law? out and ascertaining of the land required for the public work, shall be binding at the public shall be binding at the price agreed upon for the same land, if it is afterwards so sat and if it is afterwards so set out and ascertained within one so year from the date of the year from the date of the contract or agreement, the pro-though such land has in the though such land has, in the meantime, become the pro-perty of a third person . and perty of a third person; and possession of the land may as taken, and the agreement and taken, and the agreement and price may be dealt with, as if such price had been fixed be if such price had been fixed by an award of the official arbitrators, as hereinafter provided trators, as hereinafter provided; and the agreement shall be in the place of an award

Powers to make sidings &c., to lands where materials are taken.

7. Whenever any gravel, stone, earth, sand or water the ken as aforesaid. at a distance of work, the taken as aforesaid, at a distance from the public work, the minister may lay down the pipes or conduits, or tracks over or through any land which vening between the public weight on which vening between the public work and the land on wis; such material or water is found what the distance to such material or water is found, whatever the distance is and all the provisions of this a and all the provisions of this Act, except such as relate be the filing of plans and descriptions of the such as may be the filing of plans and descriptions, shall apply and may be used and exercised to obtain the state of the pubused and exercised to obtain the right of way from the patient is work to the land on which lic work to the land on which such materials are situate; and such right may be accurate. and such right may be acquired for a term of years, or personal such right may be acquired for a term of years, or powers And for main- manently, as the minister thinks proper; and the powers and the powers in this section contained may at 11 in the process of the powers for in this section contained may, at all times, be exercised for used in all respects, after the public used in all respects, after the public work is constructed, for the purpose of repairing and maint work is constructed. 44 V. the purpose of repairing and maintaining the same. c. 25, s. 12.

8. Whenever, for the purpose of procuring sufficient lands r railway stations or gravel with a conting, mean for railway stations or gravel pits, or for constructing, taken taining and using the public merit tageously pur-chased than a under the provisions of this Act, when the provisions of this Act, when the provisions of this Act, and the provisions of t under the provisions of this Act, and by purchasing may whole of any lot or parcel of land, of which any part for the Province in which the property is situate; and the Boundaries. lished by means of properties may be permanently established by means of properties may be permanently by the engineer of proper stone or iron monuments, planted by the minister, by the engineer or surveyor so employed by the minister, and shall be of the contract of the minister, and purposes, as 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 bound- Effect of the bold to the property is situate and such boundaries. darles shall be held to be the true and unalterable bounda- survey. ries shall be held to be the true and unalterable bound such property, provided they are so established and such monuments of iron or stone are planted, after due notice thereof has been site of the proprietors of the thereof has been given in writing to the proprietors of the land thereby affected, and that a proces-verbal or written description of such boundaries is approved and signed, in the presence of the the presence of two witnesses, by such engineer or surveyor, on head of the witnesses, by such engineer or surveyor, on head of the such as the other person veyor, on behalf of the minister, and by the other person to concerned; or that in case of the refusal of any person to approve or to sign the same, such refusal is recorded in such more or to sign the same, such refusal is recorded in such marks or monuments and provided such boundary Witnesses. marks or monuments are planted in the presence of at least one witness, who shall sign the said proces-verbal or description; and provided also, that it shall not be incumbent on Proviso: established with the formalities in this section mentioned, tory. established with the formalities in this section mentioned, tory. but the same may be resorted to whenever he deems it necessary so to do a very the resorted to whenever he deems it hecessary so to do. 31 V., c. 12, s. 23;-44 V., c. 25, s. 14.

9. The minister may employ any person duly licensed or Who may be apowered to act the province in Canada, employed to make survey empowered to act as a surveyor for any Province in Canada, employed to boundary and furnish the plane and descriptions of any quired.

be taken under the said provisions, the minister can obtain the same at a more said provisions or to greater advantage the same at a more reasonable price, or to greater advantage than by purchasis than by purchasing such part only as aforesaid, he may pur-chase, hold use such part only 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 is separated from the public work way thereto, if the same is not any the public work, and may sell and convey the same, or any part thereof, from time to time, as he deems expedient; but the compulsor the compulsory provisions of this Act shall not apply to the taking of any provisions of this Act shall not apply to the taking of any provisions of this Act shall not apply the the opinion of such lot or parcel which is not, in the opinion of the minister, necessary for the purposes

boundary and furnish the plans and descriptions of any quired. property and furnish the plans and descriptions of the public work and or to be acquired by Her Majesty for the public work; and such surveys, boundaries, plans and de-scriptions shall boundaries if the operations scriptions shall have the same effect as if the operations per-

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pertaining thereto or connected therewith had been performed by a land surveyor duly licensed and sworn in and for the Province is situate; and the

COMPENSATION FOR LAND DAMAGES AND PAYMENT THEREOF.

10. Whenever the minister, or the person acting for him Tender of composition and notice of and notice of the tender of tender of the tender of tender of tender of the tender of tender o in that behalf, fails to agree with any person or corporation and notice of arbitration. as to the value to be paid for any lands taken, or for com-pensation as aforesaid the second taken, or for composition of taken, or f pensation as aforesaid, the minister, or the person acting of him, may tender the reasonable him, may tender the reasonable value, in his estimation, of the same, with a notice that if the the same, with a notice that if the offer is not accepted and question will be submitted to the question will be submitted to the official arbitrators; has in case such person does not accepted and in case such person does not reside, or such corporation the not its office on or near the person does not reside, or such corporation the not its office on or near the property so required or used, the notice of submission shall be write it. notice of submission shall be published in the Canada Gazette and in two newspapers published in the Canada district of and in two newspapers published in the Canada Guit of county in which such present

2. Every tender by the minister shall be deemed to be gally made by any written a legal tender. legally made by any written authority for the payment of such sum, given under the bard. such sum, given under the hand of the minister, or the per son acting for him in that ball is son acting for him in that behalf, and notified to the person having such claim. 31 V31 V., c. 12, ss. 27 and 28 and s. 34, part; nd s. 27, part -44 V., c. 25, s. 15 and s. 27, part.

Compensation money to stand in lieu of land.

11. The compensation money agreed upon or awarded by e official arbitrators for any difference of a second the official arbitrators for any land or property acquired and taken by the minister shall start h taken by the minister shall stand in the stead of such and or property; and any claim to come to come and and any claim to come any claim to or property; and any claim to or incumbrance upon verted land or property shall. as respected in the stead of such such as the stead of such as the st land or property shall, as respects Her Majesty, be converted into a claim to such compensation into a claim to such compensation money or to a property the tionate amount thereof. and shall tionate amount thereof, and shall be void as respects the land or property, which shall be land or property, which shall, by the fact of the taking possession thereof, or the filing of the fact of the taking possession thereof, or the filing of the plan and description Her the case may be, become and health and description of the plan and descripti the case may be, become and be absolutely vested in Her Majesty-subject always to the data Majesty-subject always to the determination of the such pensation to be paid and to the pensation to be paid and to the payment thereof when such conveyance, agreement or award by $37 V_{-}c$ 13, s. 1;-44 V., c. 25, s. 18.

As to clearing incumbrances in Provinces other than Quebec.

12. If the person conveying such land or property could be, without this Act, have conveying and or property of agreed not, without this Act, have conveyed the same or agreed for the compensation to be paid the same or where t for the compensation to be paid therefor, or if any owner person to whom the compensation person to whom the compensation money, or any part thereof, is payable, refuses to except the compensation of any part or othered thereof, is payable, refuses to execute the proper conveyance or other requisite instrument of the proper converses, at if the refuse to execute the proper converses, at or other requisite instrument of transfer of the promises of if the person entitled to claim the if the person entitled to claim the same cannot be found of is unknown to the minister of the has reason is unknown to the minister, or if the minister reason to fear any claim or incumbrance to fear any claim or incumbrance, or if for any other report of he deems it advisable—then he deems it advisable—then, if the land or property of acquired or taken is situate acquired or taken is situate in any of the Provinces of Canada other than Quebec the mining of the parench comparent of the persention Rayment into Canada other than Quebec, the minister may pay such court. pensation money or sum pensation money or sum awarded, or if there has been do then any of the swarded, or if there has been do then any of the swarded. compensation money or sum awarded, or if there has been ad then such sum of money agreed upon or amount aminister is sufficient. then such sum of money as, in the opinion of the minister, in is sufficient compensation for such land or property, in the office of one of the superior constant of the province is which the the office of one of the superior courts for the Province six which the land is situate with the which the land is situate, with the interest thereon for

minister, is sufficient compensation for such land or pro-perty, into the hand perty, into the hands of the prothonotary of the superior court for the district. court for the district in which the land is situate, with the interest thereon for the said interest thereon for six months, and deliver to the said prothonotary an authentic copy or a copy verified by him of the conveyance of the co of the conveyance or of the agreement or award, or a certified copy of the plan and the agreement or award, be same shall be copy of the plan and description; and the same shall be deemed the plan and description; and the same sum therein mentioned. Her Majesty to the land or property therein mentioned; and proceedings shall be had for the Proceedings confirmation of such till proceedings shall be had for the Proceedings tion of title. confirmation of such title of Her Majesty in like manner for confirma-as in other cases of case of the for the majesty in like manner for confirma-tion of title. as in other cases of confirmation of title—except that in addition to the next of title of the matter in such cases, the addition to the usual contents of the notice in such cases, the prothonotary shall determine the notice in such cases, the prothonotary shall state that Her Majesty has acquired title under this Act, and shall call upon all persons entitled to being the husband of any part thereof, or representing or being the husband of any person so entitled, to file their claims to the componentity person so entitled, to file their claims the husband of any person so entitled, to me all such claims about the compensation money or any part thereof; and all such claims shall be received and adjudged upon by the court; and the sold court; and the said proceedings shall forever bar all claims Judgment to the compensation proceedings shall forever bar all claims not filed. to the compensation or any part thereof (including dower bar all claims Judgment to hypothec or inclumbrance thereof any mortgage, hypothec or incumbrance upon the same, and the court shall

14. If the land or property so acquired or taken is situate If the lands the Province of O property so acquired or taken is situate If the lands are in the Province of

13. A notice, in such form and for such time as the court Notice of such points shall, in such form and for such time as the court in payment to be appoints, shall be inserted by the clerk or prothonotary in given. a newspaper, if there is any published in the district or county in which there is any published in the district or county in which the lands are situate—which shall state that Her Mointh the lands are situate. that Her Majesty has acquired title under this Act, and shall call more than acquired title under the land or to any shall call upon all persons entitled to the land or to any part thereof part thereof, or representing or being the husbands of any persons so entitled, or claiming to hold or represent incumbrances thereon or interests therein, to file their claims to the component or interests therein, to file their claims to the compensation money or any part thereof; and all Claims to be such claims shall be received and adjudged upon by the adjudged on by the court. court, and the said proceedings shall forever bar all claims to the compared proceedings shall forever bar all claims to the compensation money or any part thereof, including any claim in money 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 shall make such order for the distribution, payment or in-vestment of the compensation money and for the securing of the rights of all persons interested, as to right and justice and according to persons interested, as to right and justice and according to the provisions of this Act and to law $\frac{14 \text{ V}}{14 \text{ V}} = 25$, s. 20. appertain. 37 V., c. 13, s. 2, part; -44 V., c. 25, s. 20.

months, and may deliver to the clerk or prothonotary of the court a conversion of the sourcement or award, court a copy of the conveyance or of the agreement or award, or a certified of the conveyance or of the agreement or award, 37 V., c. 13, or a certified copy of the conveyance or of the agreement of a certified copy of the plan and description. 37 V., c. 13, *part*. 8. 2, part ;-44 V., c. 25, s. 19.

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in the Province of Quebec, the minister may pay such com- are in the Province of Quebec, the minister may pay such com- province of Province of Province of Province of Province of the provin pensation money or sum awarded, or if there has been none Quebec. such, then such sum of money as, in the opinion of the minister. is sufficient

make such order for the distribution, payment or investment of the compensation ment of the compensation money and for the security of the rights of all persons interaction the rights of all persons interested, as to right and j_{37}^{ustice} and the provisions of this Art and the provisions of this Act and to law appertain. c. 13, s. 2, part ;--44 V., c. 25, s. 21.

As to costs and interest.

15. The costs of the proceedings or any part thereof, shall paid by the minister or by any part thereof. be paid by the minister or by any other person, as the court orders, and if the order of dist in orders, and if the order of distribution is obtained in less than six months from the than six months from the payment of the compensation money into the court or to the money into the court or to the prothonotary, the court shall direct a proportionate part of the direct a proportionate part of the interest to be returned the the minister; and if from any the interest to be returned the the minister; and if, from any error, fault or neglect of here minister, it is not obtained with fault or neglect of the minister, it is not obtained until after six months have expired, the court shall order the expired, the court shall order the minister to pay into court or to the prothonotary the inter or to the prothonotary the interest for such further period as is right. 37 V. c. 18 c. 2 37 V., c. 13, s. 2, part ;---44 V., c. 25, s. 22.

Payment when price exceed \$100. 16. If the price or compensation money agreed it or awarded does not exceed one hundred dollars, der may, in any Province be poid to the undred under may, in any Province, be paid to the person who, agee this Act, can lawfully convey the line this Act, can lawfully convey the lands or property or agree for the compensation to be made in the same for the compensation to be made in the case, with the same effect as if it had been paid int effect as if it had been paid into court under this Act; series of any att ing always the rights of any other person to such comper-sation money as against the person to such same. sation money as against the person receiving the same. V., c. 13, s. 2. nart: -44 V 17. If any person entitled to any compensation as aforer id, is dissatisfied with the amount said, is dissatisfied with the amount so paid by the minister into the court or to the prothemation as afore said the

referred to the official arbitrators or to one or to any greating number of arbitrators as the minimized

number of arbitrators as the minister sees fit; and the court ister may pay the amount of arbitrators ister may pay the amount of any award thereon into a sand or to the prothonotary of a count or to the prothonotary of a court, as the case may be had the court shall make such order the court shall make such order as to the same as if it had been paid in as compensation

Reference to arbitrators if claimant is dissatisfied.

Within what time compensation shall be paid.

been paid in as compensation, as the case as if it me 37 V., c. 13, s. 2, part :---44 V 18. The compensation agreed on between the parties, real paraised and awarded, shall here between the land, real paraised and awarded. appraised and awarded, shall be paid for such land, stone property, streams, water and more the paid for such land, stone property, streams, water and watercourses, timber, land or other material, to the owners or occupiers of such as aforessid or property, or to the persons suffering such damage of aforesaid, or into court as aforesaid aforesaid, or into court as aforesaid, within six months aforesaid, and such compensation. the amount of such compensation has been agreed on supervised and awarded. 31 V appraised and awarded. 31 V., c. 12, s. 26; -37 V., c. 13, s. 4; -44 V., c. 25, s. 25; -45 V. 19. The Court of Queen's Bench, in the Province of Anitoba, shall, as respects the N in Territories

As to Manitoba and the N. W. T. Manitoba, shall, as respects the North-West Territories,

does not

into the court or to the prothonotary of the court as afore said, the question of the amount of compensation may be referred to the official arbitratory of the court as any greater into the court of the amount of compensation any greater

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until there is a superior court in the said Territories, be held to be the court - for the said Territories of this to be the court referred to in the foregoing provisions of this 44 V

LANDS VESTED IN HER MAJESTY.

20. All lands, streams, watercourses and property ac- Lands nired for any solution watercourses and property ac- Lands quired for any public work shall be vested in Her Majesty vested in and, when not public work shall be vested in Her Majesty vested in d: and, when not required for the public work, may be sold or Her Majesty. disposed of under the authority of the Governor in Council, and all hydronic and all hydraulic powers created by the construction of thereon, shall be the expenditure of public money thereon, shall be vested in Her Majesty, and any portion hereof not required in Her Majesty, and any portion thereof not required for the public work may be sold or leased under the for the public work may be sold or leased under the authority aforesaid; and any portion of Shores and Majesty, as represented by the Government of Canada, be sold, &c. Majesty, as represented by the Government of Canada, be sold, &c. not required for public purposes, may, on the joint recom-mendation of the Willie Purposes, may, on the joint recommendation of the Ministers of Public Works and of Marine and Fisherice be authority aforeand Fisheries, be sold or leased under the authority aforesaid; and the proceeds of all such sales and leases shall be accounted for as public money; but no such sale or Private rights iparian owner 44 V = 07 = 47 V c. 16, s. 1. riparian owner. 44 V., c. 25, s. 97;-47 V., c. 16, s. 1.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
³³ V , c. 18	 ^{88.} 22 to 30, both inclusive, and part of s. 34. ^{85.} 8 and o. 		Remainder	A ct respecting the Public Works of Can- ada; Act re- specting the Department of Railways and Canals; and Act respecting the Official
35 V	s. 1, part. The whole. s. 3 (part) sub-ss. 5, 6, 8, 9 (part) and 15 of s. 5; sub-s 1 to 8. clusive c c in-		Remainder Remainder	Government Railways; Act
$\frac{45 \text{ V}}{47 \text{ V}}, \begin{array}{c} \text{c}, 36 \\ \text{c}, 16 \\ \text{c}, 16 \\ \text{c} \end{array}$	18 to 20 13 and			respecting the Official Arbi- trators.

CHAPTER 38.

An Act respecting the Official Arbitrators.

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

INTERPRETATION. 1. In this Act, unless the context otherwise requires .

(a) The expression "Minister" means the head of the partment charged with the department charged with the construction and maintenance of the public work or with "Minister." of the public work, or with respect to which the claim has arisen; (b) The expression "department" means the department the Government of Canada at of the Government of Canada charged with the construction and maintenance of the public "Depart-ment." and maintenance of the public work, or with respect to which the claim has arison (c) The expression "public work" or "public works" means New. and includes the dams, hydraulic works, hydraulic privileges harbors, wharves, piers and harbors, wharves, piers and works for improving the navigation of any water - interview for improving the "Public work.' navigation of any water — lighthouses and beacons-slides. dams piers beau slides, dams, piers, booms and other works for facilitating the transmission of timber the the transmission of timber—the roads and bridges, ys, public buildings, the telegraph public buildings, the telegraph lines, Government rail and the other canals, locks, fortifications and other works of defence, and the other property which now below. other property which now belong to Canada, and et and allo or works and properties acquired works and properties acquired, constructed, extended, or larged, repaired or improved at the larged, repaired or improved at the expense of Canada, of for the acquisition, construction for the acquisition, construction, repairing, extending, extending, of larging or improving of which and any is visible any is visible and any is visible and any is visible and any is visible and any is visible any is visible and any is visible any is vis visible any is visible any is visible any is v larging or improving of which any public money is required and appropriated by Parliament and appropriated by Parliament, and every work required for any such purpose, but not area work work is appropriated by Parliament, and every work money is appropriated by Parliament, and every work money for any such purpose, but not any work for which money is appropriated as a subsidy only; 31 V., c. 12, s. 10, part. (d) The expression "arbitrators" means the official arbitrator, trators appointed under this Act, and includes "arbitrator, when any claim is referred under the a single arbit when any claim is referred, under the provisions hereof, a single arbitrator. " Arbitrators." New.

Interpreta-

tion.

any death, or any injury to person or property on any public

6. If any person has any claim for property taken, or for How claims leged direct or containing may be prealleged direct or consequential damage to property, arising form and the connected with the property arising formed. from or connected with the construction, repair, maintenance or connected with the construction, repair, mountains thing done by the Gamy public work, or arising out of anything done by the Government of Canada, or arising out of any death or any public work of any death of any de

5. The arbitrators shall arbitrate on, appraise, determine Duties of the award the sume shall arbitrate on, appraise, determine Duties of the and award the sums which shall be paid to any person for arbitrators. land or property taken for any public work, or for loss or damage caused in the for any public work of any claim damage caused by such taking, or in respect of any claim arising ont of arising out of any contract, and with whom the minister has not agreed, and cannot agree, or in respect of any other claim which month cannot agree, or in respect of any other claim which may be referred to the said arbitrators under the provisions of this Act or of any other Act of the Parliament of Canada. 31 V., c. 12, s. 31, part.

4. The Governor in Council may appoint one or more Appointment proper persons to act as clerk or clerks to the arbitrators, of clerk. and may fix the amount of the remuneration to be allowed

"I, A. B., do swear that I will well and truly hear, try Form of oath. "and examine into such claims as are submitted to me for "compensation for the such claims as are submitted to me for compensation for land or property taken possession of for the use and that I "Compensation for land or property taken possession of the "will also well and truly examine into such claims as are "submitted to make the for damages consequent "^{will} also well and truly examine into such claims as "submitted to me for compensation for damages consequent "upon the content of the work, or for payment "submitted to me for compensation for damages consequent "or allowers of any public work, or for payment "or allowers of any public work and that I will or allowance in respect of any contract; and that I will give a true independent of the second the "give a true judgment and just award thereon to the best of my knowledge and ability; and that I will take into due considered due consideration the benefits derived and to be derived by the observed to be benefits derived and to be derived Work a state through the construction of such public "by the claimants through the construction of such public "Work as well as the injury done thereby. So help me 31 V., c. 12, s. 32;-42 V., c. 7, s. 12, part.

3. Every arbitrator shall take, before the Minister of Oath to be ablic Works and Canals, or taken. Public Works or the Minister of Railways and Canals, or taken. some one of Her Majesty's justices of the peace, an oath in the form following, that is to say :---

2. Every such arbitrator shall receive such remuneration Remuneraas is, from time to time, fixed by the Governor in Council. tion. 31 V., c. 12, s. 31, part.

2. The Governor in Council may, from time to time, Appointment appoint any number of persons not exceeding four, who of arbitrators. shall be official arbitrators for Canada :

OFFICIAL ARBITRATORS.

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work, or any claim arising out of or connected with the execution or fulfilment or the made execution or fulfilment, or on account of deductions made for the non-execution or way file for the non-execution or non-fulfilment of any contract made and entered into on both to some of any web per made and entered into on behalf of Her Majesty, the Secret son may give notice, in writing, of such claim, to the Secretary of State-stating the tary of State-stating the particulars thereof, and how the same has arisen, which notice the same has arisen, which notice the Secretary of State which refer to the head of the depart refer to the head of the department with respect to which the claim has so arisen to which the department with respect to may, the claim has so arisen : and thereupon the minister may, at any time within thirty der at any time within thirty days after such notice, with what he considers a fair comments what he considers a fair compensation for the same, decision notice that the said claim will be submitted to the decision of the arbitrators. unless the of the arbitrators, unless the sum so tendered is accepted within ten days after such tori within ten days after such tender. 31 V., c. 12, s. 34, part; -33 V., c. 23, s. 1:-44 V

7. No arbitration shall be allowed in any case in which be terms of the contract the when other-wise provided the terms of the contract therein, it is provided that of or in contract. determination of any matters of difference difference of difference difference of difference of difference difference of difference difference of difference di di d determination of any matters of difference arising Minister, connected with the same shall be decided by the Minister, or by the architect, or by any states of the decided by the more of the or by the architect, or by any engineer or officer of the department. 31 V., c. 12 s 26. department. 31 V., c. 12, s. 36;-44 V., c. 25, s. 29.

8. No claim for land or other property alleged to have een taken for or injured by the been taken for or injured by the construction, repair, main tenance or working of any part is tenance or working of any public work, or for damages alleged to have been occasioned. It work, or for damages alleged to have been occasioned, directly or indirectly, to any such lands or other property be it such lands or other property by the construction, repair, maintenance or working of any of any or arising of maintenance or working of any such public work, or arising out of anything done by the C out of anything done by the Government of Canada, pro-arising out of any death or arising out of any death or arising out of any death or any injury to person of or perty on any public work and perty on any public work, and no claim arising out of connected with the execution or fold connected with the execution or fulfilment, or on account of deductions made for the non-count of fulfilment, or on account of any security of the non-count of fulfilment, or on account of any security of the non-count of fulfilment, or on account of deductions made for the non-execution or non-fulfilment, or on account of any contract made and entered interest in the star Majesty, any contract made for the non-execution or non-fulfilment, or submitted to or be anticipated into on behalf of Her Majesty, and and the submitted to or be anticipated into an behalf of Her Majesty, and and the submitted to or be anticipated into an behalf of Her Majesty, and and the submitted to or be anticipated into an ant shall be submitted to or be entertained by the arbitrator under this Act, unless such close under this Act, unless such claim and the particulars there have been filed with the Secret have been filed with the Secretary of State within injury months next after the bennext complained of, when such claim relates to the taking when damage occasioned to land or will damage occasioned to land or other property and when such claim relates to or is allowed to such claim relates to or is alleged to arise out of the exercise tion or fulfilment of any court tion or fulfilment of any contract or agreement nules is construction or maintenance of any public work, unless the same has been filed as aforeasid same has been filed as aforesaid, within three models and er such a contract of the final next after the date of the final estimate made under been contract; and in other esser contract; and in other cases, unless the claim has ingoing the the international definition of the second definition of t filed as aforesaid, within six months after the happening of the injury complained of the barrent act or one the set of the barrent of the ba the injury complained of, the breach of the contract of the sector of th 12, s. 37; -33 V., c. 23, s. 2, part; -44 V., c. 25, ss. 30 and 108.

thereon.

Action of the

minister

Time within which claim may be made limited.

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9. Every tender by the minister shall be deemed to be What shall gally made have for the payment of be deemed a legal tender legally made by any written authority for the payment of he deemed a such sum. given any written authority for the payment of he deemed a such sum. given any written authority for the payment of he deemed a such sum. such sum, given under the hand of the minister or the person acting for him in that behalf, and notified to the person who has such alarian that behalf, and notified to the person Who has such claim. 31 V., c. 12, s. 34, part ;--44 V., c. 25,

10. The minister may refer any of the claims aforesaid, Reference any question and the refer either to one one or mo or any question which he is authorized to refer, either to one or more or to any prostor. or to any greater number of arbitrators as he sees fit; and arbitrators. except in case of appeal as hereinafter provided, when the claim or question has not been referred to the whole board, the award of the state the award of the sole arbitrator shall be binding, if there is only one. and it only one; and the sole arbitrator shall be binding, in the sole arbitrators if there are the award of the majority of the arbitrators shall be binding. if there are three or more acting in the case, shall be bind-ing as if model bor more acting in the case, shall be binding as if made by all the arbitrators: and whenever the one may take claim or quastice all the arbitrators and whenever the the evidence claim or question is referred to more than one of the and hear the evidence and parties. arbitrators, any one of them may receive the evidence and parties. hear the parties, and may exercise all the powers of the hearing and to arbitrators preliminary or incident to the hearing and to the taking of the evidence, which shall thereafter be sub-mitted to all the evidence, which shall thereafter be formed, mitted 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 the majority of whom shall be binding, except in case of appeal as aforesaid. 31 V., c. 12, s. 35;—

11. If the minister, from want of sufficient or reliable Minister may refer certain refer certain claims to arbit information as to the facts relating to any such claim, or on claims to arbi-the unt of conflicting to the facts relating to any such claim, or on claims to arbi-the unt of conflicting to the facts relating to any such claim, or on the conflicting to arbi-the untertain the facts relating to any such claim, or on the conflicting to arbi-the untertain the facts relating to any such claim, or on the conflicting to any such claim, or on the conflicting to any such claim to arbi-the untertain the facts relating to any such claim, or on the conflicting to any such claim to arbi-the untertain the facts relating to any such claim, or on the conflicting to any such claim to arbi-tertain the such arbiter the facts relating to any such claim, or on the conflicting to arbiter the such arbiter the su account of conflicting statements of facts, does not consider tration with-the case one in multiple statements of facts, does not consider tration with-control out previous tender. the case one in which a tender of satisfaction should be tender. made, he may refer the claim to one or more of the arbitra-tors for examination to one or more of the arbitrators for examination and report, both as to matters of fact involved, and as to the amount of damages, if any, sustained, and as to the amount of damages, 11 any, the claim has been 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 referred shall be would have if such claim had been referred after tender of satisfaction made; but the Duty of arbitrators' duty is not satisfaction made; but the data arbitrate bitrators' duty is not satisfaction made; but the data arbitrate bitrators' duty is not satisfaction made; but the data arbitrate arbitrators' duty in such case shall be confined to reporting in such case. his or their findings upon the questions of fact, and upon the amount of days upon the destions of fact, and upon the amount of damages, if any, sustained, and the principles upon which and the principles 41 V., c. 8, upon which such amount has been computed. 41 V., c. 8, 44 V 6. 3; 44 V., c. 25, s. 27, part.

12. Before any claim is arbitrated upon, the claimant Security to hall give security to the security to be given by claimant. shall give security to the satisfaction of the arbitrators, or claimant. any one of them, for the payment of the costs and expenses award being societ to the arbitration in the event of the award being against such claimant, or of its not exceeding the sum tandows with the such claimant, or of its not exceeding the sum tendered. 31 V., c. 12, s. 34, part ;--44 V., c.

POWERS OF THE ARBITRATORS, AND PROCEEDINGS BY OB

13. The arbitrators may, by summons or order in writing, gned by any one of them. signed by any one of them, or by their clerk or secretary, and left at the usual or last all and left at the usual or last place of residence of the person to whom it is addressed to whom it is addressed, command the attendance from any part of Canada. of any port part of Canada, of any person as a witness, or the production of any documents required of any documents required by any of the parties, and may swear the witnesses to tootif swear the witnesses to testify truly respecting the matters on which they are to be inter on which they are to be interrogated; and every person who disobeys any such summons disobeys any such summons or order in writing, or neglects or refuses to attend and product or refuses to attend and produce such documents, shall incort a penalty not exceeding twents a penalty not exceeding twenty-five dollars and not less than five dollars, which shall be reacted and not less manner five dollars, which shall be recoverable in a summary name before any justice of the press before any justice of the peace, and shall be levied under the warrant of such instice be levied be levied goods the warrant of such justice, by distress and sale of the goods and chattels of the offender and chattels of the offender, unless the person establishes ; reasonable cause for such distribution in the person establishes ; reasonable cause for such disobedience, neglect or refusal; Re-drafted.

2. No person shall be compelled to produce any document at he would not be compelled to tion cannot be that he would not be compelled to produce any document of the produce at a trial in any superior court of the Drown superior court of the Province in which the arbitrators are site ting, or to attend as a witness man the arbitrators are site ting, or to attend as a witness more than three consecutive days; and every witness shall be Allowances to days; and every witness shall be allowed, in adding one witnesses. his reasonable travelling expenses his reasonable travelling expenses, a sum not exceeding one dollar a day, in the discretion dollar a day, in the discretion of the arbitrators; and such remuneration shall be paid but remuneration shall be paid by the person requiring 55, s. 31 V tendance of the witness. 31 V., c. 12, s. 38; -44 V., c. 25, s.

14. In the investigation of any claim, the arbitrators shall use all legal evidence offered on the taken down cause all legal evidence offered on each side to be taken down and recorded in writing and shall and recorded in writing, and shall make and keep a list of all plans, receipts, vouchers down all plans, receipts, vouchers, documents and other papers produced before them during grad produced before them during such investigation; but the may, with the consent in write may, with the consent in writing of the minister and duced opposite party, take the evidence of the minister adduced opposite party, take the evidence of the witnesses adduce it of on either side, orally, and in such on either side, orally, and in such case need not reduce it to writing :

2. With the consent of the minister or his agent and be e opposite party, the evidence of the histories may be the opposite party, the evidence of the said witnesses hall we have be taken down in shorthand by a state of the said witnesses hall we have be taken down in shorthand by a stenographer, faithfully the previously sworn before one of the arbitrators, faithfully the take down and transcribe the arbitrators faithfull at the take down and transcribe the evidence, and who shall at the conclusion of the examination conclusion of the examination of a witness, read over in same to him; and such evidence in the same to him; and such evidence is a same to him a same to him and such evidence is a same to him a same to him and such evidence is a same to him a same to him a same to him and such evidence is a same to him same to him; and such evidence shall, when transcribed in ordinary writing and signed be the ordinary writing and signed by the witness, if he can write and if not, then attested by the witness, if he can write record. and if not, then attested by the stenographer, form the record of his evidence:

Witnesses may be summoned.

Penalty for non-attendance.

Evidence to be reduced to writing.

Employment of stenographer.

His duty.

19. Whenever a claim has been referred to one arbi-Appeal to board, and the claimant is dissectioned with the award not acted. board, and the claimant is dissatisfied with the award not acted. made, such claimant may, by notice in writing, delivered

18. The arbitrators shall deliver to the minister a copy Copies of their award in each and deliver to the dividual claimant delivered. of their award in each case, and to each individual claimant delivered. with of so much there is a copy copies of award to be delivered. a copy of so much thereof as relates to his particular claim, within one month thereof as relates to his particular claim, within one month after they have agreed to the same. V., c. 12, s. 43;-44 V., c. 25, s. 34.

17. In awarding upon any claim arising out of any con-Restrictions act in Writing the upon any claim arising out of any con-Restrictions upon contract in writing, the arbitrators shall decide in accordance upon con-with the stipulations is to awards the stipulations is to award tracts. with the stipulations in such contract, and shall not award tracts. 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 () amount stipulated therein they consider award interest on any sum of money which they consider to be due to such all sum of money which they consider to be due to such claimant, in the absence of any contract in writing. stipplet: writing, stipulating payment of such interest; and no clause How penalties in any such contract any such contracts in contracts in contracts in contracts in contracts is shall be conin any such contract in which a drawback or penalty is shall be constipulated for the non-performance of any condition thereof, strued. or any neglect to complete any work, or to fulfil any covenant in such complete any work, or to runn tory, but it shall be considered as comminatory, but it shall be construed as importing an assessment by mutual conserved as importing by such nonby mutual consent, of the damages caused by such non-performance of the damages caused by such nonperformance or neglect. 31 V., c. 12, s. 41;-44 V., c. 25, 8. 32.

property, and in estimating the amount to be paid for lands taking pos-session. taken, shall estimate or assess the value thereof at the time when the injury complained of was occasioned, and not ac-cording to the open and the time of cording to the value of the adjoining lands at the time of the information of the adjoining lands at the time of the distribution of the distribut making their award. 31 V., c. 12, s. 40;-44 V., c. 25, s. 17.

31 V, c. 12, s. 39; -44 V., c. 25, s. 16. 16. The arbitrators, in estimating and awarding the amount Value to be be paid to any land or at the time of the any land or to be Paid to any claimant for injury done to any land or at the time of the property and in the time of the paid for lands taking possession.

15. The arbitrators shall consider the advantage, as well Certain mat-the disadvantations in the disadvantage is a set of the land taken into as the disadvantage, of the public work, as respects the land taken into or real property of the public work, as respects the land taken into or real property of any person through which the same consideration for compensation for co for compensation for damages caused thereby; and the arbi-trators shall trators shall, in assessing the value of any land or property taken, or in estimating and awarding the amount of damages, take into consideration the advantages accrued or likely to account of the second terms of term likely to accrue to such person or his estate, as well as the injury or demonstration of the public work. injury to accrue to such person or his estate, as well all vice 12 and a ccrue to such person of the public work.

3. The expenses incurred under this section in any case, Costs in such all be costs in any case. 31 V., case. c. 12, s. 42; -41 V., c. 8, ss. 1 and 2; -44 V., c. 25, s. 33.

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to any arbitrator who has joined in the award, or the the clerk or secretary of the board clerk or secretary of the board, within one month after the award has been notified to the award has been notified to the claimant, pursuant to the next preceding section of this Act next preceding section of this Act, appeal to the board and arbitrators, and the board of this Act, appeal to the board and arbitrators, and the board shall hear the appellant, of make such decision and arbitrators. make such decision and award as to them, or a majority of them, seem just. 31 V a 12 them, seem just. 31 V., c. 12, s. 44;-44 V., c. 25, s. 35.

When only new evidence may be adduced on appeal.

20. In case of such appeal, the appellant shall have pright to adduce further and no right to adduce further evidence than that already given on the original reference under the state of the on the original reference, unless he shows to the satisfactor of the board, that his knowled of the board, that his knowledge of the existence of the further evidence has arisen since the first hearing ing the case, or unless the board thinks it right on hearing 45 claimant, to admit further evidence. 31 V., c. 12, s. 45; V., c. 25, s. 36. 21. The clerk or secretary to the arbitrators shall, on pay ent, at the rate of tan cost of

Copies of depositions and papers.

Costs, by whom to be paid.

twenty cents additional for every certificate, deliver to any person requiring the same person requiring the same, certified copies of any 31 V, tions or papers taken or filed 1. tions or papers taken or filed before the arbitrators. c. 12, s. 46; -44 V., c. 25, s. 37. 22. If the amount awarded in any case is greater of ar the amount tendered, Her Majesty shall pay the costs of the bitration, but if not greater the bitration, but if not greater the costs shall pay the costs of the claimant; and such costs shall, in other cases when award is in favor of the claimant. award is in favor of the claimant, be paid by Her Majesty, in addition to the amount 31 V., c. 12, s. 41, and

ment, at the rate of ten cents for every hundred words and twenty cents additional for

s. 48, part ;-44 V., c. 25, s. 38 and s. 39, part.

Costs to be taxed.

23. The costs shall, in either case, be taxed by the proper officer of the High Court of Justice of Ontario in or Province of Ontario, or of the Custof of Ontario Rench. Province of Ontario, or of the Court of Queen's Bench, of the Supreme Court, in the D the Supreme Court, in the Provinces of Nova Scotia, British Brunswick, Prince Edward Island Nova Scotia, and British Brunswick, Prince Edward Island, Manitoba and British Columbia, and in the Provinces of Nova Scotia, indge of the Columbia, and in the Province of Quebec by a judge 25, 5 Superior Court. 31 V c 12 c (25, 5) Superior Court. 31 V., c. 12, s. 48, part ; -44 V., c. 25, 5 39, part.

APPEAL TO THE EXCHEQUER COURT. 24. An appeal shall lie to the Exchequer Court of Calain all cases of arbitration under the chart the claim in all cases of arbitration under this Act, when according to the Line according to the back of the the sum of five back. exceeds in value the sum of five hundred dollars according of to the bonû fide belief of the part. Appeal to the to the bonû fide belief of the party or parties complaining of the award as shown on affidentiation of the party of the pa Exchequer Court. the award as shown on affidavit. 42 V., c. 8, s. 2; 44 c. 25, s. 40. Re-drafted.

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25. In every case of appeal to the Exchequer Court of Submission anada, the sub-Canada, the submission, whether compulsory or by consent, may be made may be made a rule of such court, upon motion and 25, s. 41.

26. The court may set aside the award made and may re-it the matters are set aside the award made and may re-it has of them, to the re- court in such mit the matters referred, or any or either of them, to the re- court in such consideration and may re- powers of the arbitrators, as the consideration and re-determination of the arbitrators, as the cases. case requires, upon such terms as to costs or otherwise s. 42. 42 V., c. 8, s. 4;-44 V., c. 25,

27. Every application to set aside any award made, or to Time for application, shall application, shall limited. have the matter thereof remitted for re-consideration, shall limited. be made to the court within three months after the publi-cation of the court within three months after the time cation of the award and notice to the parties, but the time of the vacation of the award and notice to the parties but the time of the award and notice to the parties, but the part of such time of the court shall not be counted as $44 \text{ V} \cdot c. 25$, s. 43. Part of such time. 42 V., c. 8, s. 5;-44 V., c. 25, s. 43.

28. The court may, if it thinks proper, upon the evidence Court may ken before the orbit. If it thinks proper, upon the evidence finally determine the same and any furtaken before the arbitrators, or upon the same and any fur-finally deter-mine the evidence which it is a same and any fur-finally deter-mine the case. ther evidence which it orders to be adduced before it, make such final order and determination of the matters; and such as it deems just and determination of the matters referred final order and determination of the parties; and such Execution of for order and determine the parties to be per-order. final order and determination shall be ordered to be per-order. formed and shall be enforced by the court, and the same shall be taken and dealt with as a final award under the 44 V c. 25, s. 44. anthority hereof. 42 V., c. 8, s. 6;-44 V., c. 25, s. 44.

29. No application shall be entertained by the court to Security for aside any award shall be entertained by the subject matter costs to be given. set aside any award made, or to remit the subject matter costs to be has been paid to the recipitor of the court as security for has been paid to the registrar of the court as security for any costs that many light denosit shall be subany costs that may be incurred, which deposit shall be sub-25, s. 45.

30. The court shall have and may exercise all the powers Further Datained in "The Sure Act." which, powers of the court in the court ¹⁹⁰ The court shall have and may exercise all the powers Further according in "The Supreme and Exchequer Courts Act," which, powers of of reference under this Act. 40 M and S s 8 -44 V., c. 25, of reference under this Act. 42 V., c. 8, s. 8;-44 V., c. 25, 8. 46.

31. An appeal shall lie from the Exchequer Court to the Appeal to the Court from all is from the Exchequer Court and deci-Supreme Court. Supreme Court, from all judgments, orders, rules and deci-Scons, in like control of the storms and conditions sions, in like cases and upon the same terms and conditions as are provided in "m" of the same terms and conditions are provided in "m". as are provided in "The Supreme and Exchequer Courts Act." 42 V, c. 8, s. 9; -44 V., c. 25, s. 47.

Costs; and enforcement of process.

32. All costs on appeal, whether for or against the claim and it, or for or against Her Maint ant, or for or against Her Majesty, shall be in the order and discretion of the court and shall discretion of the court, and shall be taxed and allowed by its proper officer: and all index unscretion of the court, and shall be taxed and allowed by its proper officer; and all judgments, orders and decisions of the court shall be enforced by its process. 42 V., c. 8, s. 10;—44 V., c. 25, s. 48

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with
	j part of s 2.	Part of s. 2	Remainder	Act respecting we Public Works of Canada; the per specting the Rais partment Canals; rays and Canals;
	The whole. The whole. s 12 (part). The whole except s. 1.		1	Act respection propriation fands. Act respecting
44 V., c 25	ss. 16 and 17, ss 27 to 48, both inclusive, and s 108.		Remainder	An Act leven her Government her ways; An Act re ways; An Bernopic specting Bards ation of lands

CHAPTER 39.

An Act respecting the Militia and Defence of Canada.

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

SHORT TITLE.

1. This Act may be cited as "The Militia Act." 46 V., c. Short title. 11, ₈, 100.

INTERPRETATION.

2. In this Act, unless the context otherwise requires, the Interpreta-pression "Act, unless the context otherwise requires, the Interpretaexpression "corps" includes any Field Battery, Brigade, or tion. Battery of Artillery, Troop of Cavalry, or any Company, Battalion, or Regiment;

2. "The Interpretation Act" shall apply to all regulations, Interpretation ders and articles of Act " shall apply to all regulations, Interpretation to regulaorders and articles of engagement lawfully made or entered Act to apply to regulations, to regulations, to regulations, to the second state of the into under this Act. 46 V., c. 11, s. 98, part.

COMMAND IN CHIEF.

8. The Command in chief of the Land and Naval Militia, Command in d of all Militaria in Chief vested in Her Maand of all Military and Naval Forces, of and in Canada, is Chief vested by Her Majesty porces. If the exercised and administered jesty; how by Her Majesty personally or by the Governor General as exercised. Her representative. 46 V., c. 11, s. 1.

DEPARTMENT OF MILITIA AND DEFENCE.

4. There shall be a Minister of Militia and Defence, who Minister of all be charged with Minister of Militia and Defence; he administra- Militia and Defence; h shall be charged with and be responsible for the administra-matters involving duties. tion of Militia affairs, including all matters involving duties. erpenditure, and of the fortifications, gunboats, ordnance, and not the fortifications and habiliammunition, and of the fortifications, gunboats, or ments of war below in the stores, munitions and habili-

ments of war belonging to Canada:

2. The Minister of Militia and Defence shall have the Initiative in all Militia and Defence shall have the Initiative in all Militia. ¹ The Minister of Militia and Defence shall have the Initiative in all Militia affairs involving the expenditure of ters.

8. The Governor in Council shall, from time to time, make Further orders as a duties. such orders as are necessary respecting the duties to be 11 orned by the Minister of Mini performed by the Minister of Militia and Defence. 46 V., c.

Deputy and officers.

5. The Governor in Council may appoint a Deputy of the as inister of Militia and Defense Minister of Militia and Defence, and such other officers as are necessary for carrying and such other depart are necessary for carrying on the business of the 46V, ment, all of whom shall hold of ment, all of whom shall hold office during pleasure. c. 11, s. 3.

6. The Minister of Militia and Defence shall have the control and management and shall be charged with and maintenance and repair of all with the charged forts and buildings, &c. maintenance and repair of all military buildings, forts and fortifications in Canada. 47 V

Works for defence may be declared Public Works.

Minister to have certain powers.

connected with the defence of Canada, to be a public whether within the meaning of "The Back! within the meaning of "The Public Works Act," whether such work is to be constructed or the such work is to be constructed or the land required for the party or when the such works action or party to be acquired, wholly at the owner and required for the land required to be acquired, wholly at the expense of Canada, or United or wholly at the expense of the Government of the United Kingdom; and all the powers configuration Kingdom; and all the powers conferred upon the Minister of Public Works by "The Ernemister" Public Works by "The Expropriation Act" and the regard respecting the Official Arbitrators". to such work, be conferred upon the Minister of Militia and Defence, and all the powers conferred in the minister of Militia and the powers conferred in the minister of the second seco Defence, and all the powers conferred upon the Minister of Militia then trators, or any of them. bu the trators, or any of them, by the Act lastly cited, shall pro-extend and apply to such work extend and apply to such work, and to the lands and property required for the same as chall is actions and property required for the same as chall is perty required for the same, as shall also such sections in provisions of "The Public Work" and to the lands and sections of Coursel a provisions of "The Public Works Act" as the Governor is Council, from time to time direct

Powers of the Minister to extend to the exercise of clearance rights.

Compensation to be fixed by Arbitrators.

8. The powers of the Minister of Militia and peleuk shall, with respect to any work so declared to be a public work, extend to the demolition work, extend to the demolition and removal of all such buildings, walls, woods. trees buildings, walls, woods, trees, fences or other obstructions natural or artificial, and to the other obstructions natural or artificial, on any land natural or artificial, and to the filling up of such hollow of the engineers, civil or military in the opinion work the engineers, civil or military, employed on such work, impair the effect thereof and to the proved on such work, impair the effect thereof, and to the preventing thereaf of struction or existence of any such obstruction thereaf of without acquiring the land itself. without acquiring the land itself; and the said minister up and the said minister of the said minister up and the said mi his agents may, under "The Expropriation Act," enter upd any such lands and cause the received and metric and the said minister and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister and the said minister and and metric and the said minister an any such lands and cause the required work to be performed, and may at any time thereafter and may at any time thereafter again enter the land to the state in reliable to be the remove any such obstruction so as to restore the land such state in which it was after the formation of such state in which it was after the first performance has been work; and if the renewal of any state in has been work; and if the renewal of any such obstruction has the caused by the fault of the owner. caused by the fault of the owner of the lands, or of the sector it may be recovered for the caused by the fault of the sector of the lands, or of the sector it may be recovered for the caused by the sector of the lands, or of the sector of the lands, or of the sector of the lands, or of the sector of the sect through whom he claims, the cost of removing it may be the said minister; and the comparison of the said minister is and the sation to be paid for the exercise of the powers given by deter section shall, if not agreed more than the powers be section shall, if not agreed upon by the parties, be mined by the official arbitrators. 31 V., c. 12, s. 50. Chap. 89.

9. Every work in any part of Canada, certified by the Powers of Secretary of Manander of II any part of Canada or in the Pro-State for w ^{cont} Every work in any part of Canada, certified by the Powers of commander of Her Majesty's forces in Canada, or in the Pro-State for war. vince in which such work is or is to be situate, to be required for the defence of the work is or is to be situate to a public work for the defence of Canada, shall be held to be a public work within the meaning of "The Public Works Act," and Her Majestry's Data of "The Public Works Act," and Her Majesty's Principal Secretary of State for the War Depart-ment shall. ment shall have the same powers and rights with regard to the taking the taking possession of lands or materials required for any such work possession of lands or materials required to be cleared such work, and with regard to lands required to be cleared and kept of and kept cleared of obstructions as aforesaid, as are hereby vested in the price rested in the Minister of Militia and Defence, and the price to be paid for to be paid for such lands or the compensation to be paid for the erosis the exercise of such powers and rights, if not agreed upon by the powers and rights, if not agreed upon by the parties, shall be determined by the official arbitra-tors, as if tors, as if such lands had been taken, or such powers and rights and had been taken, or such powers 21 V c 12, s. 51, rights exercised, by the said minister. 31 V., c. 12, s. 51, part.

MILITIAMEN.

10. The Militia shall consist of all the male inhabitants of Militia, of whom com Canada, of the age of eighteen years and upwards, and under posed. sixty not exempted or disqualified by law, and being British and set or disqualified by law, and being British subjects by birth or naturalization; but Her Majesty Proviso. may require the proviso. may require all the male inhabitants of Canada, capable of bearing and the male inhabitants of Canada, capable of Masse, 46 V., c. bearing arms, to serve in case of a Levée en Masse. 46 V., c. 11, s. 4

11. The male population so liable to serve in the Militia Classes of militiamen. shall be divided into four classes :--

The first class shall comprise those of the age of eighteen First class. years and upwards, but under thirty years, who are unmar-ried or with the second seco

ried or widowers without children;

The second class shall comprise those of the age of thirty Second. years and upwards, but under forty-five years, who are

umarried or widowers without children;

The third class shall comprise those of the age of eighteen Third. years and upwards, but under forty-five years, who are

married or widowers with children;

The fourth class shall comprise those of the age of forty-Fourth. ave years and upwards, but under sixty years :

And the above shall be the order in which the male popu- Order for service. lation shall be called upon to serve. 46 V., c. 11, s. 5.

DIVISION OF MILITIA.

12. The Militia shall be divided into Active and Reserve Divisions of the force. Militia-Land Force; and Active and Reserve Militia-Marine Force; and Active and Reserve Militia-Marine Force:

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The Active Militia-Land Force-shall be composed of Land-active. (a) Corps raised by voluntary enlistment; (b) Corps raised by ballot; (c) Corps composed of men raised by voluntary enlist ment and men balloted The Active Militia-Marine Force-to be raised similarly shall be composed of shall be composed of seamen, sailors and sailing Marinewhose usual occupation is upon any steam or sailing craft, navigating the water of any steam or sailing active. The Reserve Militia—Land and Marine—shall consist in the whole of the men ---the whole of the men who are not serving s. 6. Reserve, Land 46 V., c. 11, s. 6. and Marine. 13. The period of service in the Active Militia in time accessible three years. 46 V Period of service. peace shall be three years. 46 V., c. 11, s. 7. 14. Every corps of Active Militia duly authorized pro-ously to and existing on the data viously to and existing on the day on which this Act could into force, including the officers and the state of the state o into force, including the officers commissioned thereto, shall for the purposes of this Act be held to and shall Present active corps for the purposes of this Act, be held to be existing, this Act, be continued as such, subject to the provisions of this Act, and thereafter, such men of and there is a such as continued. Exemption in and thereafter, such men of any corps of Active continues three years' in any regimental division as any corps of Active continues and thereafter. in any regimental division, as complete three years could be included in the service in such corps or complete three years included in the service in such corps or complete three years included in the service in such corps or complete three years included in the service in th uous service in such corps, or complete three years included any previous continuous service in the service in any previous continuous service in the same corps, or the same corps of the same cor ately before the date this Act comes into force, or held before the gears continuous service in the same corps immediately before the date this Act comes into force, or held before three years continuous immediately before the same compared to be the same before the same compared to be the same before the same compared to be the same compar service men. served three years continuously in such corps immediately before such date, and are dischart before such date, and are discharged, shall not be liable dive balloted for any period of drill Militia balloted for any period of drill or training of the Addie Militia, until all the other men in the and and the Militia, until all the other men in the first, second and which they are the second and second and which they are the second and second and which they are the second and second classes of militiamen in the company division within which they reside, have volunteered on the serve. Until others they reside, have volunteered or been balloted to serve. V., c. 11, s. 8. have been balloted or volunteered. 15. No officer or man of an Active Militia corps, nerminal and maintained by voluntary or his and maintained by voluntary enlistment, shall be permitted, to retire therefrom in time of maintained by round in time of maintained by the permitted in the permitted of the pe to retire therefrom in time of peace, without giving so to commanding officer six months, without giving so to Notice by commanding officer six months' notice of his intention so volunteers before retiring.

Military districts to be constituted by Her Majesty.

16. Her Majesty may divide Canada into twelve military stricts, that is to say : one compared in the twelve of North districts, that is to say : one comprising the Province of North Scotia, one comprising the Province of North Rrunswick, one Scotia, one comprising the Province of New Brunswick, Chap. 39.

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comprising the Province of Prince Edward Island, one com-prising the Deprovince of Prince Edward Island, one comprising the Province of Prince Edward Island, one and the District of Manitoba, the North-West Territories and the Province of Manitoba, the North-west revince of British Columbia of Keewatin, one comprising the Province of British Columbia, three in the Province of Quebec, and four in the Province of Quebec, and four in the Province of Ontario. 46 V., c. 11, s. 10.

17. Her Majesty may alter the districts specified in the Power to ext precodimentation alter such districts. hert Preceding section, and increase or diminish the number districts. thereof as is deemed necessary; and may name the terri-torial division deemed necessary; and may name the territorial divisions which shall form each of the three military districts of Quebec, and each of the four military dis-tricts of Ontaria tricts of Quebec, and each of the four minute, 46 V, c. 11 and may alter the same from time to time. 46 V., c. 11, s. 11.

18. Her Majesty may, from time to time, divide each Regimental divisions as is down of regimental and brigade and brigade and company divisions as is deemed expedient, and may sub-divide such divisions. regimental divisions into company divisions ;—and may diminish the mathematical divisions into company divisions or increase or Power to diminish the mathematical divisions or increase or Power to divisions the mathematical divisions or increase or Power to divisions the mathematical divisions or increase or Power to divisions the mathematical divisions or increase or Power to divisions the mathematical divisions or increase or Power to divisions the mathematical divisions or increase or Power to divisions the mathematical divisions or increase or Power to divisions the mathematical divisions or increase or power to divisions divisions divisions divisions or increase or power to divisions di divis diminish the number thereof; but all military districts and alter.

divisions existing on the day on which this Act comes Proviso: as provisions of this Act interest and an arrivation of the day on which the day on which the day on the day on which the day of the day of the divisions. provisions of this Act. 46 V., c. 11, s. 12.

om the residents in appointed for each regimental division Resident ENROLMENT. from the residents therein, one Lieutenant-Colonel and two Majors of Reserve Milities, one Lieutenant-Colonel and two Exception Majors of Reserve Militia; but such officers may be appointed Exception. from among non-residents in the regimental division in exceptional contract of the regimental division in exceptional cases in which it appears to Her Majesty that such appointments will be more conducive to the interest of male such appointments will be more conducive to the interest of male such appointments will be more conducive to the interest of the more conducive to the more conducive the Militia service; all orders and reports relating to the Orders and diment, at any time of dimension of the orders and reports relating to the Orders. enclinent, at any time, of militiamen within the regimental enrolment. division, shall be sent to, and received through and be acted by the Lighter Triangle of the lighter that the the lighter that the lighter that the lighter that the lighter through the lighter the lighter through the lighter through the lighter t on by the Lieutenant-Colonel, or in his absence through the shall be sent to and received through and be sent to the time being, who shall

senior Major of the division, for the time being, who shall act instead of the T: act instead of the Lieutenant-Colonel during such absence:

2. There shall be appointed for each company division Officers of the residents the appointed for each company Lieutenants divisions. from the residents therein, one Captain and two Lieutenants divisions. of Reserve Militia; and all orders and reports relating to the enrolment at any time of militiamen within the company division shall be sent to, and acted on by the Captain; or in his absence the sent to and acted on by the Captain; or in his absence they shall be sent to, and acted on by the Captain, company division shall be sent to the next senior officer of the company division, for the time being, who shall act instead

of the Captain during such absence :

8. Notwithstanding anything contained in the preceding Officers in besection, appointer the first on divisions in any city cities or towns. Notwithstanding anything contained in the preceding Omcers or town may be made for company divisions in any city towns. or town may be made from the residents of the regimental 46 V c 11, s. 13. division may be made from the residents of the residents of the residents of the resident of t

At times fixed by Gov. in Council. What they must show.

20. The enrolment of the Militia shall be made in each mpany division by the C ment shall be company division by the Captain thereof, with the assist made in com- ance of the officers and non-company divimade in com- ance of the officers and non-commissioned officers of the pany divi-sions. company division ;—and the Captain, and under his orders, the other officers and non-commissioned officers. the other officers and non-commissioned officers of the com-pany division, shall by division, shall, by actual inquiry at each house i, and by every other man therein, and by every other means in their power, as are and complete, from time to time and complete, from time to time, and at such times as and fixed by the Governor in Course it fixed by the Governor in Council, a corrected roll, in duping cate, of the names of all the cate, of the names of all the men in the different classes narately dent within the company different classes arately dent within the company division, specifying separately those who are seamen or soiler those who are seamen or sailors, or persons engaged in or upon any steam or sailing are the upon any steam or sailing craft upon the lakes or water of and Canada, those who are bond file Canada, those who are *bond fide* enrolled members of any company of Active Militia and the area of the day is company of Active Militia, and those who, after the day of which this Act comes into which this Act comes into force, shall have completed such a term of service in the Militian a term of service in the Militia as by law exempts then until they are again required in the until they are again required in their turn to serve:

Roll to be in duplicate; to whom to be sent.

Special reports in cases of delay.

and the other shall be forwarded, on or before such day is fixed by the Governor in C is fixed by the Governor in Council, to the Lieutenand Colonel of the regimental division,—which last name officer shall cause a copy of all the militianed officer shall cause a copy of all the rolls of militianen in the several company division in the several company divisions within the regimentation of the several company divisions within the regimentation of the several company division within the regimentation of the several company division within the several company division withi division, to be forwarded without delay to the officer and the time being commanding the Militia; but if from and cause the duties prescribed by this counct, in an particular cause the duties prescribed by this section cannot, in any particular case, be carried into effect within the time delay pointed, a special report of the first section cannot in the delay pointed, a special report of the facts relating to the definition the the definition of the facts relating to the definition of the definiti shall be made to the officer for the time being commanding the Militia, who shall without the time being commander of the the Militia, who shall, without delay, fix another period within which the enrolment shall. within which the enrolment shall be completed and the rolls be forwarded :

Effect of enrolment.

ways ex-

empted.

3. The enrolment shall be held to be an embodiment of I the militiamen enrolled and at the share liable of o. Ine enrolment shall be held to be an embodiment of all the militiamen enrolled, and shall render them liable of serve under the provisions of this Act, unless exempt law. 46 V., c. 11, s. 14.

21. The following persons only, between the ages of sphere and sixty years, shall be eighteen and sixty years, shall be exempt from enrolment and from actual service at any time Persons al-The Judges of all the courts of justice in the Dominion of Canada; The Clergy and Ministers of all religious denominations; The Professors in every College and University and all teachers in religious orders.

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Officers and persons regularly employed in the collection or managements of the or management of the Revenue, or in accounting for the

The Warden and all officers and servants employed permanently in the Penitentiaries, and the officers, keepers and guards of all public Lunatic Asylums;

Persons disabled by bodily infirmity; The only son of a widow, being her only support :

2. The following persons, though enrolled, shall be exempt Exempted, ex-from actual service at any time except in case of war, inva- war, &c.

Half-pay and retired officers of Her Majesty's Army or N_{avv} .

Seafaring men and sailors actually employed in their calling.

Pilots and apprentice pilots during the season of naviga-

Masters of Public and Common schools actually engaged

³. Every person bearing a certificate from the Society of Quakers, &c. Quakers, Mennonites or Tunkers, and every inhabitant of Canada of any religious denomination, otherwise subject to military duty, who, from the doctrines of his religion, service, shall be arring arms and refuses personal military service, shall be exempt from such service when balloted in Conditions. time of peace or war, upon such conditions and under such regulations as the Governor in Council, from time to time,

4. No person shall be entitled to exemption unless he has, Exemption must be claimed. at least one month before he claims such exemption, filed claimed. with the Captain of the company division within the limits whereof he resides, his affidavit, made before some justice of the resides, his affidavit, he rests his claim :

justice of the peace, of the facts on which he rests his claim :

5. Whenever exemption is claimed, whether on the ground And proved. of age or otherwise, the burden of proof shall be upon the

6. Exemption shall not prevent any person from serving if Not to pre-e desires it and is not at prevent any person from serving if Not to pre-vent volumhe desires it and is not disabled by bodily infirmity. 41 V., teering. c. 7, s. 4, part ;-46 V., c. 11, s. 15 ;--46 V., c. 37, s. 26.

22. The Active Militia force shall consist of regimental and troops of Cavalry regiments. and troops of Cavalry, regiments and field batteries of Engineery, companies of Mounted Lat Of what lery, companies of Mounted Infantry, companies of but neers, regiments and batteries of but corps the active militia talions and companies of Infantry, and Naval and Marine corps, in such proportions of H neers, regiments and batteries of Garrison Artillery, talious and company shall consist. corps, in such proportions as Her Majesty appoints, but the strength of each such regimest talion, company or corps, shall be regulated, and officers, appointed thereto, from time to the appointed thereto, from time to time, by Her Majesty. V., c. 11, s. 16. 23. Her Majesty may make regulations for the enrolment such horses as are necessary frontier for the enrolment of such horses as are necessary for the purposes of field batteries of artillery and troops of cavalry: Enrolment of horses. 2. A military train and a medical staff, as well as the may be may be missariat, transport, hospital and amedical staff, as well as the may be missariat, transport, hospital and ambulance corps, may be formed whenever the exigencies of the service require and of such strength Other corps same, at such places and in such manner, and Majery when required. including the proper officers, as Her Majest 3. Whenever the exigencies of the service require it, ajesty may raise and maintain directs : marine miners Majesty may raise and maintain a corps of Sub-may be raised. Miners of such strength and maintain a corps of Sub-Miners of such strength and maintain a corps of such st Miners of such strength and under such conditions as die Governor in Council considers Governor in Council considers necessary for the Protection of harbors and other places on the waters of G of harbors and other places on the seaboard and inland waters of Canada. 46 V c 11 24. Every active militiaman shall sign a service roll in this high the conditions of his service 1 and out the service of Militian which the conditions of his service shall be stated; and entire officer of Militia, on appointment officer of Militia, on appointment, and every man on entry in the form for the lowing the stated is and every man on the form for the lowing the stated is a state of the form for the form the form for the lowing the state of t Signing roll, ment, or re-enlistment, shall take an oath in the form for lowing, that is to say :-and taking oath of allegiance. "I, A. B., do sincerely promise and swear (or solemation of the sole of the so ., д. в., do sincerely promise and swear (or solemution declare) that I will be faithful and bear true allegiance ther Majesty:" Which oath or declaration may be administered by bet mmanding officer of the trees v is the declaration of the trees v is the declara commanding officer of the troop, battery, company talion, as the case may be, who has taken the same before a justice of the pages How administered. before a justice of the peace. 46 V., c. 11, s. 18, part. **25.** Her Majesty may, at any time, disband any corps 11, trive Militia if considered notes: 18. part Disbanding Active Militia if considered necessary so to do. corps. **26.** Her Majesty may accept the services of corps olunteers, under such regulation Volunteers, under such regulations as are made from time time. 46 V., c. 11, s. 19. s. 18, part. Accepting corps of volunteers.

Men shall receive credit therefor; and the active militia- Men dratted to corps.

militiamen are accepted or taken or balloted to serve in the men shall receive credit the men and the active militia. Men drafter and the active militia men drafter and the active militia. the men shall receive credit therefor; and the active militia- Men drafted to men taken, or accepted to corps.

29. At any time when militiamen are required to be Each com-pany to fur nish its que drafted in any time when militiamen are required to be Each com-therein shall, subject to the division, each company division nish its quot next is shall, subject to the division, each the two sections of men draft therein shall, subject to the provisions of the two sections of men draft-of the provision of the number ed. hert following, contribute its quota according to the number ed. class of militiamen on the rolls and liable to serve, of the class or mines from militiament of the rolls and liable to serve, and when

classes from which the men are to be taken; and when And be credited to serve in therefor

such corps, as well as the officers, non-commissioned officers and men of To be decured and men attached for the officers, non-commissioned officers active serand men attached, from time to time, for instruction, shall, vice. for purposes of discipline, be held to be called out for active service, and he article in the service of the s service, and be subject to the laws and regulations which, mader the provision of the laws and regulations which, under the provisions of this Act, apply to officers, non-com-Missioned officers and men called out for such service. V, c. 11, s. 21;-48-49 V., c. 72, s. 1.

3. The officers, non-commissioned officers and men of To be deemed

men of the Militia, opportunities of joining for courses of

2. Such corps, in addition to performing garrison and Purposes and tion, by affording off practical schools of military instructors. tion, by affording officers, non-commissioned officers and men of the Milling officers, non-commissioned officers of

28. Her Majesty may, for the purpose of providing for Corpsenlisted and net may, for the purpose armaments, for continuous armaments, service. the care and protection of forts, magazines, armaments, service. warlike stores and protection of forts, magazines, and of securing the and such like service, and also for the purpose of securing the establishment of schools for military instruction in connection with corps enlisted for continuous service, raise, station with corps enlisted for continuous service, raise, station and maintain, in addition to the ordinary Active Militia force, one troop of cavalry, three batteries of artillery, and not referred to the order of the order of the batteries of the b artillery, and not more than five companies of infantry, the whole strength of which several corps shall not exceed one thousand more than five companies of initiation, in thousand more than the several corps shall not exceed one thousand men. ing pleasure, and the men shall be enlisted under regula-tions made by the G tions made by the Governor in Council, for periods of three

siders necessary for its efficiency, or of any corps becoming inefficient and for its efficiency. inefficient, or if necessary so to do from any other cause, Her Majesty man diel Majesty may disband such corps. 46 V., c. 11, s. 20.

27. Any volunteer corps may enter into articles of Articles of aggement of volunteer corps may enter with this engagement of volunteer engagement and make regulations not inconsistent with this engagement Act, approved the regulations of inconsistent with this commanding corps. Act, approved by Her Majesty; but the commanding corps. that their corps of Volunteer Militia shall be responsible that their corps of Volunteer Militia shall be response and in the corps respectively are kept up to the full strength; and in the event of failure of any corps to maintain such Disbandment. complement of failure of any corps to manual siders necessary for each respectively as Her Majesty con-

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nish its quota

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to time, in any company or regimental division, shall be attached or appointed to and attached or appointed to such companies, corps or batter lions of the Active Militie on U.

If a volunteer corps is disbanded.

2. When a corps, raised by voluntary enlistment in Her gimental division for any regimental division, for any cause ceases to exist, the Majesty may make good the set of Majesty may make good the quota of that division by the organization of militiamen from the D organization of militiamen from the Reserve Militia to replace such corps :

3. When by reason of death or removal, vacancies ach cies in service companies. 3. When by reason of death or removal, vacancies of Active companies. in any corps of Active Militia, organized under this for such vacancies shall be filled. such vacancies shall be filled by other men drawn or by the Reserve Militia, either by voluntary enlistment or by ballot, as circumstances require ballot, as circumstances require. 46 V., c. 11, s. 22.

30. When active militiamen are required to be organized any time, either for drill or for do not volun-teer. when active militiamen are required to be organized men do not volunteer in any correct to complete the sector of the sect men do not volunteer in any company division to complete the quota required from that division to complete the first al the quota required from that division, the men enrolled in the first class and liable to serve ability of the listed, and if the the first class and liable to serve shall be first balloted, and if the number of men required to be first balloted is greater them. if the number of men required to be balloted is greater than the whole number of men required to be balloted is greater than the whole number of men required to be balloted class, and than the whole number of men in the first class, the number requisite to make up the difference is greater that the set of the set o number requisite to make up the deficiency shall be then in the second class from those in the second class,—and if more men that the second class,—and if more men are suit whole number in the first and second classes the definition of the second class whole number in the first and second classes the definition of the number required, the number required to the number required to the second classes the second c required, the number requisite to make up in jke ficiency shall be taken from the third class, and in manner, if more mon the manner, if more men than are in the first, second make and the classes, are still required, the number classes, are still required, the number requisite to make but the deficiency shall be taken for the class; me the deficiency shall be taken from the fourth class; and at no time shall more than one of the same at no time shall more than one son belonging to than her family residing in the same bounce in the same boun family residing in the same house, if there is more the number inscribed on the Militia roll be inscribed on the Militia roll, be drawn, unless the required of names so inscribed is insufficient to complete the required proportion of service men.

Men not taken may volunteer into another regimental division.

Proviso : as to sons in

one family.

2. Any man not taken for service for the time being he by corps organized in the regimented for the time which he sides any corps organized in the regimental division in which be resides, may volunteer to serve in any residence of the time being he mental division in any residence of the time being he resides, may volunteer to serve in any corps, in any the mental division contiguous theoret of the serve in any corps, in the mental division contiguous thereto, and in such credit all company division contiguous thereto, and in such case for such volunteer; and the man chall have credit ful period of a such the man chall have shall have the bis such volunteer; and the man shall, on completing in such company division in which he resides shall have credit he he period of service, be entitled to the company division in such company divisio period of service, be entitled to the same exemption raised company division, 'as though be a same exemption to the same exemption raised company division, as though he had served with men raised therein for the same period de V

31. When any company division has furnished more company division has furnished more visions in the company division has furnished more company divisions in the company division has furnished more company divisions in the company division has furnished more company divisions in the company division has furnished more company divisions in the company division has furnished more company men than its quota, as compared with other company divisions in the same regiment had with other company division of the same regiment had with other company more than its divisions in the same regimental division, such compared division, such compared division shall not again be called divisions in the same regimental division, such compared division shall not again be called upon in time of peace supplied more men, until the other compared more men, until the other company divisions have supplied Chap. 39.

men to number of names incertical on the Militia rolls thereof number of names inscribed on the Militia rolls thereof respectively. 46 V., c. 11, s. 24.

32. The Governor in Council may, from time to time, Governor in fixing the day on which the enrolment and ballot; for make regulations for taking the enrolment shall be tions respectively. fing the day on which the taking of the enrolment shall be tions respect-tion make regulations for taking of the enrolment shall be tions respect-tion menced in cost of the taking of the enrolment shall be tions respect-enrolment, commenced in each of the several military districts respec-ing ballot, how y; for notified of the several military districts respec-to be taken, or those &c. tively; for notifying the men liable to be taken, or those &c. balloted in any company division for service in any quota; for finally deciding claims of applicants for exemption, and for the administration of oaths before justices of the peace or the commandiant of oaths before justices any facts in the commanding officer of a corps, to ascertain any facts in reference to such alter of a corps, to medical examinareference to such claim of exemption; for medical examina-tions, and for the diam of exemption; are unfit to serve; tions, and for the discharge of such men as are unfit to serve; and relating to every other matter and thing not inconsistent with this Act and the done in the enrolling, with this Act, and necessary to be done, in the enrolling, balloting warning in the service, of such numballoting, warning and bringing into service, of such numbers of the reserve militiamen in any company division as As to substi-nerequired at the militiamen in any company division as As to substiare required at any time; but any militiaman balloted and balloted. notified at any time; but any militiaman partons required for service, may, at any time, be exempt, until again required for service, may, at any time, be exempt, untra-substitute on a back to serve, by furnishing an acceptable substitute, on or before the day fixed for his appearance; but if, during any period of service, any man who is serving in the Active Militia as a substitute for another, becomes liable to service in his own person, he shall be taken for such service, and his place as substitute shall be supplied by the substitute shall be supplied by the militiaman in whose stead he was serving. 46 V., c.

33. Every active militiaman who, during any period Service men attaining 30 of attains the militiaman or forty-five years, 45 years of of service, attains the age of thirty years or forty-five years, 45 years of period Service the full age. according to his class, shall be required to complete the full age. period for which he volunteered or was balloted to serve. 46 V., c. 11, s. 26.

IN AID OF THE CIVIL POWER.

34. The Active Militia, or any corps thereof, shall be How and in the be called out of the called ou liable to be called out for active service with their arms and what cases a munition in side of active service with their arms and what cases active militia ammunition, in aid of the civil power in any case in which may be so a riot, disturbance of the peace, or other emergency requiring called out. such service occurs, or is, in the opinion of the civil authori-hereinafto us, in the opinion of the civil authorities hereinafter mentioned, anticipated as likely to occur, in either mentioned, anticipated as likely to occur, and, in either mentioned, anticipated as likely to occur, authorities to be beyond the powers of the civil anthorities to suppress, or to prevent or deal with, —whether and the disturbance of the case, to be beyond the powers of the case. such riot, disturbance or other emergency occurs, or is so

anticipated within or without the municipality in which such corps is raised or organized :

2. The senior officer of the Active Militia present at any Duty of se-cality shall call and the Active Militia present at any Duty of se-present in the section thereof as he nior officer present in the section thereof as he northered as locality shall call out the same or such portion thereof as he nior officer present in the

locality, on requisition of the proper civil authorities.

considers necessary for the purpose of preventing or suppressing any such actual or anticity to the purpose of preventing or suppression of for ing any such actual or anticipated riot or disturbance, or for the purpose of meeting and do line in the pur the purpose of meeting and dealing with any such writing gency as aforesaid, when there is a writing gency as aforesaid, when thereunto required in writing by the chairman or custos of the C by the chairman or custos of the Quarter Sessions of the Peace, or by any three institut Peace, or by any three justices of the peace of whom the warden, mayor, or other head of the peace of whom the whom the peace of the pe warden, mayor, or other head of the municipality or county is which such riot, disturbance or other which such riot, disturbance or other emergency occurs or anticipated as aforesaid. may be one anticipated as aforesaid, may be one; and he shall obey such instructions as are lawfully given to be instructions as are lawfully given to him by any justice of the peace in regard to the suppression of peace in regard to the suppression of any such actual riot, as disturbance, or in regard to the autient of any such actual riot, as disturbance, or in regard to the anticipation of such riot is turbance or other emergency of the anticipation of such riot is turbance or other emergency, or to the suppression of same, or to the aid to be given to the same, or to the aid to be given to the civil power in case of any such riot, disturbance or other

What the requisition must show.

Duty of officers and men, who shall be special constables.

Payment by municipality for such service.

Providing lodging and stabling.

Recovery of pay and allowances.

As to advance by Government.

3. Every such requisition in writing, as aforesaid, shall er press on the face thereof the actual occurrence of a round disturbance or emergency or the actual occurrence of requiring in a state of the second disturbance or emergency or the anticipation thereof, requir ing such service of the Active Million thereof, the cirl ing such service of the Active Militia in aid of the ciril

4. Every officer and man of such Active Militia, or any port of the orders of the orde tion thereof, shall, on every such occasion, obey the orders so his commanding officer : and the affinities of the order o his commanding officer; and the officers and men, when the solution of the sol called out, shall, without any further or other appointables and without taking any oath of off and without taking any oath of office, be special constables and shall be considered to act or other appointment. and shall be considered to act as such as long as they remain so called out; but they shall not so called out; but they shall act only as a military their and shall be individually liable to all and shall be all and and shall be individually liable to obey the orders of military commanding officer cul-

5. When the Active Militia, or any corps thereof, is so called it in aid of the civil power the more the more the in which the rvices are the source of the out in aid of the civil power, the municipality in which the services are required shall pay them. services are required shall pay them, when so employed, and men and of the civil power, the municipality in which the rates authorized to be paid for set rates authorized to be paid for actual service to officers and men, and one dollar per diem men, and one dollar per diem for each horse actually our necessarily used by them. together with the second necessarily used by them, together with an allowance of subsist dollar to each officer, fifty cents to each man per diem in for each horse of subsistence, and fifty cents per diem in lieu of forage per diem in lieu of swith projet each horse,—and, in addition, shall provide them with profid lodging, and with stabling for the provide them and the stabling for the pay and all lodging, and with stabling for their horses; and allowances for subsister pay and allowances for subsistence and forage, as also by value of lodging and stabling multiplication in kind are value of lodging and stabling, unless furnished in the officer the municipality, may be recommended by the officer the municipality, may be recovered from it by when so commanding the corps. in bic commanding the corps, in his own name, and, where the own name, and, where the corps is the paid over to the the second shall be paid over to the the second shall be paid over to the second s recovered, shall be paid over to the persons entitled thereio.

6. Such pay and allowances of the force called out, together ith the reasonable cost of transmit with the reasonable cost of transport may, pending payment by the municipality, be advanced in the force called out, together the Consolidate in the force called out, the force called with the reasonable cost of transport may, pending payner of by the municipality, be advanced in the first instance out of the Consolidated Revenue Fund of Constants by authority the Consolidated Revenue Fund of Canada, by authority Chap. 39.

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the Governor in Council; but such advance shall not interfere with the liability of the municipality, and the command-ing officer al and the municipality of the m ing officer shall at once, in his own name, proceed against the municipality allowances the municipality for the recovery of such pay, allowances and cost of the recovery of such pay over and cost of transport, and shall, on receipt thereof, pay over the amount to the recovery of such pay, and shall, on receipt thereof, pay over the amount to Her Majesty. 46 V., c. 11, s. 27, part.

35. Whenever a municipality within the limits of which a Obstructing conveyance conveyed, of mails by railway passes whereon Her Majesty's mails are conveyed, of mails by has incurred expense by reason of the Militia being so called railway. out in aid of the civil power, for preventing or repressing a riot or disturbance of the peace beyond the power of the civil authorities to doubt the peace beyond the power of the civil authorities to deal with, and not local or provincial in its origin, hy which origin, by which riot or disturbance of the peace the conveyance of such mails might be obstructed, the Governor in Part of ex-Council many series which are penses may be paid by Council may pay or reimburse out of any moneys which are be paid by be paid by Double of any moneys which are be paid by be paid by Double of any moneys which are be paid by be part as Government provided by Parliament for the purpose, such part as Government. Pality, by reason of the proper expenses incurred by any munici-Pality, by reason of any part of the Active Militia being so called out in aid of the civil power :

2. An account of any such expenditure shall be laid before Accounts in arliament as soon any such expenditure shall be laid before Accounts in the V c 11. s. 27, Parliament as soon as possible thereafter. 46 V., c. 11, s. 27, such case.

36. If it appears to the satisfaction of the Lieutenant Gov- In case of nor of the Droving to the satisfaction of the Droving disturbance of $N.W.T_2$ of ernor of the appears to the satisfaction of the Lieutenant Gov- in case of the peace or other of Manitoba, that a riot, disturbance of N.W.T., or the services of the Keewatin, the the peace or other emergency, requiring the services of the Keewatin, the North Militia in aid of the requiring the services of the Keewatin, the Militia in aid of the requiring the services of the Manitoba Active Militia in aid of the civil power, has occurred in the of Manitoba North-West Territoria North-West Territories or in the District of Keewatin, or that may call out such riot. disturbed such riot, disturbance or other emergency is anticipated as the active of the bayond the powers likely to occur, and, in either case, to be beyond the powers of the civil authorities to suppress, or to prevent or deal with, the Light contract of the suppress of the prevent or deal to suppress of the prevent or deal to suppress of the prevent of the prevent of the suppress of the prevent of the pr with, the Lieutenant Governor may, by a writing, expressing on the face the covernor may, by a writing, expressing on the face thereof the actual occurrence of such riot, disturbance or emergency, or the anticipation thereof, require senior officer of the Action Militic present in the Province the senior officer of the Active Militia present in the Province of Manitoba to coll of Manitoba to call out the same, or such portion thereof as he considers necessary for the purpose of preventing or sup-pressing any mole and for the purpose of preventing or disturbance, pressing any such actual or anticipated riot or disturbance, or for the purpose of meeting and dealing with any such

2. Such officer shall comply with such requisition and obey Duty and instructions of the first powers of officer san such instructions as are lawfully given him by the Lieu-nated Governor or by such that the peace as is desig- mean such

tenant Governor, or by such justice of the peace as is desig- men in such to a for the data by the transformer of the peace as is desig- men in such to a for the data by the transformer to the peace as is desig- men in such to the data by the transformer to the peace as is desig- men in such to the data by the transformer to the peace as is desig- men in such to the data by the transformer to the peace as is desig- men in such to the data by the transformer to the peace as is desig- men in such to the data by the transformer to the peace as is desig- men in such to the data by the transformer to the peace as is desig- men in such to the transformer to hated for the duty by the Lieutenant Governor, in regard case. to the suppression of any such actual riot or disturbance or in regard to the anticipation of such riot or disturbance or other emergence of the same, or to the other emergency, or to the suppression of the same, or to the aid to be given to the suppression of the same, or to the disturbance on the civil powers in case of any such riot, disturbance or other emergency :

Orders to be obeyed.

To be special constables,

Pay and allowances.

4. The officers and men, when so called out, shall, without by further or other appointments of called out, shall, without any further or other appointment, and without taking any oath of office, be special constable oath of office, be special constables, and shall be considered to act as such so long as there act as such so long as they remain so called out; but they shall act only as a military bed shall act only as a military body, and shall be individually liable to obey the order of the shall be individually liable to obey the orders of their military commanding officer only: and they shall be officer only: and they shall be paid, when so employed, and rates authorized to be paid for rates authorized to be paid for actual service to officers and men, and one dollar per down men, and one dollar per day for each horse actually and necessarily used by them togeth necessarily used by them, together with an allowance of me dollar to each officer, and fifty and dollar to each officer, and fifty cents to each man per day, in lieu of subsistence. and fifty cents to each man per day. lieu of subsistence, and fifty cents to each man per day forege for each horse :

of Con. Rev. Fund.

5. Such pay and allowances and the reasonable cost the ansport to and from the place sol transport to and from the place where the services of the force are required may be service. force are required, may be paid out of the Consolidated Revenue Fund of Canada by anthrony of the Covernor in Revenue Fund of Canada by authority of the Governor in Council. 46 V., c. 11 s 27

OFFICERS COMMANDING THE MILITIA.

37. There shall be appointed an officer who holds the nk of Colonel or rank superior the super rank of Colonel or rank superior thereto in Her Majesty's of Her lar army, who shall be charged lar army, who shall be charged, under the orders of the Majesty, with the military communication of the Qualification and appoint-Majesty, with the military command and discipline of shall Militia, and who, while he hold ment of com-Militia, and who, while he holds such appointment, shall have the rank of Major General in the Militia, and min full at the rate of four theorem is annum in manding officer. be paid at the rate of four thousand dollars per annum in full of all pay and allowances Rank and pay. **38.** There shall be an Adjutant General of Militia at the adquarters who shall have the General in the state of the state headquarters who shall have the rank of Colonel in six Militia, and shall be paid at the rank of thousand six Militia, and shall be paid at the rate of two thousand bundred dollars per annum de W Adjutant General at headquarters. hundred dollars per annum. 46 V., c. 11, s. 29, part. **39.** There may be a Quartermaster General at head in the Militian at the Militian quarters who shall have the rank of Colonel in the hundred and shall be paid at the rate of two thousand six hundred dollars per annum. 46 V c 11 - 20 Quartermaster General. **40.** The Governor in Council shall, from time to be ake such orders as are necessary ---- Ine Governor in Council shall, from time to the be make such orders as are necessary respecting the duties the performed by the officer commandiant the Militia, by the Adjustant C many such orders as are necessary respecting the duties to the performed by the officer commanding the Militia, by the Adjutant General, by the Quartermaster General, and by officers of the Militia generally Duties, how assigned. officers of the Militia generally. 46 V., c. 11, s. 29, part.

Payable out

3. Every officer and man of such Active Militia, or any port on thereof, shall on every states of tion thereof, shall, on every such occasion, obey the orders of his commanding officer.

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DISTRICT STAFF.

41. In and for each of the twelve military districts here- Deputy Ad-before mention and for each of the twelve military districts here- Deputy Ad-jutant Geninbefore mentioned, there shall be appointed one Deputy eral. Adjutant General of Militia, who shall have the rank of Lientenant Cil Lientenant General of Militia, who shall have the filtia in his district. his district; and he shall be paid at the rate of one thousand two hundred dollars per annum :

2. There shall also be appointed in each of the military Staff and stricts aforesaid districts aforesaid such staff officers and such other officers. as are necessary; and the salaries of such staff officers shall be fixed by the Governor in Council:

3. If any two or more districts are amalgamated for ad-As to amalga-mated dis-trative where the more districts are amalgamated for ad-As to amalgaministrative purposes, only one Deputy Adjutant General tricts. shall be appointed for the districts so amalgamated:

4. Her Majesty may, whenever it is considered expedient, Change of designation designation change the designation or name of office of the officer who commands the Militian or name of office of the officer who commands the Militia in any district. 46 V., c. 11, s. 30.

OFFICERS.

42. Commissions of officers in the Militia shall be granted Commissioned officers in the Militia pleasure, and all non-commissioned missioned maximum the Militia de literature and all non-commissioned missioned maximum the Militia de literature and all non-commissioned missioned officers in the Militia shall be appointed by the officer com- officers. manding the Militia shall be appointed by the omcer com-shall hold their rank during pleasure. 46 V., c. 11, s. 31,

43. It shall not be necessary to enregister at full length Registration missions of all length registration those of the sions. commissions of officers in the Militia, except those of the sions. officer commanding the Militia, except those of and Deputy Adintents of the Militia, the Adjutant General and Deputy Adjutants General, but a record of all commissions shall be kent in the General, but a record of all commissions. shall be kept in the office of the Adjutant General. 46 V.,

44. The Governor General may cause his signature to be The Gov-under this Act bar in the Militia, granted or issued ernor's sig-nature to any such commis- such commis-sion may be under this Act, by stamping the same on such commis- such commis-purpose by his authority; and the signature so affixed shall stamp. the t be, to all intents and purposes, as valid and effectual as if in the handwriting of the General : and neither the the handwriting of the Governor General; and neither the anthenticity of any such stamped signature, nor the authority of the person by whom it has been affixed to any commission, shall be called in question except on behalf of the Crown; shall be called in question except on benan of the stamped signature forging or counterfeiting of any such stamped signature, or the uttering thereof, knowing it to be forged or counterfeited, shall be a felony, punishable in like

manner as the forgery of the Privy Seal or Seal-at-arms of the Governor General 46 V

45. Officers holding commissions in the Militia, may be aced on the retired list with placed on the retired list with honorary rank, not exceeding that of Lieutenant-Colonel that of Lieutenant-Colonel, or without honorary rank according to, and under recurstion ing to, and under regulations approved by the from the in Council; and Her Majesty may appoint officers from the retired list to commissions in the retired list to commissions in the Militia; but no officer from the retired list shall be been a wilitia. from the retired list shall be bound to serve in the Militian retired a lower grade than that of the rank with which he retired. 46 V., c. 11, s. 32.

46. No person shall be appointed an officer in the obtained at officer in the obtained at the Active Militia, except provisionally, until he has obtained a certificate of fitness from one of the state of Schools a certificate of fitness from one of the Military Military Military Constituted as Her Majasty and the Active he had Conditions of qualification constituted as Her Majesty appoints; or unless military obtained a certificate from one of the schools of military instruction, heretofore established in the late Province had been Certificates from military Canada, or from any board of officers which had of appointed for that purpose in the late provinces in appointed for that purpose in any of the Provinces to Canada; and Her Majesty may prescribe conditions as the qualification of officers of diffe the qualification of officers of different grades, by boards as Order,—and may order the according to be boards as Order,—and may order the assembling of such the con-different grades, by Generation of the con-often as is expedient.—and many of such the conoften as is expedient,—and may dispense with the correct dispense dispense with the correct dispense dis ditions of this section in the case of men who have Majesty's Board for exas officers or non-commissioned officers in Her Majest's regular army. 46 V., c. 11 ° 22 amination.

Rank in time of peace.

And when called out.

47. In time of peace no person except the officer commander of the Militia, the Adjutant Commander of Construction of the Militia and the Adjutant Commander of the officer commander of the Militia and the Adjutant Commander of the officer commander of the officer commander of the Militia and the Adjutant Commander of the officer commander of ing the Militia, the Adjutant General and the Quartermaster General, shall hold higher rank in the distribution of the state of the sta General, shall hold higher rank in the Militia than Colored on the the the colored in the colored of the colored of the colored of the the colored of the c Lieutenant-Colonel; but officers who held the rank of Colonel on the twenty-fifth day of Mary on the twenty-fifth day of May, one thousand eight hundred and eighty-three, shall retain the and eighty-three, shall retain the same; but Her Majesi may, whenever the Militia is called may, whenever the Militia is called out for active service of the field, appoint therein Color the field, appoint therein Colonels and other officers. superior rank, in no case to exceed the Major General. superior rank, in no case to exceed that of Major General. 46 V., c. 11, s. 33, part.

48. Her Majesty may appoint staff officers of the Militia ith such rank as, from time t with such rank as, from time to time, is found requisite or necessary for the efficiency of the such staff. or necessary for the efficiency of the Militia service; the such staff officers shall have such Staff officers. such staff officers shall have such rank and authority in and Militia as are held relatively in T Militia as are held relatively in Her Majesty's service, pre-their duties shall be such as an end authority in and service, pretheir duties shall be such as are, from time to time, pre-scribed. 46 V., c. 11, s. 34

49. The relative rank and authority of officers in and ilitia of Canada, shall be the second authority of a size rank and a size rank an Militia of Canada, shall be the same as the relative rank and authority of officers in Her M authority of officers in Her Majesty's regular army; Relative rank of officers.

of officers.

schools.

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any body of Militia assembled on parade, shall be commanded by the officer highest in rank then present, on duty and in uniform of the highest in rank then present, or duty and ; in uniform, or the senior of two or more officers of equal rank; but no officer the senior of two or more officers of equal rank; but no officer whose rank is provisional only, shall under Proviso. any circumstances command an officer of the same grade whose rank is substantive. 46 V., c. 11, s. 35.

50. Officers of Her Majesty's regular army shall always Officers of H. reckoned sonite the Majesty's regular army shall always Officers of H. be reckoned senior to Militia officers of the same rank, what-ever are the dotor Militia officers of the same rank, what-be senior. ever are the dates of their respective commissions ;—and Colonels appointed by commission signed by the Commander of Her Majort, Commission signed by the Commander of Her Majesty's regular forces in Canada, shall command Colonels of Milling regular forces in Canada, shall command Colonels of Militia, whatever are the dates of their respective commissions. 46 V., c. 11, s. 36.

CLOTHING, AND ARMS AND ACCOUTREMENTS.

51. Officers shall provide their own uniforms, arms and Officers' arms and uniforms. accontrements. 46 V., c. 11, s. 37.

be Active Milling accoutrements of the officers and men Quality of Her Majesty, from arms, &c. of the Active Militia shall be such as Her Majesty, from arms, &c. time to time, directs; and no such arms and accoutrements of the men shall be a shall be a such arms and accoutrements of the men shall be a state of the men shall be sta

the men shall be left in their possession except by special authority. 46 V., c. 11, s. 38.

58. The value of all such articles of public property as Responsibil-ty become definite the property as Responsibilhave become deficient such articles of public property as Response of any corps, otherwise than through fair wear and tear or Miller decident was be recovered by the Minister of unavoidable accident, may be recovered by the Minister of Militia and Defension authorized by Militia and Defence, or by any other person authorized by him, from the officer in command of such corps; and the the value of such articles of public property, or property of thereof. the corps, as have become deficient or damaged while in possession of his corps, otherwise than through fair wear and tear or unavoided

 t_{ear} or unavoidable accident, from the officer, man or men 46 V. c. 11, s. 39. who is or are responsible for the same. 46 V., c. 11, s. 39.

Sanized or herooften to a corps of Active Militia heretofore Uniform organized or hereafter to be organized, as are, for that purpose, named and specified, shall be supplied with uniform clothing of such one and similar color, pattern and design, as is ordered for and similar color, pattern and design, clothing. as is ordered for each arm of the service designated in clothing may be this Act; and, if necessary, such uniform clothing may be Renewal. replaced in every successive five years from the original the shall be delivered to issue; and the said uniform clothing shall be delivered to Conditions of the officer common difference of the delivered by him to delivery. the officer commanding the corps, to be delivered by him to delivery. the men upon such conditions and upon such security as are directed. are then upon such conditions and upon such security as to time, make and the Governor in Council may, from time Regulations. to time, make such regulations in respect to the uniform

clothing, and may prescribe penalties for any infraction of

Proviso.

such regulations as are deemed necessary or expedients but nothing herein contained shall prevent the re-supply 46 of clothing within the period of of clothing within the period aforesaid in special cases. V., c. 11, s. 40.

Arms and accoutre-

Allowance for care of.

As to removal.

Men leaving Canada to return clothing, &c.

Penalty for default.

Proof.

Receipt.

When only men may appear in uniform.

55. The several corps of Militia shall be furnished with ms, accoutrements and converse arms, accoutrements and equipment; and the same shall be kept in public armories whomever it kept in public armories whenever there are such, and where there are no such public armories whenever there are such, and where Safe keeping. there are no such public armories, and until the same provided, the officer common lines, and until the same provided in the officer common lines. provided, the officer commanding each corps shall himself actually keep the arms account of the second seco actually keep the arms, accoutrements and equipment in good and sufficient building good and sufficient building, provided with suitable and racks and provision for the constitution racks and provision for the care thereof, and shall be person ally responsible for such arms ally responsible for such arms, accoutrements and equipment and the officer commanding and the officer commanding any such corps may, nually discretion of the Governor in Council, be allowed ants and such sum for the carp of the days of the days and such sum for the care of such arms, accoutrements and equipment as appears proper f equipment as appears proper for the same; and no arms, accoutrements or articles of arms, accoutrements or articles of arms, and taken of accoutrements or articles of equipment, shall be taken of removed from any such public articles are a removed from any such public armory, or from the care as such commanding officer. except will such commanding officer, except under such regulations are made in respect to the commander such regulations 46 V₁ are made in respect to the same by Her Majesty. c. 11, s. 41.

56. Every man serving in the Active Militia who captain quires to leave Canada, shall first return to the captain of his company all articles of sure is properly of his company all articles of public or corps property which he has in his possession and it is here a written which he has in his possession, and shall obtain a written discharge from the captain of h discharge from the captain of his company or other who manding officer of his company or other who manding officer of his corps; and any militiaman leaves Canada with one of the second leaves Canada with any articles of public clothing or of of public or corps property in his public or corps property in his possession, is guilty in any time, embezzlement, and may be tried for the same at any ing so and a record in the books of h and a record in the books of his corps of his of public received and not having roturns. received and not having returned any articles of public clothing or other public or corns clothing or other public or corps property, shall be evidence by cer of possession; and he shall be outid. of possession; and he shall be entitled to quittance books of tificate, and to see such quittance tificate, and to see such quittance recorded in the state his corps on returning such article

57. No corps of the Active Militia, and no non-commission uniform sioned officer or man shall, at any time, appear in uniform or armed or accoutred. except whether a daty of at or armed or accoutted, except when actually on duty of parade or drill or at target prosting parade or drill or at target practice, or at reviews or inspections. or by order of a target practice of at reviews of the officer to the target practice of target pra field-days or inspections, or by order of the commanding of the co

58. In time of peace there shall be trained and drilled inually, for such periods as are and drilled in this Act, and annually, for such periods as are authorized by this Act, and under such regulations as Her Mark drilled yearly under such regulations as Her Majesty, from time prescribes, the officers of Militia mentioned in the three sec- in time of active militia- peace. tions next following, and forty-five thousand active militia- peace. men; but any increase above the number of forty thousand shall be any increase above the number of time, by the shall be authorized and regulated, from time to time, by the Governor in Council; and Her Majesty shall, from time to time, by General Cil; and Her Majesty shall, from time to

time, by General Orders, designate the regimental divisions required to formation of the second seco required to furnish the men for the purposes of such training and drill. 46 V., c. 11, s. 44.

59. Her Majesty may order the officers and men of the Periods of several corps of the Active Militia, or any portion thereof, to drill and pay will for a period will the Active Militia or any portion thereof. drill for a period not exceeding sixteen days or less than ight days in cost eight days in each year; and for each day's drill of three hours, even of year; and for each day's drill of three hours, every officer, non-commissioned officer and man full receive the first of the receive the solution rank. according to the shall receive the pay of his respective rank, according to the following schedule, that is to say :--

Lient.	
Main Main ant-Colonal	
Lieutenant-Colonel Major Paymaster	\$4.87
Admaster	3.90
Major Paymaster Adjutant, with set and set a	3.05
Adjutant, with rank of Lieutenant	2.44
Adjutant, with rank of Lieutenant Adjutant, with rank of Second Lieutena Surgeon Quartermaster	nt 2.13
Captain Lieutenant Second Lieutenant	2.43
Lient.	1.94
Second Lieutenant	2.82
Lieutenant	1.58
Second Lieutenant	1.28

Officers

Non-Commissioned Offi

Sera	Major haster Sergeant	
Orgeant	Major	
p. artern	Major laster Sergeant er's Clerk Room Clerk Sergeant	1.00
aymast	aller Sergeant	1.00
Urderl_	er's Clerk	90
Hospity	er's Clerk. Room Clerk. Sergeant. geant.	90
p Prial	Nerma	90
Nay Sero	congeant	00
o geant	seant.	90
Corporal	****	80
R Poral		75
Prester	****	60
P. vate		00
TOT each	1	50
11 Jan	horse taking port	50
41		

and the officers and men of mounted corps shall receive, for Pay for table day's drill of the men of mounted corps shall receive, for Pay for each horse that borses. each day's drill of three hours, one dollar for each horse that horses. takes part in such drill. 46 V., c. 11, s. 45, part.

GO. Her Majesty may order the officers and men of the Drill of mar-miller Militia and ine militia. Marine Her Majesty may order the officers and men of the Drill or man drilled for a period not exceeding sixteen days, or less than

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Rates of pay.

eight days in each year, at such time and places, and in such manner, as are thought property and places, and in such manner, as are thought proper; and for each day's drill every officer and man shall every officer and man shall receive the pay of his part, according to the said schedule according to the said schedule. 46 V., c. 11, s. 45, part. and s. 46.

Drill of reserve militia.

61. Her Majesty may order to assemble, for a period the ceeding sixteen or less them is a semble. exceeding sixteen or less than eight days in each year, officers of the Reserve Militie officers of the Reserve Militia, or any portion thereof, at such times and places as are thereof for drill and exercise : and for each day's drill of three hours every of he said shall receive the pay of his rank, according to the said schedule. 46 V., c. 11, s. 45 met

To be paid out of Con. Rev. Fund.

Proviso.

Provisions

respecting

drill and

training.

62. All sums of money required to defray any expense ader the three sections nort under the three sections next preceding may be paid of by the Consolidated Revenue Fund the Consolidated Revenue Fund, upon warrant directed by the Governor General to the Minimum and the Receiver the Governor General to the Minister of Finance and Received is General; but no sum of mount is to finance and loss it is General; but no sum of money shall be so paid unless it is included in some appropriation model. included in some appropriation made by Parliament; before detailed account of moneys so opposite the laid before detailed account of moneys so expended shall be laid by $V_{1,c}$ Parliament during the then work of Parliament during the then next Session thereof. 11, s. 45, part.

63. When corps of the Militia are ordered to assemble in the matter of the matter of the context camp of exercise for drill and training, they shall be for sidered to be on service during the state of the period all sidered to be on service during the whole of the period all which they are called out and raining. which they are called out, and when so assembled as the period as a sembled as a set of the period as a set of the attending for ranks shall receive rations and shelter at the public expense in addition to their daily pay in addition to their daily pay; in such cases the daily and shall be for each day of twenty for a line daily and the shall be for each day of twenty-four hours, and the drill the duty to be performed in camp or its and from the duty to be performed in camp, or in going to and from the camp, shall be as ordered by the camp of the officer for camp, shall be as ordered by the commanding officer for the time being. 46 V., c. 11. 8 45 **64.** Payments for drill shall be made only upon proof and mpliance with such reconlations.

Conditions of payment.

Drill instructors.

Occasional drill without рау.

---- rayments for drill shall be made only upon proof of compliance with such regulations touching such drill, and the efficiency of the several corps, as Her Majesty orders; and any officer or man absent from drill the life forfeit his part therefore the several corps are the several corps as the several corps as the several corps are the several corps and any officer or man absent from drill shall forfeit his pay therefor. 46 V., c. 11. s. 48 **65.** Her Majesty may, from time to time, appoint content persons to instruct and drill the south of may available to the south of the petent persons to instruct and drill the Militia, and may avail such remuneration therefor as the Militia, and in Council such remuneration therefor as the Governor in Council orders. 46 V., c. 11, s. 49

66. Such of the officers and men of any corps of the place the place of the place Active Militia as reside within two miles of the photon appointed for drill, may assemble and men of any corps of the photon officer corps of the photon of appointed for drill, may assemble or be ordered other times officer commanding it, for drill officer commanding it, for drill or exercise, at other times than when performing the approved of the regulations than when performing the annual drill, under regulations approved by Her Majesty and will, under regulations therefore approved by Her Majesty, and without receiving any pay therefor. 46 V., c. 11, s. 50 Chap. 39.

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67. Her Majesty may, by any General Order, dispense Power to diswith the drill or training of any corps or part of a corps of genese with the Active Miller vear or until training in the Active Militia, either in any particular year or until training in further order further order, and may, in like manner, again direct such any year. drill and training, or either of them, to be resumed if it seems fit. seems fit; and any such order shall have the force of law according to the terms thereof. 46 V., c. 11, s. 51.

INSPECTIONS.

ject to such inspections, from time to time, as Her Majesty directs. 46 V., c. 11, s. 52.

RIFLE RANGES AND DRILL SHEDS.

B9. At, or as near as possible to the head quarters of every Rifle ranges. regimental division, there may be provided a rifle range with snitable vision, there may be provided a rifle range with suitable butts, targets and other necessary appliances; and Her Main Main and Her Main application of such land and Her Majesty may order the appropriation of such land Land for. as is necessary for the same, at a proper valuation,—and may stop at more the same, at a proper valuation,—and may stop, at such time as is necessary during the tar-Practice at. get practice of the Active Militia, the traffic on any roads, Not being mail roads, that cross the line of fire, —and may make such otherways, that cross the line of fire, —and may make such other regulations for conducting target practice and registering the safety of the and registering the regulations for conducting target practice public, as are necessary,—and may impose penalties for damages to and all such ranges shall be subject to inspection and Inspection. and all such ranges shall be subject to inspection and Inspection. approval before being used, and the owners of private Compensa-to in the property shall be compared that accrues prietors. property shall be compensated for any damage that accrues prietors. to their respective properties from the use of any such rifle Range. 46 V., c. 11, s. 53.

70. The Governor in Council may, from time to time, Aid to local authorities regulations and the fordrill shed Make regulations relating to the conditions upon which for drill sheds, by ment aid shall have to the conditions upon which for drill sheds, Government aid shall be granted towards the construction, &c. by the local authorities, of drill sheds and armories, in regimental prices of drill sheds and armories the

any regimental division, and the use thereof by the Militia. 46 V., c. 11, s. 54, part.

Any land now held or hereafter acquired by Her Militia a set of Militian with drill sheds, ground required by Her Militian with drill sheds, ground Majesty for Militia purposes, in connection with drill sheds, grounds not required may armonic armonic and found unneces- be disposed rifle ranges, armories or such like uses, and found unneces- be disposed of of. sary to be retained for the same, may be sold or disposed of of. by direction of the Governor in Council; and if any portion of the cost of one of the Governor in Council; and if any portion of the cost of such lands, or of any building thereon, has been defrayed by the lands, or of any building thereon, has been defrayed by the municipality in which the land is situate, a fair proportion of a determined by the a fair proportion of the proceeds, as determined by the Application of proceeds. Governor in Council, may be returned to such municipality nature of a permanent or expended therein for other Militia uses of a permanent hature. 46 V., c. 11, s. 54, part.

SCHOOLS OF MILITARY INSTRUCTION. 72. Schools of military instruction may be established in ch Province of Canada for the

arrangements may be entered into with the officer the best manding Her Majesty's regular for manding Her Majesty's regular forces in Canada, for the best means of effecting the same in contract in Canada, for the best means of effecting the same in connection with any regiment or regiments of Her Maiestv's recently in the with any regiment or regiments of Her Majesty's regular forces or otherwise, and all necessary rules and normality and all necessary rules and regulations, as to the terms gener which such instruction shall be action of the rule which such instruction shall be compensated for, and get the ally for the advancement of military ally for the advancement of military education amongst be officers and candidates for commission

each Province of Canada for the purpose of enabling officers of the Militia, or candidater for of the Militia, or candidates for commissions or promotion in the Militia, to perfect themselves May be established in each the Militia, to perfect themselves in a knowledge of purpose military duties, drill and discipline Province. military duties, drill and discipline; and for that purpose arrangements may be entered int

Regulations by Governor in Council.

Arms, &c., for men attending school.

Selection of

Allowances.

Obligations of pupils signing the roll.

pupils.

officers and candidates for commissions as aforesaid, 55, part. made by the Governor in Council --- as aloresald, may at. 46 V., c. 11, s. 55, part. **73.** Whenever schools are established, either in conner accounter accounter to the schools or conner accounter accounter to the school of the tion with Imperial troops or corps of Militia, arms, account ments, uniform clothing and books fullitia, arms, may in ments, uniform clothing and books of instruction may in issued, under regulations to be and instruction covernor. issued, under regulations to be made by the Governor Council, for use by pupils attending Council, for use by pupils attending any such school during their attendance thereat. 46 V

74. Her Majesty may, from time to time, from among each policants for such purpose and applicants for such purpose, select such persons in eschools he Province of Canada as are fit to be schools he Province of Canada as are fit to attend such schools the military instruction, and if necessary military instruction, and if necessary remove them; stay the school be paid to such parts allowances to be paid to such persons during their stay the school, and the period for which is a during the school and the period for the perio the school, and the period for which they shall undergo such instruction, shall be regulated by the school of the instruction, shall be regulated by the Governor in Council and every person who enters and every person who enters upon the course of military instruction as hereinbefore provided in the course of military instruction as hereinbefore provided, shall thereupon all thenceforth, and for the period thenceforth, and for the period prescribed in such instruction, subject to the Queen's Regulations of the for the Arms, subject to the Queen's Regulations and Orders for the United the Army Act passed by the D the Army Act passed by the Parliament of the United Kingdom, and to such other orders Kingdom, and to such other orders, rules and regulations, whatsoever nature or kind not it. whatsoever nature or kind, not inconsistent with the author ity thereaf sions of this Act or of any regulation made under the autor ity thereof, to which Her Majort. ity thereof, to which Her Majesty's troops are subject. V., c. 11, s. 56.

Camps of instruction.

Regulations.

75. Her Majesty may, from time to time, order any persons to have obtained final certificators. who have obtained final certificates in any school of military instruction or from a board of any school of military of instruction or from a board of examiners, and whether or same are commissioned officers same are commissioned officers or not, to attenda and of examps of instruction at such time. camps of instruction at such time and place in Canada, and for such periods as are prescribed of the place in consecutions. for such periods as are prescribed for such purpose in the such regulations and regulations. Her Majesty may make all necessary rules and regulations for the command, discipling and regulation are as a such for the command, discipline and good management thereat camp or camps, and for the management thereat camp or camps, and for the mode of instruction

and the allowances to be paid to such persons during their Allowances. stay at the same shall be fixed by the Governor in Council; and every person who reports himself at such camp or and thencefoul of entry thereat, shall thereupon Signing roll. and then ceforth and for the duration of such camp or camps, besubject to 11 besubject to the Queen's Regulations and Orders for the Army, To be subject the Army Acte Queen's Regulations and Orders for the King- to Queen's Regulations, the Army Act passed by the Parliament of the United King- to Queen's Whatever nature other orders, rules and regulations, of Army Act, whatever nature or kind, not inconsistent with the provisions &c. of this Act or of any regulation made under the authority thereof, to which Her Majesty's troops are subject. 46 V., c.

RIFLE AND DRILL ASSOCIATIONS.

76. Her Majesty may sanction the organization of rifle Such associations, and of associations for purposes of drill, to be sanctioned. composed of Militia officers, or of men on the Militia rolls, and of independent companies of infantry composed of pro-Public institution pupils of universities, schools or other public institutions, or of persons engaged in or about the ame, under such or of persons engaged in time, same, under such regulations as are, from time to time, approved by Her Majesty; but such associations or com- Proviso. panies shall not be provided with any clothing or allowance therefor. 46 V., c. 11, s. 58.

MILITARY INSTRUCTION IN SCHOOLS AND COLLEGES. 77. There shall be furnished to every normal school, Arms for public public in which there schools.

university, college or school in Canada, in which there schools. are instituted classes of instruction in military drill and exercises under the set of t exercises, under regulations prescribed by Her Majesty, arms and accoutrements necessary for the instruction of the pupils thereof over the recessary for the instruction of the pupils thereof over the age of twelve years. 46 V., c. 11, s. 59.

CALLING OUT THE MILITIA.

division, or the officer commanding any military district or Commanding Militia, may, upon any sudden emergency of invasion or in-milita on or imminant district call out the whole sudden emer-gencies. Surrection, or imminent danger of either, call out the whole sudden emer-nlary part of the William danger of either, call out the whole sudden emeror any part of the Militia within his command, until the one of Her Mailtia within his command, until the one of Her Mailtia within his command. pleasure of Her Majesty is known; and the Militia so called out by their commanding officer shall immediately obey all such orders as he gives, and march to such place within or without the gives, and march to such place within or without the district or division as he directs. 46 V.,

79. Her Majesty may call out the Militia, or any part Calling out in time of for active war, &c., or without Canada, war, &c., or the thereof, for active service either within or without Canada, war, &c, or war, invasion or insurrection or denger of any of them; and ^{of.} war, invasion or insurrection, or danger of any of them; and ^{of.}

the militiamen, when so called out for actual service, their continue to serve for at least an continue to serve for at least one year from the date of or for being called out for actual service, their Term of serbeing called out for actual service, if required so to do, or for any longer period which Hor Mar 2. Her Majesty may, from time to time, direct the furnish g by any regimental division ing by any regimental division of such number of milities men as are required, either for the such number of milities men as are required, either for reliefs or to fill vacancies in corps on active service. 3. Whenever the Militia or any part thereof is called out r actual service by reason of more thereof is currection, for actual service by reason of war, invasion or insurrection, Her Majesty may place them and Her Majesty may place them under the orders of the Com-mander of Her regular forces in C 4. The Active Militia or any corps thereof, or any part of corps, shall also be liable to be call. a corps, shall also be liable to be called out for active service, with their arms and ammunition with their arms and ammunition, under special or general regulations made by the Government of active set of activ regulations made by the Governor in Council, to act for guards of honor, escorts. or as guard guards of honor, escorts, or as guards and sentries, or to fre salutes in any of the following service (a) The opening or closing of any Session of the Parlie of ent of Canada or of the University of the U ment of Canada or of the Legislature of any Province of Canada; (b) For the purpose of attending the Governor while in Canada, or any member of the D Generation of Canada, or any member of the Royal Family while in Canada; (c) For the purpose of guarding any armory or other ace where arms, guns, ammunition place where arms, guns, ammunition or other military stores are kept: 5. The Governor in Council may make regulations for call g out for active service as ground ing out for active service as guards or sentries at the the dence of the Governor General and a sentries at the the Royal E. ... dence of the Governor General, or of any member of a corps of the Aut Royal Family while in Canada, any corps or part of a corps of the Active Militia. 46 V a 11 80. In time of war no man shall be required to serve but e field continuously for a low or a the field continuously for a longer period than one year; but any man who volunteers to see period than or for, his any man who volunteers to serve for the war, or for his longer period than one year shall be longer period than one year, shall be compelled to falfil ble engagement; and Her Maiesty engagement; and Her Majesty may, in cases of unavoidable necessity (of which necessity Unavoidable bell to full be the sole necessity (of which necessity Her Majesty shall be the sold judge), call upon any militiamon to judge), call upon any militiaman to continue to serve beyond his one year's service in the field of

his one year's service in the field, for any period not exceeding six months. 46 V. c. 11 a. 60 **S1.** Whenever the Militia, or any part or corps men so called out for active service the part or corps men so

there are the Militia, or any part or corps men so is called out for active service, the officers and men so Pay of militia when called out.

vice.

Furnishing reliefs

Command of militia so called out.

Guards of honor on certain occasions.

Opening or closing session.

Attending Governor, åc.

Guarding armories, &c.

Guards at Gov't house, & c.

Period of service in time of war.

Proviso.



St. Every militiaman called out for active service shall Attendance at such the officer at rendez-yous. attend at such time and place as are required by the officer at rendez-commanding him and place as are required by the officer at rendez-vous. commanding him, with any arms, accoutrements, ammuni-

Such battalion, and shall report such officers as fail to per-form their duty is the shall report such officers as fail to perform their duty in this respect. 46 V., c. 11, s. 65.

Sa. The Captain or other officer commanding any com- Roll to be kept of each of Active Million of the officers and company. pany of Active Militia, with the assistance of the officers and company. keep of the commissioned officers and company. hon commissioned officers of his company, shall make and officers of his company, in such form keep at all times a correct roll of the company, in such form as Her Majesty directs; and the Lieutenant-Colonel or other Duty of him command; officer Majesty directs; and the Lieutenant-Colonel or other Duty of him especially the Adjutant shall see that the company rolls adjutant. are properly the Adjutant shall see that the company round the Captains or other officers commanding companies in for battalion and shall mont such officers as fail to per-

active service; and any officer or man of the Militia may be Trial for de-tion for the crime of a the service; and any officer or man of the Militia may be trian to to the crime of desertion at any time, without reference sertion. to the crime of desertion at any time, without reaction. to the length of time which has elapsed since his desertion.

2. Any officer or man charged with any offence com- Trial by to be tried by count marking in the Militia, shall be held liable for the former than the former of the count marking of the count markin to be tried by court martial, and if convicted to be punished charge or re-itia or after the court martial, and if convicted to be punished charge or re-mit, or after the court has belonged or belonged is itia or after the corps to which he belongs or belonged is relieved from active service, notwithstanding that he has been so discharged from the Active Militia, or that the corps to discharged from the Active Militia, or that active service active service and the belonged has been so relieved from the Militia may be

82. The Active Militia shall be subject to the Queen's To what laws Regulations and Orders for the Army; and every officer and Active Militia man of the Militian man of the Militia shall, from the time of being called out ject when for active service and shall, from the time of annual drill called out. for active service, and also during the period of annual drill called out. or training under the provisions of this Act, and also during any drill or the provisions of this Act, and also during any drill or parade of his corps at which he is present the ranks are of his corps at which he is present in the ranks or as a spectator, and also when going to or from the ranks or as a spectator, and also when going to other time while in the place of drill or parade of his corps, and also at any other time while in the uniform of his corps, be subject to the Army Act while in the uniform of his corps, be subject to the United Kingdom, Army Act passed by the Parliament of the United Kingdom, and all other laws then applicable to Her Majesty's troops in Canada, and then applicable to Her Majesty's troops in Canada, and not inconsistent with this Act; except that no Exception. han shall be subject to any corporal punishment but death or imprisonment for any contravention of such laws; and except, also, that Her Majesty may direct that any pro-Exception. Wilitia force.

called out shall be paid at such rates of daily pay as are paid to officers and men of the relative and corresponding grade in her Majesty's service, or such other rates as are, for the being d's service, or such other rates as are, for the time being, fixed by the Governor in Council. 46 V., c.

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tion and equipment he has received, and with such provisions as such officer directs. 46 V a 11 and a

\$5. Every militiaman called out for active service who psents himself without leave from the service service service to be a longer absents himself without leave from his corps, for a longer period than seven days, may be twiced it period than seven days, may be tried by court martial as a deserter. 46 V., c. 11, s. 67

86. When any officer or man is killed in active service, of es from wounds or disease contract in active service dies from wounds or disease contracted on actual service, provision shall be made for his wift provision shall be made for his wife and family out of the public moneys. 46 V. c. 11 2 60

87. Every case of permanent disability, arising shall injuries received or illness contracted on active service, do be reported on by a medical be reported on by a medical board, and compensation awarded, under such regulation awarded, under such regulations as are made, from the distance of the distance to time, by the Governor in Council; and any medical pail titioner who signs a false contificat titioner who signs a false certificate in any such case shall incur a penalty of four hundred days

BILLETING AND CANTONING TROOPS AND MILITIA ON ACTUAL SERVICE-TRANS

Regulations by Governor in Council.

88. The Governor in Council may make regulations of the first when here the second cantoning of the second cantoning can the billeting and cantoning of troops and Militia when the active service, for the furnishing of active service, for the furnishing of carriages, horses and quite conveyance for their transport conveyance for their transport and use, and for adequate compensation therefor; and may brown in the sector of the compensation therefor; and may, by such regulations, implies fines not exceeding twenty dollars fines not exceeding twenty dollars, and imprisonment cases of default of payment of 46 V., c. 11, s. 69.

89. Every person lawfully required under this Act, or by regulation made under the action of to furner. any regulation made under the authority thereof, to furnish any railway car or engine, best or all any railway car or engine, boat or other craft, for refuse or any troops or Militian to the convert furnish the ance or use of any troops or Militia, who neglects or refused ing for hundred d line incur a man and incur a m furnish the same, shall incur a penalty not exceeding s. 1. hundred dollars for each such and the such as the 46 V., c. 11, s. 70.

90. Nothing in this Act contained, or in any regulation to and the authority there is a construction the second made under the authority thereof, shall be construed to authorize the quartering or billetter on a construction of Milinar authorize the authority thereof, shall be construed in either on a march or in canton either on a march or in cantonment, in any convent or such nery of any religious order of formal in any convent or such nery of any religious order of females, or to oblige any furnish religious order to receive such traces. The such that the with here is a such that the such religious order to receive such troops or Militia, or to furnish them with lodging or house room

COURTS OF INQUIRY AND COURTS MARTIAL. **91.** Her Majesty may convene courts of inquiry and courts, for point officers of the Militia to appoint officers of the Militia to constitute such courts, for

Courts of inquiry and courts marChap. 39.

Absence over 7 days; trial as deserter.

Provision for families of men killed, Åс.

And for men permanently disabled.

Punishment for giving false certificate.

Penalty for refusing conveyance.

Troops not to

be quartered

in convents,

&c.

2. Every person required to give evidence before a court Attendance of witnesses Martial may be summoned, or ordered to attend: ⁸. If any person who is not enrolled in the Active Militia Refusing to summoned and who is not enrolled in the Active Militia Refusing to give evidence is summoned as a witness before a court martial, and after give evidence, and and a stated or tender of the evidence of his attend- &c. payment or tender of the reasonable expenses of his attend- &c. ance, makes default in attending, or being in attendance as ^a witness,___ (a.) Refuses to take an oath or affirmation lawfully required by a court martial to be taken; or-(b.) Refuses to produce any document in his power or con $t_{rol}^{(0)}$ Refuses to produce any document in his power of $c_{rot}^{(0)}$ him fully required by a court martial to be produced by (c.) Refuses to answer any question to which a court martial wfully requires lawfully requires an answer; or— (d.) Is guilty of any contempt of the court martial by The president of the court martial may certify the default, Offence to be fusal or contampt to court martial may certify the default, Offence to be certified to be court of jusrefusal or contempt of such person under his hand to a judge court of jus-person person person person person person to punish tice and person person person to punish tice and person p

hot inconsistent with this Act; and the pay and allowances Pay and alof officers and others attending such courts may be fixed by lowances.

92. The regulations for the composition of Militia courts Composition inquiry and and powers of procedure and powers of courts marof inquiry and courts martial, and the modes of procedure and powers of courts martial, and the modes of procedure the regulations tial. and powers thereof, shall be the same as the regulations tial. which are at the time in force for the composition, modes of procedure and time in force for the composition, modes of procedure at the time in force for the composition, martial for transformers of courts of inquiry and courts are martial for Her Majesty's regular army, and which are

may also delegate power to approve, confirm, mitigate or Majesty's regulation of any such court; but no officer of Her Proviso. Majesty's regular army on full pay shall sit on any such court martial. 46 V., c. 11, s. 72.

the purpose of investigating and reporting on any matter tial may be investigating and reporting of the Militia, ^{convened}. connected with the government or discipline of the Militia, ^{convened}. and with the government or discipline of the force; and may at conduct of any officer or man of the force; and may, at any time, convene courts martial, and delegate power to appoint officers to power to convene such courts, and to appoint officers to constitute the constitute the same for the purpose of trying any officer or man of the Militia, for any offence under this Act, and

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of witnesses.

of any contempt of such person under his hand to a juage court of persons gnilty of justice in the locality having power to punish tice and punished persons guilty of like offences in that court; and such court punished. may thereupon inquire into the same, and if the person is whereupon inquire into the same, and if the person is found guilty, punish him in like manner as he would be Punishable in a proceeding in such court for any such

default, refusal or contempt. 46 V., c. 11, s. 73.

Sentence of death in certain cases only.

Subject to approval of Н. м.

93. No Militia officer or militiaman shall be sentenced to ath by any court martial articles and the sentenced to death by any court martial, except for mutiny, desertion to the enemy, or traitorously deliver the enemy, or traitorously delivering up to the enemy and garrison, fortress, post or guard garrison, fortress, post or guard, or for traitorous correspond ence with the enemy :----and no ence with the enemy; —and no sentence of any general cont martial shall be carried into af martial shall be carried into effect until approved by Her Majesty. 46 V., c. 11 s 74

OFFENCES AND PENALTIES.

Claiming for drills not performed.

Returning men not duly enrolled. Claiming for drill performed with another corps.

94. Every officer commanding a corps of Militia who knowingly claims pay, on account of any drills performed with his corps, for any man believed with his corps, for any man belonging to any other corps of Militia; and every officer corps of Militia; and every officer commanding a corps of Militia who includes in any parado state who includes in any parade state or other return, d every not duly enrolled and attested not duly enrolled and attested as a militiaman; and claims non-commissioned officer or man of the Militia who claims or receives pay on account of or receives pay on account of any drill performed in more ranks of any other than his count of any drill performed in more ranks of any other than his own proper corps, or is guilty than one corps during the annual drill in any year, is guilt of a misdemeanor, and shall also of a misdemeanor, and shall also be liable to be tried and punished by court martial

Fraudulently retaining pay of the corps.

Signing false parade state, åc.

Refusing required information, or giving false.

95. Every officer and non-commissioned officer of the Militia ho obtains, under false proteins who obtains, under false pretences, or who retains or keeps in his own possession. with interview. in his own possession, with intent to apply to his own officer or benefit, any of the pay or monoral any officer any officer or benefit, any of the pay or moneys belonging to any and or man of any corps, is multior man of any corps, is guilty of a misdemeanor, and nor shall be dismissed the service and th shall be dismissed the service; and every officer and not commissioned officer who signs - file and every officer and not particulate the service of the ser commissioned officer who signs a false parade state, roll of pay-list, or any false return whatsoard pay-list, or any false return whatsoever, is guilty of a martial meanor, and shall also be liable to be solved. meanor, and shall also be liable to be tried by court martial for the offence. $46 \text{ V}_{\odot} \text{ c}_{\odot} 11 \text{ s}_{\odot} 76$

96. Every person of whom information is required by any ficer, or non-commissioned officer. officer, or non-commissioned officer, making any Militia this in order to enable him to complete the state of in order to enable him to comply with the provisions of false Act, who refuses to give such inc Act, who refuses to give such information or gives the the dollars f information, shall incur a penalty not exceeding and dollars for each item of information dollars for each item of information demanded of him and falsely stated, and the like sum of falsely stated, and the like sum for each individual every that is refused, concealed or fill each individual every that is refused, concealed or falsely stated; and proper person who refuses to give him person who refuses to give his own name and proper information, when applied to are the proper and information, when applied to as aforesaid, or gives a categories to make or information, shall income and proper at exceeding twenty down name or information, shall incur a penalty not exceeding twenty dollars. 46 V. c 11 c 27

Refusing to make enrolment, ballot, &с.

97. Every officer and every non-commissioned officer of e Militia, who refuses or newloct the Militia, who refuses or neglects to make any enrolment of ballot, or to make or transmit ballot, or to make or transmit, as herein prescribed, by any environment of the second or return, or copy thereof, required by this Act or regulation made under the anth of the chall incurs regulation made under the authority thereof, shall incur s

drill, or tresponse who interrupts or hinders any Militia Hindering militia at drill. at drill, Every person who interrupts or hinders any Militia Hindering, or trespasses on the bounds set out by the proper militia at drill.

dollars, of ten dollars, and if a man of the Militia or manifold to be a solution of the dollars and absence for each day shall be 46 V = 6 11. s. 80, part. held to be a separate offence. 46 V., c. 11, s. 80, part.

Was Every officer and man of the Militia who, without Refusing to lawful excuse, neglects or refuses to attend any parade or attend drill. drill excuse, neglects or refuses to attend any parace whorefuses or staining at the place and hour appointed therefor, or in refuses or state of the place and hour appointed therefor, or the place and hour appointed therefor. who refuses or neglects to obey any lawful order at or concern-an such bared. an officer. of tool and the man of the Militia of five dollars, for each ar

same, at any reasonable hour and place, shall incur a penalty de V c. 11, s. 79, part. of ten dollars for each offence. 46 V., c. 11, s. 79, part.

101. Every person who refuses or neglects to give any Or to give h hotice or information necessary for making or correcting the for making kinet any company with the promised by this Act to them. Toll of any company, which he is required by this Act to them. give to the company, which he is required by this the officer of such company or to any thereof demanding the officer of the commanding officer of such company or to any same or non-commissioned officer thereof demanding the

100. Every officer and non-commissioned officer of the Refusing to ilitia who refuses are and non-commissioned officer of the Refusing to making roll Militia who refuses or neglects to assist his commanding officer assist in making any roll are reglects to assist his commanding officer making rolls. in making any roll or return, or refuses or neglects to obtain or to assist his commanding on the second se or to assist him in obtaining any information which he incur a penalty if an affect pot exceeding fifty dollars, and incur a penalty, if an officer, not exceeding fifty dollars, and dollars, and exceeding twenty-five dollars for each officer, not exceeding fifty domain, dollars for each offence. 46 V., c. 11, s. 79, part.

99. Every officer and man of the Militia, and every person Personating another on the second term of the matter of the second term of terms of the second term of terms of whatsoever, who falsely personates another at any parade of another on parade. For any of the purposes the Militia, or on any other occasion, for any of the purposes required by this Act, is guilty of a misdemeanor, and shall be liable to a fine not exceeding one hundred dollars. 46 V., ^{c.} 11, s. 79, part.

98. Every militiaman, drafted or liable to be drafted for Men drafted Tvice, who we were the oath or to make refusing to be sworn, &c. Service, who refuses or neglects to take the oath or to make refusing to be be declaration has a neglect to take the oath or to make refusing to be be declaration has a neglect of the second the declaration hereinbefore prescribed, when tendered to him by a justice of the second seco by a justice of the peace or by any commissioned officer in command of the peace or by any commissioned officer in which much militiaman belongs, or command of the peace or by any commissioned once in whose district or by the which such militiaman belongs, or the whose district of the corps to which such militiaman belongs. in whose district he resides, shall be liable to imprisonment Punishment. for a term not exceeding six months, and for every subse-Quent neglect or refusal to take such oath shall be liable to a further imprisonment not exceeding twelve months; and he may, on different not exceeding twelve months; and he may, on due proof in either case, be summarily committed upon the warrant of any two justices of the peace.

Penalty, if an officer, not exceeding fifty dollars, and if a noncommissioned officer, not exceeding fifty dollars, and the search offence do the term of exceeding twenty-five dollars for each offence. 46 V., c. 11, s. 77, part.

officer for such drill, shall incur a penalty of five dollars for each offence, and may be taken each offence, and may be taken into custody and detained by any person by the order of the custody and ficer until by any person by the order of the commanding officer mil such drill is over for the day. 46 W such drill is over for the day. 46 V., c. 11, s. 80, part.

Insolent or disorderly behavior.

104. Every officer and man who disobeys any lawful orderly his superior officer, or is quilter a of his superior officer, or is guilty of any insolent or disorderly behavior towards such officer about the superior officer of the superior officer of the superior of the su behavior towards such officer, shall incur a penalty, if the officer, of twenty dollars and if officer, of twenty dollars, and if a man of the Militia, of tea dollars, for each offence 46 V

Not keeping arms in proper order.

105. Every militiaman who fails to keep in proper order or details arms or accoutrements delivered any arms or accoutrements delivered or intrusted to him his who appears at drill, parade or on arms or intrusted to with his who appears at drill, parade or on any other occasion, with his arms or accoutrements out of press arms or accoutrements out of proper order, or unservices for or deficient in any respect shall or deficient in any respect, shall incur a penalty of dollars for each such offence. dollars for each such offence. 46 V., c. 11, s. 81, part.

106. Every person who unlawfully disposes of or remote by arms, accoutrements or other any arms, accoutrements or other articles belonging when Crown or corps, or who refuses to day Crown or corps, or who refuses to deliver up the same except lawfully required, or has the same in the same except lawfully required, or has the same in his possession, him for lawful cause, the proof of which is possession, him for lawful cause, the proof of which shall lie upon bits hall incur a penalty of twenty d lie upon offence. shall incur a penalty of twenty dollars for each offender for but nothing in this section shall but nothing in this section shall prevent such offender if the being indicted and punished for being indicted and punished for any greater offender in the facts amount to such greater offender and punished for any greater offender any greater any greater offender any greater off facts amount to such greater offence; and such offence. What be arrested by order of the institute of the second before. the complaint is made, upon affidavit shewing that Canada carrying with the such offender. reason to believe that such offender is about to leave articles carrying with him any such arms, accoutrements or articles 46 V., c. 11, s. 81, part.

Refusing to aid the civil power.

107. Every officer and man of the Militia who, when his rps is lawfully called upon to act it is a civil point fuser at corps is lawfully called upon to act in aid of the civil power refuses or neglects to go out with the civil power is refuses or neglects to go out with such corps, or to obey at lawful order of his superior officer is a neglect to go out with such corps, or to penalty, of lawful order of his superior officer, shall incur a if a man of the Militia an officer, not exceeding one hundred dollars, and if a man if the Militia, not exceeding twenter d u the Militia, not exceeding one hundred dollars, and ^{11 a} of the Militia, not exceeding twenty dollars for each offence. V., c. 11, s. 82.

108. Every person who resists any draft of men enrolled ider this Act, or counsels or aid under this Act, or counsels or aids any person to resist any traft of men resist in relation in relation to the performance of such draft, or the performance of any service in relation thereto, or counsels any drafted means the service in relation place of read thereto, or counsels any drafted man not to appear at the place of rendezvous, or wilfully dissuades him from the performance of any duty required her her of militiants performance of any duty required by law of militianer, shall be liable to a fine not exceed shall be liable to a fine not exceeding one hundred to both or to imprisonment not exceeding one hundred to both or to imprisonment not exceeding six months, or to 46 V., c. 11, s. 83, part.

Unlawfully disposing of them.

Proviso.

Arrest for such offences.

Resisting draft, &c. Chap. 39.

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109. Every person who---

(a) Persuades any man who has been enlisted to serve i_{n} any corps of Militia to desert, or attempts to procure or persuade any such man to desert; or-

(b) Knowing that any such man is about to desert, aids or assists him in deserting ; or-

(c) Knowing any such man is a deserter, conceals such han, or aids or assists him in concealing himself, or aids or

Shall, on summary conviction, be liable to imprisonment, Punishment. with or without hard labor, for a term not exceeding six months. 46 V., c. 11, s. 83, part.

this Act that who wilfully violates any provision Contravenof this Act, shall, when no other penalty is imposed for such in any way. violation, incur a penalty not exceeding twenty dollars for each offence. In penalty not exceeding twenty dollars for each offence; but nothing in this section shall prevent his being indicted being indicted and punished for any greater offence if the facts amount to such greater offence. 46 V., c. 11, s. 84.

11. Every penalty incurred under this Act shall be How penalties are recover-able, with cost incurred under this Act shall be How penalties recoverable, with costs, by summary conviction, on the evi- are recover-been of one condition dence of one credible witness, on complaint or information before one institution witness on complaint or information before of one credible witness, on complaint or information of the penalty include the peace; and in case of non-payment Imprisonment include penalty in the peace of the peace of the peace. of the penalty immediately after 'conviction, the convicting if not paid.

Justice penalty immediately after conviction, the convicted and making default in particulation in the person so convicted and making default in payment of such penalty and costs, to the common jail of the territorial division for which the said justice is then acting, or to some house of correction or lock-up house situate therein, for a term not exceeding forty days when the Term of im-penalty does not penalty does not exceed twenty dollars, and for a term not prisonment. exceeding sixty days when it exceeds the last mentioned 46 V

12. No prosecution against an officer of the Militia for On whose complaint and the made complaint only prosecution made complaint on ly prosecution mad any penalty under this Act or under any regulation made complaint come the anthonity to a second the brought except on the tion shall be where the authority thereof, shall be brought except on the tion shall be brought. complaint of the officer for the time being commanding the brought. Millitia; and no related to the time being commanding the brought. Militia, shall be such prosecution against any man of the Militia; and no such prosecution against any man or commanding brought except on the complaint of the brought except on the battalion or corps, commanding officer or Adjutant of the battalion or corps, or Captain of the company or corps to which such man Min. gs; hut the company or corps to which such man belongs; but the officer for the time being commanding the Proviso. Militia may authorize any officer of Militia to make such all plaint in his officer any officer of Militia to make such complaint in his name, and the authorized to make any other authorized to make any enthorized to make any alleging himself to have been so authorized to make any ometant shall be and the southorized to make any complaint shall be have been so authorized to make any complaint, shall not be controverted or called in question

Offences connected with desertion.

And within what time.

except by the officer for the time being commanding after Militia; and no such prosperation being commanded after Militia; and no such prosecution shall be commenced of the the expiration of six months from the commission selling offence charged, unless it is for unlawfully buying, articles or having in possession arms, accoutrements or other articles delivered to the Militia or for a 46 V., c. 11, s. . 86.

Recovery of sums payable to H. M.

113. Every sum of money which any person or corporation under this Act liable to pay or the any person or corporation which is under this Act liable to pay or repay to the Crown, or other is equivalent to the damages det is equivalent to the damages done to any arms or other property of the Crown used for Militia purposes, shall be debt due to the Crown. and may be debt due to the Crown, and may be recovered as such. V., c. 11, s. 88 V., c. 11, s. 88.

In what local jurisdiction actions, &c.,

Tender of amends.

114. Every action and prosecution against any officer of prosecution against any officer of arson, for anything done in work of the second sec person, for anything done in violation of this shall are laid and the author of the shall are any regulation made under the authority thereof, shall pro-laid and tried in Quebec in the district laid and tried in Quebec in the district, and in the other for vinces, in the county where the act vinces, in the county where the act complained of was from and shall not be commenced after the and shall not be commenced after the end of six months in any the violation, except as hereinbater General issue. the violation, except as hereinbefore provided ; ______ issue and in and such action the defendant max all issue and in such action the defendant may plead the general issue is is and in and is and is and issue is is is the triat and the special matter. give this Act and the special matter in evidence at the trade and no plaintiff shall recover in our and no plaintiff shall recover in any such action if a was brought, or if a sufficient sum of money has been paid 46 V, court by the defendant after the set court by the defendant after the action was brought. c. 11, s. 89, part.

115. No action or prosecution shall be brought against by officer or person for anything any officer or person for anything purporting to month under the authority of this Act sector one month after not porting to be under the authority of this Act, until at least one has been after notice in writing of such action has been after notice in writing of such action or prosecution has been served upon him, or left at his are prosecution as bode, it which notice served upon him, or left at his usual place of abode, it which notice the cause of action are being which of which notice the cause of action, and the court in which is is to be brought, shall be stated is to be brought, shall be stated, and the name and place of above of above of the attorney indorsed the name of 11, 5, 89, part. 41 V., c. 11, 8. part.

Power to make regulations and impose fines.

116. The Governor in Council may make regulations to anything necessary to 1 relating to anything necessary to be done for the carrying into effect of this Act, and may be done for the carrying into effect of this Act, and may, by such regulations, import fines, not exceeding twenty dollar fines, not exceeding twenty dollars each, and imprisonment fine 46 W not exceeding twenty dollars each, and imprisonment not exceeding forty days, in case of default of payment of such fine. 46 V., c. 11, s. 96.

Limit of term of imprisonment suggested. (See s. 111.)

Regulations to be published.

117. All regulations made under the authority of this so all be published in the Canada and when so ublished the shall be published in the *Canada Gazette*; and when so published, they shall have the form published in the *Canada Gazette*; and when every published, they shall have the force of law as fully as if they

shall be brought.

124. All sums of money required to defray any expense Payments to be made by this Act more be maid out of the Consolidated warrant of the Co authorized by this Act may be paid out of the Consolidated be made by warrant of the Governor th the Governor.

Minister of Finance and Receiver General: but more visions of this Act. 46 V., c. 11, s. 90.

128. Every penalty when recovered shall be paid over to Remission of his Minister of F: But Her penalties. the Minister of Finance and Receiver General: but Her penalties.

judge or justice of the peace, or officer authorized to take this Actualid. the same, by any person under the authority of this Act, or according to any General Order or regulation made under it, by the Durney General Order or regulation for sum of for the purpose of securing the payment of any sum of accordingly. As V and the performance of any duty or act hereby accordingly. As V and V are valid and may be enforced

121. The production of a commission or appointment, Proof of com-Warrant or order in writing, purporting to be granted or made according to the provisions of this Act, shall be primâ facie evidence of such commission or appointment, warrant or authority of the proving the signature or seal thereto, or the authority of the person granting or making such commission, appointment, warrant or order. 46 V., c. 11, s. 94. 122. Every bond to the Crown entered into before any Bonds under

public worship, or of some other public place, in each diministry diministry of the some other public place, in each diministry diminitediministry diministry diministry diministry diminit company division affected by such orders. 46 V., c. 11, s. 93.

120, Every order made by the commanding officer of any Notifying of Militia about the commanding officiently notified to other order. corps of Militia, shall be held to be sufficiently notified to other orders. all persons whom it concerns, by insertion in some newspaper published in the regimental division in which such corps is situated, or, if there is no such newspaper, then public worship of there of the public place, in each

19. All General Orders of Militia, or other Militia orders Notice of through the held General Orders in Company shall be held General Orders in Co All General Orders of Militia, or other Militia orders Notice of sufficiently notified to all persons whom they concern, ada Gazette. the said Gazette purceasing the contain them shall be evithe said Gazette insertion in the Canada Gazette;—and a copy dence of such orders. 46 V., c. 11, s. 92.

18. It shall not be necessary that any order or notice Notices, &c., ader this Act 1 not be necessary that any order or notice Notices, &c., ¹¹⁸ It shall not be necessary that any order or notice Notices, sc., so, provided it is communicated to the person who is to obey unless herein making or giving it or by some other person by his order. haking or giving it, or by some other person by his order.

Were contained in this Act, of which they shall be deemed to form a part. 46 V., c. 11, s. 97, part.

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GENERAL PROVISIONS.

Revenue Fund, upon warrant directed by the Governor General to the Minister of Finance and Receiver General; but no sum of money shall be seen included but no sum of money shall be so paid unless it is detailed in some appropriation made by D in some appropriation made by Parliament; and a detailed account of moneys so expended shall be used before Parliaaccount of moneys so expended shall be laid before 11, 5, 95. ment during the then next source the ment during the then next session thereof. 46 V., c. 11, 8.

Accounts to Parliament.

125. In any case in which a person might otherwise de declaration in any case in which a person might otherwise de certain cases. sworn under this Act, a solemn affirmation or solemn if a claration may be substituted model in the following of the solemn affirmation of the solemn if a sole in the sole of the sol claration may be substituted, under like penalty for wilful falsehood, if such person would be falsehood, if such person would be entitled to a like sub stitution in a civil case 46 V

To be laid before Parliament.

126. All regulations made under this Act, and an annie port of the state of the Militia at this Act, and an entire and the militia at the fore Parise report of the state of the Militia, shall be laid before parties ment by the Minister of Militia and Defence, within 46V, first thirty days of the then next and 146V, first thirty days of the then next session thereof. 11, s. 97, part.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
31 V., c 12 41 V., c. 7 46 V, c. 11	ss 49, 50 and part of 51. Part of Section 4. The whole except part of s 76, sub-section 2 of Section 97, Sec- tion 99 and the	s. 76 (part), 99 and the Sche- dule.	Sub-s. 2 of s.97.	An Act re specing se nesses evidence
46 V , c. 37 47 V., c. 17 48-49 V., c 72	Schedule. s 26. The whole.			

CHAPTER 40.

An Act respecting the Royal Military College.

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

I. There shall be an institution for the purpose of impart-Military g a complet ing a Complete education in all branches of military tactics, established. fortification, engineering and general scientific knowledge in subjects engineering and general scientific knowledge connected with and necessary to a thorough and for qualifying knowledge of the military profession, and for qualifying officers for command and for staff appointments; and such institution shall be known as the Royal Military College, and shall be known as the Royal Military Concess, $\frac{37}{7}$ V, c. 36 The designation "Royal Military College" was conferred by General Order of land, April, 1878. See also despatch of the Volonial Secretary, dated 22nd August.

2. The college shall be conducted under the superinten- College staff. dence of a military officer, whose title or designation shall be that of Commandant, and who has special qualifications with regard to discut to be given, and regard to discipline and to the instruction to be given, and there shall also be two other professors or instructors, and such other assistants as are found necessary and as are shall be appointed by Parliament; all the staff of the college How ap-one appointed by the Comparison in Council, and shall hold pointed. shall be appointed by the Governor in Council, and shall hold pointed.

office during pleasure. 37 V., c. 36, s. 2, part. The salary of the Commandant shall be not more than Salaries. three thousand dollars, and the salaries of the other profes-by shall be not more and the salaries of the other profes-

sore thousand dollars, and the salaries of the outer V, c. 36, s of more than two thousand dollars each.

4. The college shall be governed and its affairs adminis- Government time under and solutions made, from time of College. tered under and according to regulations made, from time of College. termine, and according to regulations made, from time of College. to time, and according to regulations made, from the regulations and approved by the Governor in Council; such the Canada Gazette, and regulations shall be published in the Canada Gazette, and if it such published. after such publication shall have the force of law as fully as

deemed to formed in this Act, of which they shall be deemed to form a part. 37 V., c. 36, s. 3.

overnor in Coord of Examiners shall be appointed by the Board to Governor in Council, in each military district, consisting of examine be a more more month. three or more members, one of whom shall be authorized to be an officer of the militia staff, who shall be authorized to the college as cadets,

eramine candidates for admission to the college as cadets,

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and give certificates, in such form as is provided, to such as are able to qualify according to the able to qualify according to the regulations which are adopted; and meetings of such h adopted; and meetings of such boards shall be held when directed by the Minister of Militi s. 4.

6. All candidates for admission to the college as students all be required to pass an order to the college as a students shall be required to pass an examination before the whom s ers as provided in the next provid ers as provided in the next preceding section, from tin be certificate shall be obtained that it Examination certificate shall be obtained that they are proficient in pass subjects prescribed. They shall also he proficient to pass a medical They shall also be required to post and produce a medical examination and produce evidence of good more character, and no candidate shall 1 character, and no candidate shall be accepted who is under fifteen or over twenty years of area and a state of the state o fifteen or over twenty years of age. 37 V., c. 36, s. 5.

Age of candidate.

necessary to

admission.

Examiners to transmit reports.

7. The examiners shall transmit to the Department of the provide the second definition of the provide the second s Militia and Defence a report of the names of all candidates who succeed in obtaining continent who succeed in obtaining certificates, for the information, the Governor in Council, with a modeling, and the information of the succeed in the council with a modeling, and the council with a modeling of the information of the succeed of the succ the Governor in Council, with a report of each meeting, which report may embody any portion. which report may embody any particular circumstances on nected with the examination or contract of meeting, mendation nected with the examination or any special recommendation 37 V., c. 36, s. 6. 8. The number of cadets admitted annually shall reduced two in each year from and introduced in the

How selected. selection shall be made by the Governor in Council from iners, having exceed two in each year from each military district. selection shall be made by the formation of the made by the formation of the selection shall be made by the formation of the selection shall be made by the formation of the selection of the s list of names forwarded by the Boards of examiners, having reference to the order of merit in - it of examiners had be and the second s reference to the order of merit in which the applicants pair their preliminary examinations could be formed by the formed by the boards of examiners, have be their preliminary examinations; and the collegiate terms before years. 37 V., c. 36×7

9. If there are no names, or only one name, for warded of our ovided from one or more of the relation of the r provided from one or more of the military districts, either of account of there being no application of the military districts and and failure in the second account of there being no applicants for examination of a certificate in obtaining a certificate in the council may select in failure in obtaining a certificate, the Governor in Council may select the required number for the Governor wind w V, may select the required number from candidates who are passed an examination in any of the passed an examination in any of the other districts. c. 36, s. 8.

Temporary admission of officers of Active Militia.

10. The Governor in Council may, for special reasons the Action of the service admit of the service admit of the Action of the service admit o the interests of the service, admit for a limited time, of the service, admit for a limited time, or who have of the Active Militia, although over the age of twenty por who have obtained a first clear who have obtained a first class certificate under the dei visions of the forty-sixth sort visions of the forty-sixth section of "The Militia as bei Government of the sound of the militia as bei such admissions shall be under such regulations as ber Governor in Council approves Governor in Council approves, and in addition to the number number prescribed by this Act, but shall, at no time, exceed ten in number. 37 V., c. 36, s. 9

Requirements from cadets.

11. Each cadet shall be required to furnish himself with attress and bedding, books and --- Each cadet shall be required to furnish himself with not mattress and bedding, books and such apparatus as are supplied by the Government and to contribution supplied by the Government, and to pay a contribution

Selection from other districts in certain cases.

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in aid of the expense of procuring mess room table furniture. 87 V., c. 36, s. 10, part.

12. A sum not exceeding the rate of three hundred dollars Payment for annum not exceeding the rate of three hundred dollars Payment for cadets. per annum, and such allowances as are, from time to time, cadets. anthorized by the Governor in Council, may be paid for lege, to meet the given period as he remains at the college, to meet the ordinary expenses of living, and procuring

miform. 37 V., c. 36, s. 10, part.

13. Every person who enters upon a course of instruction Cadets, &c, to ward, for the point sign a roll of entry, and be thencefor be subject to million the point of the po ward, for the period of his pupilage, subject to the Queen's war, &c. of War, and regulations, the Mutiny Act, the rules and Articles War, and to be the Mutiny Act, the rules and Articles of War, and regulations, the Mutiny Act, the rules and \mathbf{X}_{ajestv_s} and to such other rules and regulations as Her $\frac{97 \text{ V}}{2300 \text{ C}} \approx 36, \text{ s. 11}.$ Majesty's troops are subjected to. 37 V., c. 36, s. 11.

Proposed				
37γ , c. 36		Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
	The whole.			

CHAPTER 41.

ER Majesty, by and with the advice and consent of the solution of Community and Consent of Community and consent of the solution of the solutio An Act respecting Indians. Senate and House of Commons of Canada, enacts as follows :---SHORT TITLE. 43 ∇ . **1.** This Act may be cited as "*The Indian Act.*" 43 ∇ . Short title. 28, s. 1. 2. In this Act, unless the context otherwise requires (a) The expression "Superintendent General" means represent the expression "Superintendent General" the expression "Decimation of Indian A " Interpreta-Superintendent General " means for Superintendent General of Indian Affairs, and the Deputy Superintendent General of The Deputy tion. sion "Deputy Superintendent General of Indian Affairs, and the Deputy Superintendent General of Indian Affairs, and the Deputy "Superintendent General." (b) The expression "Agent," or "Indian Agent," means id includes a commissioner assist and includes a commissioner, assistant commissioner, entry instruc-intendent, agent or other officer activity of the instruc-New. intendent, agent or other officer acting under the instruc-tions of the Superintendent Constant "Agent" or "Indian agent.' (c) The expression "person" means any individual other an an Indian ; "Person." (d) The expression "band" means any tribe, band or or in Indians who own or are interest in the reserve of the (a) The expression "band" means any tribe, band or or in of Indians who own or are interested in a reserve vested Indian lands in common of which is the is vested than an Indian; Indian lands in common, of which the legal title is of all in the Crown, or who share alibe "Band." in the Crown, or who share alike in the distribution of an annuities or interest moneys for the distribution of annuities of interest moneys for the distribution of t annuities or interest moneys for which the Government of Canada is responsible; (e) The expression "the band" means the band to which e context relates; (f) The expression "band," when action is being taken by ie band as such, means the band "The band." the context relates; (g) The expression "irregular band " means any no nd or body of persons of Tabinary "means any no terest in car the band as such, means the band in council; " Band." (g) The expression "irregular band" means any no band or body of persons of Indian blood who title interest in any reserve or lands of article the legal aged vested in the G interest in any reserve or lands of which the legal and by the Government who possess in the fund many any vested in the Crown, who possess no common fund had an treaty relation "Irregular band." by the Government of Canada, and who have not had any treaty relations with the Crown.

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(n) The expression "intoxicants" means and includes all "Intoxi-cons, strong meters "intoxicants" means and includes all "Intoxi-cants." spirits, strong waters, spirituous liquors, wines, or fermented whatsoever and liquors or intoxicating liquor or fluid, and whatsoever, and any intoxicating liquor or fluid, and optim and any preparation thereof, whether liquid or solid, or the intoxicating drive or substance, and tobacco and any preparation thereof, whether liquid or source, or teany other intoxicating drug or substance, and tobacco with mixed or compared with opium or or tea nixed or compounded or impregnated with opium or substances, and to be other intoxicating drug or substances, and to be other intoxicating drug or substances, and With other intoxicating drugs, spirits or substances, and

(m) The expression "Indian lands" means any reserve or "Indian lands" means any reserve or "Indian lands." portion of a reserve which has been surrendered to the lands."

(1) The expression ." special reserve" means any tract or "Special reserve." tracts of land, and everything belonging thereto, set apart for the use or benefit of any band or irregular band of Indians, the title of which is vested in a society, corporation or community legally established, and capable of suing and being sued or in a society of the suing and capable of suing and being sued, or in a person or persons of European descent, but Which land person or persons band or irregular but which land is held in trust for such band or irregular

(k) The expression "reserve" means any tract or tracts of "Reserve." land set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians, of which the title is in the Grant which remains a portion of legal title is in the Crown, and which remains a portion of the said reserve, and includes all the trees, wood, timber, the soil stone minor and includes all the trees, wood, timber, soil, stone, minerals, metals and other valuables thereon or therein:

(*i*) The expression "enfranchised Indian" means any "Enfranchis-Indian, his wife or minor unmarried child, who has received ed Indian.' Letters Datent means any "Enmanced and the second ed Indian.' letters patent granting to him in fee simple any portion of the reserve which the simple any portion of the reserve which has been allotted to him or to his wife and hinor child. minor children, by the band to which he belongs, or any unmarried Indian who has received letters patent for an

(i) The expression "non-treaty Indian" means any person "Non-treaty Indian block of an irreoular Indian." of Indian blood who is reputed to belong to an irregular Indian." band, or who follows the Indian mode of life, even if such person is only of the indian mode of life, even if such person is only a temporary resident in Canada;

Thirdly. Any woman who is or was lawfully married to ^{such} person;

Secondly. Any child of such person;

(h) The expression "Indian" means-First. Any male person of Indian blood reputed to belong to a particular band ;

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"Indian."

whether the same or any of them are liquid or solid. 43 V_1 c. 28, s. 2;-45 V., c. 30 s 1

APPLICATION OF ACT.

3. The Governor in Council may, by proclamation, from me to time, exempt from the event, by proclamation, from time to time, exempt from the operation of this Act, or from the operation of any one or many first act, or this Act, or the operation of the the operation of any one or more of the sections of this Act, or had Indians or non-treaty Indians Indians or non-treaty Indians, or any of them, or any of them or the or irregular band of them, or the reserves or special reserves, or indian lands, or any portions of the or Indian lands, or any portions of them, in any Province, or in the North-West Territories in the North-West Territories, or in the District of Keewatin, or in any of them : and many of them : any of them : an or in any of them; and may again, by proclamation, 110. time to time, remove such around the proclamation in the proclamation in the proclamation in the proclamation is the proclamation in the proclamation is the proclamation in the proclamation is the proclamation is the proclamation in the proclamation is the proclamatic proclamation is the proclamation is the proclamation is the p time to time, remove such exemption. 43 V., c. 28, s. 110.

DEPARTMENT OF INDIAN AFFAIRS.

4. The Minister of the Interior, or the head of any other epartment appointed for that department appointed for that purpose by the Governor in Council, shall be the Superinter d Council, shall be the Superintendent General of Indian Affairs, and shall, as such have the General of In-dian Affairs. Council, shall be the Superintendent General of Industry dian Affairs. Affairs, and shall, as such, have the control and managed for of the lands and property of the L of the lands and property of the Indians in Canada. c. 6, s. 1.

5. There shall be a department of the Civil Service of anada which shall be called the D the Civil Service of Indian Indian Affairs. Canada which shall be a department of the Civil Service of Indian Affairs, over which the Summer the Department shall pre-Affairs, over which the Superintendent General shall pre-side. 43 V., c. 28, s. 4.

6. The Department of Indian Affairs shall have the $\frac{max}{43}$, generating the direction of L_{1} in the second direction of L_{2} is a function of L_{2} in the second direction of L_{2} is a function of L_{2} Indian Affairs. agement, charge and direction of Indian Affairs. 28, s. 7, part.

7. The Governor in Council may appoint an officer violation of the State of the Sta General of In-dian Affairs, his powers and dutes. Affairs, and may also appoint an officers, clerks dutes. Affairs, and may also appoint Indian Affairs, and may also appoint such other of the and servants as are requisite for the human and the servants as are requisite for the server and the and servants as are requisite for the proper conduct of the business of the department 42 V business of the department. 43 V., c. 28, ss. 5 and 8, parts

8. The Governor in Council may appoint an Indian West issioner for Manitoba. Koowatiin . Ine Governor in Council may appoint an Indian West missioner for Manitoba, Keewatin and the North and Territories, or an Indian Commissioner for Manitoba West Keewatin, and an Indian Commissioner for the North dent Territories, and may also appoint an Indian Superintenact for British Columnia Territories, and may also appoint an Indian Superintender, for British Columbia, who shall a for British Columbia, who shall have, respectively, by the Government of the formation of t powers and duties as are assigned to them, respectively, by the Governor in Council.

Appointment of Assistant Indian Commissioners.

2. The Governor in Council may also appoint an d the nt Indian Commissioner for Monited Transformation and oner orth-Woot T tant Indian Commissioner for Manitoba, Keewatin and the North-West Territories, or an Assistant Indian Commissioner North-West Territories, or an Assistant Indian Commissioner for Manitoba and Keewatin and for Manitoba and Keewatin and the second seco for Manitoba and Keewatin, and an Assistant Indian

Governor in Council may exempt from operation of this Act; and remove such exemption.

Any Minister

may be ap-

Duties of the

duties.

Appointment of an Indian Commissioner and of an Indian Superintendent.

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12. Any Indian woman who marries an Indian of any Effect of mar-her band or a new to be a member riage of an In-dian woman other band, or a non-treaty Indian, shall cease to be a member dian woman a me band to which it is in the band to which it is in the band to which it is in the band shall become with an Indian of any of the band, or a non-treaty Indian, shall cease to be a member a member of the band to which she formerly belonged, and shall become with an Indian or band by the band of which her hus-Indian or band but a member of the band or irregular band of which her hus-while a member of the band or irregular band of which her hus-Indian, own, or with an band or irregular band of which her hus-while a member. band is a member; but if she marries a non-treaty Indian, own, or with her hus-band is a member; but if she marries a non-treaty Indian, own, or with her her her is the marries a non-treaty Indian. while becoming a member of the irregular band of which a non-treaty enn-jusband is a member of the irregular band of which a non-treaty the her husband is a member of the irregular band of which Indian. her husband is a member, she shall be entitled to share equally with the members of the band of which she was formerly with the members of the band of which such a member, in the distribution of their moneys; but income member, in the distribution of their moneys; but such income may be commuted to her at any time at ten such income may be commuted to her at any time at ten such income may be commuted to her at any time at ten such income may be commuted to her at any time at ten years, income may be commuted to her at any time at the solution of the band. 43 V., c. 28,

II. Any Indian woman who marries any person other than Effect of mar-indian. or a non-transformer to be an Indian Indian Indian an Indian woman who marries any person other than Effect of an in every respect within it Indian, shall cease to be an Indian Indian she very respect within it Indian, shall cease to be an Indian Indian woman with in every respect within the meaning of this Act, except that woman with the shall be entitled in the meaning of this Act, except that woman with she shall be entitled to share equally with the members of than an In-the band to which all the langed in the annual or dian or a no the band to which all the langed in the annual or dian or a no the band to which all the langed in the annual or dian or a no the langed in the annual or dian or a no the band be entitled to share equally with the members of than an in-semi-annual distribution of the formerly belonged, in the annual or dian or a non-annual distribution of the formerly belonged interest moneys treaty In-dian. semi-annual distribution of their annuities, interest moneys dian. and rents; but such income may be commuted to her at any $time_{at}$; but such income may be commuted to her at a_1 , 43 V, c. 28 v to purchase, with the consent of the band.

10. Any Indian who has for five years continuously Loss of mem-of the Superintendent () is agrent shall cease to dence in a base of the Superintendent () is agrent shall cease to dence in a of the Superintendent General or his agent, shall cease to dence in a member of the line of the superintendent General or his agent, shall cease to dence in a superintendent General or his agent, was formerly foreign country with the or she was f be a member of the band of which he or she was formerly country with-be a member, and he shall not again become a member of that out leave. band, or of any other band, unless the consent of such band, with the any other band, unless the consent of such band, with the approval of the Superintendent General or his agent, is first obtained. 43 V., c. 28, s. 11.

tendent General. 43 V., c. 28, s. 10.

9. Any illegitimate child may,—unless he has, with the Exclusion of meent of the such natural children from consent of the band whereof the father or mother of such natural child such band for a such in the distribution moneys of bands. such band for a period exceeding two years,—be, at any time, band for a period exceeding two years, - be, at the tendent Generation the membership thereof by the Superin-

MEMBERSHIP OF BAND.

3. The Governor in Council may, also, from time to time, Governor to appoint officers and agents to carry out this Act, and Orders appoint in Council made under it—which officers and agents shall to be paid out be paid in such a such a start of the start of the formation of the start of the sta be paid in such manner and at such rates as the Governor of moneys in Council direct and at such rates as the Governor of moneys that is appropriated by by Parliain Council directs, out of any fund that is appropriated by by Parlia-law for that pure, out of any fund that is appropriated by by Parlia-ty for that pure to the pure of law for that purpose. 43 V., c. 28, ss. 9 and 111;-44 V., c. ment.

missioner for the North-West Territories, who shall have such of the Powers and duties of the Commissioner, and such of the powers and duties of the Commission, the Government of the Governor in Council:

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As to halfbreeds in Manitoba.

13. No half-breed in Manitoba who has shared in the stribution of half-breed has been an distribution of half-breed lands shall be accounted the Indian; and no half-breed have shall be accounted the Indian; and no half-breed lands shall be accounted the widow of an Indian or a half be widow of an Indian, or a half-breed who has already been admitted into a treaty shall and admitted into a treaty, shall, unless under very special circumstances, which shall be determined. cumstances, which shall be determined by the Superior of tendent General or his accent tendent General or his agent, be accounted an Indian, and any entitled to be admitted into any Indian treaty; and hall be half-breed who has been admitted into a treaty; shall be allowed to withdraw therefrom allowed to withdraw therefrom on signifying in writing be desire so to do, which signification in writing shall all signed by him in the presence of the signed by him in the presence of two witnesses, who shall by certify the same on oath before same certify the same on oath before some person authorized by law to administer the same

Half-breeds of Caughnawaga confirmed in certain rights.

2. The half-breeds who are by the father's side either holly or partly of Indian block seigniory of Caughnawaga, and who have inhabited cor said seigniory for the last twoman said seigniory for the last twenty years, are hereby profirmed in their possession and right of the last twenty hereby profiles and right of the last twenty firmed in their possession and right of residence and pick perty, but not beyond the tribal perty, but not beyond the tribal rights and usages which others of the band enjoy 49 W 43 V., c. 28, s. 14; 47 V. c. 27, s. 4.

Reserves to be subject to this Act.

Surveys, plans, reports and sub-division into lots of reserves may be authorized.

What Indians only to be deemed lawful possessors of land in reserves.

14. All reserves for Indians, or for any band of Indians, held in trust for their benefit or held in trust for their benefit, shall be deemed to held served and held for the same served and held for the same purposes as they were the before the passing of this Act but before the passing of this Act, but shall be subject to the provisions of this Act. 43 V

15. The Superintendent General may authorize surveys ans and reports to be made of plans and reports to be made of any reserve for indisates showing and distinguishing the indicates the forests showing and distinguishing the improved lands, the forest and lands fit for settlement and intervent in a settlement and intervent lands. and lands fit for settlement, and such other information is required; and may authorize the other information is required; and may authorize the whole or any portion of a reserve to be sub-divided in the whole of a 28, s. 16

16. No Indian shall be deemed to be lawfully in posses for is it sion of any land in a reserve, unless he has been or with cated for the same by the band cated for the same by the band, or council of the band, ndian the approval of the Superintender () the approval of the Superintendent General; but no Inder shall be dispossessed of any land shall be dispossessed of any land on which he has improper ments, without receiving common which he has the ments, without receiving compensation therefor, at a the ation approved by the Superior ation approved by the Superintendent General, from and Indian who obtains the land or for the state of the for the form Indian who obtains the land, or from the funds of the band, as is determined by the Superinter the funds of 43 V. 17. When the Superintendent General approves of any ticket cation as aforesaid, he shall immediate, a ticket

Location ticket in triplicate; and

••• When the Superintendent General approves of ticket location as aforesaid, he shall issue, in triplicate, a

⁸ If such will is not assented to or approved of, as afore- Effect of non-ind the Indian shall a sented to have died intestate: approval. ^{6.} If such will is not assented to or approved or, as and ^{8aid,} the Indian shall be deemed to have died intestate:

on which the property devised is situated, or to any relative farther removed than a second cousin : 2. The devise may be made subject to such trusts as to May be sub-lone isor seems may be made subject to such trusts. the devise may be made subject to such trusts as to May be sub-sions of seems proper, if the same are within the provi-ject to trusts. sions of this Act, or any other Act respecting Indian

duly recognized title, any parcel of land upon the reserve property by which, band, or upon the reserve band, upon will. of his band, or upon a reserve of any other band, upon will. which he, or upon a reserve of any other band, upon date of his docthed his family, or any of them, resided at the date of his death, may devise the same by will, as well as bis personal effects or other property of which he is the re-on members of his family, or any consistence of the state of ^{cognized} owner, to such member or members of his family, the lative of the such member of members of his family, the said will statute, as to him seems proper; provided Proviso; as to him seems proper; provided approval. the said will, after his death, is consented to by the band approval. tend of by the Superinwhing the said reserve, and approved of by the Superin-tendent General reserve, and approved of by the Superinwhing the said reserve, and approved of by the Super-who is not only and that such devise is not to any relative who is not entitled to reside upon the reserve of the band

Any Indian who holds, under location ticket or other Indian may dy recognized till DESCENT OF PROPERTY.

19. Every Indian and every non-treaty Indian, in the Pro- Privileges of British Columnity In Indians and non-treaty In rince of British Columbia, in the Province of Manitoba, in the Indians and North-West Torritoria District of Keewatin, who dians having North-West Territories or in the District of Keewatin, who dians having and previously to the or in the District of Keewatin, who dians having and previously to the or in the District of Keewatin of improved indiana incluhas, previously to the selection of a reserve, possession of dians inclu-land who has mod and who has made permanent improvements on a plot of ded in reserves. Note: the selection of a reserve, possession of lands inclu-land who has made permanent improvements on a plot of ded in reserves. Which is or about the selection of surrounded by, a in certain provinces. and who has made permanent improvements on a plot of ded in reserved, which is or shall be included in, or surrounded by, a in certain plate, shall have the method of the respect of such Reserve, shall have the same privileges, in respect of such that as an Indian and holds under a location title. p_{lot}^{crve} , shall have the same privileges, in respect of 43 V, c. 28 an Indian enjoys who holds under a location title.

18. The conferring of any such location title shall not Effect of such have the effect of rendering the land covered thereby sub-tion to seizure under the land covered thereby subject to seizure under legal process, and such title shall be transferable only to an Indian of the same band, and then only with the consent and approval of the Superintendent General, whose consent and approval of the Superinteneous by the issue of the transmission of the superinteneous of the second s by the issue of a ticket, in the manner prescribed in the preceding and approval shall be given only and approval shall be given only and approval shall be given only a state of a ticket, in the manner prescribed in the state of a ticket, in the manner prescribed in the state of a ticket. hert preceding section. 43 V., c. 28, s. 19.

granting a location title to such Indian, one triplicate of how dealt which he shall retain in a book to be kept for the purpose; with and the other and the shall retain in a book to be kept for the part agent one to two of which he shall forward to the local agent one to be delivered to the Indian in whose favor it Was issued, and the other to be filed by the agent, who shall also cause that the other to be filed by the agent, who shall also cause the same to be copied into a register of the band, provided for the same to be copied into a register of the band, provided for the purpose. 43 V., c. 28, s. 18.

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Distribution of estate in case of intestacy.

Proviso.

Administration of pro-perty of

minors.

Proviso.

4. Upon the death of any Indian who holds, under location events and events a ticket or other duly recognized title, any parcel of land, and who has died intestate, the right and in of such who has died intestate, the right and interest therein of such deceased Indian shall together deceased Indian shall, together with his goods and chattels, devolve one-third upon big with devolve one-third upon his widow, if any, if she is a wo man of good moral character and man of good moral character and was living with her his band at the time of his doath band at the time of his death, and the remainder upon the children, in equal shares if the children, in equal shares, if they are Indians within the meaning of this Act and and the indians within the meaning of this Act, and such children shall have a life estate in such land as their fath estate in such land as their father had; but the Superinter dent General may, in his diagont dent General may, in his discretion, direct that the widew if she is of good moral charter that the right is if she is of good moral character, shall have the right goods occupy such parcel of land, and have the right goods occupy such parcel of land, and have the use of such goods and chattels during the term of here.

5. During the minority of such children, the administration and charge of such land and tion and charge of such land and goods and chattels as the wide if are entitled to, as aforesaid shall a e entitled to, as aforesaid, shall devolve upon the widow if any, of such deceased Indian if if any, of such deceased Indian, if she is a woman of such and at the moral character and was living with the second at the time of the second at the second moral character and was living with her husband at the set time of his death; and as each male child attains that age of twenty-one years, and each female child attains the sol or marries before that age, with the consent of the she widow, the share of such male or f widow, the share of such male or female child shall be bat veyed or delivered, as the case veyed or delivered, as the case may be, to him or her; be widow from such administration and time, remove the same more and confer as widow from such administration and charge, and confer mer, and same upon some other person same upon some other person, and, in like manner, from remove such other person and and the manner, from time to the remove such other person and appoint another, and so, for time to time, as occasion required

6. If any such Indian dies without issue, leaving a widow good moral character, such lot death without of good moral character, such lot or parcel of land, and bis ssue. goods and chattels, shall be voted. goods and chattels, shall be vested in her, and in neares no widow, then they shall be vested in her, and in neares no widow, then they shall be vested in her, and if he leaves of kin to the deceased ; but if he h of kin to the deceased; but if he has no heir nearer that be nearer to the benefit of Ucousin, the same shall be vested in Her Majesty for the benefit of the band: 7. Whatever is the final disposition of the land, the claim at shall not be held to be leave of the land, the unit ant shall not be held to be lawfully in possession det General in the location ticket for

In any case location ticket must be obtained.

Appointment of guardians of minors.

he obtains a location ticket from the Superintender General, in the manner prescribed General, in the manner prescribed in regard to new local tions: 8. The Superintendent General may, whenever there take inor children, appoint a fit and a second to note minor children, appoint a fit and proper person remove charge of such children and their to be a may remove charge of such children and their property, and may time such person and appoint a noth such person and appoint another, and so, from time 9. The Superintendent General may decide all questions in those end in those in the distribution of the line in the distribution of the distribution o ent General 9. The Superintendent General may decide all question to decide dis. which arise respecting the distribution, among those for putes. titled, of the lands and goods and decide and deceased

titled, of the lands and goods and chattels of a deceased

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dian, and may also do whatsoever he, under the circumstances, thinks will best give to each claimant his share, according to the true intent and meaning of this Act, whether such share is the true intent and meaning of this Act, whether such share is part of the lands or goods and chattels themselves, or is part of the lands or goods and chattels themselves to disor is part of the lands or goods and chattels themesed is pose themese the proceeds thereof, if it is thought best to dispose themese pose thereof—regard always being had in any such dispo-sition to be proceed thereof. If it is thought been to be a such disposition to restrictions upon the disposition of property in a leserve. 47 V., c. 27, s. 5.

TRESPASSING ON RESERVES.

21. No person, or Indian other than an Indian of the Only Indians land, shall settle, reside or hunt upon, occupy or use any of the band road, or marsh, or shall settle, reside upon or occupy any reside and belonging to or occupied by such band; and all mortgages band. All tract or consented to by ony Indian, and all leases, congiven or occupied by such band; and all mortgages band. An tracts and agreements made or purporting to be made by to be void. any Indian, whereby persons or Indians other than Indians of the band are permitted to reside or hunt upon such re-

serve, shall be void. 43 V., c. 28, s. 22.

22. If any person, or Indian other than an Indian of the Removal of without the second and their dent General and their band, without the license of the Superintendent General and their which license back and the license of the Superintendent General and their settles. (which license he may at any time revoke), settles, resides cattle. or hunts upon, occupies, uses, or causes or permits any cattle or other animals owned by him, or in his charge, to trespass on any such land or marsh, or fishes in any marsh, river, stream or or all stream or creek on or running through a reserve, or settles, resides upon or allowance for resides upon or occupies any such road, or allowance for road, on such toad, on such reserve; or if any Indian is illegally in possession of any land in a reserve—the Superintendent General, or such officer land in a reserve—the Superintendent deputes and authoror such officer or person as he thereunto deputes and authorizes, shall, on complaint made to him, and on proof of the fact to his satisfaction, issue his warrant, signed and sealed, directed to any literation, issue his warrant, signed and sealed, directed to any literate person willing to act in the premises, commanding him forthwith-

(a) To remove from the said land, marsh or road, or allow- Removal of for road ance for road, every such person or Indian and his family, so settled, or who is such person or Indian and his family, so settled, or who is residing or hunting upon, or occupying, or is illegally or is illegally in possession of the same ; or

(b) To remove such cattle or other animals from such land And of cattle. or marsh ; or

(c) To cause such person or Indian to cease fishing in any Prevention of fishing. marsh, river, stream or creek, as aforesaid; or

(d) To notify such person or Indian to cease using, as Notice to tresaforesaid, the said lands, river, streams, creeks or marshes, roads or allowance for roads;

Effect of warrant.

Costs.

Removal and punishment of persons returning after having been removed.

Warrant to sheriff, to arrest and commit to gaol.

Limitation of imprisonment.

And such person shall accordingly remove or notify ery such person on India every such person snall accordingly remove or cattle or other animals or cause or other animals, or cause such person or Indian to cease fishing, as aforesaid and f fishing, as aforesaid, and for that purpose shall pro the same powers as in the execution of criminal or cess; and the expenses cess; and the expenses incurred in any such removal notification shall be borne by the notification shall be borne by the person removed or notified or who owns the cattle or other or who owns the cattle or other animals removed, or who has them in charge and more has them in charge, and may be recovered from him as the costs in any ordinary action of the form him as an costs in any ordinary action or suit, or if the trespasser of Indian, such expenses may be all of the trespasser of Indian, such expenses may be deducted from his share 47 annuity and interest money if annuity and interest money, if any such are due to him. V., c. 27, s. 21.

23. If any person or Indian, after he has been removed notified as aforesaid or offer or notified as aforesaid, or after any cattle or other animals owned by him or in his charge h owned by him or in his charge have been removed, as afore said, returns to. settles resident said, returns to, settles, resides or hunts upon, or lots, or lots, or or uses, as aforesaid, any of the said land, marsh or lots, animals parts of lots, or causes or permits any cattle or other animals owned by him or in his observed owned by him or in his charge, to return to any to any said land, marsh, or lots or parts of lots, or returns to any marsh, river. stream or cred marsh, river, stream or creek on or running through a reserve, for the purpose of the through a rottles of reserve, for the purpose of fishing therein, or settles of resides upon or occupies any of the resides upon or occupies any of the said roads, allowances for roads, or lots or parts of lots the said roads, allowances allowances are concerned. for roads, or lots or parts of lots, the Superintendent General, or any officer or person domated or any officer or person deputed and authorized, as aforesaid, upon view, or upon proof upon view, or upon proof on oath made before him, or distance to a satisfaction, that the said his satisfaction, that the said person or Indian has returned, as to, settled, resided or hunted to, settled, resided or hunted upon, or occupied or used, of aforesaid, any of the said load aforesaid, any of the said lands, marshes, lots or parts of lots, or has returned to settled lots, or has returned to, settled or resided upon or occupied any of the said roads. or allower of a lots or lots or any of the said roads, or allowances for roads, or lots of parts of lots, or has caused on parts of lots, or has caused or permitted any cattle or of of any of animals owned by him. or in his ch animals owned by him, or in his charge, to return to any of the said land, marsh or lots or part the said land, marsh or lots or parts of lots, or has returned to any marsh, river, stream or or and to any marsh, river, stream or creek, on or running through a reserve, for the purpose of fill a reserve, for the purpose of fishing therein, shall direct the and send his warrant. signed and send his warrant. and send his warrant, signed and sealed, to the sheriff of the proper county or district or to an all of the sheriff of the sh proper county or district, or to any literate person therein; and if the said reserve is not site and if the said reserve is not situated within any county of district, then to any literate person him for be district, then to any literate person, commanding him before with to arrest such person or Train with to arrest such person or Indian, and bring him to of instice it any stipendiary magistrate, police magistrate, commit the peace, or Indian agent who are the peace, or Indian agent, who may, on conviction, commit him to the common gaol of the arrive him to the common gaol of the said county or district; or the said county or district is the said county of there is no gaol in the said county or district; there nearest to the said reserve in the D nearest to the said reserve in the Province or Territory, which to remain for the time ordered to remain for the time ordered in such warrant, but which shall not exceed thirty days for the context of the state of the second secon shall not exceed thirty days for the first offence, and thirty days additional for each subcommender of the first offence, and the second subcommendation of the 43 V., C. 28, s. 24 ;-45 V., c. 80, s. 3 ;-47 V., c. 27, s. 6.

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635 24. Such sheriff or other person shall accordingly arrest Arrest and he said not the gaoler or imprisonment. the said person or Indian, and deliver him to the gaoler or imprison-sheriff of the person or Indian, and deliver him to the gaoler or ment. sheriff of the proper county, district, Province or Territory, who shall receive such person or Indian, and imprison on in the soid mell for the term aforesaid. 43 V., c. him in the said gaol for the term aforesaid. 43 V., c. 25. The Superintendent General, or such officer or person Judgment to aforesaid, shall cause the judgment or order against the be drawn up judgment shall cause the judgment or order against the be drawn up judgment shall not up and filed in his office; and such to be final. judgment shall not be appealed from, or removed by certiorari or otherwise bet a line for the special definition of the sp or otherwise, but shall be final. 43 V., c. 28, s. 26.

26. Every person, or Indian other than an Indian of the Punishment of trespassed on reserves. band to which the reserve belongs, who, without the license in of trespassers on reserves. Writing of the Superintendent General, or of some officer or person deputed period deputed in the purpose, cuts, carries person deputed by him for that purpose, cuts, carries away, or removes from any of the said land, roads or allow-ances for roads in any of the said land, roads or allowances for removes from any of the said land, roaus of ances saplings, shruhe in the said reserve, any of the trees, or have thereon, or hav thereon, or saplings, shrubs, in the said reserve, any of the trees, removes any of the stone, soil, minerals, metals or other removing cer-there is the soil land model or allowances for roads, tain things. raluables any of the stone, soil, minerals, metals or other removing to shall, on conviction the said land, roads or allowances for roads, tain things. shall, on conviction thereof before any stipendiary magis-trate, police maximum thereof before any stipendiary magis-

trate, police magistrate, or any two justices of the peace or

(a) For every tree he cuts, carries away or removes, a Trees Penalty of twenty dollars ;

(b) For cutting, carrying away or removing any of the Saplings, &c. saplings, shrubs, underwood, timber or hay, if under the the value of one dollar, a penalty of four dollars; but if over

(c) For removing any of the stone, soil, minerals, metals Stone, min-other valuebles any of the stone, soil, minerals, metals Stone, min-erals, &c. or other valuables aforesaid, a penalty of twenty dollars;

And the costs of prosecution in each case :

2. In default of immediate payment of the said penalties and Recovery of the magistrate in the page or Indian agent, penalties and costs. ^costs, such magistrate, justices of the peace, or Indian agent, costs. as h. Superintendent (Internet of the peace, or Indian agent, costs. or the Superintendent General, or such other officer or person A: he has antias he has authorized in that behalf, may issue a warrant, directed to any person or persons by him or them named directed to any person or persons by him or them named therein, to levy the amount of the said penalties and costs by distress and sale of the goods and chattels of the person or mian lights. Indian liable to pay the same; and similar proceedings May be had upon such warrant issued by the Superintendent General, or such other officer or person as aforesaid, as if it In J. been issued to the officer or person as aforesaid, as if it had been issued other officer or person as aforesaid, as in Indian agent by the magistrate, justices of the peace or was convicted; or Indian agent, before whom the person was convicted; or such magistrate, or Indian agent, or

such magistrate, or justices of the peace, or Indian agent, or

Committal without distress.

the Superintendent General, or such other officer or person as aforesaid, without proposition in other officer of maras aforesaid, without proceeding by distress and sale, the upon non-payment of the said penalties and costs, order the person or Indian liable there person or Indian liable therefor to be imprisoned in the said common gaol of the county of the said common gaol of the county or district in which the said reserve or any part thereof line f reserve or any part thereof lies, for a term not exceeding thirty days, if the penalty days thirty days, if the penalty does not exceed twenty negative or for a term not exceeding the second in the second i or for a term not exceeding three months if the penalty 3. If upon the return of any warrant for distress and is the amount thereof back sale, the amount thereof has not been made, instices of any part of it remains unpaid such

any part of it remains unpaid, such magistrate, or justices at the peace, or Indian agent or the S Committal in default of disthe peace, or Indian agent, or the Superintendent General or such other officer or person car f tress. or such other officer or person as aforesaid, may commit the person in default to the common

Application of penalties.

term not exceeding three months if the sum exceeds tweet dollars : 4. All such penalties shall be paid to the Minister for nance and Receiver General and all in the Minister for encoded of st Finance and Receiver General, and shall be disposed of fit the use and benefit of the band the use and keceiver General, and shall be disposed benefit the use and benefit of the band of Indians for whose benefit the reserve is held, in such more for Covernor it the reserve is held, in such manner as the Governor it Council directs :

person in default to the common gaol, as aforesaid, upon term not exceeding thirty down if it is a solution of the solution of term not exceeding thirty days, if the sum claimed or for a the said warrant does not exceed t the said warrant does not exceed twenty dollars, or wenty term not exceeding three months if it

License by Superintendent General.

5. Nothing herein contained shall be construed to prevent the Superintendent General from the construction set to and the Superintendent General from issuing a license to and person or Indian to cut and remains person or Indian to cut and remove trees, wood, timber and hay, or to quarry and remove cities, wood, the and from the hay, or to quarry and remove stone and gravel on the from the reserve, if he, or his account from the reserve, if he, or his agent, acting by his in ort, or dinart of the ordinart of the tions, first obtains the consent of the band thereto 28, s. ordinary manner, as hereinafter provided. 43 V., c. 28, s. 27, part ;-45 V., c. 30, s. 3:-17 V

Punishment of Indians trespassing on land of another Indian;

Or removing certain things.

27. Every Indian who, without the license in writing of e Superintendent General are a constructed or performed the Superintendent General, or of some officer or sway deputed by him for that who holds, a location title, or who is otherwise recognized the trees partment as the occupant of such a partment as the occupant of such land, any of thereon, her saplings, shrubs, underwood, timber or hay the other removes any of the stone, soil, minerals, metals or who valuables off the said land. valuables off the said land; and every Indian without license as aforesaid and without license as aforesaid, cuts, carries away or removes from any portion of the reserved characteristics and the said and the same from any portion of the reserve of his band, for sale any trees, for the immediate use of himself for the immediate use of himself and his family, stone, as timber or hay thereon or not timber or hay thereon, or removes any of the for sale, as aforesaid while the stone, as minerals, metals or other valuables therefrom, the and preceding aforesaid, shall incur the penalties provided in bands and preceding section in respect to L preceding section in respect to Indians of other bands and Chap. 41.

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other persons, and similar proceedings may be had for the Penalty. recovery thereof as are provided for in the said section.

28. In all orders, writs, warrants, summonses and pro-Name of of-edings where the Superin- fender need not be insert ceedings whatsoever made, issued or taken by the Superin- fender need not be inserted tendent General, or any officer or person by him deputed as in the war-aforesaid or the second provide the aforesaid, or by any stipendiary magistrate, police magistrate, rant in certain justice of the new stipendiary magistrate, police magistrate, cases. justice of the peace or Indian agent, it shall not be neces-summoned insert or express the name of the person or Indian wise proceed rested, distrained upon, imprisoned or other-Wise proceeded against therein, except when the name of berger known by the such person or Indian is truly given to or known by the Superintendent General, or such officer or person, or such stipendiar... superintendent General, or such officer or person, or such stipendiary magistrate, police magistrate, justice of the given to or Indian agent; and if the name is not truly What descrip-the person or Indian by any part of the name of such part of the name is given to or known by him; and if no describe the person or Indian proceeded against in any many the person or Indian proceeded against in any describe the name is given to or known by min, in manner hy which is or Indian proceeded against in any manner by which he may be identified; and all such proceedings, containing or purporting to give the name or description of an or purporting to give the name or description of any such person or Indian, as aforesaid, shall primá facie be sufficient. 43 V., c. 28, s. 29.

29. All sheriffs, gaolers or peace officers, to whom any Sheriff, &c., to be process is directed by the Superintendent General, or assist in such removal. such process is directed by the Superintendent General, or assist in such by any officer are directed by the Superintendent General, or assist of the superintendent of the supe by any officer or person by him deputed as aforesaid, or the magnistrate. justice of the by any officer or person by him deputed as alone in the peace or Indian magistrate, police magistrate, justice of the peace or Indian agent, 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 so 44 V. c. 17, s. 9.

to do, assist in the execution thereof. 44 V., c. 17, s. 9. ⁸⁴LE OR BARTER OF PRODUCE AND MAPLE TREES GROWN

30. ON RESERVES. b from time to the Council may make such regulations Governor in Council may make regulations for prohibiting or Council may make regulations. as, from time to time, seem advisable for prohibiting or Council may inegular band of Indians, or by any Indian of any band or hibiting or Territ in the Province of Manitoba, the North-West sale of proinegalar band of Indians, or by any Indian of any band or hibiting or Territories or the Division of Manitoba, the North-West sale of pro-tories or the Division of Manitoba, the North-West sale of pro-diant. Territories or the District of Keewatin, of any Indian or any dians. The Province of Manitoba, the North-West sale of pro-root crops, or other produce grown upon any Indian reserve the Province of Manitoba, the North-West Territories or sale betweeting and may further provide that such the Province of Manitoba, the North-West Territorice a sale, barter of Keewatin; and may further provide that such sale, barter, exchange or gift shall be null and void, unless the same are made in accordance with regulations made in

2. Every person who buys or otherwise acquires from Penalty for ay such Indiana who buys or otherwise acquires from Penalty for Indians conany such Indian or band, or irregular band of Indians, any buying from Indians con-

trary to such regulations.

such grain, root crops or other produce, contrary to any such regulations, shall. on summer regulations, shall, on summary conviction before a stipendi ary magistrate. police magist ary magistrate, police magistrate, or two justices of peace or an Indian agent he lichter peace or an Indian agent, be liable to a penalty not exceeding one hundred dollars or to one hundred dollars, or to imprisonment for a term not exceeding three months or to hundred the sector of the sect exceeding three months, or to both. 44 V., c. 17, s. 1, part and s. 2;-45 V., c. 30 se 2 months

Superintendent General

31. If any such grain or root crops, or other produce of nerson, or other produce of nerson, aforesaid, are unlawfully in the possession of any person within the intent and monthly possession of any person within the intent and meaning of this Act, and of the regulations made by the Game fully possessed regulations made by the Governor in Council under the by any person. Act, any person acting under the by any possessed regulations made by the Governor in Council under with by any person. Act, any person acting under the authority, either generation or special, of the Superintendent C or special, of the Superintendent General, may, with superintendent Genera take possession of the same, and he shall deal there with as the Superintendent General or an and he shall deal there there the Superintendent General, or any officer or person unto by him authorized direct unto by him authorized, directs. 44 V., c. 17, s. 3.

Governor in Council may prohibit cutting of trees on reserves.

Penalty for contraven-'ion of such regulations.

32. The Governor in Council may, from time to time any ake regulations for probibility make regulations for prohibiting the cutting, special away or removing from or sapling and every person who cuts, carries away or removes the any reserve or special reserve and a second s any reserve or special reserve, any hard or sugar-maple tree on ves intervention or sapling, or buys or otherwise or sapling, or buys or otherwise acquires from any sugar mode or sugar may be a sugar may be a sugar may be a sugar mode of suga or non-treaty Indian, or other person, any hard or sugar any sugar maple tree or sapling so cut corried maple tree or sapling so cut, carried away or removed rule any reserve or special reserve could away or removed rule any reserve or special reserve, contrary to any such reput tion, shall, on summary conviction before a stipen registrate, police magistrate or two institutions of the pears magistrate, police magistrate, or two justices of ding of hundred with or an Indian agent, be liable to a penalty not exceeding on the period of the period o hundred dollars, or to imprisonment for a term not exceeding ing three months, or to both 44 W v. c. 30 c. 3 44 V., c. 17, ss. 4 and 5; V., c. 30, s. 3.

Indians liable to labor on public roads in reserves. and to what extent.

Powers of the

33. Indians residing upon any reserve, and engaged of the pursuit of agriculture as their the provided of th the pursuit of agriculture as their then principal means of general of General ar support, shall be liable, if so directed by the Superintender General, or any officer or person of the person of the superinter author ized, to part General, or any officer or person by him thereunto autor ized, to perform labor on the superior by him therein or the superized, to perform labor on the public roads laid out or labor in or through, or abutting upon shall be port in or through, or abutting upon such reserve which labor shall be performed under the sol shall be performed under the sole control of the may thor when when dent General, or officer or person aforesaid, who may labor when, where and how and in what manner such all be shall be applied, and to what action the same shall be shall be applied, and to what extent the same shall be same upon Indians who are said lands. imposed upon Indians who are resident upon any of of said lands; and the Superinter in the same of of the said lands; and the Superintendent General, or office the person aforesaid, shall have the lit person aforesaid, shall have the like power to enforce the performance of such labor by intermediate or other performance of such labor by intermediate performance perf dent General. performance of such labor by imprisonment

wise, as may be done by any power or authority under any law, rule or regulation in force in the Province or Territory in -1. regulation in force in the non-Territory in which such reserve is situate, for the non-performance of the such reserve is situate. performance of statute labor; but the labor to be so Proviso: as to required of statute labor; but the labor to be so in amount the amount of such labor. required of any such Indian shall not exceed in amount such labor. or extent what may be required of other inhabitants of the same Province my be required of other inhabitants of the same Province, Territory, county or other local division, under the local division and under the laws requiring and regulating such labor and performance requiring and regulating such labor and

the performance thereof. 43 V., c. 28, s. 34.

84. Every band of Indians shall cause the roads, bridges, Band to cause the sand control of the put and main- roads to be put and kept ditches and fences within its reserve to be put and main-roads to be put and main-put and kept in property to be put and maintained in proper order, in accordance with the instructions in order. Received, from the description of the Superintendent Genreceived, from time to time, from the Superintendent General, or from time to time, from the Superintendent General; and Power of the whenever in the agent of the Superintendent General; and Superintenwhenever, in the agent of the Superintendent General, and Superinten-the same are not opinion of the Superintendent General, dent General the same are not so put or maintained in order, he may cause the work to have a put or maintained in order, he may cause the work to be performed at the cost of such band, or of the Particular Indi particular Indian in default, as the case may be, either out of its or his and in default, as the case may be, either out of its or his annual allowances, or otherwise. 43 V., c. 28, 8.85.

COMPENSATION FOR PORTION OF RESERVE USED FOR ANY PURPOSE OR TRESPASSED UPON.

35. If any railway, road or public work passes through Superinten-causes injugate to or in possession dent Genera to name arbitrary to or in possession to or in possesion to or in possession to or in possession to or in possess or causes injury to any reserve belonging to or in possession in the train of the t of any band of Indians, or if any act occasioning damage trator on be-party reserve is damaged to any reserve belonging to or in possession to name and party reserve is damaged to any act occasioning damage trator on be-dians when to any reserve is done under the authority of an Act of half of In-satiament. or of the T Parliament, or of the Legislature of any Province, compen- property is taken from the same manner them for ar sation shall be made to them therefor in the same manner taken from them for any provided with as is provided with respect to the lands or rights of other public im-in sons; and the spect to the lands or rights of other public impersons; and the Superintendent General shall, in any case provement. in which an arbitration is had, name the arbitrator on behalf of the Indians, and shall act for them in any matter relating to the settlement of the amount to the settlement of such compensation; and the amount awarded in any case shall be paid to the Minister of Finance and Receiver General for the use of the band of Indians for the benefit the benefit of any whose benefit the reserve is held, and for the benefit of any thereon 42 V., c. 9, s. 9,

Indian who has improvements thereon. 42 V., c. 9, s. 9, ^{eub-s. 37};-43 V., c. 28, s. 31. **36.** In all cases of encroachment upon, or of violation of Her Majesty's name may be used in pro-

trust respecting any special reserve, proceedings may be used in pro-taken in the name of Her Majesty, in any superior court, ceedings in certain cases. notwithstanding the legal title is not vested in Her Majesty.

^{8URRENDER} AND FORFEITURE OF LANDS IN RESERVE.

trust as aforesaid, or by the breaking up of any society, title to

by If, by the violation of the conditions of any such Title to vest as aforesaid violation of the conditions of any society, title to

lapses.

reserves held corporation or community, or if by the death of any person in trust or persons without a local or persons without a legal succession of trusteeship, and whom the title to a special rest whom the title to a special reserve is held in trust, the shall title lapses or becomes void in t title lapses or becomes void in law, the legal title shall become vested in Her Majostrian become vested in Her Majesty in trust, and the property shall be managed for the band or be managed for the band or irregular band previously interested therein as an ordine

Surrender of special reserve to Her Majesty in trust.

Provisions respecting sale or lease of reserves.

2. The trustees of any special reserve may, at any time, arrender the same to Her Mark 's arrow the surrender the same to Her Majesty in trust, whereupon band property shall be managed for the property shall be managed for the band or irregular 43 V. previously interested therein as an ordinary reserve. 43 V. c. 28, s. 33. **38.** No reserve or portion of a reserve shall be sold ienated or leased until it has a

alienated or leased until it has been released or surrendered to the Crown for the purposed of the surrendered of the the surrendered of the surre to the Crown for the purposes of this Act, excepting or chil cases of aged, sick and infirm Indians and widows or children left without a guardian dren left without a guardian, or in the cases of fessions, engaged in the practice of any in the cases of fessions, engaged in the practice of any one of the learned Professions, or in teaching schools or in the school of the learned Profession in the or in teaching schools, or in pursuing a trade which inter-feres with their cultivations is a trade which Superferes with their cultivating land on the reserve, the for their intendent General shall be the intendent General shall have the power to lease, for the support or benefit, the lands to relate the lease of the support of benefit, the lands to relate the lands to support or benefit, the lands to which they are entitled. V., c. 28, s. 36; -47 V. c. 27 5 2

Release or surrender of a reserve when valid.

Assent of band.

Proviso.

Proof of assent.

Approval of Governor in Council.

39. No release or surrender of a reserve, or portion of a serve, held for the use of the L reserve, held for the use of the Indians of any band, or any individual Indian, shall be write the following and the following the following and the followi any individual Indian, shall be valid or binding, except of the following conditions

(a) The release or surrended shall be assented to by a source of the male members of the second full age of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be assented to be a source of the second shall be a source of the second shall be assented to be a source of the second shall be assented to be assented to be assented to be a source of the second shall be assented to be majority of the male members of the band, of the full age twenty-one years, at a meeting or the band, of the full age for that pure twenty-one years, at a meeting or council thereof summond for that purpose, according to the for that purpose, according to the rules of the band, or of the band, of the band, for the purpose, according to the rules of the band, for held in the presence of the Numerical or of the superior delayer d held in the presence of the Superintendent General, or of officer duly authorized to attend officer duly authorized to attend such council, by the but rol nor in Council or by the Superint nor in Council or by the Superintendent General; but no Indian shall be entitled to vote and unless here in the second se Indian shall be entitled to vote or be present at such council unless he habitually resides on the present at such council the resource of the present at such council in the resource of the present at such council in the resource of the r unless he habitually resides on or near and is interested in the reserve in question :

(b) The fact that such release or surrender has $\frac{been}{beal}$ be the band at such as such as such as such as such as the su sented to by the band at such council or meeting, shall of certified on oath before some ind certified on oath before some judge of a superior, countrand district court, or stipendiary martine of a superior, countrand district court, or stipendiary magistrate, by the Superintend ent General, or by the officer and superior, in to attend such convert ent General, or stipendiary magistrate, by the Superint attend such council or meeting, and have such council or meeting, and by some one of the chiefs and principal men present the root principal men present thereat and entitled to vote; such when such assent has been so release or surrender shall be submitted to the Governor Council for acceptance or refuel. Council for acceptance or refusal. 43 V., c. 28, s. 37.

General shall cause the material parts of every such assign-ment to be reader to b ^{ment} to be registered in such book of registry, and shall

2 Upon any such assignment being produced to the Entries there-aperintendent Contractions of the such in, on what in one where such in, on what proof to be Superintendent General, and, except in cases where such proof to be of demonstrate and and a superintendent with an affidavit made. assignment is made under a corporate seal, with an affidavit made. of due execution thereof, and of the time and place of such with the event of the time and place of time and execution, and the names, residences and occupations of the binnesses: or an another in the Province of Quebec, withesses; or, as regards lands in the Province of Quebec, high the product: pon the production of such assignment, executed in nota-tial form, or of even of such assignment, executed in notaal form, or of a notarial copy thereof, the Superintendent

or the heirs or legal representatives of such assignee :

43. The Superintendent General shall keep a book for Registers of sistering, at the cation of the sector interested, the par- to be kept. registering, at the option of the persons interested, the par- assignments point of any assignment of the persons interested by the original ticulars of any assignment made, as well by the original Purchaser or lessee of Indian lands, or his heirs or legal repretentatives, as by any subsequent assignee of any such lands, or the heirs or lesse?

making or granting thereof 43 V., c. 28, s. 42.

42. Every certificate of sale or receipt for money received Effect of the sale on the sale of Indian lands granted or made by the Super- former unres-thendent General lands granted or made by the sale cates of sale intendent General or any agent of his, so long as the sale cates of sale by which such received any agent of his, so long as the sale cates of sale and the such received any agent of his in force and or receipts. to which such receipt or certificate relates is in force and or receipts. Not rescinded, shall entitle the person to whom the same is the sa granted, or his assignee, by instrument registered under this or any former Arter by the person to whom the such this or any former Act providing for registration in such cases, to take possession of and occupy the land therein com-prised, subject to take possession of and occupy the land therein comprised, subject to the conditions of such sale, and thereunder, subject to the conditions of such sale, and maintain actions has been revoked or cancelled, to maintain actions and suits against any wrongdoer or trespasser, as effectually as he could do under a patent from the could do under a patent from the primâ facie Crown; as effectually as he could do under a patent from the evidence for the possession. eridence for the purpose of possession by such person, or possession. the assignee, under an instrument registered as aforesaid, in any such action or suit; but the same shall have no force Proviso. against a license to cut timber existing at the time of the making or granting in the time of the time

SALE AND TRANSFER OF LANDS IN RESERVES.

the passing of this Act; and shall be managed, leased and the same pur-ditions of surrounder in Council directs, subject to the con- tofore. ditions of surrender and the provisions of this Act. 43 V., c. 28, s. 40

41. All Indian lands, which are reserves or portions of Certain Berves and to Her Majesty, Indian lands, to be her reserves, surrendered or to be surrendered to Her Majesty, Indian lands the be deemed to be held for the same purposes as before the Crown for sol, passing of this A

40. Nothing in this Act shall confirm any release or sur- Act not to nder which in this Act shall confirm inrender which, but for this Act, would have been invalid; confirm in-and no release or sur- Act not to valid releases or portion of a or surrenders. and no release or surrender of any reserve, or portion of a or surrenders. reserve, to any person other than Her Majesty, shall be valid. 43 V., c. 28, s. 39.

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cause to be indorsed on every such assignment a certificate of such registration, signed by the line of the signed by the sis signed by the signed by the signed by the signed by the si of such registration, signed by himself, or by the depart Superintendent General or any other officer of the department by him authorized to since

Effect of assignment and registration.

3. Every such assignment so registered shall be subse against any assignment previously executed, which is subset quently registered or is unregister quently registered or is unregistered; and no such registered tion shall be made until all the tion shall be made until all the conditions of the sale, by the or location are complied with or dispensed with by its Superintendent General and Superintendent General, and every assignment tered, as aforesaid, shall be unconditional in its terms. V., c. 28, s. 48

If subscribing witness is dead, &c.

41. If any subscribing witness to any such assignment dead, or is absent from Canada the readent of a is dead, or is absent from Canada, the Superintendent of eral may register such assignment eral may register such assignment upon the productions an affidavit proving the death or al an affidavit proving the death or absence of such performance and his handwriting, or the hard and his handwriting, or the handwriting of the person making such assignment. 42 V

Patent to issue to their assignee or devisee after proof of right thereto.

Proviso.

Power of the Superintendent General in cases of fraud.

Obtaining possession after such cancellation in case of resistance.

45. On any application for a patent by the heir, assigned devisee of the original purchase of the devise of the devise of the original purchase of the devise of the devise of the original purchase of the devise of the d or devisee of the original purchaser from the Crown, Superintendent General Superintendent General may receive proof, in such manner as he directs and requires. in such receive proof, in such manner patent ----as he directs and requires, in support of any claim being patent, when the original purchased patent, when the original purchaser is dead, and upon justy satisfied that the claim has been satisfied that the claim has been equitably and to is the established, may allow the same, and cause a patent to is a coordingly; but nothing in this cause a patent the risk accordingly; but nothing in this section shall limit the right of a person claiming a patent to accordingly. of a person claiming a patent to land in the Province of Ontario to make application at any the maissing of the province of th Ontario to make application at any time to the Commissioner under the "Act respecting the Tr under the "Act respecting the Heir, Devisee and Revised its tutes of Owners Commission," being chapter twenty-five of the Revised Use

46. If the Superintendent General is satisfied that and urchaser or lessee of any Indianal is satisfied assigned purchaser or lessee of any Indian lands, or any assigned claiming under or through him bar claiming under or through him, has been guilty of any sale of any imposition, or has violated and the guilty of sale of sale of the sector of or imposition, or has violated any of the conditions of sale or lease, or if any such sale or lease it lease, or if any such sale or lease has been made or issued and resume the lease, he may consult error or mistake, he may cancel such sale or lease has been made or lease, if no resume the land therein mentioned, or dispose of it as soch sale or lease thereof had ever here and all it of sale or lease thereof had ever been made; in Councillations heretofore made better sale or lease thereof had ever been made; and all store confirmed. by the Superintendent General de transformed valid by the Superintendent General, shall continue valid altered. 43 V., c. 28, s. 46.

47. Whenever any purchaser, lessee or other person refuses neglects to deliver up possession of the set of t ••• Whenever any purchaser, lessee or other person refuer or neglects to deliver up possession of any land after wher tion or cancellation of the sale or less any formed definition of radiant or neglects to deliver up possession of any land after report tion or cancellation of the sale or lease, as aforesaid, or while ever any person is wrongfully in possession of any land state lands and refuses to vacate or abandon possession of the same

50. Whenever letters patent have been issued to or in the Cancellation of the wrong of the wro hame of the wrong person, through mistake, or contain any letters patent material error or person, through mistake, or contain any letters patent corrected clerical error or misnomer, or wrong description of any and issue of claim, the Superint of the land thereby intended to be corrected ones in the Superint of the land there is no adverse stead. granted, the Superintendent General, if there is no adverse stead. claim, the Superintendent General, if there is no automand and a minute the defective letters patent to be cancelled in the and a minute of such cancellation to be entered in the 411 of the registry of the original letters patent, and

49. When by law or by any deed, lease or agreement relat- Who to act or any of the land, by any deed, lease or agreement relat- who to act or give notice is re-give notice is re-give notice is re-give notice. ing to any of the lands herein referred to, any notice is re-give notice the c to be given the Crown, such and act done by or by the Crown, such notice may be given and act done by or by authority of the Grown dont General. 43 V., c. 28, the anthority of the Superintendent General. 43 V., c. 28,

48. Whenever any rent payable to the Crown on any Enforcing payment of Indian land, rent due to the Superintendent Gen-payment due to lease of Indian lands is in arrear, the Superintendent Gen- payment of and or any agent of the Crown eral, or any agent or officer appointed under this Act and the Crown. authorized by the Superintendent General to act in such cases, may issue a warrant, directed to any person or persons by him named therein, in the form of a distress warrant, as in ordinary cases of landlord and tenant, or as in the case of distress and the second distress and warrant of a justice of the peace for non-payhent of a pecuniary penalty; and the same proceedings may be had thereon, for the collection of such arrears, as in either of the said last-mentioned cases; or an action of debt, as in debt. ordinary cases of rent in arrear, may be brought therefor in the name of the first in arrear, may be brought therefor in the name of the first in arrear, may be brought therefor in the name of the first in arrear, may be brought therefor in the name of the first in arrear, may be brought therefor in the name of the first in arrear, may be brought therefore in the name of the first in arrear, may be brought therefore in the name of the first in arrear, may be brought therefore in the name of the first in arrear, may be brought therefore in the name of the first in arrear, may be brought the first in arrear, may be brought the first in arrear in the first in arrear. tent shall not be necessary in any case. 43 V., c. 28, s. 48.

facias possessionem, or writ of possession; and the sheriff, or Execution of bailiff or writ of possession; been intrusted for such order. any bailing or writ of possession; and the sherift, or execution is a possessionem, or writ of possession; and the sherift, or execution is a possession or the sherift of execution by the Superintendent General, shall execute the same in like manner as he would execute such writ in an 43 V., c. 28, s. 47. action of ejectment or a possessory action. 43 V., c. 28, s. 47.

the Superintendent General may apply to the judge of the superior county court of the county, or to a judge of the superior Court in the district in which the land lies, in Ontario or Quebec non-Quebec respectively, or to any judge of a superior court, or land lies in or a county court of the county in which the land lies, in any other Province, or to any stipendiary magis-trate in any other Province, or to any stipendiary magistrate in any other Province, or to any stipendialy in an order in the land lies, for an order in the nature of a writ of habere facial possessionem Order in the orwrit of the nature of a writ of habere facial possessionem order in the writ of the nature of a writ of habere facial possessionem order in the order in the nature of a writ of habere facias possessionem order in a proof to his costs on a different said judge or magistrate, upon nature of a writ of the person to possession. proof to his satisfaction that the right or title of the person to possession. hold such land has been revoked or cancelled, as aforesaid, or that such that such land has been revoked or cancelled, as along shall grant lessee or person in the shall grant lessee or person in shall grant an order upon the purchaser, lessee or person in to the Superintendent possession, to deliver up the same to the Superintendent; General, or person by him authorized to receive the same; and such order shall have the same force as a writ of habere

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43 V., c. 28, s. 50.

corrected letters patent to be issued in their stead where so cancelled, and have the so cancelled, and have the same effect as if issued at the date of such cancelled letter.

51. In all cases in which grants or letters patent have sued for the same land in the other, issued for the same land, inconsistent with each of through error, and in all care of the same land, include the same land in all care of the same land in the same land

through error, and in all cases of sales or appropriations inter the same land, inconsistent with

lands, of such value and to such extent as the Superinter dent General deems just and dent General deems just and equitable under the loss it is stances; but no such claim about

preferred within five years from the discovery of the error. 43 V., c. 28, s. 51.

52. Whenever, by reason of false survey or error Indian

quantity described, as contained in the particular lot of parcel of land granted. 43 V

the purchase money of so much land as is deficient, therefore the interest thereon from the time for the interest thereon from the time of the application therein or, if the land has passed from the or, if the land has passed from the original purchaser, of purchase money which the claimed a defering the second purchase money which the claimant, if he was ignorance a deficiency at the time of his purchase a deficiency at the time of his purchase, has paid for so much of the land as is deficient with of the land as is deficient, with interest thereon from and time of the application therefore the second from and time of the application therefor, to be paid to him in but or money, as the Superintendent () directs; ion money, as the Superintendent General directs; such claim chall b no such claim shall be entertained unless application is made within five years is made within five years from the date of the whole and unless the deficiency is could be determined unless the deficiency is could be determined to be the whole

and unless the deficiency is equal to one-tenth of the whole quantity described, as contained

53. Whenever patents for Indian lands have for the first of Compared or in error or interval. wnenever patents for Indian lands have issued through fraud or in error or improvidence, the Excheque Court of Canada, or a superior and province mate Court of Canada, or a superior court in any province situate upon action, bill or plaint more than any lands situate within it. upon action, bill or plaint, respecting such lands the parts within its jurisdiction, and the parts within its jurisdiction, and upon hearing after alf interested, or upon default of the said parties after tively notice of proceeding as the said notice of proceeding as the said courts shall respectively order, decree such patents to be Effectof regis- order, decree such patents to be void; and upon a regist of try of decree. of such decree in the office of the Registrar General Canada, such patents shall be with the registrar of the Registrar of the Registrar Canada, such patents shall be with the registrar of the Registrar o

2. The practice in court, in such cases, shall be regulated v orders, from time to time mode -. I ne practice in court, in such cases, shall be regulation by orders, from time to time, made by the said courts respectively. 43 V., c. 28, s. 53

Lands patented twice over.

the same land, inconsistent with each other, the Superinter dent General may in cases of the dent General may, in cases of sale, cause a repayment of purchase money. with interest purchase money, with interest; or when the land has passed from the original purchaser or l from the original purchaser or has been improved before a discovery of the error, he may in the land has passed as Compensation discovery of the error, he may, in substitution, assign Indian grant a certificate entitling the in certain grant a certificate entitling the person to purchase inter-lands, of such value and to such cases.

Limitation of stances; but no such claim shall be entertained unless it is preferred within five years from the entertained the error.

uenciency of land provided books or plans in the department, or in the late for. branch of the Department of the Let branch of the Department of the Interior, any grant, sale of appropriation of land is formal life interior. appropriation of land is found deficient, or any parcel in land contains less than the quantit land contains less than the quantity of land mentioned in the patent therefor, the Superintend the patent therefor, the Superintendent General may with the purchase money of so much

Compensation.

Limitation of time for claim.

Certain

issued in

error, &c.

courts may avoid patents

Practice in such cases.

Chap. 41. correct letters patent to be issued in their stead which corrected letters patent shell which in their stead of those

and every person who refuses or neglects to furnish such

57. Every person who obtains a license shall, at the expira- Return to be made by tion thereof, make to the officer or agent granting the same, licensee. or to the Superintendent General, a return of the number and kinds of trees cut, and of the quantity and description of sticks of of saw-logs, or of the number and description of sticks of away or other time number and description of sticks of the number and carried away square or other timber, manufactured and carried away under or other timber, manufactured and carried and by the such license; and such statement shall be sworn to and holder of it; ind such statement or by his foreman; by the holder of the license, or his agent, or by his foreman;

trees may be cut, and the kind of trees which may be cut, land and kind to the bicense the right of trees to be cut, and the kind of trees which may be cut, land and kind to the bicensee the right of trees to be and shall confer, for the time being, on the licensee the right of trees to be to take and keep exclusive possession of the land so described, cut; its effect. subject to such regulations as are made, and every license shall Vest in the holder thereof all rights of property whatsoever in trees of the bill rights of the limits of the all trees of the kind specified, cut within the limits of the license, during the term thereof, whether such trees are cut by the authority of the holder of such license or by any other person, with a with a such and every license person, with or without his consent; and every license Rights of otherwise, such trace without his consent; and every license Rights of therwise, such trace without his consent; or other product trespassers. otherwise, such trees and the logs, timber or other product trespassers. thereof, if the same are found in the possession of any authorized unauthorized person, and also to institute any action or suit against any wrongful possessor or trespasser, and to prosecute all trespassers and other offenders to punishment, and to recover damages, if any; and all proceedings pending at Continuing the expiration of any; and all proceedings pending at Continuing the expiration of any license may be continued to final proceedings. 28, s. 58.

55. No license shall be so granted for a longer period than For what relye month of the so granted for a longer period than for what time. twelve months from the date thereof : and if, in consequence of anv income the date thereof : or cause whatof any incorrectness of survey or other error, or cause what- As to error in soever, a license of survey or other error, and included in a description, soever, a license is found to comprise land included in a description, Indian lands the lite, or land not being reserve, or ungranted &c. Indian lands, the license granted shall be void in so far it comprises such land, and the holder or proprietor of the license so claim upon the license so rendered void shall have no claim upon the reason of such Crown for indemnity or compensation by reason of such avoidance. 43 V., c. 28, s. 57.

Council, and such conditions, regulations and restrictions shall be added to be conditions. shall be adapted to the locality in which such reserves or lands are situated. 43 V., c. 28, s. 56.

54. The Superintendent General, or any officer or agent Licenses to athorized 1 licenses to cut cut trees; how and authorized by him to that effect, may grant licenses to cut whom and whom and trees on resources how to be trees on reserves and ungranted Indian lands, at such rates, how to be and subject t and subject to such conditions, regulations and restrictions, granted. as are, from time to time, established by the Governor in Council and time to time, established by the forestructions

TIMBER LANDS.

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56. Every license shall describe the lands upon which the License must describe the may be cut, land and kind

Punishment for not making return or for evasion of regulations.

statement, or who evades or attempts to evade any regulation made by the Governor in Court made by the Governor in Council, shall be held to have out without authority, and the time without authority, and the timber or other product made shall be dealt with accordingly shall be dealt with accordingly. 43 V., c. 28, s. 59.

Trees cut and their products to be liable for the pay-ment of dues.

58. All trees cut, and the logs, timber or other thereon, thereon, thereof, shall be liable for the payment of the dues thereof, so long as and where convert so long as and wheresoever the same, or any part thereof into found, whether in the original large difference into found, whether in the original logs or manufactured into deals, boards or other stuff. deals, boards or other stuff; and all officers or agents and trusted with the collection of the line officers or agents and trusted with the collection of such dues, may follow and seize and detain the same when the dues, may follow and seize and detain the same wherever they are found, until the dues are paid or secured 49 V

Security taken for dues not to affect

59. No instrument or security taken for the dues, either fore or after the cutting of the before or after the cutting of the trees, as collateral security or to facilitate collection shall. or to facilitate collection, shall in any way affect the lief for such dues, but the lien shall enhanced the said dues for such dues, but the lien shall subsist until the said dues are actually discharged 49 V

60. If any timber so seized and detained for non-payment dues remains more than total of dues remains more than twelve months in the custoff without the agent or person appointed to the agent or person appointed to guard the same, without the dues and expenses being with the Grant the same, intendent Superintendent General may order a sale of the said timber to be made and sufficient notice; and the belance sufficient notice; and the balance of the proceeds of sufficient notice; and the balance of the proceeds of sufficient notice. sale, after retaining the amount of dues and costs of curred, shall be handed over to the curred, shall be handed over to the owner or claimant bis such timber, upon his applying the such timber, upon his applying therefor and proving his right thereto. 43 V., c. 28 • 69

Punishment for unlawfully cutting trees; and forfeiture thereof.

> Additional penalty in case of removal of trees.

Proof of right to cut, on whom to lie.

61. If any person, without authority, cuts, or employs and duces any other person to out induces any other person, without authority, cuts, or entring trees of any kind on Internet or assists in cuts trees of any kind on Indian lands, or removes or carting away, or employs, or induces or carting the removes of away, or employs, or induces or assists any other person for remove or carry away, any trees remove or carry away, any trees of any kind so the reference of any kind s Indian lands, he shall not acquire any right to the or so cut, or any claim to any right to the for so cut, or any claim to any remuneration for cutting of preparing the same for market, or conveying the same of other production of the transformation of the timber, and other production of the timber of the timb towards market—and when the trees, or logs or timber, or cannot in the same for market, been been the same to a same to a same the same th other product thereof, have been removed, so that the con-cannot, in the opinion of the Scannot, in the opinion of the Superintendent General, his veniently be seized, he shall in a state of the loss of lass veniently be seized, he shall, in addition to the loss dollars labor and disbursements income labor and disbursements, incur a penalty of three dollars for each tree, rafting stuff excented with the is provented have out a for each tree, rafting stuff excepted, which he is proved such have cut or caused to be cut have cut or caused to be cut or carried away; and in penalty shall be recoverable with penalty shall be recoverable with costs, at the suit agentit any court b the name of the Superintendent General or resident amount any court having jurisdiction in the name of the amount any court having jurisdiction in civil matters to the amount of the penalty; and in all such are in the incumbent on the peralty. of the penalty; and in all such cases it shall be incum and the avery on the person charged to prove his authority to cut; that he the averment of the person solution the averment of the person seizing or prosecuting,

lien.

Sale of seized timber after a certain delay. Chap. 41.

G8. All trees, logs, timber or other product thereof seized Sale of trees, hder this Act, but it is and emned. unless the &c., seized, may be order ander this Act, shall be deemed to be condemned, unless the kc., seized, may be order-

claimant and not on the officer who seizes the same, or the person who being the officer who seizes the same, or the Person who brings such prosecution. 43 V., c. 28, s. 66, part.

65. Whenever any trees, logs, timber or other product Burden of the seized for the proof in certain cases thereof are seized for non-payment of Crown dues, or for any proof in cer-bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, timber or other product Burden or bron, cause of forfaiter any trees, logs, the burden of the other cause of forfeiture, or whenever any prosecution is lie on claim-day for the second for t brought in respect of any penalty or forfeiture under this ant, not on prosecution any grossian any grossian of the said dues have or seizing officer. Act, and any question arises whether the said dues have or seizing due timber or other pro- officer. been paid any question arises whether the said dues have or second duct were cut on her the trees, logs, timber or other pro-officer. duct Were cut on lands other than any of the lands aforesaid, burden of the lands other than any of the lands aforesaid, the burden of proving payment, or on what land the same Were cut, as the case may be, shall lie on the owner or hand and and the same, or the

64. Every officer or person seizing trees, logs, timber or Seizing this Act, may in the discharge of his duty under officer may command command in the discharge of his duty under officer may the formation of the name of this Act, may, in the name of the Crown, call in any assis- assistance in the name of the Crown, call in any assis- assistance in the name of the Crown, call in the same. 43 V., the name of the Crown. tance necessary for securing and protecting the same. 43 V., the Crown.

68. When the trees, timber, logs or other product Presumption lereof, so reproduct version of law in cas thereof, so reported to have been cut without authority, on of law in case of mixture of mixture of the second to have been cut without authority of the second to have been cut without Indian lands, have been made up or intermingled with other these and trees, timber low been made up or intermingled with other trees trees, timber, logs or other product thereof, into a crib, dram other trees. or raft, or in any other manner, so that it is difficult to dis-tinguish the tany other manner, so that it is difficult to distinguish the trees, timber, logs or other product thereof, cut on reserves or Indian land, without license, from that with which it is modeled the whole of the trees, which it is made up or intermingled, the whole of the trees, All to be timber, loss or other or intermingled up or inter- on Indian timber, logs or other product thereof, so made up or inter- on Indian on Indian lands, and shall be seized, and forfeited, and sold, by the Superintendent General, or any other officer or agent acting under him, unless evidence satisfactory to him is adduced, showing the probable quantity not cut on Indian 43 V and 10 m a lands. 43 V., c. 28, s. 64, part.

62. When the Superintendent General, or any officer or Seizure of acting information, trees cut without agent acting under him, receives satisfactory information, trees cut supported by and him, receives satisfactory information, trees cut institute of the peace or authority supported by affidavit made before a justice of the peace or authority. before any other competent authority, that any trees have been cut without authority on Indian lands, describing where the transmission of the product thereof are to where the trees, logs, timber or other product thereof are to be found the trees, logs, timber or other product thereof are to be found, the Superintendent General, officer or agent, may seize, or cancel the product the superintendent deneral officer or agent, may seize, or cause to be seized, the same in Her Majesty's name, wheresover for the seized, the same in Her Majesty's name, wheresover found, and place the same under proper custody, until the matter d, and place the same under proper custody. 43 V., until the matter is decided by competent authority. 43 V., c. 28, s. 64 c. 28, s. 64, part.

is duly employed under the authority of this Act, shall be sufficient proves the sufficient proof thereof, unless the defendant proves the contrary. 43 V., c. 28, s. 63.

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ed in default of notice of claim.

person from whom the same are seized, or the owner thereof, within one month from the day. within one month from the day of the seizure, gives notice to the seizing officer or pearest of to the seizing officer or nearest officer or agent of the slime the intendent General, that he claims or intends to claim agent same; and in default of and same; and in default of such notice, the officer or agent seizing shall report the circuit seizing shall report the circumstances to the Superinter by the dent General, who may order the sale of the same by the said officer or agent. 43 V

Proceedings for trial of validity of seizure, &c.

Delivery on security given.

Bond to be given, &c.

Indian moneys to be dealt with as heretofore.

Governor in Council may direct how Indian funds shall be invested and managed and payments made therefrom.

67. Any judge of any superior, county or district court, of any superior, county or district court, of any stipendiary magistrate policy. any stipendiary magistrate, police magistrate or Indian agent, may, in a summary way under the may, in a summary way, under the "Act respecting summary proceedings before Justices of the D proceedings before Justices of the Peace,"try and determine she seizures, and may, pending the trial, order the delivery of the trees, logs, timber or other trees, logs, timber or other product thereof to the alleged owner, on receiving security by hand and good ar owner, on receiving security by bond, with two good pay sufficient sureties, first approved sufficient sureties, first approved by the said agent, product double the value of such trees double the value of such trees, logs, timber or other production in case of their condemnation in case of their condemnation—and such bond shall be taken in the name of the Superinter days of the superinter days and such bond shall water, in the name of the Superintendent General, for Her Majest and shall be delivered up to a line intendent and shall be delivered up to and kept by the Superintendent General; and if such seized troop l General; and if such seized trees, logs, timber or other pid duct thereof are condemned the duct thereof are condemned, the value thereof shall be the forthwith to the Superintendent C forthwith to the Superintendent General or agent, and be bond cancelled, otherwise the part of agent, shall be bond cancelled, otherwise the penalty of such bond shall be enforced and recovered. 43 V 43 V., c. 28, s. 67, part; 45 V., c. 30, s. 3.

68. Every one who avails himself of any false statement of also statement of the statemen or attempts to evade pay-ment of dues. Forfeit the timber in respect of which the dues are attempted to be evaded. 43 V., c. 28, 8, 62

MANAGEMENT OF INDIAN MONEYS.

69. All moneys or securities of any kind applicable to the support or benefit of Indiana the support or benefit of Indians, or any band of the sale and all moneys accrued or bereather of any band from the sale and all moneys accrued or hereafter to accrue from the sol of any Indian lands or of any tick of any Indian lands or of any timber on any reserves of applicable to the same purposes and by the same interest of manner or the same purposes and by the interest of the same purposes and by the same purpose and by the same purpose and by the same purpose and by the same purposes and by the same purpose and by the same purposes and by the same applicable to the same purposes and be dealt with in the same manner as they might have been manner as they might have been applied to or 69.

70. The Governor in Council may, subject to the by sions of this Act, direct how and it is a subject to the and how the whom, the moneys arising from sales of Indian lands, and from the property held or to be held in the Indian the Indian or from any from the property held or to be held in trust for the Indian or from any timber on Indian lends or from any timber on Indian lands or reserves, or from any other source, for the benefit of Lands other source, for the benefit of Indians, with the proceeding to any lands of any sum not exceeding ten per cent. of the proceeding any lands, timber or property which is any lands timber or property which is any lands of the proceeding ten per cent. any sum not exceeding ten per cent. of the proceeding any lands, timber or property, which is agreed at the

75. ELECTION OF CHIEFS. If the good governor in Council deems it advisable, Governor in Council may provide for for the good government of a band, to introduce the system provide for the click of click of a band, to introduce the system provide for the chiefs of any election of click of any election of click of any election of click of the chiefs. of election of chiefs, he may provide that the chiefs of any election of such time and place as the Superintendent General directs; such time and place as the Superintendent General directs; and they shall, in such case, be elected for a term of three dings, but many in such case, be elected for a term of three years, but may be deposed by the Governor in Council for the nest interposed by the Governor in Council for dishonesty, intemperance, immorality or incompetency; and

they may be in the proportion of one head chief and two second chiefs of the proportion of one head chief and two ^{second} chiefs or councillors for every two hundred Indians:

2. No band shall have more than six head chiefs and Proviso: as adian second chiefe at a composed of thirty twelve band shall have more than six head chiefs and Provise. A ludians, may bard chiefs, but any band, composed of thirty to number. Indians, may have one chief:

74. The Superintendent General may, whenever sick or Indians may babled, or according to the second provided for be relieved out of the disabled, or aged or destitute Indians are not provided for be relieved and be band of which destitute Indians are furnish sufficient funds of the band of which destitute indians are furnish sufficient funds of the band where furnish sufficient funds of the by the band of which they are members, furnish sufficient funds of the band when the funds of the band for the relief of such sick, sick, &c. disabled, aged or destitute inclaims are not and for the relief of such sick, sick, &c. disabled, aged or destitute Indians. 43 V., c. 28, s. 84.

73. The Superintendent General may also stop the pay- Similar proment of the Superintendent General may also stop the pay-Similar pro-has no children and interest money of any woman who vision as to improve the superintendent for the pay-Similar pro-tion and interest money of any woman who indian has no children, and who deserts her husband and lives woman. immorally with another man. 43 V., c. 28, s. 83, part.

72. The Superintendent General may stop the payment Payment of the annuity of the dent of annuity may be stopped if annuity may be stopped if of the Superintendent General may stop the payment Payment of proved, to the satisfaction of any Indian who is annuity may shill be satisfaction of the satisfaction o proved, to the satisfaction of the Superintendent General, cases of marisuilty of deserting his family; and the Superintendent of any General may apply the same towards the support of any 43 V., c. 28, s. 83, family, woman or child, so deserted. 43 V., c. 28, s. 83,

71. The proceeds arising from the sale or lease of any Proceeds of Idian lands Indian lands, or from the timber, hay, stone, minerals or sales to be we valuables the timber of the paid to the Receiver other valuables, or from the timber, hay, stone, minerals or said to the Minister of Figure 1. Store a reserve, shall be paid to the Receiver Minister of Finance and Receiver General to the credit of General. the Indian fund. 43 V., c. 28, s. 71.

of the surrender to be paid to the members of the band interested therein, shall be invested, from time to time, and how the paid to the members of time, and how the payments or assistance to which the Indians are entitled shall be made or given; and may provide for the general many direct what pergeneral management of such moneys, and direct what percentage or proportion thereof shall be set apart, from time to the management of time, to cover the cost of and incidental to the management of reserves land reserves, lands, property and moneys under the provisions of this Act and property and moneys under the provisions of this Act, and for the construction or repair of roads pasing through such reserves or lands, and by way of contri-bution to an such reserves or lands, and by way of contribution to schools attended by such Indians. 43 V., c. 28, 8, 70.

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Proviso: as to present life chiefs.

Further proviso as to them.

Election of chiefs may be set aside for certain reasons.

3. Provided that life chiefs, now living, shall continue to old the rank of chief until dooth hold the rank of chief until death or resignation, or until their removal, by the Governor in Guerris Guerris and the state of the stat removal, by the Governor in Council, for dishonesty, internation of the perance, immorality or incompation of the perance of t perance, immorality or incompetency; but in the event of a band the Governor in Council providing the state of a band shall be the Governor in Council providing that the chiefs of a band shall be elected, the life object of shall be elected, the life chiefs shall not exercise the powers of chiefs, unless elected under the of chiefs, unless elected, under the provision aforesaid, to be exercise of such powers

4. An election may be set aside by the Governor is Council on the report of the Superintendent General, if the proved by two witnesses before the proved by two witnesses before the Indian agent for the Superior the Superior agent for the Superior the Indian agent for the tendert C locality or such other person as is deputed by the superior tendent General to take evidence in the trad tendent General to take evidence in the matter, tion; and or gross irregularity was practised at the said election; of every Indian who is proved every Indian who is proved guilty of such irregularity, or connivance thereat irregularity, or connivance thereat, may be declared inch gible for re-election for six very if it gible for re-election for six years, if the Governor in directs. on the report of the Superintendent General, so directs. V., c. 28, s. 72:-47 V

76. The chief or chiefs of any band, in council may frame, bject to confirmation by the Council, ris REGULATIONS TO BE MADE BY CHIEFS. subject to confirmation by the Governor in Council that is and regulations in respect of the continue content of the content o and regulations in respect of the subjects following, that is to say:-Chiefs to make regulations for certain purposes. (a) As to what religious denomination the teacher of the hool established on the reserved to the provided ways the school established on the reserve shall belong to: provided always, that he shall be of the same shall belong to the majority of the same shall be of the same shall be at the sa always, that he shall be of the same denomination or Catholic majority of the band; and that the Religious majority of the band; and that the Protestant or with is approved of denomination of school minority may likewise have a separate school, with is approval of and under regulations. teacher. approval of and under regulations made by the Governor in Council; (c) The observance of order and decorum at assemblies of e Indians in general council or Health. the Indians in general council, or on other occasions; Order. (d) The repression of intemperance and profligacy; (e) The prevention of trespass by cattle, and the protection of sheep, horses, mules and a the protection of sheep. Intemperance. Trespass. (f) The construction and maintenance of water-courses ads, bridges, ditches and forces tion of sheep, horses, mules and cattle; (g) The construction and repair of school houses, council unce at and other Indian public. Roads, &c. roads, bridges, ditches and fences; houses and other Indian public buildings, and the and dance at school of children but dance at school of children between the ages of six and fifteen years; School houses, &c.

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(h) The establishment of pounds and the appointment of Pounds. pound-keepers;

(i) The locating of the land in their reserves, and the Location of land. establishment of a register of such locations;

- (i) The repression of noxious weeds;

(k) The imposition of punishment, by fine, penalty or Punishment prisonment of punishment, by fine, penalty or for infraction for infraction of rules. imprisonment, or both, for violation of any of such rules or of rules. regulations; but the fine or penalty shall in no case exceed thirty dollars, and the imprisonment shall in no case exceed birty days. and the imprisonment shall in no case exceed birty days. and the imprisonment shall in no case exceed thirty dollars, and the imprisonment shall in no case of punishment and the proceedings for the imposition of such punishment shall be taken under the "Act respecting sum-mary proceed." '43 V., c. 28, mary proceedings before Justices of the Peace." '43 V., c. 28, 8. 74; 47 V s. 74; -47 V., c. 27, s. 10.

EXEMPTION FROM TAXATION.

77. No Indian or non-treaty Indian shall be liable to be Liability of for any non-treaty Indian shall be holds, in Indians or non-treaty tared for any real or personal property, unless he holds, in Indians to similar individual right real to the under a lease or in fee Indians to his individual right, real estate under a lease or in fee Indians to simple, or parcently in the reserve or special taxation. individual right, real estate under a lease or in iee inutation. Reserve in which property outside of the reserve or special taxation. reserve in which case he shall be liable to be taxed for such real or personal property at the same rate as other persons in the limit of personal property at the same rate as other

persons in the locality in which it is situate:

2. No taxes shall be levied on the real property of any As to taxes on the real property of any As to taxes on the acquired and the levied on the real property of an enfranchised Indian, acquired under the enfranchisement clauses of this enfranchised here is the same i Act, until the same has been declared liable to taxation by Indian. proclamation of the Governor in Council, published in the

³ All land vested in the Crown or in any person, in Exemptions ust for or for the contract of the track of ^{5.} All land vested in the Crown or in any person, in Exemptions or any band or for the use of any Indian or non-treaty Indian, treaty band or irregular band of Indians or non-88. 75 Indians. shall be appeared from taxation. 43 V., c. 28, theaty band or irregular band of Indians of any state of any indians, shall be exempt from taxation. 43 V., c. 28, 88. 75 and 76; -47 V., c. 27, s. 11.

LEGAL RIGHTS OF INDIANS.

78. No person shall take any security or otherwise obtain No lien by lien or chosen independent or be taken any lien or charge, whether by mortgage, judgment or or charge to be taken or on property of any Indian or on property of any Indian or on property of any Indian. otherwise, upon real or personal property of any Indian or on property of an Indian, except on real or personal property sub-person taxation under the upper of any ection; but any Proviso. Ject to taxation under the next preceding section; but any Proviso. person selling any article to an Indian or non-treaty Indian the take second hay take security on such article for any part of the price

thereof which is unpaid. 43 V., c. 28, s. 77.

79. Indians and non-treaty Indians shall have the right As to rights sue for debts a non-treaty Indians shall have the right or of action by indians. to sue for debts due to them, or in respect of any tort or Indians.

Weeds.

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wrong inflicted upon them, or to compel the performance of obligations contracted with them. obligations contracted with them; but in any suit of action between Indians, or in any concerts between Indians, or in any case of assault in which the other der is an Indian, no appeal shall literate der is an Indian, no appeal shall lie from any such the out order or conviction by any police magistrate, stipender magistrate, or two justices of the such magistrate, or two justices of the peace or an Indian agent, when the sum adjudged on the when the sum adjudged or the penalty imposed does an exceed ten dollars. 43 V. c. 28 a To exceed ten dollars. 43 V., c. 28, s. 78; -45 V., c. 30, s. 47 V., c. 27, s. 24.

80. No pawn taken from any Indian or non-treaty to for any intoxicant, shall be retained by the person to when such pawn is delivered: but the the such pawn is delivered; but the thing so pawned in all court of sued for and shall be recoverable, with costs of suit, in all court of competent jurisdiction by the costs of suit, non-treat court of competent jurisdiction by the Indian or non-training in the indian or non-training
Exemptions from seizure.

Things pawned by

Indians for

intoxicants not to be retained.

> 81. No presents given to Indians or non-treaty Indians and no property purchased or acquired with or by thereofy and in the next. any annuities granted to Indians, or any part thereof, any in the possession of any band of such Indians, is be Indian of any band or irregular has a liable to taken said Indian of any band or irregular band, shall be liable or or distrained for any shall be liable to what second taken, seized or distrained for any debt, matter or whatsoever:

2. No such presents or property shall, in the Province to the North the Nort Traffic in pre-sents and pro-perty restrict. British Columbia, the Province of Manitoba, be book ed. West Territoriou or in the Division of Manitoba, be book West Territories or in the District of Keewatin, le boot bartered, exchanged or given by bartered, exchanged or given by any band or irregular band of Indians, or any Indian of any band or irregular period or Indians. of Indians, or any Indian of any such band, to any perform

Punishment for contravention.

Presents, &c., unlawfully in possession of any person may be seized.

3. Every such sale, barter, exchange or gift shall gift ull and void, unless such sale null and void, unless such sale, barter, exchange or gift shall gift is made with the written account of the second state of t is made with the written assent of the Superintervie General or his agent; and events General or his agent; and every one who buys or aforesit without th acquires any presents or property purchased as aforeat without the written consent of the Super dent General or his agoust without the written consent of the Superintendent, as aforesaid, is consistent of the Superintendent of the Superintendendent of the Superintendendent of or his agent, as aforesaid, is guilty of a misdemeanor, of dollars, of the superintendent dol liable to a fine not exceeding two hundred dollars, imprisonment for a term not exceeding two hundred maths: imprisonment for a term not exceeding six months:

4. If any presents given to Indians or non-treaty Indians any property purchased or contains or non-treaty in in y any property purchased or contains or non-treaty in the second of the Indiano Ind any annuities granted to Indians or non-treaty means in the possession of any person within the time intent the meaning of the the possession of any person, within the true intent the meaning of this section. any person within the true dor the anist rity of the S meaning of this section, any person, within the true the autitor rity of the Superintendent General with such such to the section and the such to the section and the section and the such to the section and the such to the section and the such to the section and the section and the such to the section and the section are section as the section are section as the section and the section are section as the section are rity of the Superintendent General may, with such as the possession of the ance in that behalf as he thinks necessary, seize and step possession of the same, and he at the rewith as the Superintendent possession of the same, and he shall deal therewith as the Superintendent General directs to T 200, 80.

Medicine. Or to an who is admitted to the degree of doctor Certain edu-cational acquirements of medicine, or to any other degree, by any University of learn- cational acquirements

such proportion for the land occupied by him or her, or for et may of General fair and properties as appears to the Superintendent General fair and proper. 47 V., c. 27, s. 16, part.

S5. At the expiration of the thirty days aforesaid, the Affidavits to shall formation of the thirty days aforesaid, the Affidavits to Superintendent General all Superintendent agent shall forward to the Superintendent General all Superintendent Genera well as one mode but is been filed with him in the case, as ent General. well as one made by himself before a judge or a stipendiary magistrate, containing his reasons for or against the enfranchisement of the applicant; and if the Superintendent General, after examining the evidence, decides in favor of the applicant; and in the second s bationary Indian for the land occupied by him or her, or for et may be Gap proportion at the land occupied by him or her, or for et may be den proportion at the land occupied by him or her, or for et may be den to the superintendent

84. Upon receipt of such a certificate, the agent shall, To be submitted to council of the least possible delay, submit the same to a council of band. of the least possible delay, submit the same to a council, shall then in the interval of which the applicant is a member; and he shall then inform the Indians assembled at such council, that thirty down the Indians assembled at such council, that then inform the Indians assembled at such counter before a index will be given within which affidavits made before a judge or a stipendiary magistrate will be received, containing reasons, if any there are, of a personal character affecting reasons, if any there are, of a personal character not be granted in the why such enfranchisement should Not be granted to the applicant. 47 V., c. 27, s. 16, part.

83. Whenever any male Indian or unmarried Indian Proceedings Oman. of the formal makes applica- for enfran-chisement. woman, of the full age of twenty-one years, makes applica- for enfran-superintendent General to be enfranchised, the Superintendent General to be entranchised, of which the General shall instruct the agent of the band of which the applicant is a member, to call upon the latter to furnish a certificate, under oath, before a judge of any court of justice, by the priest, clergyman or minister Certificate to by the religions of the priest, clergyman or minister Certificate to of the religious denomination to which the applicant be obtained. tices of the peace, to the effect that to the best of the annual denomination or deponents, the knowledge and belief of the deponent or deponents, the applicant for enfranchisement is, and has been for at least five years five years previously, a person of good moral character, temperate in his or her habits, and of sufficient intelligence to be qualified to hold land in fee simple, and otherwise to erercise all the rights and privileges of an enfranchised person. 47 V., c. 27, s. 16, part.

82. The eleven sections next following, shall not apply Provision as to any band of Indians in the Province of British Columbia, British Col-he Province of British Columbia, British Colthe Province of Indians in the Province of British Columbia, British Col-District of Kanitoba, the North-West Territories or the umbia, Mani-the said sections are, W. Territories District of Keewatin, except in so far as the said sections are, W. Territories by Proclamation of Keewatin, except in so far as the said sections are, W. Territories by proclamation of the Governor in Council, from time to or Keewatin. time, extended to any band of Indians in any of the said provinces, Territories or District. 43 V., c. 28, s. 107.

ENFRANCHISEMENT.

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to confer enfranchisement.

Allotment in such case. Proviso.

ing, or who is admitted, in any Province of Canada, practise law either access practise law, either as an advocate, a barrister, solicitor or attorney, or a notary public or attorney, or a notary public, or who enters holy or a so or who is licensed by any domains as or who is licensed by any denomination of Christians supering minister of the gospel may minister of the gospel, may, upon petition to the Superior tendent General, inso facto based tendent General, *ipso facto* become and be enfranchised under this Act, and he shall then be and the enfranchised under the shall then be and the enfranchised under the shall then be and the enfranchised the shall then be and the enfranchised the shall then be and the enfranchised the shall the this Act, and he shall then be entitled to all the rights and privileges to which any other privileges to which any other member of the band is which he belongs would be sufficient of the band is the band i which he belongs would be entitled if he was enfranchised under the provisions of this Automatic description General may give him a suitable allotment of land from be lands belonging to the band of suitable allotment of land ber; be lands belonging to the band of which he is a member; if he is not the recognized holdor of the two reserves if he is not the recognized holder of a location on the reserved by ticket or otherwise he aball of by ticket or otherwise, he shall first obtain the consent to the band and the approval of the Section on the reserved of the section of the s the band and the approval of the Superintendent General \emptyset such allotment. 47 V. c. 27 s. 16

Patent may issue after probation.

Conditions.

87. After the expiration of three years, or such longer in the eriod as the Superintendent Grant Vin the period as the Superintendent General deems necessary in the event of the conduct of such Indian Government event of the conduct of such Indian not being satisfactory, in Governor in Council may on the Governor in Council may, on the report of the Supering tendent General, order the issue of the report of the granting tendent General, order the issue of letters patent, granting to such Indian the land in fee simple and in the simple and in the simple and in the simple and to such Indian the land in fee simple, which has, with this bir ject in view, been allotted to him bel ject in view, been allotted to him by location ticket, but with out power to sell, lease or otherwise distance in the land, except with the out power to sell, lease or otherwise alienate the land, except with the sanction of the Government of the sanction of the Government of t with the sanction of the Governor in Council; and provide to such effect shall be inserted to such effect shall be inserted in the letters patent con-veying the land to the said Indian veying the land to the said Indian, and in such cases and pliance with the provisions of pliance with the provisions of sections thirty-eight and thirty-nine of this Act shall not be necessary. 47 V., c. 27, s. 17.

Enfranchised Indian to declare name chosen; and to be known by it.

Wife and minor child-

88. Every such Indian shall, before the issue of the the the such and the such and the such as a such the such as a such asuch as a such as a such as a such letters patent, declare to the Superintendent General the name and surname by which he are a surfame by the superintendent on franchised name and surname by which he wishes to be enfranchised and thereafter known, and on h and surname by which he wishes to be enfranchist and thereafter known, and on his receiving such letters patent, in such name and survey is he held to be patent, in such name and surname, he shall be held to be also enfranchised, and he shall the name are shall the shal also enfranchised, and he shall thereafter be known by bis name or surname; and if such the thereafter be known by bis wife and the shall thereafter be known by bis name or surname; and he shall thereafter be known by bis wife and minor unmarried abild wife and minor unmarried children shall also be held to be enfranchised, and from the data enfranchised, and from the date of such letters patent and provisions of this Act and of Effect of such provisions of this Act and of any Act or law making disabilities distinction between the legal and the distinction between the distinction betw distinction between the legal rights, privileges, disabilities and liabilities of Indians and the and liabilities of Indians and those of Her Majesty's other subjects, shall cease to apply to subjects, shall cease to apply to such Indian, or to the so declared to apply to such Indian, or to the so or minor unmarried children of such Indian, or to the deemed declared to be enfranchised declared to be enfranchised, who shall no longer to Indians Indians within the meaning of the state of the longer to Indians to Indians to Indians to Indians of the state of the longer to Indians to Indians to Indians of the state of the longer to Indians to India Indians within the meaning of the laws relating to far as regards their except in so far as regards their right to participate in the annuities and interest moneys are annuities and interest moneys, and rents and councils of the band to which they belonged.

B2. Every Indian, who is not a member of the band, and As to Indians not members of the band of the every hon-treaty Indian who is not a member of the band, and As to indian and the approved of the band of the band of the band approved of the band of the band of the band and the approval of the Superintendent General, has been but permitted

91. In allotting land to probationary Indians, the quan-Rules for allotted by the beallotted by allotted by the second tity to be allotting land to probationary Indians, the quan-Rules for tion to the allotted to the head of a family shall be in propor-allotting lands to probation probation in the number of the head of a family shall be in propor-lands to allotting lands to probation und to the allotted to the head of a family shall be in propor-lands to quantity of land in the family, compared with the total probationary the time to the land in the such family, compared with the total probationary quantity of land in the reserve, and the whole number of Indians. when the band; but the reserve, and the whole number of Indians. the band in the reserve, and the whole number of what quantity of land in the reserve, and the whole number of what quantity chall a provise as to chall a power of the superintendent General may determine Provise as to chall a power of the superintendent General may determine power of chall a power of the superintendent of the superintend-chall a power of the superintendent of the superintend-tendent of the superintendent of the super what quantity shall be allotted to each member for enfran- Superintendent and burposes be allotted to each member for enfran- superintend-in this behalf chisement purposes, provided that each female of any age, ent General at least one-half the amountity allotted to each male of fourat least one-half the quantity allotted to each male of four-by years of 100 years of 28 s 104;-47 V., c. teen years of age and over. 43 V., c. 28, s. 104;-47 V., c.

90. The children of any widow who becomes either a As to children same privileous as the indian shall be entitled to the enfranchised, in the state of a family in like &c. same privileges as those of a male head of a family in like &c. circumstances. 43 V., c. 28, s. 103.

section, from his or her parent's probationary allotment, shall, in all respects had in all respects, be the same as that conferred by an ordinary distribution ticket. location ticket under this Act. 43 V., c. 28, s. 102.

89. If any probationary Indian fails in qualifying to be- If Indian fails re enfranchised to qualify, or the expiration of the re- dies before come enfranchised, or dies before the expiration of the re-dies before the expiration of th quired probation, his claim, or the claim of his heirs, to the expiration of claim of his heirs, to the expiration of claim of his heirs, to the expiration of claim of his heirs, to the probation, &c land for which a probationary ticket was granted, or the ^{probation}, &c. here, of any upgration of any upgration of any upgration of any upgration. claim of which a probationary ticket was granted, of marries during unqualified Indian, or of any Indian who harries during his or her parent's probationary period, to and deducted moderation of the next preceding the land deducted, under the operation of the next preceding section, from his or her parent's probationary period,

8. If any Indian child who arrives at the full age of As to children found unqualtwenty-one years, during his or her parent's probationary ified; or being period, is not and if any child married. period, is not qualified for enfranchisement, or if any child married. of such parent, who was a minor at the commencement of such period i, who was a minor at the commencement of such period, is married during such period, a quantity of equal to the married during such period, a quantity of land equal to the share of such child shall be deducted, in manner as the first such child shall be deducted, from the such manner as the Superintendent General directs, from the allotment made to such Indian parent on receiving his pro-bationary field to such Indian parent on receiving his 27, s. 18. bationary ticket. 43 V., c. 28, s. 101;-47 V., c. 27, s. 18.

2. Any children of a probationary Indian, who, being As to children inors and the probationary ticket was attaining their majority minors and unmarried when the probationary ticket was attaining their majority for the second to second to second to second the second to second to second to second the second to second to second the second to second to second the second to granted to such Indian, arrive at the full age of twenty- before their one years before the full age of twenty before their probation one years before the letters patent are issued to such Indian, father's probation hay, at the dia the letters patent are issued to such Indian, father's probation in Council, receive expires. hay, at the discretion of the Governor in Council, receive expires. letters patent in their own names, subject to the same restrictions and reservations as are contained in the letters of Patent issued to their parent, for their respective shares of the land allotted to their parent, for their respective shares of the land allotted under the said ticket, at the same time that letters patent letters patent are granted to their parent :

to reside on their reserve.

Proviso.

Provision when band decides that all its members may become enfranchised.

Or when Indian becomes qualified by exemplary conduct.

permitted to reside upon the reserve, or to obtain a location thereon, may, on being assigned thereon, may, on being assigned a suitable allotment land by the Superintendent G land by the Superintendent General for enfranchised on the become enfranchised on the same terms and conditions as a member of the band : and such member of the band; and such enfranchisement shall confirmed and upon such Indian the same local upon such Indian the same legal rights and privileges, and make such Indian subject to such make such Indian subject to such disabilities and liabilities as affect Her Majesty's other subjects; but such enfranching ment shall not confer upon such to ; but such enfranching ment shall not confer upon such Indian any right to participate in the annuities interest cipate in the annuities, interest moneys, rents or councils of the band. 43 V., c. 28 s 105

93. If any band, at a council summoned for the purpose cording to their rules and by the purpose according to their rules, and held in the presence of by Superintendent General, or an according to their superintendent General or an according to the presence of the superintendent General or an according to the superintendent General or according to the superintendent General or an according to the superintendent General or according Superintendent General, or an agent duly authorized by him to attend such council desider to a such him to attend such council, decides to allow every lifed, of the band who chooses, and who is found qualified, be become enfranchised, and to receive the become enfranchised, and to receive his or her share of the principal moneys of the band and principal moneys of the band, and sets apart for such apple ber a suitable allotment of land for the purpose, any apple cant belonging to such band after the purpose, any may be cant belonging to such band, after such a decision, may be dealt with as provided in the forecast dealt with as provided in the foregoing provisions respectively enfranchisement, until his or her art enfranchisement, until his or her enfranchisement is attained and whenever any member of the and whenever any member of the band, who, for the way years immediately succeeding the date on which that the the succeeding the date on which that that the succeeding the date on which the succeeding the succeeding the date on which the succeeding the succeeding the succeeding the date on which the succeeding granted letters patent, or for any longer period that is superintendent General deems Superintendent General deems necessary, by his exemplet is conduct and management of good conduct and management of property proves that he good to receive his share of and is qualified to receive his share of such moneys, the Government in Council may, on the report of the first in Council may, on the report of the Superintendent his share of to that effect, order that the said L. to that effect, order that the said Indian be paid his share of the capital funds at the credit of the principal his share of the capital funds at the credit of the band, or his share at the principal of the annuities of the band, or his share at the principal of the annuities of the band, or his share is yielding five per cent., out of such moneys as are provided for the purpose by Parliament.

If such Indian be a married man or a widow.

And as to unmarried children of any such enfranchised and married Indians.

2. If such Indian is a married man he shall also id his wife's and min paid his wife's and minor unmarried children's share in such funds and other principal such funds and other principal moneys, and if such in an in share in a such such is a widow, she shall also be moneys, and if such in married children's share is a widow. is a widow, she shall also be paid her minor unmarried children's share:

3. The unmarried children of such married Indians, for come of age during the probati become of age during the probationary period, either during the probationary period, either between the for payment of such moneys, if qualified by the character for integrity morelistic appriety which they been all in the probation of the probatic of the probation of the probation of the proba by the character for integrity, morality and sobriety where they bear, shall receive their and sobriet moneys, if quality they bear, shall receive their and sobriet moneys they bear, shall receive their own share of such moneys, when their parents are paid and so the strength of such moneys, they bear and so the such moneys, when their parents are paid and the strength of such before they could be such as a strength of such as a str when their parents are paid; and if not so qualified, before they can become enfranchised are paid in the so qualified of such monore the source of such and if not so qualified of such monore the source of such and the source of such and sou they can become enfranchised or receive payment of such moneys they must themselves needed. moneys they must themselves pass through the probationary periods:

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4. All such Indians, and their unmarried minor children, Indian laws to ho are paid at moneys of their cease to apwho are paid their share of the principal moneys of their cease to ap-band, as aforesaid, shall thenceforward cease, in every respect, to be Indians of any class within the meaning of any other Act this Act, to be Indians of any class within the meaning of any other Act or law. 48 V or law. 43 V., c. 28, s. 106.

OFFENCES AND PENALTIES.

94. Every one who sells, exchanges with, barters, supplies Punishment gives to any taken to sells, exchanges with, barters, supplies Punishment or gives to any Indian or non-treaty Indian, any intoxicant, for furnishing intoxicants intoxicants or attempts the to Indians. or causes or procures the same to be done, or attempts the to Indians. same or procures the same to be done, or accompany to be opened or thereat, or opens or keeps, or causes to be opened or kept, on any reserve or special reserve, a tavern homore kept, on any reserve or special reserve, a tavern, house or building in which any intoxicant is sold, bartered, evolution of the second second in possession bartered, exchanged or given, or who is found in possession of any intoxicant in the house, tent, wigwam or place of any Indian or of any person, abode of any Indian or non-treaty Indian, or of any person, n upon any other of any reserve, or or upon any Indian or non-treaty Indian, or of any power who sells and ther part of the reserve or special reserve, or who sells, exchanges with, barters, supplies or gives to any intoxiperson, on any reserve or special reserve, any intoxicant, on any reserve or special reserve, any magistrate of summary conviction before any judge, police hagistrate, on summary conviction before any juage, pour peace, stipendiary magistrate or two justices of the with a stipendiary magistrate or two justices of the peace, or Indian agent, upon the evidence of one credible Withess, or Indian agent, upon the evidence of one creation Province of Marine informer or prosecutor,—or in the British Columbia, Province of Manitoba, the Province of British Columbia, North-Wort There is the District of Keewatin, the North-West Territories or the District of Keewatin, upon the West Territories or the District of Neewall, ble person believe of the informer alone, if he is a credible person, be liable to imprisonment for a term not exceed. Penalties and one is months and be to imprison the with or with their applicaing six months and not less than one month, with or with-tion. dollars and not less than one month, with or with dollars and not less than one month, with or with costs of prodollars and not less than fifty dollars, with costs of prosecution, a moiety of which penalty shall belong to the informer or prosecutor, and the other moiety whereof shall belong to Her Weiter, and the other moiety whereof shall belong to Her Majesty, to form part of the fund for the benefit of that Majesty, to form part of the fund ion me respect to one body of Indians or non-treaty Indians, with respect to one or more members of which the offence was committed, or he shall be liable to both penalty and imprisonment in the discretion of the convicting judge, v gistrate or intice discretion of the convicting judge, V. C. 28, s. 90 V. c. 28, s. 90, part; -44 V., c. 17, s. 10; -45 V., c. 30, s. 3.

or other vessel, or boat, from or on board of which any on board of siven + has been sold bartared exchanged, supplied or which the same are given to any Indian or non-treaty Indian, shall, on summary furnished. conviction before any judge, police magistrate, stipendiary magistrate or two justices of the peace, or Indian agent, upon or midence of operative stipes other than the informer or prosecutor, — or in the Province of Manitoba, the Province trict of Keewatin months and the worth-West Territories or the District of Keewatin, upon the evidence of the informer alone, if

to other Indians.

Evidence of Indians.

Proviso.

Giving intoxicants to Indian or being found drunk in reserve, &c.

Punishment.

Penalties and he is a credible person, -- be liable to a penalty not exceeding their applica- three hundred dollars and their applica- three hundred dollars and not less than fifty d each such offence, with costs of prosecution, which penalty shall be applied as provided in the shall be applied as provided in the next preceding section, alty and Imprisonment and in default of immediate payment of such penalty and in default of costs, any person so convicted challed and the such penalty of a costs, any person so convicted shall be committed to of common gaol, house of corrections is a committee nlace of common gaol, house of correction, lock-up or other place of confinement by the judge magnitude confinement by the judge, magistrate or two justices of be peace, or Indian agent. before with peace, or Indian agent, before whom the conviction he taken place, for a term not excertion the and milling the taken place, for a term not exceeding six months and using the such as the month, with or with the such as the suc less than one month, with or without hard labor, or part. such penalty and costs are paid. 43 V., c.28, s. 90, part

96. Every Indian or non-treaty Indian who makes in anufactures any intoxicant or and manufactures any intoxicant, or who has in his possession or concealed, or who sells exchange having or interactures any intoxicant, or who has in his possessive having intoxi. or concealed, or who sells, exchanges with, barters, supplies ing the same interaction of the selles interaction of t intoxicant, shall, on summary conviction before any institution institution institution before institution b police magistrate, stipendiary magistrate or two justices in the peace, or Indian agent upon the witness of the peace of t the peace, or Indian agent, upon the evidence of one the in the information of the second sec witness, other than the informer or prosecutor, —or in the province of Manitoba, the Province of Division of Division of Manitoba, the Province of Division of Div vince of Manitoba, the Province of British Columbia, North-West Territorion or the Divince of British Columbia North-West Territories or the District of Keewatin, upon be evidence of the informer alone if evidence of the informer alone, if he is a credible person, liable to imprisonment for liable to imprisonment for a term not exceeding bard lines than one month Penalty or im-prisonment, or both. In the second prison of the penalty not exceeding or to a pe or to a penalty not exceeding one hundred dollars and penalty interest than twenty-five dollars less than twenty-five dollars, or to both penalty us imprisonment, in the discretion of the both penalty of the magistrate imprisonment, in the discretion of the convicting 13 v magistrate, or justices of the peace or Indian agent. c. 28, s. 90, part.

97. In all cases arising under the three sections next preceding, Indians or non-treater to the three hall be had preceding, Indians or non-treaty Indians shall be when the interview petent witnesses; but no penalty shall be incurred when the intoxicant is made use of in the intoxicant is made use of in case of sickness under in minister of a medical man and sickness under intoxicant is made use of in case of sickness under intoxicant is made use of in case of sickness under intoxicant is made use of in case of sickness under intoxicant is made use of intoxicant is made use of intoxicant is made use of sickness under its site is a size of sickness under its size of siz sanction of a medical man or under the directions of minister of religion. 43 V

98. Every one who gives or supplies an intoxicant Indian or non-treaty Indian an Indian or non-treaty Indian on an order, which written, shall be liable to all the written, shall be liable to all the penalties to without would have been liable if he had would have been liable to all the penalties to without such order; and every person for the same house tent. wigners such order; and every person found drunk in the blug therein and other dominit tent, wigwam or other domicile of an Indian, or gamilage therein, and every person found drunk in the phile therein, and every person formal therein, and every person found within an Indian, or gavilage settlement or reserve after sound within an Indian, or gavilage after have settlement or reserve after sunset, and who refuses to age or chief shell. after having been requested so to do by an Indiant least which he work 47 V . C. 81, s. 13.

Unchase, acquisitione, chattel, commodity or thing in the Articles exchange acquisition of which, in for intext of which, in for intext of which is a statement of which in for intext of which is a statement of which in for intext of which is a statement of which in for intext of which is a statement of which Purchase, acquisition, exchange, trade or barter of which, in for intoxi-

Majesty for the purposes hereinbefore mentioned. 43 V., c.

100. If it is proved before any judge, police magistrate, Vessels used Indian agent, that any vessel host cance or conveyance of contraven-tion of this Indian agent, that any vessel, boat, canoe or conveyance of contraven-tion of this description any description, upon the sea or sea coast, or upon any Act subject to h. lake or strong in the sea or sea coast, or upon any Act subject to h. to h. the sea or sea coast, or upon any for the sea or sea coast, or upon any iver, lake or stream, is employed in carrying any intoxicant, to seizure and boat, cance or cance or deal of the subject is be supplied to Indians or non-treaty Indians, such vessel, forfeiture. boat, cance or conveyance so employed may be seized and eclared forest conveyance so employed may be seized and declared forfeited, as in the next preceding section men-

2. A moiety of such penalty shall belong to the prose-Application of penalty. cutor and the other moiety to Her Majesty, for the purposes Imprisonhereinbefore mentioned; and in default of immediate pay- Imprison-ment, the offendaria is and in default of immediate pay- Imprison-hereinbefore mentioned; and in default of immediate pay- Imprison-hereinbefore mentioned; and in default of any common gaol, fault of particularia. hent, the offender may be committed to any common gaol, fault of pay-bent, the offender may be committed to any common gaol, fault of pay-bent of correction and be committed to any common gaol, fault of pay-bent because of confinement, ment. with or without by lock-up or other place of confinement, ment. with or without hard labor, for any term not exceeding six months, and not less than two months, unless such penalty $\frac{1}{28} = \frac{91}{24} = -44$ V., c. 17, and costs are sooner paid. 43 V., c. 28, s. 91;-44 V., c. 17,

supplied or given, as well that in which the original supply carried, to be was contained as well that in which the original supply carried. Was contained as the vessel wherein any portion of such forfeited. original supply was supplied as aforesaid, and the remainder of the source box, package, of the contents thereof, if such barrel, keg, case, box, package, recenters receptacle or vessel aforesaid, respectively, can be identified and any intoxicant imported, manufactured or brought into Intoxicants and noo and upon any reserve or special reserve, or into the house, and vessels containing tent, wigwam or place of abode, or on the person of any them may be serve or non-treaty Indian, or suspected to be upon any re-seived and the serve of special reserves of the serve of special destroyed by serve or special reserve, may, upon a search warrant in that destroyed by behalf being granted by any judge, police magistrate, stipen- order of J. P. ary magistrate diary magistrate or justice of the peace be searched for, or bailing and if found, seized by any Indian superintendent, agent or bailiff, or other officer connected with the Indian Department, or other officer connected with us much land or by any constable, wheresoever found on such land or in such place or on the person of such Indian or non-treat in such place or on the person of such Indian or non-treaty Indian; and on complaint before any judge, j police magistrate, stipendiary magistrate, justice of the Peace magistrate, stipendiary magistrate, justice of any credible mit a gent, he may, on the evidence of any violated in credible witness that this Act has been violated in respect the interest that this Act has been violated in respect thereof, declare the same forfeited, and cause the same to be for declare the same forfeited. same to be forthwith destroyed; and may condemn the Penalty for Indian or parcent with destroyed; and may condemn the having the same is found to having the Indian or person in whose possession the same is found to same in pospay a penalty not exceeding one hundred dollars and not session. less than fifty dollars, and the costs of prosecution :

99. The keg, barrel, case, box, package or receptacle from Keg, &c., in hich and bartered, which intox which any intoxicant has been sold, exchanged, bartered, which intoxicant has been sold, exchanged, bartered, which intoxicant has been sold, exchanged bartered, bartered, to be

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cants may be violation of this Act, the consideration, either wholly of forfeited. in part, is an intoxicant is forfeited. in part, is an intoxicant, is forfeited to Her Majesty and may be seized, as is hereinhefere be seized, as is hereinbefore provided in respect to any receipt tacle of any intoxicant, and may be tacle of any intoxicant, and may be sold, and the proceeds thereof paid to Her Maiesty for the thereof paid to Her Majesty, for the purposes hereinbefore mentioned 43 V. c. 28 \times 02

No intoxicant to be introduced at any council or meeting of Indians respecting surrender of reserve.

102. No one shall introduce any intoxicant at any council meeting of Indians held for the or meeting of Indians held for the purpose of discussing of discussing to a release or surrouder of the purpose of discussing to a release or surrouder of the purpose of discussion of the pu of assenting to a release or surrender of a reserve or portion thereof, or for the purpose of assent thereof, or for the purpose of assenting to the issuing st timber or other license : and events timber or other license; and every person who introduces be such meeting, and every agent or all such meeting, and every agent or officer employed by the Superintendent General, or by the G Superintendent General, or by the Governor in Council, we introduces, allows or countenance of the use introduces, allows or countenances by his presence, or at of such intoxicant among such Training to the training of such intoxicant among such Training to the of such intoxicant among such Indians, a week before, or a or a week after, any such conneil or a week after, any such council or meeting, shall incurs penalty of two hundred dollars penalty of two hundred dollars, recoverable by action in any court of competent jurisdiction court of competent jurisdiction, a moiety of which penalty shall belong to the informer 12 W

Intoxicated Indians, how to be dealt with.

Penalties.

103. Any constable may, without process of law, state of a state of a state of a state of any Indian or non-treaty Indian whom he finds in a state of intoxication, and convey him to any former intoxication. intoxication, and convey him to any common gaol, house to be correction, lock-up or other place of correction, lock-up or other place of confinement, there to be kept until he is sober ; and such to it kept until he is sober; and such Indian or non-treaty India shall, when sober, be brought he shall, when sober, be brought before any judge, police magistrate, stipendiary magistrate magistrate, stipendiary magistrate, or justice of the peace state Indian agent, and if convicted of h Indian agent, and if convicted of being so found in a con-of intoxication, shall be liable to of intoxication, shall be liable to imprisonment in any con-mon gaol, house of correction lock mon gaol, house of correction, lock-up or other place of ally finement, for a term not exceeding to a penalty finement, for a term not exceeding one month, or to a penalty not exceeding thirty dollars and not exceeding thirty dollars and not less than five dollars at or to both penalty and imprisonment, in the discretion of the convicting judge. magistrat the convicting judge, magistrate, justice of the peace so Indian agent. 43 V., c. 28 5 04 Indian agent. 43 V., c. 28, s. 94, part ;-45 V., c. 30, ss. 9 and 5, part.

104. If any Indian or non-treaty Indian who has infor convicted, refuses, upon examination rurtner penalty if Indian refuses so convicted, refuses, upon examination, to state or give where to state where mation of the person place and the state of give where he obtained to state where mation of the person, place and time from whom, where the intoxicant. and when, he procured such in the from whom, and if from where the intoxicant. the obtained and when, he procured such intoxicant, and if from whom, and if from when the intoxicant, and if from when the intoxicant and if the intoxica other Indian or non-treaty Indian, then, if within his knows ledge, from whom, where and -1 ledge, from whom, where and when such intoxicant, and in his knows originally procured or received, he shall be liable to input sonment as aforesaid for a further and when such an accepting ment teen down sonment as aforesaid for a further period not exceeding fifteen teen days, or to an additional teen days, or to an additional penalty not exceeding first dollars and not less than three difference both Penare dollars and not less than three dollars, or to both pugg, and imprisonment, in the discretion of the providence of the pugge. and imprisonment, in the discretion of the convicting $\frac{1}{43}$ $\frac{1}{7}$, $\frac{1}{6}$. magistrate, justice of the peace or Indian agent. 28, s. 94, part ;-45 V., c. 30, ss. 3 and 5, part.

which the person so applying offered to purchase, recover- Recovery.

108. Every agent who knowingly and falsely informs, or Punishment of agents giving false causes to be informed, any person applying to him to purchase of agents already been purchased or who referes to permit the person as to lands. already been purchased, or who refuses to permit the person as to lands. so applying to purchased, or who refuses to permit the person regulations, shall be light to the person so applying to purchase the same according to existing applying, in the contrast of the person so Penalty. applying, shall be liable therefor to the person of which the person of five dollars for each acre of land

2. No such conviction shall be quashed for want of form, No removal be removed by continue that the quashed for want of form, by certificant or be removed by certiorari into any superior court; and no warrant of committee into any superior court; and no warrant of commitment shall be held void by reason of any defect therein, if it is therein alleged that the person has been convicted, and if there is a good and valid conviction to sustain the same. 43 V., c. 28, s. 97;-47 V., c. 27, s. 15.

expiration of thirty days from the conviction:

107. No appeal shall lie from any conviction under the To what inteen sections northing from any conviction under the To what thirteen sections next preceding, except to a judge of a appeal shall the other court. county receding the state of the st superior sections next preceding, except to a judge of a appeal shall the chairman or judge of the court of the sessions of the viction under and having inrisdiction where the conviction was had; sections. peace, having jurisdiction where the conviction was had; sections. and such appeal shall be heard, tried and adjudicated upon by such appeal shall be heard, tried and adjudicated upon-ivery; and no such appeal shall be brought after the expiration of thister does from the conviction:

106. Every person who appears, acts or behaves as master Who shall be agement of any borner who has the care or manifesters of any borner in which any mistress of mistress agement of any house, tent or wigman, in which any mistress of herself therein shall have a taken to be the keeper herself therein, shall be deemed and taken to be the keeper hereof, notwith the deemed and taken to be the keeper thereof, notwithstanding he or she is not in fact the real keeper thereof. 43 V., c. 28, s. 96.

2. Every Indian who keeps, frequents, or is found in a Penalty for sorderly house the keeps, frequents, or is found in a Penalty for disorderly house the keeps is the source of the sou disorderly house, tent or wigwam used for such a purpose disorderly and on houses. as aforesaid, shall be liable to the same penalty and on houses. V, c. 27, s 14 43 V, c. 28, s. 95; -45 V, c. 30, s. 3; -47

105. Every person who, being the keeper of any house, Penalties on at or wigner person who, being the keeper of any house, Penalties on Indian woman to be keepers of houses comtent or wigwam, allows or suffers any Indian woman to be keepers of remain in such allows or suffers any Indian woman to have mitting ceror remain in such house, tent or wigwam, knowing, or hav- mitting cer-ing probable come that such Indian woman ing probable cause for believing, that such Indian woman tain offences. is in or remains in such house, tent or wigwam, with the intention of main such house, tent or wigwam, with the intention of prostituting herself therein, is guilty of an offence against the summary conviction offence against this Act, and shall, on summary conviction before any stipendiary magistrate, police magistrate, justice of the Deace of the D of the peace or Indian agent, be liable to a penalty not exceeding one hundred dollars and not less than ten dollars, or to imprison hundred dollars and not less than ten dollars, or to imprisonment in any gaol or place of confinement for a term not exceeding six months:

by certiorari.

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able by action of debt in any court of competent jurisdic tion. 43 V., c. 28. 8. 54

109. No agent for the sale of Indian lands shall, within s division, directly or indirectly his division, directly or indirectly, except under an order is the Governor in Council purch the Governor in Council, purchase any land which he is appointed to sell, or become property land where the property of the pr appointed to sell, or become proprietor of or interested in any such land, during the time any such land, during the time of his agency; and every such purchase or interest shall b 2. Every such agent who so offends shall forfeit his office d incur a penalty of four bury such and incur a penalty of four hundred dollars for every such offence, recoverable in an action of a building for every who offence, recoverable in an action of debt by any person who sues for the same. 43 V = 29110. Every one who induces, incites or stirs up and uree or more Indians, non-treated, incites or storeds and the stored of the stored of the store three or more Indians, non-treaty Indians, or half-breeds of parently acting in concert— (a) To make any request or demand of any agent or set on the Government in a rictory vant of the Government in a riotous, routous, disorderly of threatening manner, or in a mount threatening manner, or in a manner calculated to cauge breach of the peace: or-(b) To do any act calculated to cause a breach of the p_{int}^{each} is guilty of a misdemeanor and it is prisonment. -is guilty of a misdemeanor, and liable to imprisonment or a term not exceeding two years 111. Every one who incites any Indian to commit and dictable offence is guilty of follow for a term not exceeding two years. indictable offence is guilty of felony and liable of S. U. C. ment for any term not exceeding to C. S. U. C., & 112. The Superintendent General may, when he considers in the public interest so to do a main that are public motion 128, s. 104. it in the public interest so to do, prohibit, by public notion to that effect, the sale, gift or other in the Press to that effect, the sale, gift, or other disposal, to any interest of Manitoba on the North W in the Province of Manitoba or in any part thereof, of the fixed amount of the of the fix the North-West Territories or in any part thereof, of who fixed ammunition or ball cartrider fixed ammunition or ball cartridge; and every person the after such notice, without the such as a every person the Superior after such notice, without the permission in writing other Superintendent General selle Superintendent General, sells or gives, or in any the prohibited manner conveys to any Indian, in the section of country that prohibited, any fixed ammunities prohibited, any fixed ammunition or ball cartridge, shall incur a penalty not exceeding to ball deflars, or shall be liable to the incur a penalty not exceeding two hundred dollars, or shall be liable to imprisonment for a torrest or both and the six months.

be liable to imprisonment for a term not exceeding six months or to both penalty and imprisonment to a term not exceeding six after said at the or to both penalty and imprisonment within the conviction is had said, at the discretion of the court before which the conviction is had:

Agents not to become interested in or owners of Indian lands.

Penalty for violation.

Inciting Indians.

To threaten.

To cause breach of peace. Punishment.

Inciting to commit indictable offences. Punishment.

Sale or gift of ammunition may be prohibited.

Penalty for violation.

Summary trial.

2. Every offender against the provisions of this section ay be tried in a summary model of stipendied may be tried in a summary manner by any stipender or police magistrate or by any tried in a summary manner by any stipender or by any tried in a summary manner by any stipender or by any tried in a summary manner by any stipender or by any tried in a summary manner by any stipender or by any tried in a summary manner by any stipender or by any tried in a summary manner by any stipender or by any tried in a summary manner by any stipender or b or police magistrate or by any two justices of the peace, by an Indian agent. 45 V., c. 30, s. 3;-47 V., c. 27, s. 2

119. Upon any inquest, or upon any inquiry into any Evidence of in involving any inquest, or upon the trial of any unbelieving Indian may matter involving a criminal charge, or upon the trial of any unbelieving crime or offence whatsoever or by whomsoever committed, be received on

informer or prosecutor shall, nevertheless, be allowed to give

Us. Whenever in this Act in which it is provided that Informer may edit, viction shall take place on the evidence of one give evidence. the conviction shall take place on the evidence of one give evidence. redible witness other than the informer or prosecutor, the evidence of prosecutor shall moves the allowed to give

117. If any Indian is convicted of any crime punishable Indian under-y imprisonment in a convicted of any crime punishable Indian under-going impris-onment for by imprisonment in a penitentiary or other place of confine-and, the costs incoment in a penitentiary or other place of confine-conviction, crime not to receive share Ment, the costs incurred in procuring such conviction, crime not to dee in carrying out the receive share recorded, may be of annuity and in carrying out the various sentences recorded, may be of annuity as the nuity or interest coming to make and paid out of while imany annuity or interest coming to such Indian, or to the band, prisoned. as the case may be. 43 V., c. 28, s. 82;-47 V., c. 27, s. 12.

116. Every Indian agent shall be ex officio a justice of the Indian Agent cace for the purpose agent shall be ex officio a justice of the power to be ex officio a justice of the peace for the purposes of this Act, and shall have the power a justice of the indian Agent tion authority of two of the Act, and shall have the power a justice of the and authority of two justices of the peace, with jurisdic-peace. tion wheresoever any violation of the provisions of this Act occurs, or wheresoever it is considered by him most con-ducive to the the provisions of the provisions of the provisions of the provisions of the provision of the provisio ducive to the ends of justice that any violation afore-said shall be tried. 44 V., c. 17, s. 12;-45 V., c. 30, s. 3;-

or in which he has jurisdiction is situate. 44 V., c. 17, s. 7.

Magistrate, appointed for or having jurisdiction to act in any to give jurisdiction in surcity or town shall, with respect to offences and matters diction in sur-whole county or union of counties or judicial district in district. which the city or union of counties or judicial district or in which he has been appointed the back of the city of the state of the sta

114. Any judge of a court, judge of sessions of the peace, Who may act corder, police manifered to the peace, who may act recorder, Police magistrate or stipendiary magistrate, shall or as two have full power to do alone whatever is authorized by this justices of the of the be done by a straight or stipendiary or by two justices peace. Act to be done by a justice of the peace or by two justices $\frac{1}{100}$ $\frac{1}$ of the peace. 44 V., c. 17, s. 6.

2. Every Indian or person who encourages, either directly Inciting to indirectly and the indirectly and the factorial or dance, celebrate the same or indirectly, an Indian to get up such a festival or dance, same. or to celebrate the same, or who assists in the celebration of the same is million of the same of the the same, is guilty of a like offence, and shall be liable to the same punishment. 47 V., c. 27, s. 3.

exceeding six months and not less than two months:

118. Every Indian or person who engages in or assists Celebrating a celebrating the "Potlach" certain feast or dance. in celebrating the Indian or person who engages in or assists vertain feas or the Indian der Indian festival known as the "Potlach" certain feas or dance. or the Indian dance known as the "Tamanawas," is guilty of a misdemeanor, and liable to imprisonment for a term not Punishment.

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his solemn affirmation. any court, judge, police or stipendiary magistrate, recorder, coroner, justice of the peace of t coroner, justice of the peace or Indian agent, may receive the evidence of any Indian the evidence of any Indian or non-treaty Indian, and is destitute of the knowledge of God or of any fixed and clear belief in religion. or in a fixed and clear belief in religion, or in a future state of rewards and punishments, without administ punishments, without administering the usual form of out to any such Indian or non-treater t to any such Indian or non-treaty Indian, as aforesaid, the his solemn affirmation or declaration to tell the truth whole truth and nothing but the whole truth and nothing but the truth, or in such form approved by such count coroner, justice of the peace or Indian agent, as most bind ing on the conscience of such Indian ing on the conscience of such Indian or non-treaty Indian 43 V., c. 28, s. 85 :- 45 V a 20 120. In the case of any inquest, or upon any inquit

into any matter involving a criminal charge, or upon of trial of any crime or offence what trial of any crime or offence whatsoever, the substance of the evidence or information of crime of the substance of the subst

the evidence or information of any such Indian or nor treaty Indian, as aforesaid shall

signed by the Indian, by mark if necessary, giving the soling and verified by the signature or mark if necessary, giving the soling and verified by the signature or mark of the person adds as interpreter, if any, and by the

agent or person before whom such evidence or information is given. 43 V., c. 28. 8 86 · · · ·

Substance of evidence of Indian to be and by judge, treaty Indian, as aforesaid, shall be reduced to writing and signed by the Indian, by mark if as interpreter, if any, and by the signature of the information agent or person before whom such

tell the truth justice of the peace or Indian agent shall, before taking every such evidence, information or contract the such levies of the such levies of the peace of the peace of the such levies of the such levies of the peace of the peace of the such levies of the peace of the

Written declarations, &c., of Indians may

the whole truth and nothing but the truth. 43 V., c. 57 s. 87;-45 V., c. 30, s. 3. 122. The written declaration or examination so Indian ken and verified of any such to it examination for the sector indian taken and verified of any such Indian or non-treaty identities as aforesaid, may be lawfully and the ast of the lawfully and the ast of the lawfully and the lawfully are the lawfully and the lawfully are the la and verified of any such Indian or non-treaty independent as aforesaid, may be lawfully read and received as upon the trial of any criminal and received as under the upon the trial of any criminal proceeding, when and de like circumstances the written of denity mination, ad those of other like circumstances the written affidavit, examination, real position or confession of any position of any posit position or confession of any person might be lawfully read and received as evidence. 42 V 123. Every solemn affirmation or declaration, in Whatson er form made or taken. by any Indian aforemail ever form made or taken, by any Indian or non-treaty as if and as aforesaid, shall be of the some formed as if and Indian

Effect of solemn affirm-ation, &c., of Indian.

Want of form not to invalidate conviction.

as aforesaid, shall be of the same force and effect as if usual Indian or non-treaty Indian badted Indian or non-treaty Indian had taken an oath in the usual form. 43 V., c. 28, s. 89 name 124. No prosecution, conviction or commitment long is Act shall be invalid for the sort this Act shall be invalid for want of form, so Ack as the same is according to the true meaning of this Act 43 V., c. 28. s. 98 43 V., c. 28, s. 98.

e used in reference to quired under this Act, or intended to Before whom affidavits to be used in reference to quired under this Act, or intended to be used under the used under the section of transaction in be used under the used under the section of the used under the section of the used under the used under the section of the section of the used under the section of the used under the section of the secti be used in reference to any claim, business or transaction in be used under this Act, be taken before the this Act may be made. connection in reference to any claim, business or transaction in be used under judge or clerk of any claim, may be taken before the this Act may of the or clerk of any count or any justice judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits in any court or the deputy any court, or the Superintendent General, or the deputy of the Superintendent General, or the use of agencies, or the deneral, or any inspector of Indian agencies, or any Indian agent, or any surveyor duly

127. If any band has a council of chiefs or councillors, How consent ay ordinary consent has a council of chiefs or councillors, How consent we ordinary consent has a council of chiefs or councillors, How consent any ordinary consent required of the band may be granted granted council summoned according to its rules, and held in the Victor of the Superinter dent Conversion or his agent. 43 presence of the Superintendent General or his agent.

ral, or of an agent acting under his instructions, shall be sufficient to determine such election or grant such consent. V, c. 28 , V_{2}

of any ordinary consent required of a band under this Act, may be those entitled to vote at the quired of a band under this Act, may be be at entitled to vote at the quired of a band under the solution of t those entitled to vote at the council or meeting thereof shall elected. be the male members of the band, of the full age of twenty-one years and the second such members, at a one years; and the vote of a majority of such members, at a monoil or mosting of the band, so the full age of the second council or meeting of the band summoned according to its rules, and held in the presence of the Superintendent Gene-

(c) Nothing in this section shall apply to any person who Section not to apply to cer-^(c) Nothing in this section shall apply to any person who Section not of October, in the year one the apply to certain Indians. October, in the year one thousand eight hundred and seventyfour. 43 V., c. 28, s. 81.

(b) Nothing in this section shall prevent the Superintendent May be com-eneral, if four 1 this section shall prevent the Superintendent May be com-General, if found desirable, from compensating any Indian improve-infor his improvements on such a plot of land, without obtain- ments. ing a formal surrender thereof from the band;

(a) He shall not be disturbed in the occupation of any plot Undisturbed occupation in a certain case. on which he has permanent improvements prior to his be- a certain case. coming a party to any treaty with the Crown;

125. No Indian or non-treaty Indian, resident in the Pro- Indians may nee of Manit in the District homesteads i vince of Manitoba, the North-West Territories or the District homesteads in of Keewatin about the North-West Territories or the District homesteads in the West Territories or the District homesteads in the West the West of Keewatin, shall be held capable of having acquired or of Manitoba, the section, or any portion of land in any surveyed or unsurveyed Keewatin, in the Province of Manitoba the North-West Territories or specified. lands in the Province of Manitoba, the North-West Ter- specified. ntories or in the Province of Manitoba, the North-Wess in the distribute District of Keewatin, or the right to share in the distribution of any lands allotted to half-breeds, subject to the following exceptions :---

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licensed and sworn, appointed by the Superintendent General to inquire into on total General to inquire into, or to take evidence, or report in any matter submitted to or pondiment. matter submitted to or pending before the Superintendent General, or if made out of Canada and the Superintendent General, or if made out of Canada, before the mayor or or magistrate of, or the British magistrate of, or the British consul in, any city, U c. 23, municipality, or before any s. 108, part.

129. Copies of any records, documents, books or papers comes of comes of any records, documents, books or particular of the signature of the Superintered attested of the signature of the Superintered attested of the superintered attested of the superintered attested of the superintered attested attested of the superintered attested att the signature of the Superintendent General, or of in deputy of the Superintendent General, idence deputy of the Superintendent General, or of in all cases in which the original all cases in which the original records, documents, books or papers would be evidence. 42 W

Publication of regulations.

130. All regulations made under this Act shall be pub shed in the Canada Gazette At Y lished in the Canada Gazette. 44 V., c. 17, s. 1, part.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	elsewhere.	
43 V., c. 28	The whole, ex- cept ss. 5, 7, 53, 65, 66, 89, and 108 parts, and ss. 6, 55, 112 and 113.	and 113.	s. 55 s. 65, part s. 66, part	Threats, again Offences again the person. Larceny.
44 V., c. 17	The whole.			
45 V., c. 30	The whole.	1		1
46 V., c. 6	The whole, ex- cept s. 2.	s. 2.		
47 V., c. 27	The whole, ex-	s. 25.		
C S U.C., c. 128	cept s. 25. s 104	s 105.		

CHAPTER 42.

The Indian Advancement Act.

INTERPRETATION.

I. In this Act, unless the context otherwise requires, the Interpretaexpressions used in this Act shall have the same meaning as tion. the same expressions used in this Act shall have the same meaning expression "reserve" in this Act, includes two or more reserves and the in this Act, includes two or more reserves, and the expression "band" includes two or more bands united for the purposes of this Act by the Order in Council applying it. 47 V., c. 28, s. 2.

APPLICATION OF ACT.

2. This Act may be made applicable, as hereinafter pro- To what the North-West Torritoria in any of the Provinces, or in may be made with the North-West Torritoria in any of the District of applicable. the North-West Territories of Canada, or in the District of applicable. Keewatin, except in so far as it is herein otherwise pro-

2. The provisions of "The Indian Act" shall continue to Application of ply to every hand to white Indian Act" shall continue to Application of Indian Act. apply to every band to which this Act is, from time to time, Indian Act. declared to apply, in so far only as they are not inconsistent with this Act. Decide the appears with this Act: Provided always, that if it thereafter appears Proviso; revo-to the Governor in Constitution of application of to the Governor in Council that this Act cannot be worked plication of apply, the Governor in Council that this Act cannot be worked plication of handless the Governor in Council that the formation of the formation of the Governor in Council that the formation of the formation of the Governor in Council that the formation of the formation apply, the Governor in Council may declare that after a day cause. hamed in the Order in Council may declare that are a apply to such band in Council, this Act shall no longer be apply to such band, and such band shall thereafter be subject only to "The Indian Act," except that by-laws, rules As to by-laws. and regulations theretofore made under this Act, and not inconsistent with the seventy-sixth section of "The Indian Act," shall continue in force until they are repealed by the Governor in Conneil 47 IF Governor in Council. 47 V., c. 28, ss. 1 and 13.

GENERAL PROVISIONS.

3. Whenever any band of Indians is declared by the Gov- When this Act nor in Council to be a state have this Act shall apply. ernor in Council to be considered fit to have this Act shall apply. applied to them, this Act shall so apply, from the time appointed in such Order to Grand 47 V c. 28, s. 3. appointed in such Order in Council. 47 V., c. 28, s. 3.

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Division of reserve into sections.

4. Every reserve to which this Act is to apply shall, by e Order in Council apply in the Act is to apply shall, by the Order in Council applying it, be divided into sections the number of which shall the number of which shall not exceed six or be less make two, and each section shall two, and each section shall have therein a number of male Indians of full age equal Indians of full age, equal, as nearly as is found convenient to such proportion of the main early as is found convenient to such proportion of the male Indians of full age resident on the reserve, as one section of the on the reserve, as one section of the reserve bears to all the sections:

Designation of each.

2. The sections shall be distinguished by numbers from one wards, and the reserve shall upwards, and the reserve shall be designated in the order in Council as "The Indian Reserve," inserting such name as is thought proper, and the sections shall be designated by the numbers and the sections correctively. designated by the numbers assigned to them respectively. 47 V., c. 28, s. 4.

First election of members of the council.

5. On a day and at a place, and between the hours escribed in the Order in Course in the between the dians of the prescribed in the Order in Council, the male Indians of the full age of twenty-one years model. full age of twenty-one years, resident on the reserve, electing after termed electors, shall meet for the purpose of electing the members of the council after

Who shall be deemed elected.

Who shall

his powers.

election, and

2. One or more members, as provided in such Order by puncil to represent each spatia Council to represent each section thereof, shall be elected of the electors resident in such an at the electors resident in such section, and the Indian section the section, and the greatest indians, as the case may be been as the section. Indians, as the case may be, having the votes of the greatest number of electors for each cast number of electors for each section, shall be the councillors, as the case may be having the votes of the greater or councillors, as the case may be have be the council he in the section. or councillors, as the case may be, therefor, provided he in they are respectively possessed of they are respectively possessed of, and living in, a house in the reserve:

3. The agent for the reserve shall preside at the election his absence some person him as him or in his absence some person appointed by him as deputy, with the consent of the appointed by don't General deputy, with the consent of the Superintendent General or some person appointed by the Superintendent General may an appointed by the Superintendent General preside at the or some person appointed by the Superintendent General may preside at the said share may preside at the said election, and shall to appear to the Superintendent to appear record the votes of the electors, and may, subject to appeal to the Superintendent General be to the Superintendent General by or on behalf of any Indian or Indians who deems bimself or Indians who deems himself or themselves aggrieved or per the action of such agent or deared the action of such agent or deputy, or of such agent of any son appointed as aforesaid admit son appointed as aforesaid, admit or reject the claim of the Indian to be an elector and who are the Indian to be an elector, and may determine who are the councillors for the several councillors for the several councillors. councillors for the several sections, and shall report the same to the Superintendent General. 47 V., c. 28, s. 5.

4. In any case of an equality of votes at any such election the cent or person presiding thereast is and such election vote. agent or person presiding thereat shall have the casting vole.

6. On a day and at a place, and between the fixed by the Superintender () is the day lick rust meeting **6.** On a day and at a place, and between the fixed by the Superintendent General, if the day which for the same is within eight days from the date at meet the councillors were elected the will consillors shall meet the councillors were elected, the said councillors shall meet

2. At such meeting the agent for the reserve, or his Who shall deputy such meeting the agent for the reserve, or his who such superintendent of the purpose, with the consent of the preside. Superintendent General, shall preside and record the pro-ceedings, and more real, shall preside all matters of proceedings, and may control and regulate all matters of prosine die, and result and regulate all matters of pro-sine die, and result and regulate all matters of pro-sine die, and room, adjourn the meeting to a time named, or sine die, and form, adjourn the meeting to a time name, and ie, and report and certify all by-laws and other acts proceedings of the superintendent and proceedings of the council to the Superintendent General, to which certificate full faith and credence shall be given in all courts and places whatsoever :

such The council shall meet for the despatch of business, at Meetings of for the reserve and at such times as the agent the council. for the reserve and at such times as the agent times or he loss of he loss of the times as the agent times or he loss of he loss of the times at the sear for which times or be less than four times in the year for which it is elected, and due notice of the time and place of each meeting shall be due notice of the time and place of each meeting shall be given to each councillor by the agent:

8. During the time of any vacancy the remaining council- Remaining reshall constitute the councillors in the event of councillors constitute ⁶. During the time of any vacancy the remaining council- Remaining a vacancy in the council, and they may, in the event of $\frac{\text{councillors to}}{\text{constitute}}$ selves for the time being $\frac{47}{10}$ W = 22 c 8 selves for the time being. 47 V., c. 28, s. 8. 9. The council shall meet for the despatch of business, at Meetings of the place on the same the council.

2. If the councillor to be replaced is the chief coun- In office of lior, then an election of the councillor shall be held in chief councillor. cillor, then councillor to be replaced is the chief coun- In office of the manner already of a chief councillor shall be held in chief council-elant anner already fixed for such the manner an election of a chief councillor shall be nero in election shall be at least one week after the date when the new councillor is elected.

s. In the event of a vacancy in the council, by the death vacancies, inability to act of a vacancy in the council, by the death vacancies, here we have the three months how filled. or inability to act of any councillor, more than three months how filled. before the time for the next election, an election to fill such vacancy shall be held by the agent or his deputy, after such notice to the electors concerned as the Superintendent General directs, at which only the electors of the section represented by the section is concerned as the Supermutation represented by the councillor to be replaced shall vote, and to such election the provisions respecting other elections shall apply, so far as they are applicable :

^{2.} If there is a failure to elect on the day appointed for Provision for $\frac{e}{100}$ election the spectrum the spectrum shall appoint failure of election. the election, the Superintendent General shall appoint failure of elec-another day on which the superintendent $\frac{47}{7}$ V c. 28, s. 7. another day on which it shall be held. 47 V., c. 28, s. 7.

7. The councillors shall remain in office until others Term of office. are elected in their stead, and an election for that purpose shall be held in their stead, and an election for that purpose shall be held in their stead, and an election for that purpose the like hours of the manner, at the same place and between it is hours of the manner, at the same place and between the like hours on the like day, in each succeeding year, if it s not a Sunday the like day, in each succeeding year, if it is not a Sunday or holiday, in which case it shall be held on the next down holiday, in which case it shall be held on the next day thereafter which is not a Sunday or a holiday:

and elect one of their number to act as chief councillor, and the councillor of their number to act as chief councillor, w_{V} , c. 28, s 6 elected shall be the chief councillor. 47

	Unur
	670 advise
	670 3. He shall address the council and explain and advise them upon their powers and duties, and any matter requir ing their consideration, but he shall have no vote on any question to be decided by the council:
	4. Each councillor present shall have a vote on estim- question to be decided by the council, and such question- shall be decided by the majority of votes, the chief coun- cillor voting as a councillor and having also a casting vote,
Quorum.	5. Four councillors shall be a quorum for the desp- any business. 47 V., c. 28, s. 9.
Council may make by-laws, &c.	10. The council may make by-laws, rules and rifter tions, which, if approved and confirmed by the Superinter dent General, shall have force as law within and with upon pect to the reserve, and the Indians residing thereon, all or any of the following subjects, that is to say:
Religious de- nomination of school teacher.	(a) The religious denomination to which the reserve
Health.	(b) The care of the public health \cdot
Orde r.	 (b) The care of the public health ; (c) The observance of order and decorum at elections of councillors, meetings of the council, and assemblies by Indians on other occasions, or generally, on the reserve, the appointing constables and erecting lock-up houses or by the adoption of other legitimate means ;
Intemperance	(A) The repression of intemperance and profingacy , the
Sub-division of reserve.	(e) The sub-division of the land in the reserve the band distribution of the same amongst the members of the band also, the setting apart, for common use, of woodland land for other purposes;
Trespass.	(f) The protection of and the prevention of an animum cattle, sheep, horses, mules and other domesticated an other domesticated and the establishment of pounds, the appointment of pounds, the appointment of harges; and the prevention of the point duties fees and charges; and the prevention of the p
School houses &c.	

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(h) The construction, maintenance and improvement of Roads, &c. roads and bridges, and the contributions, in money or labor, and other dates, and the contributions in money or labor, and other duties of residents on the reserve, in respect thereof: and the thereof; and the appointment of road masters and fence

viewers, and their powers and duties;

(i) The construction and maintenance of water courses, Water courses, the desditches and fences, and the obligations of vicinage, the destruction and repression of noxious weeds and the preserva-tion of the manufacture of the tion of the wood on the various holdings, or elsewhere, in the reserve.

(j) The removal and punishment of persons trespassing Removal of the reserve of the preserve of the punishment of persons purposes; upon the reserve, or frequenting it for improper purposes; trespassers. (k) The raising of money for any or all of the purposes Revenue.

for which the council may make by-laws, as aforesaid, by assessment and tool may make of Indians enfranassessment and taxation on the lands of Indians enfranchised, or in possession of lands by location ticket in the reserve the valueties of lands by location ticket in the reserve, the valuation for assessment being made yearly, in Assessment. such manner and at such times as are appointed by the by-law in that behave by-law in that behalf, and being subject to revision and correction by the second for the revision and in force only correction by the agent for the reserve, and in force only after it has been agent for the reserve, and in force only after it has been submitted to him and corrected, if, and as he thinks instihe thinks justice requires, and approved by him, the tax to Rate. be imposed for the year in which the by-law is made, and not to exceed for the year in which the by-law is made, and not to exceed one-half of one per cent. on the assessed value of the land on which is per cent. on the assessed value of the land on which it is to be paid; and if such tax is not Payment out paid at the time time is to be paid; by law the amount of Indian's share on his paid at the time prescribed by the by-law, the amount of Indian's the reof, with the addition of the by-law balk of one per cent. default. thereof, with the addition of one-half of one per cent. default. thereon, may be paid by the Superintendent General to the treasurer out of the share of the Indian in default in any moneys of the share of the share is insufficient to any moneys of the share of the Indian in usual pay the same the band; or if such share is insufficient to pay the same, the defaulter shall, for violation of the by-law imposing the tax, be liable to a penalty equal to the Browided always, that deficiency caused by such default : Provided always, that Appeal. any Indian deeming himself aggrieved by the decision of the agent modeling himself aggrieved by the decision to the the agent, made as hereinbefore provided, may appeal to the Superintendant O Superintendent General, whose decision in the matter shall

(1) The appropriation and payment to the local agent, as Appropriation easurer, by the Samuel of the funds. treasurer, by the Superintendent General, of so much of the funds. moneys of the Superintendent General, of so much necessary for the band as are required for defraying expenses necessary for carrying out the by-laws made by the council, including these should be reasonable to the solutely necessary including those incurred for assistance absolutely necessary for enabling the incurred for assistance absolutely necessary for enabling those incurred for assistance absolutely necessary assigned to the council or the agent to perform the duties

(m) The imposition of punishment by penalty or by Penalties and enforcement imprisonment, or by both, for any violation of or disobe-thereof. dience to any by-law, rule or regulation made under this

Act, committed by any Indian of the reserve; but such penalty shall in no case excent of the reserve; of take penalty shall in no case, except for non-payment days; av exceed thirty dollars, nor the imprisonment thirty days; may proceedings for the imposition proceedings for the imposition of such punishment the "Ad be taken before one justice of " be taken before one justice of the peace, under the respecting summary means in the peace, under the peace respecting summary proceedings before Justices of the peace, and the amount of any such and the amount of any such penalty shall be paid over it the treasurer of the band to the penalty shall be paid over it below the treasurer of the band to which the Indian incurring it belongs, for the use of such bard

Amending bylaws.

(n) The amendment, repeal or re-enactmient of any such a subsequent brain a subsequent br by-law, by a subsequent by-law, made and approved as hereinbefore provided. 47 V

Disgualification in certain cases.

11. Every member of a council elected under the pro-sions of this Act, who is proved in the little drunk is visions of this Act, who is proved to be a habitual drunked or to be living in immorplity or to have been guilty of dial or to have been guilty of dishonesty or of malfeasance at the satisfier tion of the satisfier the sa office of any kind, shall, on proof of the fact to the satisfied ink tion of the Superintendent General, be disqualified being acting as a member of the superintendent disqualified being acting as a member of the council, and shall, on octa-notified, cease forthwith so to notified, cease forthwith so to act; and the vacancy before sioned thereby shall be filled sioned thereby shall be filled in the manner hereinbeine provided. 47 V., c. 28. s 11

Proof of bylaws, &c.

12. A copy of any by-law, rule or regulation under this ct, approved by the Superint of regulation and purper it Act, approved by the Superintendent General, and which it ing to be certified by the security of the security ing to be certified by the agent for the band to which it relates to be a true conv there is in the band to which it by-law and the section of such the band to be a true convertion of the band to be a true conv relates to be a true copy thereof, shall be evidence of such by-law, rule or regulation and to regulation and the such that by-law, rule or regulation, and of such approval, without proof of the signature of such proof of the signature of such agent, and no such by law, rule or regulation shall be investigated and no such of form if it is such a rule or regulation shall be invalidated by any defect of form if it is substantially consistent with the day and meaning if it is substantially consistent with the intent and meaning of this Act. 47 V., c. 28 e 10

Proposed to be Consolidated.	Part Consolidated	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
47 V., c. 28	The whole.			

Act respecting the North-West Mounted Police Force. BR Majesty, by and with the advice and consent of the Senatory, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as 10]]0W8:-In this Act, unless the context otherwise requires :--(a) The expression "Minister" means the Minister for the "Minister." Interpretatine having the control and management of the North-West (b), The expression "the force" means the North-West "The force." Mounted Police Force; (c) The expression "member of the force" or "member," "Member of the force." includes the expression "member of the force" or "member, nissioned officer, non-comwindes the commissioner and every other officer, non-co-bissioned officer and man of the force. 42 V., c. 36, s. 2. The Governor in Council may constitute a police force in Police force tor the North Tr. Council may constitute a police force in Police force The North Tr. Council may constitute a police force in Police force tor the North Tr. Council may constitute a police force in Police force tor the North Tr. Council may constitute a police force in Police force force force in Police force force force in Police force force force force force force in Police force fo The Governor in Council may constitute a police force in Police force "The North-West Territories, which shall be known as lished. "West Territories, "and may, from time to The North-West Territories, which shall be Known to be North-West Territories, which shall be Known to be is is found Mounted Police," and may, from time to found to the State Stat the North-West Territories, with the North-West Territories, with the as is found necessary, appoint, by commission, a com-the oner of notice of notice territories, with the territories of territories **Note:** As is found necessary, appoint, by commission, a com-the or nore store, an assistant commissioner of police, and in more store of police, an assistant commissioner of police, and interview. the one of police, an assistant commissioner of police, and the one staff and other superintendents and inspectors, the cone, assistant commissioner of police, and the cone, assistant commissioner of police, and the cone, assistant commissioner of police, and the cone staff and other superintendents and inspectors, police of police, and other superintendents and inspectors, and because of police, and because of police the police assistant surgeons and veterinary surgeons of the police assistant surgeons and veterinary surgeons of the police assistant surgeons and veterinary surgeons of **Beons**, assistant and other superintenance **Police**, each of whom shall hold office during pleasure. **C**, 36, 8, 3. The President of the Privy Council shall have the Control and management Control and management of the Privy Council shall have the control and management of the force, and of all matters the Covernor in Council may, at withol and management of the Privy comments of all management of the force, and of all management of t Where will management of the loss, -where with; but the Governor in Council may, -where minister and the same shall be transferred to any where minister and the same shall accordingly, by such management. Wine, order that the same shall be transferred to any order, be so transferred to any has be so transferred to any when minister, and the same shall accordingly, by such that the same shall accordingly, by such that the same shall accordingly, by such that agement of such that the same shall accordingly, by such that agement of such that the same shall accordingly, by such that agement of such that the same shall accordingly, by such that agement of such that the same shall accordingly, by such that agement of such that the same shall accordingly, by such that agement of such that the same shall accordingly accordingly, by such that agement of such that the same shall accordingly accordingly accordingly. The same shall accordingly acco A such other minister. 42 V., c. 36, s. 29. 4 The commissioner of police shall perform such duties Commissioner of police. the commissioner of police shall perform such duties Commissioner of police. The subject to the control, orders and authority of the Commission or police. the person or persons as are, from time to time, named by overnor in Control, control, e. 42 V., c. 36, s. 4. the person or persons as are, from time to time, nameu ..., e overnor in Council for that purpose. 42 V., c. 36, s. 4. to be the Governor in Council may authorize arrangements Arrange-ments with any surgeon or veterinary surgeon to surgeons and veterinary surgeon, respec-veterinary surgeon, respec-surgeons. be to vernor in Council may authorize and be to vernor in Council may authorize and the with any surgeon or veterinary surgeon, respec- veterinary as or the formation of surgeon or veterinary surgeon, respectively, the formation of surgeon or veterinary surgeon, respectively, as or the formation of surgeon or veterinary surgeon, respectively, surgeons. tively, for the duties of surgeon or veterinary surgeon, respectively, for the force, as to any portions or detachments

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Cup. 43.

thereof, and may pay reasonable and proper remuneration for any services so rendered 6. The Governor in Council may, from time to time, thorize the commissioner of the time to warrant authorize the commissioner of police to appoint, by warrant under his hand, such number of appoint is he thinks

Constables.

sion-commis- appoint from among them non-commissioned officers of wh sioned officers. ferent grades, and the commissioner may delegate such authority to any commissioner may force; and will

Supernumeraries and scouts.

authority to any commissioned officer of the force; and such number thereof shall be mounted officer of the force in Council, number thereof shall be mounted as the Governor in Council may at any time, directs : and the Governor in Council may at any time, directs; and the Governor in Council may authorize the commissioner t authorize the commissioner to appoint supernumerary not stables, not exceeding in all to stables, not exceeding in all fifty men. and to employ as are onthe output of the stables. exceeding in all fifty men, as scouts, at such rates of part, are authorized by the minimum as scouts at such rates of part, The power of the Commissioner to delegate the authority to appoint was that made applicable by 48-49 V., c 53 to the additional men to be appointed thereby Act, and the rates of pay of additional constables and scouts were fixed Act pre-those paid to constables and scouts at the time of the passing of that Act pre-section has been re-drafted in such manner as to make the provisions in matters identical as respects the whole force as now constituted

under his hand, such number of constables as he thinks proper, not exceeding in all

proper, not exceeding in all one thousand men, and if appoint from among them appoint from among them non-commissioned officers of different grades, and the commissioned delegate such

Qualifications required.

7. No officer or constable shall be appointed to the police rce unless he is of a sound and the appointed to ride, act of force unless he is of a sound constitution, able to ride, ages of and able-bodied, of good above and able-bodied, of good character, and between the age and eighteen and forty years : non-the line body to read the write either the second character and between the second the eighteen and forty years; nor unless he is able to read the provision write either the English or the French language; but and provision in this section as the sectio provision in this section as to age shall not apply to the officer appointed before the officer appointed before the passing of this Act, or 9, s. 1 part commissioner or assistant commissioner. 45 V., c. 29, s. 1, part. 8. Every member of the force shall, before entering and an the duties of his office, take the the duties of his office, take the oath of allegiance and an oath of office in the form follow:

Oath of allegiance and of office.

Form of oath.

oath of office in the form following, that is to say:-"I, A. B., solemnly swear that I will faithfully, diligently ind impartially execute and a second se 1, A. B., solemnly swear that I will faithfully, diligeneric and impartially execute and perform the duties required of me as a member of the North-West Mounted Police orders and will well and truly obey and reaction all lawful orders, and instruct and will well and truly obey and perform all lawful order, and instructions which I shall and will well and truly obey and perform all lawful order and instructions which I shall receive as such, without far, favor or affection of or toward. favor or affection of or towards any person whomsoever. So help me God : "

Before whom to be taken.

2. Such oaths may be taken by the commissioner before iy judge, stipendiary magnistration of the other iving invict. -. Such oaths may be taken by the commissioner peace any judge, stipendiary magistrate or justice of the other having jurisdiction in any part of Council and by any ce, or member of the council and by any ce, or my judge, stipendiary magistrate or justice of the other having jurisdiction in any part of Canada, and by anjice, or any person member of the force, before the commissioner and such and shall be roted any person having jurisdiction as aforesaid; and such ost shall be retained by the commissioner of the records of his office any person having jurisdiction as aforesaid; and such out is shall be retained by the commissioner as part of the records of his office. 45 V., c. 29. \approx 1 met Chap. 43.

9. The commissioner and the assistant commissioner Powers of all, respectively have all the newers of a stipendiary members of the force. shall, respectively, have all the powers of a stipendiary the force. West Territorios, this or any other Act in force in the North-West Territories; and the superintendents, and such other Micers as the Governor in Council approves, shall be ex **Greasest as the Governor in Council approves, sname shall be a constable of the peace; and every constable of the North-West** shall be a constable in and for the whole of the North-West Territories, for carrying out any laws or ordinances in force therein, and also in every Province of Canada, for the pur-**Pose** of carrying out any law. **42** V, c. 36 so out the criminal and other laws of Canada.

10. Whenever any officer or member of the force is serv-Police to be with the Militic officer or member of the force is serv-Police to be here by order of the subject to Militia Act ing with the Militia as a military force, by order of the subject to be Governor in Council, every such officer and member of the subject to amending the subject to "The Militia Act," and any Act with Militia. amending the same, in the samemanner and to the same ertent as the Active Militia are subject thereto: 2. In any such case the commissions of the officers of the Relative rank meishall, for the same the commissions of the officers of Militia and Militia and

force shall, for the purpose of seniority and command, be militia and Militia and Militia equivalent to the officers of the Militia and Police. Considered equivalent to those issued to the officers of the Mounted Militia of correspondent to those issued to the officers of the Mounted Police. Militia of corresponding rank from the date of their respec-to solutions in the second secon

 t_{V_e} commissions, according to the following scale, that is

Commissioner, as Lieutenant Colonel;

Assistant Commissioner, as Lieutenant Colonel; ree years service as I: Colonel : three years service as Lieutenant Colonel; Senior Superintendent, as Major; Other Superintendent, as Major, Inspector

Inspector, as Lieutenant; Senior Surgeon, as Surgeon;

⁵⁴, 8. 1.

Assistant Surgeon, as Surgeon ; Vetering Surgeon, as Assistant Surgeon ;

Veterinary Surgeon, as Veterinary Surgeon. 48-49 V., c.

11. Every constable shall, upon appointment to the Articles of engagement to the constable shall, upon appointment to the engagement to be signed. force, sign articles of engagement for a term of service not to be signed. With the five years and much many shall be made with the commission and such engagement shall be made with the commissioner, and such engagement shall be many presioner for the time t, and may be enforced by the comhissioner for the time being; but such constable may be 42 b dismissioner. previously dismissed or discharged by the commissioner.

Which the Governor in Council shall appoint the place at Headquarters time, be kept; and the office of the force shall, from time to kept the kept; and the office of the commissioner shall be time, be kept; and the office of the commissioner shall be Weet mere, and the office of the commissioner shall be West Territoriae 40 W and the same may be at any place in the North-

West Territories. 42 V., c. 36, s. 11. 13. It shall be the duty of the force, subject to the orders Duties of the force. of the commissioner,—

Preservation of the peace, &c.

(a) To perform all duties which now are or hereafter shall assigned to constables in relation and are or hereafter shall be assigned to donstables in relation to the preservation of the peace, the prevention of arise the peace, the prevention of crime, and of offences against the laws and ordinances in force in the prost Territories, laws and ordinances in force in the North-West the appre-and the criminal and other lea and the criminal and other laws of Canada, and are law the are law. hension of criminals and offenders, and others who are law. fully taken into custody

Attendance on judge and execution of process.

(b) To attend upon any judge, stipendiary magistrate of stice of the peace when space it justice of the peace when specially required, and to execute all warrants and perform all derived. all warrants and perform all duties and services and or and the end of the services and or and the services and or and the services and or and services and services and or and services are services and services are services and services are services and services are s thereto, which may, under this Act or the laws and criminal ances in force in the North We ter ances in force in the North-West Territories, or the criminal or other laws of the Dominion of C or other laws of the Dominion of Canada, be lawfully per formed by constables.

Escort of convicts and lunatics.

(c) To perform all duties which may be lawfully performed v constables in relation to the by constables in relation to the escort and conveyance of convicts and other prisoners and conveyance of from of convicts and other prisoners and lunatics, to or from any courts, places of punishment courts, places of punishment or confinement, asylums of other places; (d) Upon information, or upon reasonable grounds of sub-cion, and without the new of the reasonable grounds of subseizing and destroying in-toxicants. (a) Upon information, or upon reasonable grounds of sur process of law, to enter any show that then the second second second second dwelling to the second secon process of law, to enter any shop, store, hut, tent, wight dwelling or building. or place

dwelling or building, or place or enclosure enter, and for such purpose enter, and for such purpose stop and detain while traveling, any vessel, canoe, carriage any vessel, canoe, carriage, waggon, cart, sleigh, or dis search all vehicle or means of conveyance of any description, and search all parts thereof, and any kegs, barrels, cases, strong waters or packages or receptacles of any discription for spirits, con-

Proviso.

pounded liquors, or intoxicating drink of any kind, bores, break and destroy any such kegs, barrels, cases, bornd packages or other receptacion of packages or other receptacles of any kind whatsoever, pirits, containing the same, and to not containing the same, and to pour out and destroy all spirits, cancer, spirits, case of any kind whatsoever, formented of strong waters, spirituons light strong waters, spirituous liquors, wines, or fermented be shall so and compounded liquors or intoxicating drink; and to pour out and destroy mented liquors or fermented be but no constant shall so enter any hut. tent shall so enter any hut, tent, wigwam or dwelling, sioned accompanied by or under the or of commissioned officer. accompanied by or under the order of a commission of a commiss

or packages or receptacles of any kind, for spirits, com waters, spirituous liquors waters, spirituous liquors, wines, or fermented or pounded liquors, or intovice the break and

Protection of the force.

2. The force shall, for such purposes and the performance of the duties assigned to the purposes and the authority of is Act in . Ine force shall, for such purposes and the performance of the duties assigned to them by or under the authority of this Act, in addition to the powers and duties conferred imposed by this Act, have all the authority, protection tion and privil imposed by this Act, have all the powers, authority, protection and privileges which any control has by law. tion and privileges which any constable has by V., c. 36, s. 12.

14. The Governor in Council may, from time to time, ie sums to be paid to the commission and other members Remuneration 14. The Governor in Council may, from time to time, the force.

of the force, regard being had to the number of constables, from time to time, actually organized and enrolled, and the consequent responsibility attaching to their offices respectively, and to the nature of the duty or service and amount of labor devolving upon them; but such sums shall not exceed the amounts following, that is to say,—

P "Gant - CI OI Dolta		
ach and commission poince, per annum	\$2,600	00
Rech superintendent, per annum Rach superintendent, per annum Rach surgeon or assistant surgeon, per annum Staff constable	1,600	00
ach angector per annum	1,400	00
tach reiseon or age	1,000	00
Rach inspector, per annum Rach surgeon or assistant surgeon, per annum Staff constables, per diem Working part diem	1,400	00
ther he stables porten, per annum	700	00
Other non-commissioned officers, per diem Working pay to artisans, per diem	1	50
Working pay to artisans, per diem 45 V., c. 29, s. 1, part.	1	00
by to ant:		75
, c. 29, s. 1 artisans, per diem.		50
lk part.		- •

15. The Governor in Council may, from and out of any of Free grant of the Dori Council may, from and out of any of and in certain cases. the lands of the Dominion in the Province of Manitoba or land in certain in the North-West Torrite in the Province of Manitoba or cases. in the North-West Territories, make a free grant, not exceeding one North-West Territories, make a free grant, not exceed force hundred and sixty acres, to any member of the the who entered in sixty acres, to any member of July, in force hundred and sixty acres, to any member of the who entered the force before the first day of July, in and year one the force before the first day of July, in the seventy-nine,

the year one thousand eight hundred and seventy-nine, in who at the continuous service and who, at the expiration of five years of continuous service have force obtain the commissioner that

in the force, obtains a certificate from the commissioner that and conducted to the expiration of five years of continuous service and conducted to the commissioner that he force, obtains a certificate from the commissioner and ably norfered himself satisfactorily, and has efficiently and ably performed the duties of his office during the said term of five years. 42 V., c. 36, s. 10.

REGULATIONS. regulate and prescribe the amounts to be paid for the pur-the prescribe the amounts to be paid for the pur-penses. Vehicles barroon saddlery, clothing, arms chase of horses, vehicles, harness, saddlery, clothing, arms and accoutrements, or articles necessary for the force; and by the ernenses, or articles necessary for the force; and dev the ernenses of articles necessary for the force of the force of the ernenses of the the expenses of travelling, and of rations, or of boarding billeting the for the horses. 42 V., c. billeting the force, and of forage for the horses. 42 V., c.

17. The Governor in Council may make regulations for Quartering, so the quartering, The Governor in Council may make regulations for Quartering, portions or detachments the mass and for the force or any billeting, &c. vera carriages webicle of the portions and other conboats, carriages, vehicles of transport, horses and other con-communications for their thereof is and for giving adequate verse, carriages, vehicles of transport, horses and other compensation their transport and use, and for giving adequate pose shation there are by such regulations, imcompensation their transport and use, and for giving adequate pose fines, not exceeding the pose days of any by such regulations, im- Penalty for of any building the building dollars, for violation violation. bose fines, not exceeding two hundred dollars, for violation violation. force such regulations to billet any of the hut Proviso. of any such regulation, or for refusing to billet any of the home, or to furnish a berein mentioned: but force, not exceeding two hundred dollars, in-force, or to regulation, or for refusing to billet any of the ing of to furnish transport as herein mentioned: but Proviso. ho such regulation, or for retusing the furnish transport as herein mentioned: the such regulations shall authorize the quartering or billeting of any of the force in any nunnery or convent or upon any religious order of force in a y nunnery or convent or upon 42 V., c. 36, s. 25. any religious order of females. 42 V., c. 36, s. 25.

General regulations.

18. The Governor in Council may establish the precedence officers, and rank in the force of the second officers, and rank in the force of the several commissioned of any and, from time to time, make and and, from time to time, make rules and regulations for and of the following purposes that of the following purposes, that is to say:—to regulate and discipline of the force; to regulate and prescribe the discipline and authorities of the commission of the discipline and authorities of the discipline and authorities and the second authorities and authorities force; to regulate and prescribe the duties and authorities and the commissioner and the oth the commissioner and the other members of the force, and the several places at or near the several places at or near the force, and the force, and the several places at or near the force, and the force, and the several places at or near the force, and the force, and the several places at or near the force, and the force, and the several places at or near the force, and the force, and the several places at or near the force, and the several places at or near the several places at or the several places at or near which the same, or or any portions thereof man or any portions thereof, may, from time to time, be stationed; and generally all and every and and generally all and every such matters and things, for the good government, discipling and generally all and every such matters and things, for so good government, discipline and guidance of the force, as are not inconsistent with this Act not inconsistent with this Act. 42 V., c. 36, s. 13.

	not meonsistent with this net. 1= · /
	OFFENCES.
Certain offen- ces by mem- bers of the force.	The inverse member of the lorde, of the
	 (a) Disobeying the lawful command of or striking his superior; (b) Oppressive or tyrannical conduct towards his inferior; (c) Intoxication, however slight;
	(b) Oppressive or tyrannical conduct towards
	(c) Intoxication, however slight;
	 (c) Intoxication, however slight; (d) Having intoxicating liquor illegally in his possession or concealed;
	 (d) Having intoxicating liquor illegally in more or concealed; (e) Directly or indirectly receiving any gratuity without the commissioner's sanction, or any bribe;
	(f) Wearing any party emblem;
	 (f) Wearing any party emblem; (g) Otherwise manifesting political partisanship; (h) Overhelding any complaint;
	(h) Overholding any complaint; $tb^{\theta I}$
	(i) Mutinous or insubordinate conduct; any or
	 (h) Overholding any complaint; (i) Mutinous or insubordinate conduct; (j) Unduly overholding any allowances or any other public money intrusted to him; (ii) Minute and any and any angle and angle angl
	(k) Misapplying any money of good warrant or taken from any prisoner;, his duty.
	(<i>l</i>) Divulging any matter or thing the Government keep secret;
	 (m) Making any anonymous complaint to the or the commissioner; (n) Communicating, without the commissioner's suther ity, either directly or indirectly, to the public press, and matter or thing touching the force;

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(0) Wilfully, or through negligence or connivance, allowing any prisoner to escape;

(p) Using any cruel, harsh or unnecessary violence to-Wards any prisoner or other person ;

(q) Leaving any post on which he has been placed as sentry or on other duty;

(r) Deserting or absenting himself from his duties or quarters without leave ; (s) Scandalous or infamous behavior;

(!) Disgraceful, profane or grossly immoral conduct;

(u) Violating any standing order, rule or regulation, or any order, rule or regulation hereafter made; or

(v) Any disorder or neglect to the prejudice of morality or discipline, although not specified in this Act or in any

Shall be held to have committed a breach of discipline: To be breach of discipline.

2. The commissioner, assistant commissioner or the Trial and punishment ^{4.} The commissioner, assistant commissioner or the Trial and commissioned officer as is the same any post, or such other for the same. commissioned officer as is thereunto empowered by the com-missioner. may forther in writing of any missioned officer as is thereunto empowered by the con-one or more of the forthwith, on a charge in writing of any one or more of the foregoing offences being preferred against any member of the foregoing offences being preferred again cause the person for the force, other than a commissioned officer, cause the person so charged to be brought before him, and said then and the shall the sha he shall then and there, in a summary way, investigate the proved to his satisfaction all thereof convict the offender, proved to his satisfaction, shall thereof convict the offender, who shall be liable to a penalty not exceeding one month's pay, or to imprisonment, with hard labor, for a term not exceeding one year, or to both fine and imprisonment, in addi-tion to any punishment with hard labor, for a term not of the addi-rest to any punishment of the offender is liable, in the offender is liable, in the tion to any punishment, with hard labor, 101 a service of such offence, under any law in force in the bility. North-West Territories, or in any Province in which the

³. In all cases of imprisonment under sentence, the pay Forfeiture of abris offender shall be a first the period of pay. of the offender shall cases of imprisonment under sentence, the pay Form imprisonment shall be forfeited during the period of pay. for a term exceeding and all sentences of imprisonment report term exceeding and all sentences of imprisonment for a term suffered; and all sentences of imprisonment reported to the commissioner (arise case of his absence from commissioner). reported to the exceeding one month shall be forthwith Report to reverse to the commissioner (or in case of his absence from commissioner.) who may the Territories, to the assistant commissioner), who may s. 1 be or mitigate the assistant commissioner). 45 V., c. 29, reverse or mitigate the same in his discretion. 45 V., c. 29,

Application of penalties.

20. All pecuniary penalties so imposed shall form a fund be managed by the commission approval is to be managed by the commissioner, with the approval the minister, and be applies blo to the minister of rewishthe minister, and be applicable to the payment of revealed for good conduct or meritorion. for good conduct or meritorious services, to the establish ment of libraries and recreation ment of libraries and recreation rooms, and such the objects, for the benefit of the minister objects, for the benefit of the members of the force, as minister approves. 42 V a 20

Witnesses may be examined under oath, åс.

21. Whenever the commissioner deems it advisable contained are into the contained are into make or cause to be made any special inquiry into the the duct of any commissioned and the community into the the duct of any commissioned officer or other member of the force, or into any complaint again the the or the commissioned officer or other member of the force, or into any complaint against any of them, he of the commissioned officer or officer any of them, he of the purpose commissioned officer or officers whom he appoints for that purpose may examine any many of the affirmation, purpose may examine any person on oath or affirmation, and may compel the attendence. and may compel the attendance of any necessary wither being the same manner as if the sa in the same manner as if the proceedings were being justices, under the "Act reconcil justices, under the "Act respecting summary proceedings fore Justices of the Peace" 40 M

Refusal to obey orders.

Or to deliver up clothing, arms, &c.

Penalty.

Recovery of penalty.

2. Any member of the force who refuses to obey of der distinctly given by a sume sister the force, and order distinctly given by a superior officer of the force, and the authority of such are under contract of such are superior officer of the placed of the authority of such are superior officer for the with placed of the superior officer for the superior officer for the superior of the superior officer for the superior officer for the superior of icer of the superior of the superi resists the authority of such officer, may be forth with under under arrest and detained in court of the provision under arrest and detained in custody, to be dealt with the provisions of this Act 45 W

23. Every commissioned officer or other member of the reglects to ree who, if discharged or difference of the reglection of the reglecti force who, if discharged or dismissed, refuses or neglects to forthwith deliver up to the sioned off forthwith deliver up to the commissioner or to a commis-sioned officer, or to a constable with the source the same sioned officer, or to a constable authorized to receive the same his clothing, arms, accouttoer authorized to receive the same his clothing, arms, accoutrements and all property of used for police Crown in his possession as a member of the force of and for police purposes, shall increase for police purposes, shall incur a penalty of fifty dollars and addition to the value of the article a addition to the value of the articles not delivered up; of such penalty and value shall be up to the with costs, of such penalty and value shall be recoverable, with rest summary conviction before summary conviction before any stipendiary magistrates justice of the peace having inviction in the North-West justice of the peace having jurisdiction in the North Territories:

2. If such penalty, value and costs are not paid immediately after conviction. Such are not paid instice of and . 11 such penalty, value and costs are not paid in the ately after conviction, such magistrate or justice of and peace may, in his discretion learned by distress and sale, or compared to a such a such as a peace may, in his discretion, levy the same by distress and sale, or commit the person so commit the making default sale, or commit the person so convicted and making deam in payment of the said penalty and a costs, to any the mon gaal or b Imprisonment in default. Sale, or commit the person so convicted and making default. in default. The person so convicted and making default. The person so convicted and making default, the person so convicted and making default. The person so convicted and making default and the person so convicted and making default. mon gaol or house of correction or lock-up house six months, for a torn unless such -North-West Territories, for a term not exceeding six non paid. c. 36. s. 16 unless such penalty, value and costs are sooner paid. c. 36, s. 16.

Unlawfully buying or selling clothing, arms, &c.

24. Every person who unlawfully disposes of, receives, buys or sells, or has in his possession without lawfully required, or refuses to deliver up when the next lowfully reaching any horse within or refuses to deliver up when thereunto lawfully clothing any horse, vehicle, harness any horse, vehicle, harness, arms, accoutrements,

30. A separate account shall be kept of all moneys ex- Separate ac-hall 1 under this Act to be be be statement thereof count to be kept. pended under this Act, and a detailed statement thereof kept. 42 V a solution of the partiament of each session thereof. shall be laid before Parliament at each session thereof.

29. All sums of money required to defray any expense Expenses pay-beven by this Act months is defined on the Consolidated able out of the Consolidated Con. Rev. anthorized by this Act may be paid out of the Consolidated able out of Con. Rev. Fund of Canada 40 V a 26 5 26. Fund. Revenue Fund of Canada. 42 V., c. 36, s. 26.

this Act shall regulations or Orders in Council made under Publication shall have the force of law the date of their publicashall have the force of law from the date of their publica-their or from such late in the therein appointed for tion, or from such later date as is therein appointed for the theory 28×28 . their coming into force. 42 V., c. 36, s. 28.

to all commissioned officers of the force. 42 V., c. 36, s. 31. **28.** All regulations or Orders in Council made under Publication of ball he publication of Gamada Gazette, and regulations.

all commissioned officers of the force 42 V., c. 36, s. 31. tion Act to apply. GENERAL PROVISIONS.

stipendiary magistrate, or any justice of the peace in any part of Canada, and the "Act respecting summary proceedings before vertices of the Dawn," of the peace in any proceedings before the Dawn, "Act respecting summary proceedings before and borosecutions. 42 Justices of the Peace," shall apply to such prosecutions.

26. Offenders under either of the two sections next pre-Prosecutions under preceding may be prosecution of the commissioner, or a ing sections. ceding may be prosecuted before the commissioner, or a ing sections.

2. Upon the trial of any offender under this section it Evidence in initial not be necessary of any offender under this section it Evidence in such case. shall not be necessary to produce or give in evidence the such case. original engagement or agreement to serve in the force signed by such offender, but such engagement may be proved by such offender, but such engagement may signed by parol evidence or by a certificate purporting to be signed by parol evidence or by a certificate purporting to a superintendent or invisioner, assistant commissioner or any such of such or inspector of the force, giving the date and be contracted by the commissioner or any term of such or inspector of the force, giving the date and be contificate shall be tem of such engagement; and such certificate shall be man facie evidence of the force, giving the date and the facie evidence of the force, giving the date and the facie evidence of the force, giving the date and the facie evidence of the force, giving the date and the facie evidence of the force, giving the date and the facie evidence of the force, giving the date and the facie evidence of the force, giving the date and the facie evidence of the force, giving the date and the facie evidence of the force, giving the date and the facie evidence of the force, giving the date and the facie evidence of the force of the force of the facie *prima facie* evidence of such engagement. 45 V., c. 29, s. 1,

one hundred dollars, or to imprisonment, with hard labor, for any term not exceeding twelve months, or to both :

Beented himself of the force who, having deserted, Desertion. absented himself from his duties without leave, or refused the duty there is do do to the force who, having deserved, the duty there is a duties without leave and the second duty the second to do duty therein, is found in any part of Canada other han the North Wester than the North-West Territories, shall, on conviction thereof, be liable for every such offence to a penalty not exceeding

or other thing used for police purposes, shall be liable to penalty of double the value thereof, and to a further Penalty. penalty of double the value thereof, and to a number payment forthand twenty-five dollars, and in default of for any term not expayment forthwith, to imprisonment for any term not exceeding three months. 42 V., c. 36, s. 18.

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Act to be in force in District of Keewatin

31. This Act shall be in force in the District of Keewstin id shall apply thereto a surface in the District of the and shall apply thereto; and the Lieutenant Governor of the said District shall. subject t said District shall, subject to any order in that behalf from the Governor General barret the Governor General, have the local disposition of the said force in such numbers and the force in such numbers and to such extent as the aid of the derivation of the derivative de General directs, and may exercise such power and for nice administration of civil and criminal justice, the said use general peace, order and good government of the said duties trict, and for and in aid of the said of the said duties sourceal peace, order and good government of the said duties trict, and for and in aid of the performance of all duties assigned by the laws in for assigned by the laws in force in the said District to any

Arrangements with Provincial Governments.

32. The Governor in Council may, from time to pro-ther into arrangements with 11 any from time any rid enter into arrangements with the Government of the side vince of Canada, for the use or employment of the ministration police force, or any portion thereof, in aiding the administration of justice in such D tration of justice in such Province, and in carrying any effect the laws of the Lemislet effect the laws of the Legislature thereof; and may the amount of the agree way in the such arrangement. such arrangement, agree upon and determine using ef. of money which shall be paid by the Province 42 V., c. 85, 80.

Proposed to be	Part	Left	To be Consolidated elsewhere.	To be Consolidated with.
Consolidated.	Consolidated.			
	The whole, ex- cept s 1 and part of s. 28	s. 28.		
45 V., c 29	The whole, ex- cept s. 1, part.	s. 1, part.		
48-49 V, c 53 48-49 V., c. 54	The whole.			

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CHAPTER 44.

An Act respecting Subsidies and Allowances to the Pro-

HER Majesty, by and with the advice and consent of the Senate and to a consent of the sector of Canada, enacts as Senate and House of Commons of Canada, enacts as follows:___

1. The following amounts shall be allowed as the annual Subsidy to be provided as the provided subsidy to the Province of Manitoba, and shall be paid yearly to the Province of Manitova,

(a) For the support of the Government and Legislature, fifty thousand dollars;

(b) On an estimated population of one hundred and fifty thousand, at eighty cents per head, one hundred and twenty

(c) As an indemnity for the want of public lands, fortyfive thousand dollars;

Which sums shall form the yearly subsidy to be paid by Canada to the said Province, until and inclusive of the year one thousand eight housand eight housan one thousand eight hundred and ninety-one, in lieu of the subsidy allowed by the Derliament of Canada, passed in the third of the Parliament of Canada, passed in the thirty-third year of Her Majesty's reign, chaptered three. 45 V., c. 5, s. 1, part.

In the event of the Legislature of the Province of Manitoba passing an Act be consolidated here. Act 48-49 V., c 50, sections 3, 4 and 5 of that Act should

Legislature thereof having passed an Act providing for the wick in lieu said of all duties of new Brunswick, in consideration of the Subsidy to we Bruns-said of all duties of the wick in lieu repeal of all duties of export on lumber exported from the of export important duties of export on lumber exported from the duty on h said province, shall, so long as no such duties of export are ber. imposed by the said Legislature, be paid in addition to the subsidy to which the said Legislature, be paid in addition to the rate of one handle said Province is entitled, a subsidy at as indemnity for the loss of such duties and the right to impose the same. 36 V., c. 41, s. 1.

Canada, the accounts between the several Provinces and Allowances to the provinces of Onterio and Chargeable against relation to as the inces of Onterio and Onebec respectively, in so far amount of the debt. the Provinces of Ontario and Quebec respectively, in so far amount of Provinces of Ontario and Quebec respectively, in so far amount of debt. as they depend on the amount of debt with which each debt. allowed as if the sum fixed by the one hundred and twelfth the $T_{h_{e}}$ Built is the sum fixed by the one hundred and twelfth is the sum fixed by the one hundred and twel section of "The sum fixed by the one hundred and two creased from situation North America Act, 1867," was indollars, to the supervision of t dollars, to the sum of seventy-three million six thousand

and eighty-eight dollars and eighty-four cents, and as if the amounts fixed as aforessid amounts fixed as aforesaid, as regards the Provinces North Nova Scotia and New Brown as regards the privile North Nova Scotia and New Brunswick, by "The British America Act, 1867," and as recurs to be and the British America Act, 1867," and as regards the Provinces of British Columbia and Manitoba by the Provinces of British which the Provinces of British and British British Columbia and Manitoba by the Provinces of British and British Columbia and Manitoba by the terms and conditions in which they were admitted interns and conditions were in which they were admitted into the Dominion, were in creased in the same proportion creased in the same proportion :

As to Nova Scotia.

2. The increased subsidy to be allowed to the province the Nova Scotia under this section. of Nova Scotia under this section shall be based to the upon the sum of nine million one based thousand sum of nine million one hundred and eighty-six thousand seven hundred and fifty-six dell seven hundred and fifty-six dollars, as if that sum had been mentioned in the one hundred "The British North America det access in the of the sector "The British North America Act, 1867," instead of the **30**, of eight million dollars. 32-33 V., c. 2, s. 1;-37 V., c. 3, s. 1

4. In the accounts between the several Provinces each inada, the amounts by which the several provinces as Canada, the amounts by which the yearly subsidy canada, was increased by the Act of the yearly subsidy canada, was increased by the Act of the Parliament of reign, passed in the thirty-sixth passed in the thirty-sixth year of Her Majesty's reign chaptered thirty (as explained) chaptered thirty (as explained by the Act of the said Parlis ment, passed in the thirty control of the said parlis, ad ment, passed in the thirty-seventh year of Her Majestys reign, chaptered three, as to Nor of the self line allowing reign, chaptered three, as to Nova Scotia), shall be calculated and allowed to Ontario and Contario and Conta and allowed to Ontario and Quebec (jointly, as having formed the late Province of Comparison of Nova Scotia and New P. formed the late Province of Canada), and to Nova Scotia and New Brunswick, as if the solid A), and to Nova that such New Brunswick, as if the said Acts had directed that such increase should be allowed for the said Acts had directed that such increase should be allowed from the day of the coming the force of "The British North 4 force of "The British North America Act, 1867," and in total amount of the half word total amount of the half yearly payments which would from that case have been made on the first of the first that case have been made on account of such increase inty the first day of July. one that the first day of July, one thousand eight hundred and sixty thousand be and including the seven and including the seven and seven and including the seven and seven a seven, up to and including the first day of January, one thousand eight hundred and site interest of the set o thousand eight hundred and seventy-three, with interest it would be each at five per cent. per annum, from the day on which it would have been so paid to the from the day on which it sand eight it would have been so paid to the first day of July, deemed capital sand eight hundred and eight sand eight hundred and eighty-four, shall be deemed capital owing to the said Provinces at five per cent. per annum, which interest shall be canada. to them as part of their from Canada. to them as part of their yearly subsidies from Canada. 47 V., c. 4, s. 1.

As to British Columbia, Manitoba and Prince Edward Island.

5. In the accounts between Canada and the Provinces of itish Columbia, Manitoba and The Island inco British Columbia, Manitoba and Prince Edward Island pro amounts calculated and allow amounts calculated and allowed as the debts of April, ney thousand vinces respectively, on the nineteenth day of which they thousand eight hundred and eighty-four, and on which they amounts have were then paid interest by Canada, shall be increased the amounts bearing the same populations of the said Provinces, as ascertained by the census of one thousand eight census of one thousand eight hundred and eight preceding total of the amounts to be add total of the amounts to be added under the next preceding section as capital owing to Optimized and Provide Nova Settion section as capital owing to Ontario and Quebec, Nova of the and New Brunswick, bear to the and New Brunswick, bear to the combined population of the

Additional allowance calculated on previous years.

four last named Provinces, as ascertained by the said census of one thousand eight hundred and eighty-one; and the amounts of such increases, as regards the said Provinces of British Columbia British Columbia, Manitoba and Prince Edward Island, shall be deemed capital owing to the said Provinces respectively, intervent owing to the said Provinces respectively, bearing interest at the rate of five per cent. per annum, which interest at the rate of five per cent. per annum, which interest at the rate of five per cent. per annum, spective subsidier to the payable to them as part of their respective subsidies from Canada; that is to say, the amount of Capital and the increase of the rethe increase of the yearly subsidy and the capital on which yearly pay-ments spethe same is payable to the several Provinces respectively, cified. under this and the next preceding section, shall be as fol-

To Ontari

Nova Scotia New Brunswick British Columbia	Yearly increase.	Capital.	
New P. Scotia	269,875 16	\$5,397,503	13
Manital Manital	39,668 44	793,368	71
British G	30,225 97	604,519	35
Manitoba British Columbia 47 V., c. 4 ss.	5,541 25	110,825	07
V, C A Edward Islam	4,155 39	83,107	88
Prince Edward Island 47 V, c. 4, 88. 2 and 3. the terms of security of the Legisland	9,148 68	182,973	78
dated the of some of the Legist			

B. The Legislature of the Province of Manitoba passing an Act in Bere. B. The Act 48-49 V., c 50, s 6 of that Act should be consoli-

6. The Governor in Council may, in his discretion, ad-Advances vance, from time to time, to any Province of Canada, any authorized. and not exceeding in the whole the amount by which the debt of the Province for which Canada is responsible then lowed to enter the U.

2. Such advances shall be deemed additions to the debt Conditions of the Province and the deemed additions to them to such advances. of the Province, and the Province may repay them to such ad-conditions as the Government of Government of the such and and that of the conditions as the Government of Canada and that of the Province agree upon; and any amount so repaid shall be deducted from the debt of the Province in calculating the subsidy payable to it : Provided always, that no such ad-Proviso: for brance shall be made to provided always, that no such ad-Proviso: for provided always, that no such ad-Proviso: for vance y payable to it : Provided always, that no such ad-Proviso in Proviously sanctioned to any Province unless it has been province. Province the Logislature of that Previously sanctioned to any Province unless it has been province. 48-40 W

Pro	s. 1.		
$\begin{array}{c} \begin{array}{c} \begin{array}{c} \begin{array}{c} \begin{array}{c} \begin{array}{c} \begin{array}{c} \begin{array}{c} $	Left for Repeal Remainder. ss. 2 and 3. s. 4.	To be Consolidated elsewhere	To be Consolidated with.

CHAPTER 45.

An Act respecting the Province of Manitoba. NOTE.—The sections of the Act 33rd Victoria, c. 3, numbered 2 and 6 to the both inclusive, and 26, have not been consolidated, in view of the Act of Parliament of the United Kingdom, 34-35 V o 20

HER Majesty, by and with the advice and consent of us follows Senate and House of Commons of Canada, enacts is :--follows :---

Boundaries of the Province,

1. The boundaries of the Province of Manitoba shall be inter the i national boundary dividing Canada from the United States of America by the centre of the tweet of America by the centre of the road allowance between the twenty-ninth and thirtight the twenty-ninth and thirtieth ranges of townships flor west of the first principal months west of the first principal meridian in the system of be minion land surveys: thence minion land surveys; thence northerly, following upon of said centre of the said road all said centre of the said road allowance as the same is now the ground hereafter located, defining the hereafter located, defining the said range line on the ground across townships one to forther across townships one to forty-four, both inclusive, to the intersection of the said control with allowing allowing by the across townships one to forty-four, both inclusive, to the intersection of the said control with allowing allowing the said control with allowing the said co intersection of the said centre of the said road allowase by the centre of the road allow by the centre of the road allowance on the twelfth base line in the said system ine centre of the road allowance on the twelfth we's; line in the said system of Dominion land sllowance thence easterly along the said thence easterly along the said centre of the road allowand on the twelfth base line fall on the twelfth base line, following the same the twelfth where the said centre of the road to a plith base line. where the said centre of the road allowance on the twelfth base line would be intersected. base line would be intersected by a line drawn due province of the westerly have a line the province of the province the westerly have a line the province the province of the from where the westerly boundary of the boundary Ontario intersects the aformulary of the boundary Ontario intersects the aforesaid international boundary line dividing Canada from the international famerica line dividing Canada from the United States of the for thence due south, following thence due south, following upon the said line to the fol-ternational boundary aforeast ternational boundary aforesaid, and thence westerly, ling lowing upon the said International boundary line divide of Canada from the United St Canada from the United States of America, to the place of beginning. 44 V., c. 14 ° 1

Provision as to Canadian Pacific Railway.

2. The territory added to the Province of Manitoba y's the Act passed in the forth ~ Ine territory added to the Province of Manitoba with the Act passed in the forty-fourth year of Her Majesty's reign and chaptered fourteen, shall be subject to all such provisions as have been or are becaute enacted. respected the Canadian provisions as have been or are hereafter enacted, respective the Canadian Pacific Railware the Canadian Pacific Railway and the lands to be granted in aid thereof. 44 V. t. 14

Lands vested in Her Majesty.

3. All ungranted or waste lands in the Province Gov nor in Course? be vested in Her Majesty, and administered by the and ernor in Council for the purpose of the purpose of the second secon ernor in Council for the purposes of Canada, subject to and except in so far as the same are and the the conditions except in so far as the same are affected by the conditions

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and stipulations contained in the agreement for the surrender of Rupert's Land by the Hudson's Bay Company to In the event of the Legislature of the Province of Manitoba passing an Act in berg, no f as 7 of 48-49 V., c. 50, section 1 of that Act should be consolidated

4. All laws and ordinances in force in the territory added Certain laws, the Province of Main ances in force in the territory added Certain laws, commissions, &c., to conto the Province of Manitoba by the Act passed in the forty- &c., to con-at the Vear of Hor Manitoba by the Act passed in the forty- &c., to confourth year of Her Majesty's reign, and chaptered fourteen, time inforce. at the year of Her Majesty's reign, and chaptered rounder, courts of the coming into force of this Act, and all minimized interview and all legal comcourts of the coming into force of this Act, and missions. Down and criminal jurisdiction, and all legal commissions, powers and authorities, and all officers, judicial, administrative and authorities, and all officers, junction of the coming into the ministerial, existing therein at the time of the coming into force of this Act, shall continue therein as if such territorial 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 the said Manitoba, to be repealed, abolished or altered by the said

	44 V., c. 14	, s. 3 .	or altered	by the said
_				
Prop				
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
	88. 30 and 34	for Repeal. 88. 1, 4, 5, 25, 27, 28, 29, 31,/33, 35, 36 and part of 32.	s. 3	Represonta- tion of Mani- toba in the Senate.
44 γ., c. 14	ss 1 and 3 and part of s. 2.	Part of s. 2 and 8. 4.	Part of s. 32	An Act re- specting claims to certain lands in the Pro- vince of Manitoba.
				Manriolla.

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An Act respecting Claims to certain Lands in the Pro-

ER Majesty, by and with the advice and consent of • the Senate and House and consents collocution **L**ER Majesty, by and with the advice and consenses the Senate and House of Commons of Canada, ensets follows :-as follows :---

INTERPRETATION. 1. In this Act, unless the context otherwise requires of (a) T (a) The expression "the Province" means the Province Interpretation. " Province." Manitoba : (b) The expression "commissioners" includes the com-issioner in cases in which the missioner in cases in which the commission is issued to one person only. 88 V. c. 58 ~ 14 New. "Commissioners.' QUIETING OF TITLES. 2. All grants of land in freehold made by the Hudson's ay Company up to the cickulation of the free the Grants in 2. All grants of land in freehold made by the Hudswart freehold con-firmed. One thousand eight hundred day of March, in the the tree one thousand eight hundred and the nine shall, it the one thousand eight hundred and sixty-nine, shall, if the quired by the owner be care. quired by the owner, be confirmed by grant from the Crown: 2. All grants of estates less than freehold in land, made the Hudson's Bay Compared arch of a signth 2. All grants of estates less than freehold in land, may of by the Hudson's Bay Company up to the eighth be con-March aforesaid, shall if received in the owner, second verted into March aforesaid, shall, if required by the owner, be crown: verted into an estate in freehold. Certain verted into an estate in freehold by grant from the end and the state in freehold by grant from the crowned as All other grants to be freehold. 3. All persons who satisfactorily establish undisturbed cupancy of any lands with the stablish prior to, and occupancy of any lands within the Province prior to, or who were, by themselves or the province prior to act who were, by themselves or their servants, trul peace agents, or those through when the province in actual peace able possession agents, or those through whom they claim, in actual people able possession thereof on the claim of July to Title to land by occuable possession thereof on the fifteenth day of entitled to them receive letters patent therefor growting the same absolutely that pancy. receive letters patent therefor, granting the same absolutely the from and always, the Proviso: time to them respectively in fee simple: Provided always, the initial from and after the first day of Marchine will be all the from and after the first day of May, which will be all the year one thousand eight burger and sight burger and sight burger and burg year one thousand eight hundred and eighty-six, all for rights and claims given by this set and eight shall, in so it as respected. rights and claims given by this sub-section shall, in so ne thousand eight hundred and eighty-six, all for as respects rights to claims for the Crown. De as respects rights to claims for grants from the Crown, De partment of the application by the sub-section shall, in so it respect to which application by the grants from the crown and to the section by respects rights to claims for grants from the Crown, where respect to which application has not been made to the partment of the Interior before the provide and determined to the second secon partment of the Interior before the day last aforesaid, cease and determine :

5. The commissioners shall not receive or proceed upon Preliminary proceedings whom until the percent of the persons, by before claim is considered. any claim until the person, or some one of the persons, by before claim produced in whose behalf the come is made has made and is considered whom or on whose behalf the same is made, has made and is considered. produced before the commissioners an affidavit or affirma-

shall give such other notice of the time and place of such same as will best to be heard before them, and they as will best to be heard before them, and they as will best to be heard before them, and they are as will best to be heard before them, and they are as will best to be heard before them, and they are as will best to be heard before them, and they are as will best to be heard before them, and they are as will be the time and place of such the time and place be the are an are as a such as a suc sitting as will best tend to inform persons interested in the

4. The sittings of the commissioners shall be held at the Sittings of the commissioners shall be held at the Sittings of the Comm place of the sittings of the commissioners shall be held at the Sittings of the sittings of the country court in each of the counties the Commissioners. of the sittings of the county court in each of the county shall be advertised to the time and place of such sittings the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the county court in each of the county the state of the state of the county court in each of the county the state of the state of the county county count in the state of the county the state of the st shall be advertised by the commissioners, for a period of win months in some the commissioners in the Province, together three months, in some newspaper in the Province, together shall a list of claims to be based before them, and they with a list of claims to be heard before them, and they shall give such other notice of the time and place of such

who is the person to whom, in their opinion, the patent ought to issue for the lands to which the claims respectively

of the same, as defined in the said third sub-section ; And to report the evidence in respect of such claims, and Report.

(b) Any cases of adverse or conflicting claims between fiferent persons to log 1 in the third sub-secdifferent persons to lands mentioned in the third sub-section of the said section, in respect of which also it has been previously established in the Minister previously established, to the satisfaction of the Minister of the Interior, that there has been undisturbed occupancy

(a) Any such cases as arise under the first and second the sections of the work arise under the first and second the section of this Act; and ⁴⁰/⁴⁰/⁴⁰/⁴⁰/_{sections of the next preceding section of this Act ; and}

a. The Governor in Council may, from time to time, Commission may be a commission and the such person or may be appointed ap issue a commission under the Great Seal, to such person or may be main is as he soon fit persons as he sees fit, empowering him or them, or a to consider to the hajority of them, to investigate such cases as are referred certain cases. to them by the Minister of the Interior, in respect of the

CONFLICTING CLAIMS TO LANDS.

4. All such claims made before the said first day of May, Effect of the year one the made before the said first day of May, Effect of failure to failure t in the year one thousand eight hundred and eighty-six, failure to pre-six months after the said dire expiration of six months after the said day, established to the satisfaction of the Minister of the Interior, shall be barred as fully and effectually as if such claims had not been made; but Exception. hothing in this sub-section shall apply to claims made before the said first day of May, one thousand eight hundred and the said which the section shall apply to claims made been eighty-six, and which the amount of six months eighty-six, and which, before the expiration of six months thereafter, have been referred to the commissioner or com-Missioners under the following provisions of this Act. $V_{,,c.3,s.32}^{\text{ubsloners under the following provisions of this Act. 2; 47 V. c. <math>\frac{3}{2}$; $\frac{3}{2}$; \frac

tion in writing, signed by him, that to the best of his knowledge and belief the claimer and that her knowledge and belief the claim is well founded, is no other not aware of any adverse alar not aware of any adverse claims, and that there is no other person in possession . or it is person in possession; or if he is aware of any adverse claim, or that there is any other claim, or that there is any other person in possession, the he has, at least one month he has, at least one month before the making of the affidavit or affirmation affidavit or affirmation, caused to be served upon adverse in person making, having or the served adverse in person making, having or the served adverse in person making, having or the served be served adverse in person making, having or the served be served adverse in person making having or the served be served adverse in person making having or the served be served by the person making, having, or supposed to have such adverse claim, or who is in possession claim, or who is in possession as aforesaid, a notice and writing of his claim and of his writing of his claim and of his intention to bring the safet before the commissioners at the intention to bring them of before the commissioners at the time appointed by a copy of hearing the claims of the next. hearing the claims of the respective parties; and a copy of such notice shall be affired to the parties of affirmation. such notice shall be affixed to the affidavit or affirmation. 41 V., c. 14, s. 1.

To be posted up.

ing pro-visions.

How claim may be preferred.

Evidence.

Certain documents to be evidence.

6. A list of all lands to which this Act applies, or is necessary, elieved to apply, shall from the this Act apply is necessary. believed to apply, shall, from time to time, as is necessary, be prepared by the Survey of What it shall be prepared by the Surveyor General of Dominion of the specify. and such list shall specify is not specify. and such list shall specify the name or names of the number of the such and the number of the such and the number of the such the such the number of person or persons in possession, together with the number of the section, part of section of the section, part of section, range and number of the ship of which the land constit ship of which the land consists or forms part, or some place adequate description thereaf adequate description thereof, and of the township of plate in which the same lies . and in which the same lies; and copies of such list shall be put up in some conspicuous place of such list shall be the up in some conspicuous place in the office of each of the county courts of the Provident the office of the office of the county courts of the Province, and in the office of the office of the south of the registrar of each of the said counties, during at least the mission months before the claim comes to be heard before the said come missioners; and no claim is the said the said the Certificate of missioners; and no claim shall be heard by the said the with foregoing promissioners; and no claim shall be heard by the said out provisions of this section for the court and registration of the section for the court and the court provisions of this section, from the clerk of the country and and for a section of the country is and for a section. registran of the certificate the club of the county court the registran of the certificate the club of the county the and for each certificate the clerk of the county, court and registrar of the county may and receive the sum of fifth registrar of the county may each demand and receive the sum of fifty cents. 38 V

7. The claimant, or the heir, devisee or assignee of and amant, may bring any state of assignee of and the state of assignee of a state of a st claimant, may bring any such adverse or conflicting sent before the said commission of attorn before the said commissioners, either personally or before the said produce before the said commissioners and produce before the said commissioners are the said commissioners and produce before the said commissioners are such down. or attorney, and produce before the said commissioners, either personally or by advance such documents, proofs and article such documents, proofs and evidence as he has to advice in support of such claim : and the suid common may be sitted viva in support of such claim; and such evidence may written vivâ voce before the said common or by written *vivâ voce* before the said commissioners, or by any particular affidavits or affirmations, sworn or affirmed in the particular the particular and such evidence may written affidavits or affirmations and such evidence in the particular and such evidence as he has a particular and su entitled to administer an oath or affirmation in the s. where the same is sworn or affirmed. 38 V., c. 53, s. S. All contif 8. All certificates of the Hudson's Bay Company, or onies by chief factor of the Hudson's Der Company, or onies • All certificates of the Hudson's Bay Company, or the any chief factor of the Hudson's Bay Company, or copies clerk of the Executive Conneil of the Province, or cheir certified by clerk of the Executive Council of the Province, in contrast council of the Province, in council of the Province, in custody, shall be received in evidence before the said council of the custody, shall be received in evidence before the said com-missioners. 88 V., c. 53 × 4

13. The commissioners shall be guided in their proceed- Decision, how at report hy the interval arrived at. ings and report by the justice and equity of the case, with-out regard to leval former to the strict letter of the law, out report by the justice and equity of the case, where decision and report by the justice and equity of the case, where decision are as a state of the law, and the strict letter of the law, if here is a state of an ideal are and the shall report their if here is a state of an ideal are as a state of the strict letter of the law, and the shall report their if here is a state of an ideal are as a state of the strict letter of the law, and the shall report the state of the strict letter of the law, and the shall report the strict letter of the law is a state of the strict letter of the law if here is a state of the strict letter of the law is a state of the strict letter of the law is a state of the strict letter of the law is a state of the strict letter of the law is a state of the strict letter of the law is a state of the strict letter of the law is a state of the strict letter of the law is a state of the strict letter of the strict letter of the law is a state of the strict letter of the law is a state of the strict letter of the law is a state of the strict letter of the law is a state of the strict letter of the law is a state of the strict letter of the strict or legard to legal forms or to the strict letter of the law, decision to the widence; and they shall report their Effect of thinks at the Minister of the Interior. who may, if he decision rules of evidence; and they shall report the thinks fit, theremony constraints natent to issue, granting thinks fit, the Minister of the Interior, who may, 11 me the lands in question to the letters patent to issue, granting by the desting to the reported the lands in question to the person who has been reported with a commission of the person who has been reported with a commission of the person who has been reported by the commissioners to be entitled to the same for the consider-stion in his discretion to the person who has been reported wise, in his discretion to the person who has been reported to the same for the consider-set of the same for the consider-set of the same for the consider-Wise, in his discretion, may submit the same for the consider-58, a rol approval of the Gaugemor in Council. 38 V., c. **ation and discretion**, may submit the same for the construc-58, s. 10. At.

give such further or enlarged time for the production of and even or for any claim brought before them, and may and even or for any claim brought before them, and may and even or for any claim brought before the production of the such further or enlarged time for the production of the such claim, evidence, or for any claim brought better and for the decision thereas are they deem expedient for the att. and for the decision thereon, as they deem expedient for the attainment of the decision 38 V., c. 53, s. 9. the attainment of the ends of justice. 38 V., c. 53, s. 9.

Question that he would not be compelled to answer in a court of law in a civil and the Would not be compelled to answer in a court of law in a civil case. 41 V., c. 14, s. 2, part. **12.** The proceedings on any claim brought before them, and may ceedings. evidence further or contained time for the production of

11. The commissioners shall have the same power to Attendance ive attendance the attendance may be enenforce the attendance of witnesses, and to compel them to forced. but no idence, as is worted in the same power to Attendance of the attendance of witnesses, and to compel them to forced. Proviso. sive evidence, as is vested in any court of law in civil cases; one of person or mite to the compelled to answer any but no person or witness shall be compelled to answer in a

Manitoba, and for requiring such witness to produce such books, papers or other indication of any witness to produce such times in the papers of other indication of any mitness to produce such dings in sion; and may in the documents as he has in his posses-the documents as he has in his possesthe case until and discretion, delay the proceedings in the case until such evidence and answers have been adduced and given, and returned with the commission.

10. The commissioners may cause such interrogatories Interroga-upon and answered by and answered by a laimant. person or witupon and answered by any such claimant, person or withese, or any witness whose deposition is produced in inevidence before them; and may cause commissions to be Commissions Manit, or the examination of the evamination of the evaminati Manitoba, and for market of any witness to produce such

oral etaimant or person or such witness, to submit to such to give sign his answers to juic other, or to answer on oath and to dence. sign his answers to interrogatories or cross interrogatories or documents in writing, or to interrogatories or cross interrogatories in his possession produce such books, papers or documents possession produce such books appear in his possession, as to the said commissioners appear

The commissioners may summon before them, by Witnesses manons under the one of them, the claimant may be s moned. The commissioners may summon before them, by Witnesses or claimants or the hand of any one of them, the claimant may be sum-other the hand of any one of them, the case, or any or claimants, or any person interested in the case, or any being person when the person interested in the case or any witness, or whom they deem it expedient to believe to be in Witness, or whom they deem it expedient to examine an possession of any it hey have reason to believe to be in they have reason to believe to the in the production of which the possession of any document by the production of which the ends of justice may be better attained; and may require And required to be the production of which the open of the production of which the open of the production of the production of the production of the product of such claimant or person or such witness, to submit to such to give evi-single tamination between the such and to dence.

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When letters patent may issue.

14. No letters patent shall issue on any decision and port of the commissioners with a commission of report of the commissioners until after the expiration of three months from the time at after the expiration of the time at th three months from the time when such report was of the mitted to and marked as received as the such report was of the mitted to and marked as received by the Minister of the Interior. 38 V., c. 53 c 11

Report in case of erroneous decision.

Re-hearing.

15. If, before the expiration of such three months, find mmissioners, or a constant of such three them, find commissioners, or a quorum or majority of them, were reason to believe that such decision and report obtained by surprise or the such decision and respect, obtained by surprise or erroneously made in any respect and that justice requires the total made in the letters and that justice requires that the issuing of the letters patent should be staved the patent should be stayed, the commissioners, or a majority of them, although it is not the university material of the lewing and the stayed it is not the commissioners of a majority of them, although it is not the stayed of the of them, although it is not then the regular period of and sitting, may report accordingly sitting, may report accordingly to the said minister, and the lettors the issuing of the letters patent shall thereupon be stayed until the commissioners until the commissioners again report upon the case; new the commissioners again report upon the case; now the commissioners may re-hear the case, or admit any evidence, claim, and may receive are the case, or admit evidence claim, and may receive or insist upon any new evidence as to them appears expedient as to them appears expedient to enable them to do justice in the case; and they many it in the case; and they may thereafter decide and report thereon as if no prior report had been made, and with like effect. 38 V., c. 53. s. 19

16. The commissioners may, from time to time, make and establish such rules and to the record to the forms may be prescribed. **16.** The commissioners may, from time to time, may and establish such rules and forms, with regard notices, proceedings to be had be proceedings to be had before them, and to such notices, papers and other documents papers and other documents as are required in the conduct of such proceedings. as to the of such proceedings, as to them appear expedient, for the better attainment of the better attainment of the purposes of justice. s. 13.

Oertain rights not affected.

17. Nothing in this Act contained shall limit the right the Minister of the Interior of the Minister of the Interior to investigate, or cause ded, otherwise investigated there is a mentioned, otherwise investigated than is hereinbefore and and to such adverse or confliction of the constitution of such adverse or conflicting claims as aforesaid, appear ing to h cause letters patent to issue therefor to the person appear ing to him to be entitled th ing to him to be entitled thereto. 38 V., c. 53, s. 15.

Proposed to be Consolidated. 33 V., c 3 38 V., c 52 38 V., c. 53 The who	art idated	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with,
33 V., c 3 Part of 38 V., c 52 The who	1	for nepeut	elsewner	Manitobs Act
41 V., c. 14 The wh	ole lole, ex-s l6. lole, ex-Pa art of s.2	16. art of s. 2	Remainder	Mar

CHAPTER 47.

An Act respecting Roads and Road Allowances in the Province of Manitoba.

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

1. The road allowances in townships surveyed and sub- Certain road ivided, and allowances in townships block lines, surdivided, and allowances in townships surveyed and sub- Certain road veyed in the Province of Manitoba before the passing of perty of the c. 20, s. 1.

2. On the survey and sub-division of any township within Other road allowances the Province, after the passing of this Act, and the approval after survey. of such survey and sub-division of any township, the fact shall be notified to the Lieutenant Governor by the Minister of the Interior, and by virtue of such notification all section road allowances in by virtue of such notification the proroad allowances in such township shall become the property of the Province. 39 V., c. 20, s. 2.

Con the Government of Canada receiving notice from Certain roads and tracts may be may be the Government of Canada receiving notice from Certain to fares or public travelled roads or trails in the Province transferred them. existed as such the context of July, one vince. which existed as such on the fifteenth day of July, one vince. thousand eight hundred and seventy, and which the Government of the Province desires to have transferred to the Province, the Brovince desires to have transferred to directing the same to be forthwith surveyed by a Dominion surveyor in the surveyor transfer each such land surveyor, and thereafter may transfer each such thoroughfare, public travelled road or trail, according to the plan and description thereof, to the Province, subject to any is a sequired multiplication thereof, to the Province, subject to any rights acquired under patents for any lands crossed thereby, the previouel and previou issued previously to the receipt of such notice: Province, to width. that excepting those public thoroughfares in the Province which are down by the first which are designated as "Great Highways" by the first Section of the Act of the Legislature of the Province of Manitoba massed to of the Legislature of the Majesty's Manitoba, passed in the thirty-fourth year of the Province reign and chapters, the thirty-fourth year of Her Majesty's reign and chaptered thirty-fourth year of Her major two chains he width of which shall be two chains, no such thoroughfare, public travelled road shanil as above the thoroughfare of the Province, or trail as above mentioned, transferred to the Province, shall be held to be mentioned, transferred to the Province, shall be held to have a greater width than one and a-half

chains or ninety-nine feet. 39 V., c. 20, s. 3.

to The Minister of the Interior shall cause roads to be Roads in the "outer two Miles" known miles." laid out, in the survey of the "Outer Two Miles" known miles."

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as the "Hay Privilege" proposed to be granted to the owners of the front lots in the real to the granted to the owners of the front lots in the old parishes, as follows

(a) A road one chain and fifty links wide in rear of and rms fronting on the Rod farms fronting on the Red and Assiniboine lots in the between the said farms and the corresponding lots in the "Outer Two Miles" or "How D "Outer Two Miles" or "Hay Privilege" before mentioned; (b) A mod

(b) A road one chain and fifty links wide in rear of the ts contained in the "Output the links wide in "Hav Privi-

lots contained in the "Outer Two Miles" or "Hay Privi-lege" before mentioned and it is a set of the set of th lege" before mentioned, and between them and the same, tions, or legal sub-divisions. tions, or legal sub-divisions thereof, bounding the said lots except in cases where the said except in cases where the said rear boundary of the said lots proves to be a regular section. proves to be a regular section line in the township survey;

(c) Roads, each one chain in width, at convenient dis nces, say every two miles and the convenient lots in tances, say every two miles or thereabouts, between lots in the said "Outer Two Miles" the said "Outer Two Miles," and running from the fort to the rear thereof:

2. The roads provided for in the last paragraph of the next ecceding sub-section shall be determined by the last paragraph of the lots at -. The roads provided for in the last paragraph of the uses preceding sub-section shall be laid out between such lots and the Minister of the Interior the Minister of the Interior indicates with that view, ith shall be taken half off each - 6 shall be taken half off each of such lots or the whole width off one of such lots in the di off one of such lots, in the discretion of the minister; may the persons to whom it is not have be and have be the persons to whom it is proposed to grant such lots and be compensated by the minister the minister of land be compensated by the minister for the quantity of land respectively contributed by the respectively contributed by them to any such road, by the issue of land scrip to them at it issue of land scrip to them at the rate of one dollar and first cents for each acre of land

5. On the final completion of the survey and marking of the lots and roads. as above of the lots and roads, as above provided, in the said "Outer Two Miles," and of the many ti Two Miles," and of the maps thereof, and the approval of the same, the Governor in G the same, the Governor in Council may, on the report of the Minister of the Interior to provide a coveral roads the Minister of the Interior, transfer the said several rovince. By V provided for by the next preceding section to the Province. 39 V., c. 20, s. 5.

6. The unpatented land forming part of any road trans ferred under this Act to the Province shall be the property thereof,—the legal title thereot thereof,—the legal title thereto remaining in the Crown be the public uses of the Provide the public uses of the Province; but no such road shall be closed up, or its direction closed up, or its direction varied, or any part of the the occupied by it sold or otherwise alienated, without consent of the Governor in G

				To deted
Proposed to be Consolidated	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	Consoliu. with.
39 V, c. 20	The whole.			

In rear of and between certain farms.

Between "outer two miles" and sections bounding the reon.

Between lots in "outer two miles."

Where to be laid out.

Compensation for land taken.

Transfer of such roads to the Province.

Land, how vested, and on what conditions.

CHAPTER 48.

An Act respecting the North-West Territories.

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

SHORT TITLE.

Act." This Act may be cited as "The North-West Territories Short title. 43 V., c. 25, s. 97.

INTERPRETATION.

2. In this Act, unless the context otherwise requires :- Interpreta-

(a) The expression "Territories" means the North-West "Territo-Territories, as defined in this Act;

(b) The expression "The Lieutenant Governor" means "Lieutenant de Lieutenant Governor." the Lieutenant Governor of the North-West Territories;

(c) The expression "intoxicating liquor" means and "Intoxicating liquor." includes all spirits, strong waters, spirituous liquors, wines, fermented or compared by the strong fields; fermented or compounded liquors or intoxicating fluids;

(d) The expression "intoxicant" includes opium or any "Intoxicant." preparation thereof, and any other intoxicating drug or sub-stance, and tohand any other intoxicating drug or impregstance, and tobacco or tea mixed, compounded or impreg-nated with oninated with opium, or with any other intoxicating drug, spirit or substance, or with any other intoxicating drug. spirit or substance, and whether the same or any of them is liquid or solid whether the same or any of them is liquid or solid. 43 V., c. 25, s. 1, part, and s. 90, part.

GOVERNMENT AND LEGISLATION.

3. The Territories formerly known as "Rupert's Land" Territories ad the North-West Formerly known as "Rupert's Land" defined. and the North-West Territory shall, with the exception of Buch portions there is and iteration of Manitoba such portions thereof as form the Province of Manitoba and the District of Keewatin, continue to be called and the Nown as the V. c. 25, s. 1, known as the North-West Territories. 43 V., c. 25, s. 1, part.

4. There shall be for the Territories, an officer called the Lieutenant Governor. Lieutenant Governor, appointed by the Governor in Council, bold strament and appointed by the Governor in Council, by instrument under the Great Seal of Canada, who shall hold office during pleasure :

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2. The Lieutenant Governor shall administer the Gov nment, under instruction ernment, under instructions, from time to time, given him by the Governor in Council His powers. by the Governor in Council, or by the Secretary of State of Canada. 43 V., c. 25 \$ 2 5. The Governor in Council may, from time to time, point an Administrator to appoint an Administrator to execute the office and functions of the Lieutenant Governor Administraof the Lieutenant Governor during his absence, illness of other inability. 43 V c 25 tor. 6. Every Lieutenant Governor or Administrator so are take pointed shall, before assuming the duties of his office, some and subscribe, before the G Oaths to be and subscribe, before assuming the duties of his office, some person duly authorized to oaths, or before su taken. person duly authorized to administer such oaths, at to the such of allegiance and an entities of the such oaths, at the such of allegiance and an entities of the such oaths, at the such of allegiance and an entities of the such oaths, at the oath of allegiance and an oath of office similar under required to be taken by a line of office similar under required to be taken by a Lieutenant Governor under "The British North American de Lieutenant Governor 25, 5, 4. seal, may constitute and appoint such and so many persons, from time to time, not excerting and so many persons, Appointment of Council. from time to time, not exceeding in the whole six persons, of which number the sting. of which number the stipendiary magistrates hereinaid mentioned shall, ex officio mentioned shall, ex officio, form part, to be a council to aid the Lieutenant Governor in the intervention of the Territhe Lieutenant Governor in the administration of the Terri-tories: 2. Before entering upon the duties of their offices, the persons so appointed shall take and subscribe, before ath Lieutenant Governor. such cather and subscribe, and such of of offices. Oaths to be Lieutenant Governor, such oath of allegiance and such of the of office as the Governor in G taken. of office as the Governor in Council prescribes, and the majority of the council so approximation of the council so approximat majority of the council so appointed shall form a quorum. 43 V., c. 25, s. 5. Quorum. 8. The Governor in Council may appoint a clerk of the of id council, who shall not the duties te. said council, who shall act as and perform the duties ke before the Lieutenant G Clerk of the secretary to the Lieutenant Governor, and who shall as the Governor. Council. before the Lieutenant Governor, and who shall the Governor in Council preservit 43 V., c. 25, s. 6.• 9. The seat of Government of the Territories shall be the ced, and may, from time to the Deprese by the changed by fixed, and may, from time to time, be changed by the Governor in Council. 43 V Seat of Government. 10. The Lieutenant Governor shall preside at all sittings the council; and he shall with the same have the same of the council; and he shall, on all subjects, have the same right to vote as councillors have Lieutenant right to vote as councillors have, and shall also have a casting vote in the event of a tion and shall also have a cast to be made Governor vote in the event of a tie; and the ordinances to be made as hereinafter provided shall to preside at as hereinafter provided, shall be made by the Lieutenant Governor in Council, and shall be made by the be so made; Council meetings. Governor in Council, and shall be made by the Lieuten de; but this section shall cease to be expressed to be so mader of member but this section shall cease to have effect when the number of members of the conneil all the section fifteen ive of members of the council elected under section fifteen this Act amounts to twent this Act amounts to twenty-one, and when a Legislative

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Assembly has been formed for the Territories. 43 V., c. 25, 8. 12.

11. All laws and ordinances now in force in the Terri- Laws in force tories, and not repealed by or inconsistent with this Act, continued.

of this Act. 43 V., c. 25, s. 8.

shall remain in force until it is otherwise ordered by the Parliament of Canada, by the Governor in Council, or by the Lieutenant Governor in Council, under the authority

12. The Lieutenant Governor in Council, or the Lieuten- Powers of Lieutenant Governor in Council, or the Lieutenant Governor in Council on the Lieutenant Governor in Council on the Covernor in Council on the Covernor in Cover ant Governor, hy and with the advice and consent of the Lieutenant Governor and Council or the Assemble with the advice and consent of the Governor and Council or the chall have such council or thave such council or the chall have such council or t Legislative Assembly, as the case may be, shall have such Council or Wers to make could, as the case may be, shall have such Council or powers to make ordinances for the government of the North-Assembly. West Territories as the Governor in Council, from time to confere the Governor in Council, from time to time, confers upon him; but such powers shall not, at any time, confers upon him; but such powers shall not, at any and ninetv-third of those conferred by the ninety-second Desition North America Act, 1867." Don 11 Sections of "The British North America

Act, 1867," upon the Legislatures of the several Provinces

2. No such ordinance shall be so made which is incon-Limitation of the with or alternation of any Act powers. sistent with or alters or repeals any provision of any Act powers. of the Parliament of Canada in force in the Territories. 48 V., c. 25, s. 9; -48-49 V., c. 51, s. 1.

This section has been re-drafted so as to be consistent with the rule adopted application of Acts to the Territories.

18. The Lieutenant Governor, by and with the consent Ordinances the council or assembly be, shall pass education. of the council or assembly, as the case may be, shall pass education; but it Majority all necessary ordinances in respect to education; but it Majority paves therein always he provided that a majority of the rate- schools. shall therein always be provided, that a majority of the rate- schools. less that therein always be provided, that a majority of the rate- schools. payers of any district or portion of the Territories, or of any less portion of subdivision thereof, by whatever name the thinks known more set that there is schools therein as they same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection the states therefore and all the transmission of the rate payers of rates therefor; and also that the minority of the ratepayers Minority light there in Protostant Discover Catholic, may estab- schools. therein, whether Protestant or Roman Catholic, may estab-ens action actions that the minority of the ratepayers Minority ens action of the ratepayers Minority of the ratepayers Minority ens action of the ratepayers actin lish separate schools therein, and in such case, the ratepay-end establishing and Division and in such case, the ratepay-case and in such case and in such ca ens establishing such Protestant or Roman Catholic separate schools shall be light

they impose upon the only to assessments of such rates as they impose upon themselves in respect thereof:

2. The power to pass ordinances, conferred upon the Declaratory ave 1 and Governor by the second pareby declared to as to ordinar even the power to pass ordinances. Lieutenant Governor by this section is hereby declared to as to ordinan-thonse, vested in him the section the day of May, one have been vested in him from the seventh day of May, one 48.40 and eight hundred and incher 43 V., c. 25, s. 10;thousand eight hundred and eighty. 43 V., c. 25, s. 10;-

14. An authentic copy of every such ordinance shall be Disallowance ave at ted by mail to the second state within thirty of ordinances. transmitted by mail to the Secretary of State within thirty of ordinances. any time its passing and if the Covernor in Council, at days after its passing; and if the Governor in Council, at within one of the secretary of the Secretary by the Secretary any time within one year after its receipt by the Secretary

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of State, thinks fit to disallow the ordinance, such disallow ance, when signified by the States ance, when signified by the Secretary of State to and the and the date Submission to Parliament. ance, when signified by the Secretary of State to and after tenant Governor, shall annul the ordinance from and made the date of such signification the date of such signification; and all ordinances so made and all Orders in Council dia in the ardinances and all ordinances in Council dia in the ardinances as and all Orders in Council disallowing any ordinances so makes made, shall be laid before both Houses of Parliament as ment there a soon as conveniently may be after the making and energy ment thereof respectively 40 W

ELECTION OF MEMBERS OF COUNCIL AND ASSEMBLY.

15. Whenever the Lieutenant Governor is satisfied its such proof as he requires, that any district or portion of such miles Territories, not exceeding an area of one thousand thousand inhabitants miles, contains a population of at least one thousand in the second second in the second second second the second inhabitants of adult age, exclusive of aliens and the thouse the sector of aliens and the trict of the shall is the shall franchised Indians, he shall, by proclamation, erectsuch and trict or portion into an elect trict or portion into an electoral district by a name in with boundaries, which shall b with boundaries, which shall be respectively declared in the proclamation, and such electoral district shall in the forth be entitled to elect a work district shall of the Council, of the Legislation forth be entitled to elect a member of the 43 V, c. 5s. 15 s. 15.

Proceedings thereupon for elections.

16. The Lieutenant Governor shall thereafter cause and rit to be issued by the cloud shall thereafter in such and writ to be issued by the clerk of the Council, in such and and addressed to such returns and addressed to such returning officer as he therwise the vides he chained Governor shall thereand therwise the until the Lieutenant Governor in Council otherwise by vides, he shall, by proclement vides, he shall, by proclamation, prescribe and declare by mode of providing voters' list mode of providing voters' lists, the oaths to be officers and deputy not voters, the powers and duties of returning be observed deputy returning officers, the proceedings to be else at such elections, and the period during which such as tions may be and duties of returning on observer at such elections, and the period during which such elec-tions may be continued and during which such 16. such elections, and the period during which such elections may be continued, and such other provisions is respect to such elections as he thinks fit. 43 V., c. 25, 8.

Voting qualification.

17. The persons qualified to vote at such election adult the bond fide male resident be the bond fide male residents and householders within age, who are not aliens or within the electored within the age, who are not aliens or unenfranchised Indians, view in the electoral district, and who who are not aliens or unenfranchised Indians, while the electoral district, and who have respectively residents such electoral district for at 1 such electoral district for at least twelve months in 23 V., c. 25, diately preceding the issue of the such as the 18. Any person entitled to vote shall be eligible for electron.
43 V., c. 25, s. 18 s. 17.

Election qualification.

tion.

Additional member.

19. Whenever the Lieutenant Governor is satisfied, as oresaid, that any electors is the satisfied of two the •••• Whenever the Lieutenant Governor is satisfied, a aforesaid, that any electoral district contains a population of two thousand inhabitants of the sate exclusive aliens and we of two thousand inhabitants of adult age, exclusive aliens and unenfranchised India wo thousand inhabitants of adult age, exclusive is aliens and unenfranchised Indians, he shall issue his district the election of a second more is the alectoral aldis or he may the election of a second member for the electoral distribution or he may, in the manner aformation or he may, in the manner aforesaid, erect such electoral districtions

Erection of electoral districts.

the life of another, of any real property in the Territories, real property. without having lawfully devised the same, such real pro-follom: and the real property in the Territorical follom: perty shall descend or pass by way of succession in manner First. To his lineal descendants and those claiming by or under them, per stirpes;

LAWS OF TERRITORIES-REAL PROPERTY.

humber of members so to be encounter at which term humber the representation of the Territories shall remain; vice. Not an members so planted their seats for a term and the representation of the Territories shall remain , hot exceed in the members so elected shall hold their seats for a term shall be two wards and they shall retire and others hot exceeding two years, when they shall retire and others as the elected in their start are loss they are re-elected, losted in shall be elected in their stead, unless they are re-elected in the start be elected in their stead, unless they are re-elected in the start be elected in their stead, unless they are re-elected in the start be elected in t as they may be; and another member shall be elected in V, c. 25, s. 22.

prove of the same, or reserve the same for the assent of the Governor General. 43 V., c. 25, s. 21. The number of members so to be elected, as herein-Number of members a twonty-one, at which term of service. before mentioned, shall not exceed twenty-one, at which term of ser-and the representation of the Termitories shall remain ; vice.

2. The Legislative Assembly: ace a year, and shall site the Lieutenant powers of Assembly shall be from the Lieutenant Assembly. once a year, and shall sit separately from the Lieutenant Assembly. tenantor, and shall present Lille passed by it to the Lieu-Governor, and shall sit separately from the Lieutenan-provernor for bicenet bills passed by it to the Lieutenant Governor, and shall sit separately non-prove of the same of the same for the assent of the

Tentionies, and all the powers by this Act vested in the the power by this and exercisible by Counciles, and all the powers by this Act vested in the Legislative Account of the rested in and exercisible by

twenty-one, the number of elected members amounts to When begand determine : and the members appointed shall cease sembly shall stitutes. ind determine; and the members so elected shall cease sembly tituted and designated on the Toriolative Assembly of the tituted and designated as the Legislative Assembly of the Council.

CONSTITUTION AND POWERS OF LEGISLATIVE ASSEMBLY.

hon of business. 43 V., c. 25, s. 20.

20. Elected members of the Council shall take the same Powers of the members of the Council shall take the same Powers of take po wenders and have the same powers, rights and privileges -boon as appointed by the Governor in Council, and so boon as appointed by the Governor in Council, and appointed and close have been elected, a majority of those Appointed and elected shall form a quorum for the transac-

thousand square miles and containing one thousand in-thousand square miles and containing one thousand in-thousand square miles and containing one thousand inhis of adult age. 43 V., c. 25, s. 19; -48-49 V., c. 51, s. 3.

thet into 599 entitled to electoral districts, each of which shall be Sub-division his of to electoral districts. the council or Associate the part way be, from time to his Council or Assembly as the case may be, from time to the transformed by the transform to secure as for a secure of the districts or any of them, so as the case of the formation of the secure to secure as far as possible in the Council or Assembly of the in-Reprise as far as possible in the Council or Assembly of the thousand representation of each district not exceeding the thousand containing one thousand in-

Secondly. To his father;

Thirdly. To his mother ; and-

Subject in all cases to the rules and regulations herein ter prescribed. 43 V. c. 25 - 52 after prescribed. 43 V., c. 25, s. 23.

24. If the intestate leaves several lawful descendants of e direct line of lineal doce in equal de-grees of con-sanguinity. consanguinity to such intert and utrect line of lineal descent, and all of equal descender consanguinity to such intestate, the inheritance remote descend to such persons in correlation however remote the common Consanguinity to such intestate, the inheritance remote descend to such persons in equal shares, however remote the common degree of consenutivity is from the intestate. $43 V_{\rm e} = 25$ the common degree of consanguinity is from the intestate. 43 V., c. 25, s. 24.

25. If any one or more of the children of such intestate reliving, and if any one or more of the children doad, the intest nce shall are living, and if any one or more of the children of such interior tance shall descend to the children are living, at the interior the lawful ren and are living, and if any one or more of the children of such in the interint their descend- tance shall descend to the children who are living, so that the lawful descendants of such children as are dead, would each child who is living shall in the lawful descendants of such children as hare as would have down each child who is living shall inherit such share as integrate have descended to him if all a have descended to him if all the children as are used so that the lawful a who have died, leaving issue, had been living; and so that the lawful descendants of cost hill the issue dead she are herit in cost h the lawful descendants of each child who is dead shall of the child work of the chil herit in equal shares the share which the parent of shall would have received if 12 **26.** The rule of descent prescribed in the next preceded of the second second in the next preceded in the next preceded in the next preceded of the lawful descendent is of the interval of the second secon

Unequal degrees of consanguinity.

-•• The rule of descent prescribed in the next precease section shall apply in every case where the lawful descent ants of the intestate, entitled the inheritance the of unequal ants of the intestate, entitled to share in the intestate, so that those who of unequal degrees of consanguinity to the intestate, but those who are in the nearest down and the share in the intestate, but take the share those who are in the nearest degree of consanguinity be take the shares which would be and to the interval take the shares which would have descended to of conserve and so all the lawful descendants in the descendent of conserve of conserve of conserve all the lawful descendants in the descendant of the descendent of conserve of conserve of conserve all the lawful descendants in the descendant of the descendant of conserve of conserv and the shares which would have descended to for and all the lawful descendants in the same degree of living, died, that the interview of the same degree of living died. guinity who have died, leaving issue, been living, died that the issue of the lawforl issue, been who have is it guinity who have died, leaving issue, been living, died that the issue of the lawful descendants who have the shall respectively take the shall respectively take the shares which living, would have received

Succession of father or mother, if there are no descendants.

27. If the intestate dies without lawful descendents of less the intestate dies without lawful descendent of less the ~. If the intestate dies without lawful descendant, and leaves a father, the inheritance shall go to such part of unless the inheritance came to the intestate on the nother unless the inheritance came to the intestate on the motor his mother, and such mother is limited and if such in conhis mother, and such mother is living, and if such all go to such mother the father for his such mother is living. is dead, the inheritance descending on her part shall so the sisters of the interior of the sisters of the sist the father for life, and the reversion to the brothers of the intestate and there is a descendants, are in the father for life, and the reversion to the brothers of the intestate and there is a descendants, are in the the law. ine lather for life, and the reversion to the brothers according on her part summer according to the intestate and their lawful descendants, herein after provided; and if there are no such brothers are sisters or their lawful descendants. after provided; and if there are no such inheritance shall go to the aner provided; and if there are no such inheritance sisters or their lawful descendants living, such inheritance **28.** If the intestate dies without lawful descendants the aves no father, or leaves no father, or leaves no father, be the second take the heritance are a father of the second take the heritance are a father of the second take the second take the heritance are a father of the second take the second take the heritance are a father of the second take the second tak no descen-dants and no leaves no father, or leaves a father not entitled inheritance under the next preceding section, and leaves

reaves no father, or leaves a father not entitled to leaves a inheritance under the next preceding section, and leaves

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mother and a brother or sister, or the lawful descendant of a ble of mother or sister the or sister shall descend to the inherit bother and a brother or sister, or the lawful descendant of a ble of nother or sister, then the inheritance shall descend to the ^{inheriting.} sister during here life nother or sister, then the inheritance shall descend to the sister of the intestation of sister of the intestate as is living, and the lawful descendants of such brother or sister as are dead, according to the same law of inheritance hereinafter provided; and if the intestate

wof inheritance hereinafter provided; and if the intersection descendant of the brother or sister, or any lawful descendant of any brother or sister, the inheritance shall descendant of any brother or sister, unc-descend to the mother. 43 V., c. 25, s. 28. **39.** If there is no father or mother capable of inheriting If no father or mother capable of inheriting. If no father or mother capable of the bareinafter specified, capable of capable of capable of the bareinafter specified. the estate, if there is no father or mother capable of inheriting it no mother to the collateral relation, in the cases hereinafter specified, capable of the collateral relation of the cases hereinafter specified.

to the collateral relatives of the intestate; and if there are inheriting. we collateral relatives of the intestate; and it there are the intestate intestate intestate intestate the intestate intestate the intestate intestate the intestate intestate the intestate intesta b the intestate, the inheritance shall descend to them in shares house of consanguation of the inheritance shall descend to them in

equal shares, the inheritance shall descend to theme sunity is, from the inheritance the common degree of consan-Spinity is, from the intestate. 43 V., c. 25, s. 29.

30. If all the brothers and sisters of the intestate are Succession of stars, the inheritance is and sisters and brothers and sisters and brothers and sisters a living, the inheritance shall descend to such brothers and sisters of the intestate are Succession of sisters; and if any one of them are living, and any their descend. isters, the inheritance shall descend to such brothers and sisters and one or more of them are of them are living, and any their descen-to the process of them are descended and the inheritance shall descend dants. to the brothers and sister dead, the inheritance shall descend to such the brothers and sister dead, the inheritance shall descend dants. to the brothers and sisters and every of them who are sisters and to the lower of such brothers and read to the lower of such brothers and read to the lower of such brothers and living brothers and sisters and every of them who and sisters as are dood so the lawful descendants of such brothers and living as are dood so the lawful descendants of such brothers and sisters and to the lawful descendants of such brothers and living, shall inharit and to that each brother or sister who is to kits, shall inharit and a so that each brother or sister who is to that each brother or sister who is to the second descended in the second descended living, shall inherit such share as would have descended when, or her, if all the livit of the intestate to him or her, if all the brothers or sisters of the intestate snal have died lowing in the brothers or sisters of the intestate who have died leaving issue, had been living, and so that share died leaving issue, had been living, and so that such lawful descendants shall inherit, in equal shares, the share which their parent, if living, would have inherited.

31. The law of inheritance prescribed in the next pre-As to lineal desordants escend. The shall preveil of the other direct lineal desordants of unequal to descred. ceding section shall prevail as to the other direct lineal descendants the remained every brother and sister of the intestate, to degree.

descendants of every brother and sister of the intestate, to degree. the remotest degree, whenever such descendants are of

back of the same set of the intestate on the provisions. First. To the brothers and sisters of the father of the

intestate in equal shares, if all are living ;

Secondly. If one or more are living, and one or more have ving issue that the second sisters as are died leaving issue, it or more are living, and one or more have living, and to the lawful dente of such of the said living, and to the lawful descendants of such of the said brothers and sisters as and sisters as and sisters as and sisters as and sisters are lawful descendants of such of the said brothers and to the lawful descendants of such and sisters as are dead, in equal shares; Thirdly. If all such brothers and sisters are dead, then to their lawful descendants ;---

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And in all such cases the inheritance shall descend in the me manner as if all and been same manner as if all such brothers and sisters had been the brothers and sisters and sisters had been

Further provision in such case.

2. If there are no brothers or sisters of the father of the testate, and no lawforl intestate, and no lawful descendants of such brothers is sisters, then the inheritance of such brothers sisters, then the inheritance shall descend to the brothers and sisters of the mother of the and sisters of the mother of the intestate, and to the lawful descendants of such of the are descendants of such of the said brothers and sisters as in dead, or if all are dead there is a such as the said the said brothers and sisters as in the said brothers and sisters as a such as the said the said brothers and sisters as a such as the said the said brothers and sisters are said to be said the said brothers and sisters as a said the said the said the said brothers and sisters are said to be sa dead, or if all are dead, then to their lawful descendants had the same manner as if all are lawful descendants. the same manner as if all such brothers and sisters hadbeen the brothers and sisters f(t) been the brothers and f(t) been the brothe 32 and 33.

33. In all cases not herein provided for, if the inheritance the the intestate on the provided for, if the same, the same, came by the mother's side. came to the intestate on the part of his mother, the same, instead of descending to the desce instead of descending to the brothers and sisters of in intestate's father and their intestate's father and their descendants, as prescribed in the section next preceding of in the section next preceding, shall descend to the their de and sisters of the intestate's mother, and to the are all scendants, as therein prescribed; and if there are ful brothers and sisters of the brothers and sisters of the intestate's mother, and to the intestate brother and to the intestate brother. descendants of them, such inheritance shall descend to their brothers and sisters of the interitance shall descend to their lawful brothers and sisters of the intestate's father, and to be lawful descendants as herein be s. 34.

If it came neither from father's or mother's side.

34. If the inheritance has not come to the intestate on the inheritance has not come to the inheritance inheritance has not come to the inheritance has not the part of either the father or of the mother, the father tance shall descend to the bard tance shall descend to the brothers and sisters of the intestate and mother of the intestate in equal shares, and to such lawful descendants, in the lawful descendants, in the same manner as if all such brothers and sisters had been the brothers and sisters had been the brothers and sisters of the intestate. 43 V., c. 25, s. 25

Relatives of half blood.

Failure of heirs.

Co-heirs to be tenants in common.

35. Relatives of the half-blood shall inherit equally with denote one of the whole blood in the endents. those of the whole blood in the same degree, and the der scendants of such relativos at the degree, and the degree, and the degree, and the degree, and the same manner the scendants of such relatives shall inherit in the same degree, and ment as the lawful descendants of the same degree, unless with inheritation as the lawful descendants of the whole blood, unless gift inheritance came to the intertaint devise or sho inheritance came to the intestate by descent, devise or who from some one of his ancestor. from some one of his ancestors, in which case all those who from some one of his ancestors, in which case all those who are not of the blood of such ancestors shall be excluded from such inheritance **36.** On failure of heirs under the preceding provisions, of heritance shall descend to the preceding provision kin to e intert •••• On failure of heirs under the preceding provisions, in inheritance shall descend to the remaining next of kin the the intestate, according to the rules in the English Statute of distributions of personal estate

37. Whenever there is only one person entitled to inheritation of the provisions barries is an entitled to the provisions barries is a set of the provision o whenever there is only one person entitled to inheritance, he shall according to the provisions hereinbefore contained, he shall take and hold the inheritance whenever and inheritance. take and hold the inheritance solely; and whenever inheritance, or a share of an inheritance down and sto several take and hold the inheritance solely; and whenever inheritance, or a share of an inheritance descends to several

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Persons under such provisions, they shall take as tenants in or mon in a such provisions, they shall take as tenants in the such provisions of the such provision of the such pr **Common**, in proportion to their respective rights. 43 V., c.

88. Descendants and relatives of the intestate begotten Posthumous heirs to inbefore his death, but born thereafter, shall, in all cases, in-herit in the same but born thereafter bad been born in the beit in the same manner as if they had been born in the same manner as if they had been born in the same of the same manner as if they had been born in the same of the same manner as if they had been born in the same of the same manner as if they had been born in the same of the same manner as if they had been born in the same of the same manner as if they had been born in the same of the same manner as if they had been born in the same manner as if they had been born in the same of the same manner as if they had been born in the same of the same manner as if they had been born in the same of the same manner as if they had been born in the same manner as if they had been b ⁵⁴¹ in the same manner as if they had been porn in ²⁵, 8, 39

39. Children and relatives who are illegitimate shall Illegitimates Not be entitled to inherit under any of the provisions of this not to inherit. Act. 43 V., c. 25, s. 40.

40. The estate of a widow as tenant in dower, shall not Dower. be affected by any of the provisions hereinbefore contained.

41. All lands, tenements and hereditaments, and any Lands, &c., here or interest the memory of the conveyance to lie in grant as well as the conveyance as well as share or interest therein, shall, as regards the conveyance to lie in grant of the immediate freehold thereof, be deemed to lie in grant livery.

as well as in livery. 43 V., c. 25, s. 43, part.

42. Deeds of grant shall be executed and delivered in du- Deeds of grant. plicate, attested by one witness; and the execution and de- grant. livery thereof shall be duly proved on oath, for the purpose of registration. 43 V., c. 25, s. 43, part.

43. A feoffment, otherwise than by deed, shall be void Fcoffment. **1aw**, and no footherwise than by deed, shall be void Fcoffment. at law, and no feoffment shall have any tortious operation. V_{1} c. 25 s 44

44. Any corporation aggregate in the Territories, capable Conveyance by corpora-44. Any corporation aggregate in the Territories, capable Conveyance able of taking and conveying land, shall be deemed to be cap- by corporations.
43 V., c. 25, s. 45.

45. No deed of bargain and sale of land in the Territories Enrolment or require enrol shall require enrolment, or registration to supply the place registration of enrolment, for the purpose only of rendering such bar- to validity of the land sale a valid and effectual conveyance for passing deed. the land sale a valid and effectual conveyance for passing c. 25, s. 46

46. WILLS. ill, executed in may devise, bequeath or dispose of by wills may be ad a mentioned, all real made. will, executed in manner hereinafter mentioned, all real made. or in personal promotion in the second secon and personal property to which he is entitled either at law or in equity, at the time of his death, and which, if not so his is the time of his death, and which, if not so 13 devised, bequeathed or disposed of, would devolve upon V a constraint of the second of administrator. 43 his heir at-law, or upon his executor or administrator. 43

47. No will made by any person under the age of twenty-Testator must **48.** No will shall be valid unless it is in writing, and exercised in manner barging. one years shall be valid. cuted in manner hereinafter mentioned, that is to say in the testator, or shall be signed at the foot or to be the testator, or shall be signed at the foot or end thereof, by the testator, of by some other person in big Execution of wills. by some other person in his presence, and by his direction; and such signature shall be and such signature shall be made or acknowledged by the testator, in the presence of the presence of the state of the presence testator, in the presence of two or more witnesses present and the same time; and such with the same time; and such witnesses shall attest and but subscribe the will in the subscribe the will in the presence of the testator, but no form of attestation shall be **49.** Every will executed in manner hereinbefore required, all be valid without any other in the proof. shall be valid without any other publication thereof. c. 25, s. 50. **50.** If any person who attests the execution of a will is, at e time of the execution there are a sterwards. the time of the execution thereof, or at any time after wards, incompetent to be admitted incompetent to be admitted as a witness to prove the ecount, be incompetent to be admitted as a witness to prove the be cution thereof, such will shall not, on that account, be invalid. 43 V., c. 25. s 51 51. No person shall, on account of his being an executor a will, be incompetent to be incompetent to be a witness of of a will, be incompetent to be admitted as a witness to prove prove the execution of such a such as a witness to prove prove the execution of such will, or as a witness to prove the validity or invalidity there is a successful of the security of **52.** If any person attests the execution of any will, to hom, or to whose wife on hard devised whom, or to whose wife or husband, any beneficial device or legacy affecting any real or husband, any beneficial device a charter of the second secon or legacy affecting any real or personal property (other such a charge for the payment of a line by given, such device a charge for the payment of a debt) is thereby given, such devise or legacy shall so for devise or legacy shall so far only as concerns such person attesting the execution of such attesting the execution of such will, or the wife or husband of such person, or any person shirt attesting the execution of such will, or the wife or husband wife or husband of such person, or any person claiming under such person wife or husband, be unlied and such such person so attention wife or husband, be null and void, and such person of such years will on the will on the such person will on the such person of such years will on the such years will be such years will on the such years will on the such years will be such ye so attesting shall be admitted to prove the execution of with standing. will, or the validity or invalidity of such will, notwith standing such devise or legger **53.** No will or codicil, or any part thereof, shall be roughly by divided there is another will be another wi voked otherwise than by marriage or by another will or codicil executed in manner by another or by some writing declaring an intention to revoke the some and executed in the manner hereinbefore required, of some and executed in the manner intention to revoke the before required. and executed in the manner in which a will is hereins or otherwise required to be executed, or by the burning, or by some otherwise destroying the some burning, or by some in otherwise destroying the same, by the testator, or by some person in his presence and by his direction, with the intention of revoking the same 42 V = 25 s 54. **54.** Every will shall be construed with reference take al and personal property affect as in the state and the

now a will **54.** Every will shall be construed with reference take shall be con-strued. real and personal property affected by it, to speak and the effect as if it had been constructed by it, to speak before the effect as if it had been executed immediately

No further publication.

Subsequent incompetency of witness.

Executor may be witness.

Devise to witness to be void, but witness may prove execution.

Revocation of wills and codicils.

be of age.

Moneys deposited or investments by any married woman, not valid. shall, as against any creditor of the husband, give validity to any deposit or investments by any made in fraud of investment of moneys of the husband posit, in fraud of investment of moneys of the husband body of the husband any money so debeen or invested and followed as if this Act had not posited or investment of money, been passed. 49 W and be followed as if this Act had not been passed. 43 V., c. 25, s. 60.

59. Nothing hereinbefore contained in reference to Fraudulent hall be deposited on the new married woman, not valid.

te own name in woman may make deposits of money in Deposits in the part of the bank. and withdraw bank. her own name in any savings or other bank, and withdraw bank. of and by her own charter of any receipt or acquittance the same in any savings or other bank, and Williams of such depositor check; and any receipt or acquittance bank depositor check is and any receipt or acquittance of such depositor shall be a sufficient discharge to any such

Profits from any acquisitions therefrom, and all process separately from by occupation or trade which she carries on and any acquisition or trade which she carries on and any occupation or trade which she carries on separately from her husband, or derived from any literary, anistic or scientific husband, or derived from any literary, earnings, monomic skill, and all investments of such wages, earnings, moneys or property, shall be free from the debts or dispositions of the husband, and shall be held and haved by such of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a feme sole, and no order for the husband's necessary in respect of and no order for protection shall be necessary in respect of No order what are protection shall be necessary in respect of No order necessary any such earnings or acquisitions; and the possession, necessary. whether actual or constructive, of the husband, of any personal property of any married woman, shall not render the liable for his of any married woman, shall not render the ^{same} liable for his debts. 43 V., c. 25, s. 58.

57. All the wages and personal earnings of a married Her own me, and any constraints belong to belong to woman, and any acquisitions therefrom, and all proceeds or belong to her.

MARRIED WOMEN. Whed by her at the property of any married woman, which is Rights of mar-by her at the real property of any marriage, or acquired in ried woman as to real proowned by her at the time of her marriage, or acquired in ried woman as bree during the time of her marriage, issues and the rents, issues and the rents, issues and perty. any manner during her coverture, and the rents, issues and perty. profits thereof respectively, shall, without prejudice and subject to the trusts of any settlement affecting the same, be held and enjoyed by her for her separate use, free from any estate or claim of her husband during her lifetime, or distributed by the for her separate use, new models of the separate as tenant by the courtesy, and her receipt alone shall be a tenant by the courtesy, and her receipt alone shall be a profits thereof; and discharge for any rents, issues and profits thereof; and her y married any rents, issues and profits thereof and every married woman shall be liable on any contract made by her, respecting her real property, as if she were a *feme sole*.

by words of the property is devised to any person without when fee any words of the property is devised to any person without to simple shall be construed to simple shall be construed to save the pass. any words of limitation, such devise shall be construed to simple shall be pass the fee similation. pass the fee simple, or other the whole estate or interest, which the test which the fee simple, or other the whole estate of interview inter Real property, unless a contrary intention appears by the Will. 43 V., c. 25, s. 56.

death of the testator, unless a contrary intention appears by the will. 43 V., c. 25, s. 55.

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Debts of wife before and after marriage.

60. A husband shall not, by reason of any marriage, be able for the debts of big with liable for the debts of his wife contracted before marriage, but the wife shall be liable to contracted before marriage. but the wife shall be liable to be sued therefor, and any pro-perty belonging to her for her perty belonging to her for her separate use shall be liable and satisfy such debts as if the back satisfy such debts as if she had continued unmarried; and a husband shall not be light a husband shall not be liable for any debts of his wife is respect of any employment respect of any employment or business in which she own engaged on her own babalt engaged on her own behalf, or in respect of any of her own contracts. 43 Vace 25 a CT

Suits by and against a married woman.

61. A married woman may maintain an action in her vn name for the recovery of own name for the recovery of any wages, earnings, more and property, declared by the and property, declared by this Act or which is hereafter declared to be her separate declared to be her separate property, and shall have, in her own name, the same romedi own name, the same remedies, both civil and criminal against all persons whome against all persons whomsoever for the protection and security of such wages, commission security of such wages, earnings, money and property, and of any chattels or other her some of any chattels or other her separate property, for her own use, as if such wages, earnings, money and property, for her own use, as if such wages, earning the property of the second prouse, as if such wages, earnings, money, chattels and any perty belonged to her as an any money, chattels and any perty belonged to her as an unmarried woman; and superior belonged to her as an unmarried woman; and separate the separate married woman may be sued or proceeded against separate rately from her husband in vort rately from her husband in respect of any of her separate debts, engagements, contract debts, engagements, contracts or torts, as if she were unmarried. 43 V., c. 25 a 62 REGISTRATION OFFICES AND OFFICERS.

Registry districts may be established.

Registrars. Other matters.

Registrar of deeds may be appointed.

62. The Governor in Council may, from time to the the settlement of the country of the remainder of the provides of the provid as the settlement of the country and the exigencies of the public service require. constitut public service require, constitute any portion of the tration ritories a registry district for the ritories a registry district for the purposes of registrate of deeds and other instrumenta of deeds and other instruments relating to lomation, ab within the territories,—and may, by proclamation, in. or sow division time to time, make any change or alteration of sub division of, such registry distribution of actablish of division of, such registry districts,—and may establish of registry districts and establish registry offices,—and may appoint registrars,—and may end and ordain all other matters and the registrars, and may end in or observed. and ordain all other matters and things he deems expedied in or about the premises : and f. in or about the premises; and from and after the day name in any such proclamation as the register of the day name register. It is any such proclamation as the second sec in any such proclamation as the day on which any shall be made registry district is established, no further registration by be made in and for such registr be made in and for such registry district, except by registrar appointed thereto. 47 V \circ 22 ϵ 1 *vart.* **63.** The Governor in Council may, from time to strat) point a registrar of deeds (barrier in the registration and for the registration and for the registration of deeds (barrier in th

appoint a registrar of deeds (hereinafter called the registrar) in and for each such registrar of deeds (hereinafter called the registrar) in and for each such registry district, who shall hold office at such place as is during pleasure, and shall reside and keep his office at at place as is named for that purchased and keep his office at at such other place as is named for that purpose in his commission, that purpose by the place as is, from the purpose in the purpose is the purpose is the purpose by the purpose by the purpose is the purpose by the such other place as is, from time to time, appointed for that purpose by the Governor in Grand Strain Strai 47 V., c. 23, s. 1, part. **64.** Every registrar, before he enters upon the duties so of before the Lienter of the duties of the before the Lienter of the duties of the before the Lienter of the before the Lienter of the before the before the Lienter of the before the before the Lienter of the before his office shall, before the Lieutenant Governor or before a

Oath to be taken.

69. The Governor in Council shall fix, from time to time, Fees and charges to be registration of deeds the fees and charges to be paid for the registration of deeds

instruments that may be registered, the mode of registry, email values for and the effective formistration, shall be govthe requisites that may be registered, the mode of registry, end by laws made under this Act. 47 V. c. 23, s. 1, part. erned by laws made under this Act. 47 V., c. 23, s. 1, part.

BS. The duties of registrars, the designation of deeds and Duties of re-the rears: that may be provide the mode of registry,

67. Every deputy registrar, before he enters on the exe-tore of the duties of his of his of the duties of his of his of the duties of his o cution of the duties of his office, shall, before the Lieutenant tabout or a stinond: Governor of the duties of his office, shall, before the Lieuteneed take an oath to the libe office at hereinbefore prescribed take an oath to the like effect as that hereinbefore prescribed cate taken by the society of the shall be in duplito be taken by the like effect as that hereinbefore prescribes taken by the registrar, which oath shall be in dupli-trar's oath. 43 V 2 25 7 70

who may perform all the duties required under this Act or many ordinance the duties required under the same under any perform all the duties required under this not in manner and to the lither and in that behalf, in the same Manner any ordinance made in that behalf, in the same and such appointed to the like effect as if done by the registrar; and such appointment shall be in writing, under the hand rem registrar, and is that the death, resignation, of the registrar; and in the event of the death, resignation, removal or forfeiture of office of the registrar, the deputy registrar shall do and perform all and every act, matter and sois of the duties of the registrar, the depart thing, necessary for the due execution of the duties of the due execution of the duties of the due. said office, until a new appointment of registrar is made.

bility, beyond the amount of such security, to any person sustaining loss of a such security, to any person 43 V., c. 25, s. 68. sustaining loss or damage as aforesaid. 43 V., c. 25, s. 68. **66.** Each registrar may appoint a deputy in his office, Deputy ndan ay perform all the appoint a deputy under this Act or

65. The Lieutenant Governor in Council may, from time Security to be to time, fix and determine the nature and amount of the given. security to be given by each registrar—which security shall be available to any aggrieved person to indemnify him against any damage or loss sustained by him, by or through the neglect or million of his deputy, the neglect or misconduct of the registrar or of his deputy, the performance of the registrar or of his deputy, in the performance of the duties of his office, not exceeding the performance of the duties of his office, not exceeding shall not exempt the named therein; but this provision Proviso. shall not exempt the registrar from any further responsi-bility, beyond the registrar from any further responsi-

2. One of such duplicates shall be filed in the registry Where to be and the other duplicates shall be filed in the office of filed. office and the other duplicates shall be filed in the registry when the Lieutenant Complicate shall be filed in the office of filed. the Lieutenant Governor. 43 V., c. 25, s. 66.

^{stipendiary} magistrate for the Territories, take an oath, in the form following strate for the that is to say :-the form following, in duplicate, that is to say :--"I (name and describe deponent) having been appointed to Form of oath. the office of do swear that I will well, truly and faithfully perform and faithful execute all duties required of me by law, pertaining to the God "," So long as I continue therein. So help me,

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registrar.

and instruments; and every registrar shall keep posted up in some conspicuous place. in some conspicuous place in his office a schedule of the fees and charges authorized. fees and charges authorized by the Governor in Council. 47 V., c. 23, s. 1. nort

Salaries of registrars.

70. The salaries of registrars shall be fixed by the Gor-nor in Council, and shall be ernor in Council, and shall be payable out of the Consolidated Revenue Fund of Council and shall be payable out of the consolidated Revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the consolidated revenue fund of Council and shall be payable out of the council and dated Revenue Fund of Canada; but no such salary shall exceed twelve hundred dollars part.

Replacement of salaries by fees.

71. Whenever the registration fees and charges collected collectable by any registration fees and charges consecution. or collectable by any registrar in any two years consecu-tively amount to more than fitter in any two dollars a year, tively amount to more than fifteen hundred dollars a year as ascertained by the quarterly anort of the as ascertained by the quarterly returns and report of the inspector hereinafter mentioned. inspector hereinafter mentioned, the salary of such registran shall cease to be so pavable and the salary of such registran to him shall cease to be so payable, and thenceforth he may retain to his own use all the fees and thenceforth he may retain in each to his own use all the fees and emoluments received by him in each year. 47 V. c. 23 a 1

Registrars to record fees and make returns.

Fees to be paid over.

Registrar removed from office to deliver up books, &c.

72. Every registrar shall keep a separate book, in which e shall enter, from day to der a separate book of a molument he shall enter, from day to day, all fees and emoluments collected by him by virtue of him of her and separately collected by him by virtue of his office, showing separately the sums received for registering and for instrument, the sums received for registering each deed or instrument, and for searches, and for orth and for searches, and for extracts or copies, and for the other matter pertaining to his of the searches and for the other matter pertaining to his office, and shall make to day Lieutenant Governor. within for Lieutenant Governor, within fifteen days after the last in of March, June, September and P of March, June, September and December respectively, is each year, a return, under cath each year, a return, under oath, of such fees and emoluments so received during the three three to preceding ind so received during the three months next preceding the date of the said return : and at the is a salarit date of the said return; and shall, so long as he is a salaried officer, with his fourth guarter officer, with his fourth quarterly return to the Lieutenant Governor for each year part of the transmitter o Governor for each year, pay over to the Lieutenand of nor, on account of the Courties of the Decourter Funding nor, on account of the Consolidated Revenue Funding Canada, the fees and emolument Canada, the fees and emoluments received by him 47 v the year next preceding the data and the da the year next preceding the date of the said return. c. 23, s. 1. nart

73. If any registrar is removed from or resigns his office, e shall forthwith deliver we did that instruments, he shall forthwith deliver up all books, plans, instruments, and other public property in he and other public property in his possession as such registration of the person who is appointed to the person who is appointed registrar in his writing of the Light. any other person who is appointed registrar in his stead, of by the Lieutenant Governor to recially appointed in writing and if any registrar and the Lieutenant Governor to receive the same; direct the registrar refuses so to do, the Lieutenant Governor for the refused to receive the same; direct the sheriff, or some other peace officer of the of the same with tories, to seize and to take immediate Possession of one same wheresoever found to and the seize and to take immediate possession of any shall on same wheresoever found ; and the registrar who so magin shall, on summary conviction because timendiary mark shall, on summary conviction before a stipendiary margin trate, be liable to a penalty and the registrar one hundred trate, be liable to a penalty not exceeding one hungsi dollars, or to imprisonment for mother exceeding one to exceeding the exceeding of the dollars, or to imprisonment for any term not exceeding months. 43 V., c. 25, s. 67

74. Whenever any portion of the Territories is constituted Provision for registry district a registry district as aforesaid, and whenever any change transfer of is made, or sub-division of any such registry district changes are interaction in or sub-division of any such registry district changes are based on the sub-division of any such registry district changes are interaction in or sub-division of any such registry district changes are interaction in or sub-division of any such registry district changes are interaction in or sub-division of any such registry district changes are interaction in or sub-division of any such registry district changes are interaction in or sub-division of any such registry district changes are interaction in or sub-division of any such registry district changes are is made, or any new registry district is established, the made. cap. registrar of deeds in and for the Territories, or, as the altered or sub-discipation of such district so changed, altered or sub-divided, shall deliver to the registrar of the new district of the divided, shall deliver to the registrar of the hew district so constituted or established, all books and blacks, and all constituted or established all books and docuindices, and all deeds, instruments, maps, plans and documents exclusively relating to lands situate within the limits of the new distribution of the new distr of the new district so constituted or established. 47 V., c.

75. The Governor in Council may, from time to time, Inspector and his powers. appoint an inspector of registry offices, who shall,-(a) Make a personal inspection of the building in which Inspection. each office is kept and of the books, deeds, titles and instru-

(b) See that the proper books are provided, that they are Books, &c. in good order and condition, that the proper entries and in a super manner and in a registrations are made therein in a proper manner and in a browner and browner and the proper manner and in a proper manner and proper manner and in a proper manner and due and proper form and order, that the indices are pro-

perly kept and that all instruments are duly indorsed and

(c) Ascertain that the office is kept duly open at and for Office hours. the proper times, and that it is at all times duly attended

(d) Settle on some uniform device for the official seals Seals. and see that the registrars supply themselves therewith; the registrars;

(e) Inspect all abstracts, indices and other books kept by Abstracts, &c.

(1) Inform the registrar how and in what manner he General in-(J) Inform the registrar how and in what manner he General in the inspector finds emission or amend or correct whatever $\frac{1}{2}$ structions. the inspector finds amiss; and if he finds the work impro-bool done by any registrar how and if he finds the work improperly done by any registrar, he may order a new book or own to be prepared and a manual the the registrar, at his books to be prepared and completed by the registrar, at his

(g) Ascertain whether the registrar has received and Accounts. accounted for all fees and emoluments;

(h) Report upon all such matters, as expeditiously as Report. ecision to the Governments of the big information and ^(h) Report upon all such matters, as expeditiously and decision: 2. The salary of the inspector of registry offices shall not Inspector's twelve hundred dollars and shall be payable salary. exceed twelve hundred dollars a year, and shall be payable salary.

out of the Consolidated Revenue Fund of Canada. c. 23, s. 1, *part*.

	ADMINISTRATION OF JUSTICE.
Sheriff, his appointment and duties.	76. The Governor in Council may appoint a shell and for the Territories, who shall hold office during pleasure, and who shall reside and keep his office in a place which shall be named for that purpose in his commission, or at shall be named for that purpose in his commission, or the such other place as is, from time to time, named by the Governor in Council; and such sheriff shall perform the duties of such office under the laws then in force in Territories:
Security to be given.	2. The sheriff shall furnish such security for Government formance of his official duties as the Lieutenant Government
Deputy sheriffs.	3. The sheriff may, subject to the approval of liber tenant Governor, appoint deputy sheriffs, who shall be for such fees as are prescribed, from time to time, by the governor ernor in Council. 43 V., c. 25, s. 71;-47 V., c. 23, s. 2.
Disposal of North-West Mounted Police Force	77. The Lieutenant Governor may, subject Governoice made in that behalf, from time to time, by the Governoice Council, issue orders to the North-West Mounted jus- force, in aid of the administration of civil and criminal tice, and for the general peace, order and good government
Justices of the peace.	e 78. The Lieutenant Governor may appoint, it in a peace for the Territories, who shall have jurisdiction at throughout the same. 43 V., c. 25, s. 73.
Stipendiary magistrates.	79. The Governor in Council may, from all one band appoint, by commission under the Great Seal, one band fit and proper persons, not exceeding four, who are band ters-at-law or advocates of five years' standing in and the Provinces, as stipendiary magistrates within and the Provinces, as stipendiary magistrates pleasure, time, Territories, who shall hold office during pleasure, time, who shall reside at such places as are, from time to <i>Civil</i> designated by the Governor in Council; and such stiper. Service Superannuation Act " shall apply to all such site. 51, 6.
Oath to be taken.	Service Superannuation Act " shall apply to an V., c. or diary magistrates. 43 V., c. 25, s. 74; -48-49 V., c. or solve the several powers, duties and trusts committee "I,, do swear that I will truly and faithed to execute the several powers, duties and trusts committee
	execute the several powers, duties and the

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peace officer of police, constable, bailiff or our officer, in

(d) With having escaped from lawful custody or commit-Escape from index on breach escaped from lawful custody or commit- escape from custody. ted prison breach, or assaulted, obstructed, molested or custody. commit any stipend: hindered any stipendiary magistrate, justice of the peace, beach officer of the peace of t commissioned any stipendiary magistrate, justice of the peace, peace officer of police, constable, bailiff or other

years; and when such assault, if upon a female, does not, in his opinion, amount to an assault with intent to commit

(c) With having committed an assault upon any female Assault on a homsoever, or upon the angle age does not, female, &c. whomsoever, or upon any male child whose age does not, female, &c. in the opinion of the stipendiary magistrate, exceed fourteen

grievous bodily harm, or by unlawfully and maliciously Wounding any other person; or

(b) With having committed an aggravated assault, by Aggravated (°) With having committed an aggravated assault, by Aggrave son, either with or with the inflicting upon any other per-assault. son, either with or without a weapon or instrument, any solution bodily bodily between the state of the solution of the soluti

not, in the opinion of such stipendiary magistrate, exceed

(a) With having committed or attempted to commit lar- Larceny, &c. ceny, with having committed or attempted to commit a false pretences on fal or obtaining money or property by false pretences, or feloniously receiving stolen property, in the whole property alleged any case in which the value of the whole property alleged to have been stolen, embezzled, obtained or received, does

Territories has not been officially ascertained when the

82. Every such stipendiary magistrate shall have and Powers as to Reference the powers of the power of any two offences. exercise the powers of a justice of the peace, or of any two certain offences. justices of the powers of a justice of the peace, or of any in the Territoria under any laws or ordinances in force in the Territories, and may also hear and determine any charge against any person for any criminal offence alleged to have been committed in the Territories, or in any terri-tory eastward of the Deriver wherein the bountory eastward of the Rocky Mountains wherein the boundary between the Rocky Mountains wherein the province of British Columbia and the

ADMINISTRATION OF CRIMINAL LAW.

81. Whenever, under any Act in force in the Territories, Powers of any power of anything is stipendiary magistrate any power or authority is to be exercised, or anything is stipendiary magistrate. to be done by a judge of a court, such power or authority shall, in $+h_{2}$ m a judge of a court, such power or authority shall, in the Territories, be exercised or such thing shall be done by a stimulate any other provision done by a stipendiary magistrate unless any other provision is made in the diary magistrate unless any other provision is made in that behalf by such Act. 48-49 V, c. 51, s. 9.

Shall have jurisdiction throughout the Territories, but Jurisdiction. shall usually exercise the same within such districts or portions the reference to time, designated for portions thereof as are, from time to time, designated for that Durpose 1 as are, from time to time, designated for that purpose by the Governor in Council. 43 V., c. 25, s. 75.

me by or under ' The North-West Territories Act,' without fear, favor or malice. So help me God:"-

the lawful performance of his duty, or with intent to pre-vent the performance thereas 2. The charge shall be tried in a summary way, and with t the intervention of a size of a summary way.

Summary trial.

out the intervention of a jury. 43 V., c. 25, s. 76, *part*. 83. In all other criminal cases the stipendiary magistrate and a justice of the pages thial by jury. and a justice of the peace, with the intervention of six, may try any channel. of six, may try any charge against any person or persons his any crime, but in any such any crime, but in any such case the accused may, with his own consent, be tried by own consent, be tried by a stipendiary magistrate, 13 summary way, and without the summary way, and without the intervention of a jury. V., c. 25. s. 76 nort : 42.40 V V., c. 25, s. 76, part ;-48-49 V., c. 51, s. 5.

84. The courts of the stipendiary magistrate or stipend-ry magistrates and justices of the iary magistrates and justices of the peace, as the case may be, sitting on any such trials shall be peace, as multic courts. be, sitting on any such trials, shall be open public courts. 43 V., c. 25, s. 76, part. Trial to be in

85. The stipendiary magistrate shall, upon every such full notes trial, take, or cause to be taken down in writing, full notes of the evidence and other processing of the state of the sta of the evidence and other proceedings thereat; and all per sons tried as aforesaid shall be sons tried as aforesaid shall be admitted, after and de the case for the prosecution the case for the prosecution, to make full answer and fence by counsel, attorney or case of the close of the prosecution.

fence by counsel, attorney or agent. 43 V., c. 25, s. 76, part.

86. When any person is convicted of a capital offence and sentenced to death. the stimulation of a capital offence shall for w nen any person is convicted of a capital offence is is sentenced to death, the stipendiary magistrate shall for ward to the Minister of Instign for the evidence. ward to the Minister of Justice full notes of the shall be with his report upon the corre with his report upon the case; and the execution shall be postponed, from time to time postponed, from time to time, by the stipendiary magistrate, if found necessary, until such if found necessary, until such report is received and the pleasure of the Governor Gerry description of the pleasure of the Governor General thereon is communicated to the Lieutenant Governor

87. Persons required as jurors for a trial shall be male noned by a stipendiary magint in a trial shall be male moned by a stipendiary magistrate from among such jury persons as he thinks suitable in the from among the jury persons as he thinks suitable in that behalf; and the per required on such trial shall be all in the per Summoning required on such trial shall be called from among by 95, sons so summoned as such images of the persons so summoned as such jurors, and shall be sworn by 25, stipendiary magistrate who stipendiary magistrate who presides at the trial. 43 V., c. 25, s. 76, part.

88. Any person arraigned for treason or felony may char nge, peremptorily and without Any person arraigned for treason or felony may current lenge, peremptorily and without cause, any number of jurors not exceeding six; and even not exceeding six; and every peremptory challenge that number shall be void:

2. The Crown may peremptorily challenge any number of rors not exceeding four 3. Challenges for cause shall be the same as are provided, r under "The Act respective" 5. Onallenges for cause shall be the same as are provider for under "The Act respecting procedure in criminal cases" 43 V., c. 25, s. 76, part. jurors not exceeding four : Challenges for cause.

open court.

Notes of evidence.

Defence by counsel.

Sentence of death to be reported.

Stay of execution.

jurors.

Peremptory challenges.

By the Crown.

B3. A person convicted of any offence punishable by Appeal. ba, with appeal to the count of Oneon's Bench of Manideath may appeal to the court of Queen's Bench of Mani-tion which shall have inviction to confirm the convictoba, may appeal to the court of Queen's Bench of Mannetion or to order a non trial the mode of such appeal tion or to order a new trial; and the mode of such appeal Mode of appeal.

Pa, Returns of all trials and proceedings, civil and Returns to the trials and proceedings, civil and Returns to Covernor in such Governor. criminal, shall be made to the Lieutenant Governor in such Governor. part and at such times are be directs 43 V., c. 25, s. 76, form and at such times as he directs. 43 V., c. 25, s. 76,

pensable to the ends of justice, he may, by his warrant, conset the said witness to be apprehended and forthwith brought before him to give evidence and to answer for his contempt, and such witness may be detained on such warrant, with a view to secure his presence as a witness, or without sureties, may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein discovery discove mentioned for his appearance to give evidence as there diary magnistrate answer for his contempt, or the stipendiary magistrate may, in a summary manner, examine Fine and im-witness, who, if found consists the may be fined or imwitness, who, if found guilty thereof, may be fined or im-doined, or both and guilty thereof, may be fined or im-dollars, and such imprisonment to be with or without hard c. 95, and not to exceed one human c. 95, and not to exceed the time of ninety days. 43 V., labor, and such imprisonment to be with or without mark c. 25, s. 76, part

shall be deemed guilty of contempt of court, and may be proceeded against the solution of court, and may be proceeded against therefor. 43 V., c. 25, s. 76, part. 91. Upon proof, to the satisfaction of the stipendiary Proceedings that is a state of the satisfaction of the stipendiary broceedings who fails to magistrate, of the summoning of any witness who fails to attend, and upon such stipendiary magistrate being satishead, and upon such stipendiary magistrate being such state the presence of such witness before him is indis-

90. Any person duly summoned, whether on behalf of Witness fail-the prisoner or accountly summoned, whether on behalf of witness failthe prisoner or against him, to attend and give evidence guilty of conon any such trial, shall be bound to attend on the day ap- tempt. pointed for the same, and shall remain in attendance throughout the same, and shall remain in attendant shall be deemed milter is found if he fails so to attend, he

prison until such fine is paid. 43 V., c. 25, s. 76, part.

89. If, by reason of challenges or otherwise, the number If the list of jurors summer of challenges or otherwised, the stipen- jurors is exhausted. of jurors summoned for the trial is exhausted, the stipen- jurors is ex-tary magistrate is the trial is exhausted, the stipen- hausted. diary magistrate shall direct some constable or other person to summon, by word of mouth, from among the bystanders or from the point of mouth from among the bystanders or from the neighborhood, such number of persons as are necessary to make up a jury, the persons so summoned being subject to challenge as those summoned by the stipen- Tales. diary magistrate in the first instance, and the like proceed-ings shall be used in the first instance, and the like proceedings shall be repeated, if necessary, until a jury is obtained, hereby provided to case; and any person summoned, as ^{Fine for non-attendance.} hereby provided, to serve as a juror, who makes default or refuses to serve as such juror, without lawful excuse to the satisfaction of the sa the satisfaction of the stipendiary magistrate, may be fined by him a sum not exceeding ten dollars, and committed to prison until and a sum not exceeding ten dollars, and committed to

in such case.

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and all particulars relating thereto, shall be determined, from time to time by ordin from time to time, by ordinance of the Lieutenant Governor in Council. 43 V. C. 25 a. 77

Where convict may be imprisoned.

Conveyance of prisoners.

Duties and powers of warden.

Prisoner may be detained in custody of N. W. M. Police.

Erection of places of , detention.

> Limitation of time for proceedings.

94. If imprisonment for any term not less than two years awarded in any case the area to be adored to be an adored to be address that area the area to be address that area the area to be address that area the area to be address that area to be is awarded in any case, the convict may be ordered in any case, the convict may be ordered in any case of the the territories of imprisoned in any case, the convict may be ordered to be to be conveyed to the point to be conveyed to the penitentiary in the Province Manitoba, on the warrant of the against the magistrate in the penitentiary in the magistrate in the magis Manitoba, on the warrant of the stipendiary ordered and and whenever any convict or accused person is ordered to be conveyed to the penitout: be conveyed to the penitentiary in Manitoba, any con-stable or other person in where in Manitoba be so of stable or other person in whose charge he is to be so of veyed, may hold and convert veyed, may hold and convey him, or re-take him in Mani-an escape; and the warden of the take him in Manian escape; and the warden of the penitentiary province, toba may detain and deal with him, in the said province, as if such penitentiary was within the Tarritories, or as be the said of the said of the penitentiary of the the said of as if such penitentiary was within the Territories, or as be the said convict or accused and the the said convict or accused and the the territories of territeries of territories of territories of territories of territories the said convict or accused person had been ordered to such penitentiary conveyed to such penitentiary by some competent court or authority in the said Province authority in the said Province. 43 V., c. 25, s. 78.

95. If it is impossible or inconvenient, in the absence remoteness of any goal on other than the absence of the second or remoteness of any gaol or other place of confinements carry out any sentence of interplace of confinements mediate carry out any sentence of imprisonment, any stipendiary magistrate, or justice of the sentence any fin son so convicted before him, to be placed and kept in the custody of the North-Wast W the custody of the North-West Mounted Police force, and house of the north labor and house of the second house of the second house of hous or without hard labor; and any police guard house of guard room in the Territories shall be a penitentiary, gol, or place of confinement for the or place of confinement for the purposes of this Act. V., c. 25, s. 79.

96. The Governor in Council may cause to be erected any part or parts of the T in any part or parts of the Territories any the purpose buildings, or enclosure on the territories any the purpose buildings, or enclosure or enclosures, for the purpose of a penitentiary, gaol or bailt of a penitentiary, gaol or lock-up, for the confinement of prisoners charged with the sector of the conv offence, of penitentiary, gaol or lock-up, for the confinement of prisoners charged with the commission of any punishment of sentenced to any punishment () sentenced to any punishment therein; and confinement imprisonment therein shall be built to find and ward, imprisonment therein shall be held lawful and tiary. gaol or other whether under sentence of imprisonment in a peniter is 80.

97. In all cases in the Territories, when proceedings for justices of the peace are determined to be summary. before justices of the peace are authorized to be summary and when no time is specially it is a plaint as defined and the summary of the peace are authorized to be summaring any contract of the peace are authorized to be s and when no time is specially limited for making any relative plaint or laying any information in the Act or law relative to the particular plaint or laying any information in the Act or law relative information to the particular case, the complaint shall be made for making months from the time when the laid within the l information shall be laid within twelve months information the matter of the information shall be laid within twelve months from the arose. 43 V., c. 25, s. 84

Who shall be coroners.

••••• The Indian Commissioner for the Territories, com-stipendiary magistrates appointed under this Act, the

2. Provided, that in cases where the claim, dispute or Trial by jury high arises out of the claim of the clai ^{2.} Provided, that in cases where the claim, dispute or Trial by j which the amount claimed exceeds five hundred dollars, or if for a debt or on a contract in arbitration the amount claimed if for a debt or on a contract in which the amount claimed

as well of fact as of law, in a summary manner; and such courts shall be open public courts:

104. Every stipendiary magistrate shall have jurisdic- Civil jurisdic-on, power and authority to a strate shall have jurisdic- Civil jurisdic-v out whether established diary magistion, power and authority magistrate shall have jurisdic- Civil jurisdic-by ordinance of the Lieuton hold courts, whether established diary magis-times or not, at such trate. by ordinance of the Lieutenant Governor or not, at such trate. times and places as he thinks proper, and at such courts, as sole magistrate to be thinks proper, and at such courts, as sole magistrate, to hear all claims, disputes and demands whatsoever, except as herein provided, which are brought before him, and to determine any questions arising thereout, as well of fact as of locations arising thereout, and such

ADMINISTRATION OF CIVIL JUSTICE.

criminal trials and inquests may be fixed, from time to time, by the Governor in Gruests may be fixed, from time to time, by the Governor in Council, and paid in such manner as

appear or for refusing to be sworn or to give evidence, as are enjoyed by including to be sworn or to give evidence, as are enjoyed by justices of the peace. 43 V., c. 25, s. 82, 103. The fees of coroners, jurors and witnesses attending Fees.

102. Coroners shall have the same powers to summon Powers of itnesses and to pupiet it is howing a summons to coroners. witnesses and to punish them for disobeying a summons to coroners.

an inquest upon the body. 43 V., c. 25, s. 82, part. 101. It shall not be necessary in any case that a coroner's Number of ry shall exceed size necessary in any case of an inquest jury. jury shall exceed six persons, but in every case of an inquest jury. jury shall exceed six persons, but in every case of an inquest <math>jury. jurors must according to the verdict valid.six jurors must agree in order to render the verdict valid.

100. Upon the death of any prisoner, the gaoler or Deceased officer in charge of the gaol wherein such prisoner dies prisoners. shall immediately give notice to the nearest resident coroner, and such coroner shall proceed forthwith to hold an inquest upon the last shall proceed forthwith to hold

99. Except as hereinafter provided, no inquest shall be when inheld upon the body of any deceased person by any coroner, held. unless it has been made to appear to such coroner that there is reason to believe made to appear to such coroner that there is reason to believe that the deceased died from violence or unfair means unfair means, or by culpable or negligent conduct either of himself or of all by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation and a such circumstances. investigation, and not through mere accident or mischance. 43 V, c. 25 \sim \sim

Missioner and assistant commissioner of the North-West Mounted Police, and such other persons as the Lieutenant Governor from the such other persons as the Lieutenant Governor, from time to time, appoints, shall be coroners in and for the Territories. 47 V., c. 23, s. 3.

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exceeds one thousand dollars, or for the recovery of the possession of real property of the recovery of the possession of real property of the recovery of the possession of real property of the recovery of the possession of real property of the recovery of the possession of real property of the recovery of the possession of real property of the possession of the possess possession of real property, if either party demands a jury, or in any such case in which the in any such case in which the stipendiary magistrate thinks fit so to direct. he may direct direct fit so to direct, he may direct that all questions of fact therein shall be tried and dot therein shall be tried and determined by a sworn jury of six in number, summoned in the six in number, summoned in the manner hereinbefore pro-

Reference of disputed accounts.

3. Provided further, that in cases of disputed accounts, the pendiary magistrate many in the set of disputed accounts, direct stipendiary magistrate may, in place of a trial by jury, direct the evidence to be taken by the the evidence to be taken by the clerk of any court, or by any other competent person which other competent person ; which clerk of any court, or by shall be sworn to take the same trult be sworn to take the same truly, and to reduce it to writing: 4. The stipendiary magistrate may give judgment on the clerk rdict of the jury or upon the still. verdict of the jury or upon the evidence taken by the clerk or other person as aforesaid

or other person as aforesaid, or may order a new trial, when justice seems to require the form

justice seems to require the same ; and in all cases a stipen diary magistrate may give such ; diary magistrate may give such judgment, and make such orders and decrees, interlocated orders and decrees, interlocutory and final, as in such cases brought before him appear just brought before him appear just and agreeable to equity and the main such cases in the main such cases and final, as in such cases and greeable to equity and the main such cases and agreeable to equit the main such cases and the main such

the Territories shall have jurisdiction in respect of any action for a gambling debt or find the form intoxicat

Judgment.

No action for good conscience; but no court or stipendiary magistrate any debts or in-the Territories shall have a stipendiary magistrate of any magistrate toxicants.

Judgment, how given. s. 4.

Execution of judgment.

deliver and enter the same subsequently, and such judge ment shall be as effectual as in a court at the ment shall be as effectual as if rendered in court at trial. 43 V., c. 25, s. 86 106. The proceedings to carry into effect any such judg ent, order or decree, what ment, order or decree, whether interlocutory or final, shall be as prescribed by any contract of the Lieutenee Government be as prescribed by any ordinance of the is in force Governor in Council: or if a sub-Governor in Council; or if no such ordinance of the is in then when any such judgment and ordinance or in condered, are when any such judgment, order or decree is rendered, pro-in such manner as the stimular to the who proin such manner as the stipendiary magistrate who pro-nounced the same directs 47 W 107. Any person who feels aggrieved by the final judg or ent of a stipendiary magint

Appeal in certain cases.

ment of a stipendiary magistrate, on any claim, dispute, or demand, when the title to real demand, when the title to real property is in question, or in

action for a gambling debt, or for the price of any person of ing liquor or intoxicant ing liquor or intoxicant, or of any action by any person of any promissory note bill of any promissory note, bill of exchange, cheque, draft of other document or writing whether other document or writing whatsoever, the consideration of any part of the consideration any part of the consideration for which was a gam bling debt or any intoxicating ligner

hearing of the case; except that in any case where stipendiary magistrate is not

stipendiary magistrate is not prepared to pronounce j and ment at the close of the trial

ment at the close of the trial, he may postpone judgment judg deliver and enter the same and

105. Every judgment of the stipendiary magistrate shall be pronounced in open court as soon as may be after the hearing of the case : excent the

stipendiary magistrate or justice of the peace, on com- rantmay be granted. plaint as aforesaid, may issue a search warrant, as in cases

factured or made in the Territories, or is imported or brought intoxicant, or is imported or brought intoxicant. into the Territories, or is sold, exchanged, traded or bartered, in violation of the or is sold, exchanged, traded or bartered, in violation of the provisions of this Act, such liquor or maxicant shall be for the provisions of this Act, such liquor or intoxicant shall be forfeited, and may be seized by any of the customer of the officer of the customs or excise, or by any constable or completer duly qualified person wheresoever found; and any magistrate of the peace, on stipendiary magistrate, or justice of the peace, on of one credible with one that the provisions of this Act of one credible witness, that the provisions of this Act have been violated in contract order such intoxicathave been violated in respect thereof, order such intoxicat-or; s forth with destroyed; ing liquor violated in respect thereof, order such intoxications in the such liquor or intoxicant so seized to be forthwith destroyed;

110. If any such intoxicating liquor or intoxicant is manu-Forfeiture of sto +1 or made in the Toricity imported or brought intoxicant.

return, up to the thirty-first day of December in each year, quant: when the thirty day of December in each year, of the number of such permissions so given by him, and the quantity and notice permissions so given by him, and the quantity and nature of the intoxicating liquors and intoxicants in each case, to the Minister of the Interior, who shall lay the same been to the Minister of the Interior, who shall lay the same before Parliament. 43 V., c. 25, s. 90,

2. Intoxicating liquors or intoxicants imported or brought Customs and any place out of Clintoxicants the Territories, by excise laws to apply. from any place out of Canada into the Territories, by apply. special permission, in writing, of the Lieutenant Governor, shall be subject to the customs and excise laws of Canada.

108. No intoxicating liquor or intoxicant shall be manu- Intoxicants ctured, compounded liquor or intoxicant shall be manu- Intoxicants the Territories, except not to be manufacfactured, compounded or made in the Territories, except not to be an ermission of the territories of territories of the territories of territorie by special permission of the Governor in Council; nor shall tured, &c., intoxicating line of the Governor in Council; nor shall tured, &c., mission. any intoxicating liquor or intoxicant be imported or brought without per-what the Territorian for the Covernor in Council; nor shall tured, sc., what he Territorian for intoxicant be imported or brought without per-mission. into the Territories from any Province of Canada, or else-where, or be sold and the many Province of Canada, or had in where, or be sold, exchanged, traded or bartered, or had in possession therein possession therein, exchanged, traded or barterea, or new of the Lieutenant G of the Lieutenant Governor:

PROHIBITION OF INTOXICANTS.

cases of tort, wrong or grievance, when the amount in dispute ercoods for the second of the second o dispute exceeds five hundred dollars, or in cases of contract, when the and the parties exceeds when the amount in dispute between the parties exceeds one thousand dollars, may appeal to the Court of Queen's Bench of Maritellars, may appeal to the Court of con-Bench of Manitoba, which shall have jurisdiction to con-firm or revenue the which shall have jurisdiction to do to firm or reverse the judgment, or to order a new trial and to make such and the mode make such order as to costs as appears just; and the mode of such appeal it as to costs as appears just; and the mode of such order as to costs as appears just; and made, and all the time within which such appeal shall be determade, and all particulars relating thereto, shall be determined, from time to time, by ordinance of the Lieutenant Governor in Gime to time, by ordinance of the Lieutenant Governor in Council. 47 V., c. 23, s. 6;-48-49 V., c. 51, s. 6.

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Still, machinery and receptacle may be seized.

And forfeited.

Penalty and application thereof.

Penalty for having articles exchanged for intoxicants in possession.

Forfeiture of things accessory to offence.

Penalty for refusing to assist constable.

same being found, and upon the of stolen goods, still, machinery, keg, barrel, case, box, package or receptacle whence or in which any interest whence or in which any intoxicating liquor or intoxicant has been manufactured import has been manufactured, imported or made, sold, exchanged, traded or bartered and are the sold or made, sold, by original traded or bartered, and as well that in which the original supply was contained as the second supply was contained as the second supply was contained as the second supply was contained as the vessel wherein any portion of such original supply was such original supply was supplied as aforesaid, and the remainder of the contents the field as aforesaid, machinery, remainder of the contents thereof, if such still, machiners, barrel, keg, case, box pack barrel, keg, case, box, package, receptacle or vessel aforesaid, respectively, can be identified respectively, can be identified, may be seized by any officer of the customs or excise or be of the customs or excise or by any constable or other duly qualified person, whereas on the second of the custom of the second of the custom of the second o qualified person, wheresoever found within the Territories, and any stipendiary maxim and any stipendiary magistrate or justice of the peace, redi-on complaint before him and on complaint before him, and on the evidence of one credited ble witness, that the provision of the evidence of one violated ble witness, that the provisions of this Act have been violated in respect thereof, declare in respect thereof, declare such intoxicating liquor of and toxicant, still, machinery vosci toxicant, still, machinery, vessel or receptacle forfeited, and cause the same to be forthwith cause the same to be forthwith destroyed; and the person in whose possession any of the in whose possession any of them are found, shall incort a penalty not exceeding two has a penalty not pena a penalty not exceeding two hundred dollars and not alty than fifty dollars, with costs. than fifty dollars, with costs; and a moiety of such penalty shall belong to the informer and it shall belong to the informer, and the other moiety of Canada. shall belong to the informer, and the other moiety therada. 43 V., c. 25, s. 90, part.

111. Every person who manufactures, makes, compounds, ports, sells, exchanges trade imports, sells, exchanges, trades or barters any intoxicating liquor or intoxicant. except bwithout per-liquor or intoxicant, except by special permission as and, or in whose possession said, or in whose possession or on whose premises been, intoxicating liquor or intoxicant intoxicating liquor or intoxicant of any kind is or has dollars shall incur a penalty not exceeds hundred dollars shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars and not less than fifty dollars, a moiety of which penalty shall belong to the information of the informatio shall belong to the informer. 43 V., c. 25, s. 90, part.

112. Every person who knowingly has in his possessived, acquired, to the second acquired for any article, chattel, commodity or thing purchased, acquired, exchanged, traded or bartered with the purchased art, for any interview exchanged, traded or bartered, either wholly or in part, for any intoxicating liquor or intered. any intoxicating liquor or intoxicant, shall, for each offend incur a penalty not exceeding to the stand of t incur a penalty not exceeding two hundred dollars and poil less than fifty dollars. a moint less than fifty dollars, a moiety of which penalty shall belong to the informer. 43 V **113.** Every article, chattel, commodity or thing, which purchase, acquisition, exchange, trade or barter of wiest, the consideration, either wholly or this any into is any into is the is any into is the interval. the consideration, either wholly or in part, is any intoxication ing liquor or intoxicant. shall be a first to Her Majesty, and shall be ing liquor or intoxicant, shall be forfeited to in respect 43 and shall be seized as hereint. and shall be seized as hereinbefore provided, in respect 43 any receptacle of any interior in the interior inte any receptacle of any intoxicating liquor or intoxicant. V., c. 25, s. 90, part. 114. Every person who refuses or neglects to aid any instable, sub-constable, or other in constable, sub-constable, or other duly authorized person in

house of correction or lock-up house for a further term not exceeding six months. 47 V., c. 23, s. 8. **116.** No seizure, prosecution, conviction or commitment Conviction, he so this Act shall be in the form, so long as valid for way under this Act shall be invalid for want of form, so long as valid for want this Act of the same is according to the same is according to the same transformer and meaning of of form. the same is according to the true intent and meaning of of form. this Act. 43 V., c. 25, s. 90, part. SALE OF ARMS AND AMMUNITION. 117. In this section-(a) The expression "improved arm" means and includes "Improved arm." all^(a.) The expression "improved and arms except smooth bore shot guns; (b.) The expression "ammunition" means fixed ammuni- "Ammuni-on or ball cartriders" tion or ball cartridge: ². Every person who, in the Territories,—

his possession or sells, exchanges, trades, barters or gives to, permit; --

With any person, any improved arm or ammunition; or

115. Every penalty incurred under any of the seven sec- Recovery of penalty incurred under any of the seven sec- Recovery of penalties. tions next preceding shall be recoverable, with costs, on sum-many conviction and shall be recoverable with est, behary conviction, on the evidence of one credible witness, who bote any stipendiary magistrate or justice of the peace, who shall, on payment of such penalty and costs, pay the informer his share thereof; and in case of non-payment of the penalty and costs immediately after conviction, the convicting magistrate or justice of the peace may, in his dis-the on, levy the commit cretion, levy the same by distress and sale, or may commit the person who the person who is so convicted and makes default to any common who is so convicted and makes default to any term hot exceeding of correction or lock-up house for a term not exceeding six months, with or without hard labor, here sold and the sold six months, with are sooner paid; and unless the said penalty and costs are sooner paid; and Penalty for a subsequent of the said penalty and costs are sooner paid; and Penalty offence. upon conviction for a subsequent offence, the offender shall offence. beliable to a penalty not exceeding four hundred dollars and not less than the line is a subsequent offence, the offence is and a less than the line is a subsequent offence is a subsequent of subsequent offence is a subseq hot less than two hundred dollars, payable and recoverable as in this section provided, and, in the discretion of the maximum maximum the discretion of the Convicting magistrate or justice of the peace, to imprisonhent with or without hard labor in any common gaol or

the execution of any act or duty required under any of the six sections not any act or duty required under any of the six execution of any act or duty required under any of the give information preceding, or who knowingly refuses to give information, or gives false information in respect to any matter arising therefrom, shall incur a penalty not dollars, a moint of dollars and not less than fifty dollars, a moiety of which penalty shall belong to the informer. 43 V., c. 25, s. 90, part.

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(a) Without the permission in writing (the proof of which Supplying lission on him) of the Lington Covernor, or of a com-arms and arms and arminition of the Lington of the thall be on him) of the Lieutenant-Governor, or of a com-ammunition his boost appointed by him to give such permission, has in without a permit;hissioner appointed by him to give such permission, has in without a with with or soll.

ters or gives any such arm or ammunition to any person not lawfully authorized to preserve it Or to unauthorized persons; Shall, on summary conviction before a stipendiary magis ate or two justices of the stipendiary not trate or two justices of the peace, be liable to a penalty not exceeding two hundred dollars exceeding two hundred dollars, or to imprisonment for any term not exceeding six months To be offences, and how punishable. 3. All arms and ammunition which are in the possession any person, or which are of any person, or which are sold, exchanged, traded, this tered or given to or with are tered or given to or with any person in violation of the section, shall be forfeited to the G Search for and seizure of section, shall be forfeited to the Crown, and may be seized by any constable or other percent. arms and by any constable or other peace officer; and any justice of the peace may issue a search ward officer is and any seize the same ammunition sold contrary the peace may issue a search warrant to search for and seize the same, as in the case of stall to this section. Regulations (a.) The granting of permission to sell, exchange, trade, by Governor in Council. regulations respecting --Permits for arms, &c. barter, give or possess arms or ammunition; (c.) The returns to be made respecting permissions anted; and— Fees. Returns. (d.) The disposition to be made of forfeited arms and amunition: granted ; and — Disposition. 5. The provisions of this section respecting the possession arms and ammunition shall of arms and ammunition shall not apply to any officer of man of Her Majesty's forces of the District force, or of the North-Wort 25 ammunition : man of Her Majesty's forces, of the Militia force, or of the North-West Mounted Police Proviso. bettion may 6. The Governor in Council may, from time to time, or in force at any place in named this section shall be in the Territories, or in the N.W.T. named this section shall be in force in the Territor designs any place or places therein in the territor designs any place or places therein in such proclamation designored the state of the such proclamation design of the such proclamation ted; and upon and after such day but not before, in force visions of this section shall the product of the provisions of this section shall take effect and be in force accordingly: 7. The Governor in Council may, in like manner, from ne to time, declare this section to have a longer in force in y such place time to time, declare this section to be no longer in force in any such place or places and declare it to the no longer in time. any such place or places, and may again, from time to the section to be in force therein. And proclamation may be revoked. 8. All courts, judges, stipendiary magistrates and procler the peace shall take indicial of the peace shall take judicial notice of any such procle-mation. 48-49 V., c. 51 s 14 To be judicially noticed. **118.** The court of appeal from convictions and orders stices of the peace in the Territorian bell be a stipendiary justices of the peace in the Territories shall be a stipendiary Court of Appeal from

121. Prior to such escape. 40-40 ..., Pproval of the Minister of the Interior may, subject to the Manitoba to be indemni-benta of the Governor in General make such arrange- fied for care of lunatics approval of the Minister of the Interior may, subject to the ments with the Governor in Council, make such arrange- fied for care reason with the Lieuteneet Governor of Manitoba as seem of lunatics from N.W.T. ments of the Governor in Council, make such arrange- fied for car-reasonable, as to the contract of Manitoba as seem of lunatics that b reasonable, as to the compensation to be made by Canada to from N.W.T. that Province for the care and maintenance of persons

in custody therein under the authority by virtue of which was detained and return him thereto; and he shall remained 42.49 V., c. 51, s. 11. he was detained prior to such escape. 48-49 V., c. 51, s. 11.

ace of confinement person confined in such asylum or Recapture of the of confinement person confined in such asylum or Recapture of escaping from escaping f place of confinement under this Act, escapes therefrom, any lunatics of the officers or servants thereof, or any other person or confinement. persons, at the request of such officers or servants, or any of way, may, within feel of such officers or servants, or any of them, may, within forty-eight hours after such escape, if no Warrant has been issued, and within one month after such the schedule to this Act escape, if a warrant in the form in the schedule to this Act has been issued, and WILLIN on asylum or place of conference that behalf, retake such asylum or place of confinement in that behalf, retake such in person and confinement in that behalf, retake such escaped person and return him thereto; and he shall remain he custody therein the thereto is and he shall remain the custody therein the shall remain the shall

2. The Lieutenant Governor of the Province of Manitoba Removal of ay cause any income from the Territories fined before the the territories from the territories fined before the territories from the territories from the territories for territories f May cause any insane person who came from the Territories fined before the the two was confined in the territories and the territories fined before in the territories is a set of the territories in the territories in territories is a set of territories in territories is a set of territories in territories in territories is a set of territories in territories in territories is a set of territories in territories in territories is a set of territories in territories i and who was confined in a temporary lunatic asylum on date specified. the twentieth day of July, one thousand eight hundred and and ty five to be of July, one thousand eight hundred arguing; eighty-five, to be removed to the Selkirk lunatic asylum; and the superintendent of the said asylum or the superin-tendent of such target to the said asylum or the superintendent of such temporary lunatic asylum, as the case may in shall detain another the said asylum, as the case may be, shall detain every such person committed to his keeping until detain every such person committed to his hour or until the pleasure of the Lieutenant Governor is known, a the law. 48-49 V., c. 51, or until the pleasure of the Lieutenant Governor 18 Known, 8. 10 and 8. 19 person is discharged by law. 48-49 V., c. 51,

any asylum or place of confinement, from time to time, designated for the confinement from the Covernor in Council, designated for that purpose by the Governor in Council, and the superintendent or warden of such asylum or place of confinement shall receive such person and detain him berein until the shall receive such person and detain him therein until the pleasure of the Lieutenant Governor is known, or until such person is discharged by law:

119. Whenever, under any law or ordinance in force in Removal of Perritories and in the removal of the second seco the Territories, any insane person is kept in custody until lunatics in such person is discharged by the Lieutenant Governor is known, or until order of Lt. such person is discharged by law, the Lieutenant Governor Governor. may cause such person to be removed to and confined in any asylum of person to be removed to time,

LUNATICS.

hagistrate sitting without a jury; and the clerk of the Justices of the or other or other without a jury and the clerk of the Peace. peace or other proper officer mentioned in the "Act re- the Peace." specting summary proceedings before justices of the peace," shall, in the Territories, mean the clerk of the district court of the district or division within which such conviction takes place or or division within which such conviction takes place or such order is made. 48-49 V., c. 51, s. 7.

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detained in the Selkirk lunatic asylum, or in such tempor ary asylum as aforesaid. 48-49 V., c. 51, s. 13.

Salaries of officers.

122. There shall be payable out of the Consolidated Reversive Fund of Canada, the fill nue Fund of Canada, the following sums, annually, that is to say :---\$7,⁰⁰⁰

3,000 To the Lieutenant Governor, not exceeding..... 1,000 To the stipendiary magistrates, each, not exceeding. To the members of Council, each, not exceeding..... To the clerk of the Council, each, not exceeding as and perform the duties of secretary to the Lieu-tenant Governor and 1,800 2.000 tenant Governor, not exceeding...... 1,200 To the registrar, not exceeding...... To the sheriff, not exceeding......

Together with such sums of money as are, from time to time, fixed by the Governor in Guerra as are, from travel time, fixed by the Governor in Council, in respect of 43 V. ling allowances for any of the co ling allowances for any of the officers above named. c. 25, s. 89;-47 V., c. 23 c 7

123. All road allowances in townships now or hereafter rveyed and sub-divided in the making now or hereafter surveyed and sub-divided in the Territories, and all road allowances set out on block live allowances set out on block lines now or hereafter surveyed in the Territories, the plans of in the Territories, the plans of survey whereof have ment duly approved, shall be subject to the survey whereof have ment duly approved, shall be subject to the direction, management and control of the Lieutenant G and control of the Lieutenant Governor in Council, or when the advice and consent of the T the advice and consent of the Legislative Assembly, 25, 5 formed, for the public use of the 91, part.

124. Whenever the Governor in Council receives notice om the Lieutenant Governor in Council received desired from the Lieutenant Governor in Council receives desired ble that any particular there is considered desired d ble that any particular thoroughfare or public such prior road or trail in the Territoria road or trail in the Territories, which existed as such the to any regular surveys should be as such as such the to any regular surveys, should be continued as surveyed Governor in Council may direct the survey for the surve Governor in Council may direct the same to be surveyed by a Dominion land surveyed by a Dominion land surveyor, and thereafter may lied road the control of each such thereafter havelled road the control of each such thoroughfare, public travelled road or trail, according to the plan or trail, according to the plan and description thereof, of the Lieutenant Governor in Grand description the plan and description the set of the plan and description the plan and description the plan and description the plan and description and and descriptio the Lieutenant Governor in Council, for the Public uses of the Territories. 43 V c 25

125. Whenever in any Act of the Parliament of Canadain rce in the Territories. any off force in the Territories, any officer is designated for such ing on any duty therein monthly is there is no mole are no such officers as are ing on any duty therein mentioned, and there is no such designated in Act of Parlia-ment. any order by what other percent of Ger such duty shall may order by what other person or officer such duty shall

Travelling allowances.

Control of road allowance.

may be surveved and transferred.

Certain roads

2. The Governor in Council may, by proclamation, from Governor in Council may, by proclamation, from Governor in Council may, and the the Dorliament of Canada, extend Acts ^{2.} The Governor in Council may, by proclamation, from Council may or any part of time, direct that any Act of the Parliament of Canada, extend Acts force in the any one or more of the to the Ter-Rections of any one or more of any such Acts not then in ritories. force in the Territories, shall be in force in the Territories in the rentioned in Renerally, or in any part or parts thereof mentioned in the proclamation 49 Tr of 18 and 96. theh proclamation. 43 V., c. 25, ss. 13 and 96.

The Provision force in Canada, has been changed so as to make every Act apply which is not required from application by express terms.

in so far as otherwise provided in any such Act, and the same is, by its terms, applicable only to one in so far as any such or more as the same is, by its terms, applicable only to the Act is, for any covinces of Canada, or in so far as any such

Act is, for any reason, inapplicable to the Territories, shall, in the Territories.

128. Every Act of the Parliament of Canada, except in Application A so as otherwise the parliament of Canada, except of Acts of Canada. so far as otherwise provided in any such Act, and except in Appucation or mar as the same is built in any such Act, and except of Acts of Canada.

or by the printer to the Government of Manitoba at W1111705, itories, shall be with Government of the North-West Ternitories, shall be prima facie evidence of such proclamation or order, and of the facie evidence of such proclamation force 43 V., c. 25, s. 14. or order, shall be prima facie evidence of such proclamation of the fact that it is in force. 43 V., c. 25, s. 14. APPLICATION OF ACTS TO TERRITORIES.

Governor in Council, or ordinance, proclamation or order made by the Certain Lient by the Lienten or ordinance, proclamation or order of laws, &c., hade by the Lieutenant Governor in Council, or by the to be evi-of the advice and consent dence. Lieutenant Governor in Council, or by the to be of the Legislative Action by and with the advice and consent dence. of the Legislative Assembly of the North-West Territories, as the case man between the case m as the Legislative Assembly of the North-West Lernov porting to be printed in the Canada Gazette, or purporting to be printed in the Canada Gazette, of periods by the printer to the Queen's Printer for Canada, or Manitoba at Winnipeg, by the printer to the Government of Manitoba at Winnipeg,

in the records ; and both those languages snan and all ordinand journals of the said Council or Assembly ; and all ordinances made under this Act shall be printed in both those languages. 43 V., c. 25, s. 94. overnor in Council any proclamation or order made by the Certain printed

126. Either the English or the French language may be English or the by any person inglish or the French language may be English or guage may used by any person in the debates of the Council or Legis-before the courts : and both these languages shall be used before Assembly of the territories and in the proceeding in the courts; and both those languages shall be used in the records and in the second council or Assembly;

be performed, and anything done by such person or officer, under such order of the premises; or under such order, shall be valid and lawful in the premises; or if it is in any contact of the valid and lawful in the premises; or if it is in any such Act ordered that any document or thing shall be transmitted by the transmitted of the transmitted by the t shall be transmitted to any officer, court, territorial division or place, and there to any officer, court, territorial division or place, and there is then in the Territories no such officer, court or territorial is then in the Territories no such officer. court or territorial division or place, the Lieutenant Gover-nor in Conneil hor in Council may order to what officer, court or place such transmission shall be made, or may dispense with the

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, in the county

[L.5.] Signature Superintendent.

[L.S.]

SCHEDULE.

WARRANT TO RETAKE ESCAPED PATIENT.

Selkirk Lunatic Asylum (or as the case may be). and all or any of

and all or and all of the peace officers, in the County (or as the case may be) of last

past, being within one month from the date hereof, A.B., or insane person confined in the G Withe date hereof, A.S. and the eof, A.S. and the date h insane person confined in the Selkirk Lunatic Asylum an as the case may be), of which I superintendent (or warden), did escape from the said asylum (or as the case may be):

These are therefore to authorize and command you, or any you the said constables on the for Majesty's of you the said constables or peace officers, in Her Majest the name, at any time within one with the date of im name, at any time within one month from the date of him said escape, to retake the said A D said escape, to retake the said A.B., and safely convey into to this asylum (or as the case to this asylum (or as the case may be) and deliver him into my charge. in the yest

Given under my hand and seal this day of

aforesaid.

at

48-49 V., c. &	Signata			
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
	The whole, ex- cept ss. 42, 92, 93 and 95.	85. 42, 92, 93 and 95.		in Act
	The whole, ex- cept sub-s. 4 of s. 1 and s. 10. The whole, ex- cept ss. 8, 12, part, and 15.	sub-s. 4 of s. 1 and s. 10. ss. 8 and 15.	Part of s. 12. Part of s. 12 is occasional.	Keewatu

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CHAPTER 49

An Act respecting Homestead Exemption Estates in

HER Majesty, by and with the advice and consent of the Senate and by and with the advice and consent of the Senate and House of Commons of Canada, enacts as $\dot{\mathbf{w}}_{\mathbf{s}}$

SHORT TITLE.

Act." This Act may be cited as "The Homestead Exemption Short title. 41 V., c. 15, s. 14.

INTERPRETATION.

2. In this Act, unless the context otherwise requires :- Interpre-tation. Territories of Canada, the District of Keewatin, and gener-limit the DOBSOSSION of Canada, the District of Keewatin, and gener-

ally all the possessions of Canada not included within the limits of any Providence of Canada not included within the limits of any Province; 41 V., c. 15, s. 13.

(b) The expression "registrar" or "deputy registrar" "Registrar." means the expression "registrar" or "deputy registrar" the place where the local deputy registrar of titles to lands for the place where the lands in question are situate.

a. Any man who is the owner of an estate in fee simple, Who may register a house the manual site of the manufactures, with a homestead of who or for life, in land situate in the Territories, with a homestead dwelling house thereon occupied by him, may register as and of what acrossities and extent of such land not exceeding eighty extent. a homestead an extent of such land not exceeding eighty extent. acres, if in a rural locality, or the lot on which such willing house stands is in the lot on which such dwelling house stands, if in an incorporated city, town or nlage, in the office for the resistor of titles to lands for the village, in the office for the registry of titles to lands for the next in which the land 1: the describing the proplace in the office for the registry of titles to lands 101 un-perty in which the land lies, clearly describing the pro-Provided, that if the estate of effecting such registration: Provided, that if the estate of such owner is only for life, it Proviso: as to estate d in such instrument ond in such case the life.

shall be so stated in such instrument, and in such case the life. exemptions hereinafter provided shall apply only to such stead, which shall be understood by the word "homestead, which shall be understood by the we when used in this Act. 41 V., c. 15, s. 1.

4. The homestead so registered shall, while the home-Duration and registration continued at the provisions of this homestead stead registration continues under the provisions of this homestead Act, be wholly exempt from an another the provisions of this homestead homestead another the provision of this homestead homeste Act, be wholly exempt from seizure or sale under execution, exemption.

Exceptions.

Purchase money, &c. Taxes.

Registration by married man and its effect.

separated.

Her right forfeited.

In what manner only the homestead may be alienated or devised.

or under any Act respecting insolvency, for any debt of such owner contracted after such residue to the raise of the owner contracted after such registration, if the value of the homestead does not at the time homestead does not, at the time of such registration, exceed two thousand dollars and if it two thousand dollars, and if its value then exceeds for amount it shall be so exampt to the then exceeds are the amount it shall be so exempt to that amount, exceeds the amount of any mortgage the amount of any mortgage given to secure the purchase money of the property or any to secure the purchase money of the property, or any debt to the Crown on the purchase thereof, or which is purchase thereof, or which is a lien thereon, or for the amount of any taxes due thereof.

5. After the decease of the owner, the homestead, if it is eld in fee simple and not align the homesinafter mer held in fee simple and not alienated as hereinafter next tioned, shall, subject to the art go on decease tioned, shall, subject to the exceptions in the section nor of owner. preceding, go to his widow for the section in the section and the section of owner. preceding, go to his widow for life, and if he leaves no widow, or after her decease widow, or after her decease, or if her right is forfeited nid der the next following section of the right is minor child der the next following section of this Act, to his minor long or children, for his, her or their or children, for his, her or their use respectively, so er as they or any of them continue minors, and shall be any empt from liability for any delt empt from liability for any debt contracted by any of them, except as aforesaid

6. If the proprietor of any homestead is married, he may ake an affidavit before the make an affidavit before the registrar or deputy registration affidavit before some justice of the peace or commissioner for taking affidavits, in the form A in the affidavits, in the form A in the schedule to this Act, and the registrar shall thereupon enter it. certificate of title to such homestead, and the wife sint thereupon become a joint owner of the interest therein Provided of thereupon become a joint owner of a life interest adulter Provided always, that if the miner of a life interest adulter and here Provided always, that if the wife has committed adulted and has separated from her build have been adulted at the wife is guilty and has separated from her husband, the registrar of the upon the husband product upon the husband producing an exemplification of the state of the stat judgment from the court having jurisdiction in an aben of criminal conversation of the proven of criminal conversation, of the fact of adultery having from proven, cancel the wife's normal for a state of adultery having from the continue of the state of adultery having from the continue of the state of adultery having from the continue of the state of a state of the sta proven, cancel the wife's name from the register and elled the certificate of title : and offer is the register and elled she shall b the certificate of title; and after her name is so cancel at she shall have no estate or intername L homester. she shall have no estate or interest in such homestead. V., c. 15, s. 3.

7. The homestead shall not be alienated by such owned, he is a married man unless the alienated by such of by if he is a married man, unless the transfer is executed by his wife, joining with him his wife, joining with him, except her estate or interesting been forfeited; or if the wife been forfeited; or if the wife is dead and there is allented by such owner. the here is a needed and there is a literated child of such owner, the homestead shall not be allended by such owner without the by such owner, the homestead shall not be silent of a stipendiary magisteric approval, in writeries, of the a supendiary magistrate for the Territories, of the a judge of some court of record for the place where homestead is situate, of the territories and any device thereof by homestead is situate, of the transfer thereof; and any de the provision momestead is situate, of the transfer thereof; and any to the thereof by such owner shall only take effect subject to provisions hereinafter made 8. If any creditor, assignee in insolvency or other person presenting the creditors of the other person representing the creditors of the registered owner of a home

Provision in case of agreement with a

of title granted are registered as a homestead, the registrar right on cershall granted are registered as a homestead, the registrar right on certificate of title, in the register book and upon the tificate of giving a construction of title in the register book and upon the tificate of giving a construction of title in the register book and upon the tificate of giving a construction of title in the register book and upon the tificate of giving a construction of title in the register book and upon the tificate of giving a construction of title in the register book and upon the tificate of giving a construction of title in the register book and upon the tificate of giving a construction of title in the register book and upon the tificate of title in the register book and upon the tificate of the title book and upon the tificate of title book and upon the tificate of the title book and upon the tificate of title book and upon the tificate of the title book and upon the tificate of title book and upon the tificate of the title book and upon the tificate of title book and upon the tificate of the title book and upon the tificate of the title book and upon the tificate of the title book and upon the tit certificate of title, in the registered as a homestead, the tificate of giving the date, honr and minute words "registered as a homestead," registrate date, honr and minute the application for giving the date, in the words "registered as a homestern, registration was find and minute when the application for registration was filed; and if the proprietor of any land exceeding eighty correction to a part of such exceeding eighty acres in extent registers a part of such

title granted are resist and s embraced in any certificate Entry of hall granted are registrar right on titerate of the registrar right on the ri

2. Any wilfully false statement so declared to by the False state-person for repristration statement of to by the wit- to annul reapplicant for registration, or sworn or declared to by the Wit- to annul re-such any fraud committee worn or declared to by the wit- to annul rehess, or any fraud committed for the purpose of obtaining gistration. such registration, shall make the registration void and of no

register a homestead shall be in the form B in the schedule tion and affine and the schedule to the like of the like of the schedule tion and affine and the schedule time and t to this Act, or to the like effect, and the truth of the state- davit in sup-the the therein made a shall be in the form B in the schedule tion and and the state- davit in sup-the therein made a shall be in the truth of the state- davit in sup-the state of the s ments Act, or to the like effect, and the truth of the state- davit in sup-the peace, who shall be declared to before a justice of port thereof. the peace, who shall attest the same; and the allegations made in such instrument by the applicant for registration, shall be verified the such applicant for registration by at least shall be verified upon oath or solemn declaration by at least one credible witness, whose affidavit or declaration for a homebe appended to or indorsed upon the requisition for a homestead registration, and shall be in the form C in the sche-

his debts as aforesaid, subject to the rights of his widow 41 V. c. 15, s. 6. and minor children or child therein. 41 V., c. 15, s. 6. **9.** The instrument by which the registrar is required to Application for registra-

2. Upon the death of the registered owner, the home-If the owner is dead, if held in for since the registered owner, the home-If the owner is dead. stead, if held in fee simple, may be sold in satisfaction of his widow

opinion that the homestead is of greater value than two homestead thousand dollars, such owner, if he is married, may, with worth more the written and with than \$2,000 the written consent of his wife, agree upon a value with than \$2,000. such creditor, assignee or representative of creditors, and upon the portion of the homestead which the excess of such value over two thousand dollars, and which can be a divided from the which can be conveniently set off and divided from the remainder. remainder; and, in case of such agreement, such proportion only shall be sold in satisfaction as aforesaid: but if they do If there is no such agree the whole ment. not agree upon such value and portion, the whole ment. homestead shall be liable to be sold in satisfaction as aforesaid, upon payment of the sum of two thousand dollars by the creditor, assignee or person representing creditors to the registered assignee or person representing creditors wife, the registered owner, with the written consent of his wife, anless her estate the written consent of his wife, Inless her estate has been forfeited—or, if she does not give her consent, then into some Government savings bank, to be drawn out out out on the government savings bank, to be drawn out only on the written order of such owner and his wife or of the or the written order with the same his wife, or of the survivor of them, and with the same exemptions from liability for debts as applied to the home-

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727stead exempted from liability for the debt claimed, is of creditor who pinion that the from liability for the debt claimed, is of creditor who thinks the homestead

If the land extends to more than eighty acres.

Right of widow when husband dies intestate.

Homestead rights on wife's lands.

land as a homestead, a description of the part to be registered, with a diagram there is the part to be registered in the tered, with a diagram thereof, shall be entered in the register book and on the cartie register book and on the certificate of title. 41 V., c. 15, s.

11. If the husband dies intestate, his widow may retain ther her life estate in 11 either her life estate in the homestead, or her estate as tenant in dower by the law of the restate of the thereto, tenant in dower by the law of the Territories relating thereto, but not both. 41 V of the territories relating

12. If the husband dies testate, his widow may take her, or tate as tenant in dower on the her life estate in the homestor devised than one we her life estate in the homestead, but not more than one by them; and if she elects to to them; and if she elects to take as tenant in dower of dis devise, she shall notify the received devise, she shall notify the registrar of the registration form trict in which the homestead trict in which the homestead lands are situate, in the be, D in the schedule to this Act D in the schedule to this Act, or as near thereto as may hall and the registrar shall recall the and the registrar shall recall the certificate of title, and shall cancel the homestead estate received of title, and shall cancel the homestead estate registration upon the certificate of title and in the register hash of title and in the register book, giving the date, minute of such cancellation

13. All the provisions of this Act shall apply to lands of hich a woman is the owner and here and here a bard which a woman is the owner, and on which she resides, and the husband may acquire the the husband may acquire the same rights in this Act, as the wife, by registration effected in this Act, as the wife, by registration effected by her under this Act, and the wife acquires in the lands of the her under the by registration officient by her under by her under by registration officient by her under by her u the wife acquires in the lands of the husband, by registration effected by her under this Active tion effected by him. and subject the husband, by registrations and subject the husband of the husband o tion effected by him, and subject to the same conditions and rights of her minor child on obtain 14. The Governor in Council may, from time to des of ake such alterations in or addition to the schedules ing

Governor in Council may amend schedules.

make such alterations in or additions to the schedules of this Act as the system of rendered to the schedules de this Act as the system of registration for the time being renders necessary; but any off renders necessary; but any alterations or additions so made shall be published in the Gauge of the time made shall be published in the Canada Gazette. 41 V., c. 15, s. 12.

SCHEDULE OF FORMS.

FORM A.

AFFIDAVIT OR DECLARATION OF MARRIAGE. , make oath (or solemn , who is now living, I, A. B., of township range declaration) and say that I was married to C. D. at on the day of A. B. day of and who is years of age.

Sworn or declared before me. E. F.

Legal additions.

On the in the year 18

day of

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FORM B.

REQUISITION TO REGISTER AS A HOMESTEAD. To the registrar of

Take notice that I hereby require you to register, as a omesterad in the prohomestead, under "The Homestead Exemption Act," the property hereinafter mentioned, of which I am the owner in fee simple (or for high indication in the control of th fee simple (or for life)—that is to say :—(here describe the property clearly its life). property clearly, its location, boundaries, extent, &c.) now occu-pied by me and location, boundaries adwelling-house in pied by me, and on which there is a dwelling-house in which I for I and on which there is a dwelling-house in the solution of which I (or I and my wife H.B.) now reside ; and I solemnly declare that the my wife H.B.) now reside ; or of my life declare that the value of the said property (or of my life

estate that the value of the said property (or or my belief, exceed to the best of my knowledge and belief, exceed two thousand dollars.

In faith whereof I have signed this notice and have declared solemnly to the truth of the statements made Declared to before me and signed) A. B.

by the said A.B., in my presence. &.D & Legal additions. $0_{n the}$ in the year 18 .

day of

AFFIDAVIT OR DECLARATION OF WITNESS TO REGISTRATION. solemnly declare) and say: That I know the above named as proprietor A.B., that he (or she) and say:—That I know the above name in the certificate of title to the person named as proprietor a line certificate of title to the person named as proprietor in the in the certificate of title to the said lands (or if the owner of the certificate of title to the said lands (or if the owner of the incumbrance or in the transfer the person named in the incumbrance or in the ball and property does may be); and that the value of the said property does may be); and that the value of the said property does not, to the best of my knowledge and belief, exceed two thousand dollars. $\frac{S_{\text{worn (or declared)}}}{F \cdot \ln my}$ before me, and signed by the said E.F. in my presence. Legal additions. On the &c. in the year 18 day of

FORM D.

APPLICATION TO HAVE HOMESTEAD CANCELLED.

To the registrar of

Take notice that I, A.B., have elected, under the authority "The Homestead Ecomption elected, under the property of "The Homestead Exemption Act," to take the property devised to me by my late bushand (DD in his last will the devised to me by my late husband, C.D., in his last will or the testament, bearing date of the testament, bearing date of (here insert date of will on sequence property accruing to me as torre insert date of consequence property accruing to me as tenant in dower in consequence of the decease of my late buckets of the decease of my late husband who died—here insert die of husband's death) in preference of husband's death) in preference to my homestead estate (here describe the property clearly in the homestead estate) (here describe the property clearly, its location, boundaries, ad

In faith whereof I have signed this notice freely and ithout undue influence on this without undue influence, on this A. B. 18

Signed by the said A.B.,) in my presence. &c. C.D., of Legal additions.

On the in the year 18 41 V., c. 15, sch.

in the year 1 41 V., c. 15,				. 18 4
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated slsewhere.	To be Consolidated with.
41 V., c. 15	Whole Act, ex- cept part of s. 7.	Part of s 7.		

day of

Chap. 50.

CHAPTER 50.

An Act respecting the District of Keewatin. HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as

1. This Act may be cited as "The Keewatin Act." New.

Short title.

2. In this Act, unless the context otherwise requires :- Interpre-tation.

(a) The expression "District" means the District of Kee- "District." Watin, as described in this Act;

(b) The expression "Lieutenant Governor" means the Lieu-"Lieutenant Governor of the Divernor." tenant Governor of the District of Keewatin; apply to the 'District;'

(c) The expression "this Act" includes all Acts which "This Act."

(d) The expression "intoxicating liquor" means and in-"Intoxicat-trans all spirits strong liquors, wines, ^{ing liquor."} ^(g) The expression "intoxicating liquor" means and in-"Intoxicat-fermented or componended is spirituous liquors, wines, ^{ing liquor.}" fermented or compounded liquors or intoxicating fluids; (e) The expression "intoxicant" includes opium, or any "Intoxi-reparation thereof "intoxicant" includes opium, or any "Intoxi-ahert."

preparation thereof, and any other intoxicating drug or preparation thereof, and any other intoxicating drug or press and tobacco of the mixed compounded or imsubstance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, are to substance and to bacco or tea mixed, compounded of the are to substance or any of them spirit or substance, and whether the same or any of them c. 91 iquid or solid $\frac{90}{10}$ $\frac{10}{10}$ $\frac{40}{20}$ $\frac{74}{74}$, part ;—39 V., are liquid or substance, and whether the same or any of them. c. 21, s. 13. or solid. 38 V., c. 49, s. 74, part ;--39 V.,

3. All BOUNDARIES. Canada Which is bounded as follows, that is to say:— beginning at a point on the costoriu shore of Lake Winnibeginning at a point on the North-West pegosis which is bounded as follows, that is to say:-the northerly boundary of the easterly shore of Lake Winni-thence northerly boundary of the Province of Manitoba; shore contherly, following the line of the said easterly of the thence hortherly boundary of the Province of Manitova, shore of the said labor the line of the said easterly portaging the line of the said easterly contherly end of the whore northerly, following the line of the said easterry portage leading from the back of the said lake into "Cedar portage leading from the head of the said lake into "Cedar

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Lake," known as the "Cedar" or "Mossy Portage to thence northerly, following the trail of the said portage to the north end of the said the said portage to the north end of the same on the shore of Cedar thence thence due north to the thence due north to the northerly limits of Canada; Canada easterly following mon the easterly following, upon the said northerly limits of Canada; thence to the northerly extremite southerly, following upon the westerly shore of the said Hudson's Bay to the point where it intersected Hudson's Bay to the point where it would be intersected by a line drawn due north from by a line drawn due north from a point where the intersection boundary of the Province of Orth boundary of the Province of Ontario intersects the United tional boundary line dividing Canada from the United States; thence due south to the to the David to the David to the Canada from the boundary id States; thence due south, to the said northerly boundary line from the said the Province of Manitoba . . . the Province of Manitoba; thence westerly, along the said northerly boundary to the place. northerly boundary to the place of beginning and which is now known as the District of W now known as the District of Keewatin, shall continue to be a separate district of the North W a separate district of the North-West Territories of Canada, by the name of the District of T

May be varied by Governor in Council.

2. Provided always, that the Governor in Council may, proclamation published in the Governor in Council at any by proclamation published in the Governor in Council at any time when it appears to the canada Gazette, at do, by proclamation published in the Governor in Court, at addition when it appears to the public advantage so d reducted any portion of the said District therefrom and Car annex it to that part of the North Weith Weither Court advantage of so annex it to that part of the North-West Territories of canada and included in the said District Territories of additional detect. ada not included in the said District; and the portion ad detached shall then be subject to a su detached shall then be subject to the same government and laws as that part of the North W laws as that part of the North-West Territories of V., C. ss. 1 and 2 to which it is re-annexed. 39 V., c. 21, s. 1; -40 V., c. ss. 1 and 2, part.

Part new.

4. The Lieutenant Governor of the Province of Manitobal the person acting as such of the Province of Manitobal - Ine Lieutenant Governor of the Province of Man^{itov} or the person acting as such Lieutenant Governor, Kee ex-officio be Lieutenant Governor of the District of watin. 39 V., c. 21, s. 3

Lieutenant Governor.

Council and its powers.

5. The Governor in Council may constitute and appoint, warrant under his sign by warrant under his sign manual, not more Conneil to sid not less than five persons to be not less than five persons to be members of a Council fairs the Lieutenant Governor in the adverter of the adverter of the start of the start of the bist the Lieutenant Governor in the administration of the powers as are from the such Council to a fairs of the District, and such Council shall have such Governor in Conneil are, from time to time, conferred upon it by the Governor in Council. 39 V., c. 21 × 4

6. The Governor in Council may, subject to such restrictions and conditions as to him and conditions as to him and conditions as to him the The Governor in Council may, subject to such result tions and conditions as to him seem meet, with the and empower the Lienteners of conferred by tions and conditions as to him seem meet, with the the Governor and empower the Lieutenant Governor, by and wid him in Council. advice and consent of the Governor, by and to aid ion as afore and consent of the Governor. advice and consent of the Council appointed to aid advice and to make provision of the administrate. as aforesaid, to make provision for the administrate, of justice in the said District of justice in the said District, and generally to and ordain and establish all such line institutions ordain and establish all such laws, institutions

(c) Alter or repeal the punishment provided in any Act in force in the District, for any offence; or

(a) Be inconsistent with any provision of this Act or of any Act of the Parliament of Canada in force, referring to (b) Impose any tax or any duty of customs or excise, or ny penalty exceeding the dollars : or any penalty exceeding one hundred dollars; or

8. No such law made either by the Governor in Council Restrictions by the Lieutenant G or by the Lieutenant Governor and his Council, shall,—

2. The powers given in this Act to the Governor in Power to modify ce and with respect to the Governor of Canada, tain Acts Council, with respect to Acts of the Parliament of Canada, tain Acts ex-cil tiong also to the T shall belong also to the Lieutenant Governor and his Coun- tended to the which respect to the Lieutenant Governor and his Coun- tended to the District. cil, with respect to the Lieutenant Governor and his our which they are subjects and matters in relation to which they are empowered to make laws, and shall extend to the modification, amendment or repeal, as to the District, by Act of the District of the distribution o of any Act of the Parliament of Canada which applies to the District, and to the vesting in any judge or judges of any mitt or courts in Mariting in any judge or judges of any court or courts in Manitoba, the power of hearing and deter-mining in that Provide the first instance or in mining in that Province, either in the first instance or in the District, appeal, but according to the laws in force in the District, I is civil or criminal to the laws in force in the District, any civil or criminal suit or case arising therein; and the lieutenant Government of the peace Lientenant Governor may appoint justices of the peace the such other officer and and instering and such other officers as are necessary for administering

Subject to the provisions of this Act, the Governor in Governor in Council may make the transformer of the certain the conditional good govern- make certain Council may make laws for the peace, order and good govern- make certain to the District aws for the peace, order and good govern- make certain make certain the district and others laws. ment of the District, and of Her Majesty's subjects and others laws. therein, in relation to all matters and subjects in relation to which the Light of which the Lieutenant Governor and his Council are not then empowered to the the the transformer and the tr empowered to make laws, and for that purpose may either make new lowered to make laws, and for that purpose may either make new laws or extend and apply and declare applicable to the District, with such amendments and modifications as he deems necessary, any Act or Acts of the Parliament of Canada, not then in force in the District or any parts thereof, and, from time to time, amend or repeal any laws so made and make others in their stead :

good government of the peace, order and good government of Her Majesty's subjects and others therein, and, from time to time, to repeal, alter or amend the in 151. same in like manner; and any order of the Governor in Council size manner; and any order of the Governor for the covernor in t Council, giving such authority to the Lieutenant Governor and his Council, such authority to the Lieutenant Governor and his Council, shall be in force until repealed, altered or amended built, shall be in force until repealed, altered or amended by the Governor in Council; but all such Proviso. orders of the Governor in Council; but an ordinances and Governor, with the ordinances made by the Lieutenant Governor, with the advice and consent of his Council, shall be subject to the provisions hereinafter made. 39 V., c. 21, s. 5.

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(d) Appropriate any public money, lands or property of anada, without the anthemit Canada, without the authority of Parliament:

4. A copy of every such law made by the Lieutenant overnor and his Council about the transmitted to Governor and his Council shall be transmitted by mail to the passing the Governor in Council shall be transmitted by mail to the passing Governor in Council, within ten days after the passing thereof, and any such laws of the days after the Governor thereof, and any such law may be disallowed by the Governor in Council at any time with in Council at any time within two years after its passing, a copy of every law so made And laid be-fore Parlia-ment. And laid be-a copy of every law so made by the Governor in Council his and of every law so made by the Governor and his and of every law so made by the Governor and his and of every law so made by the Governor in Conversional his Council, shall be laid before beth IT and a Dorliament as Council, shall be laid before both Houses of Parliament as soon as conveniently may be all soon as conveniently may be after the making and passing thereof. 39 V., c. 21. 88 6 and 7

DESCENT OF REAL PROPERTY.

8. Whenever any person dies seized in fee simple or for the life of another. of any restrict, the District, succession to S. Whenever any person dies seized in fee simple or real property. the life of another, of any real property in the District, without having lawfully down a bit such real prowithout having lawfully devised the same, such in manner perty shall descend or pass here. perty shall descend or pass by way of succession in manner following, that is to sav —

First. To his lineal descendants, and those claiming by under them, per stirnes. or under them, *per stirpes*;

Second. To his father;

Third. To his mother; and

Subject in all cases to the rules hereinafter prescribed. V., c. 49, s. 14. 38 V., c. 49, s. 14.

9. If the intestate leaves several lawful descendants of degree of degree all the direct line of lineal descent, and all of equal descendance shall consanguinity to such interview of the such and all of equal descendance shall consanguinity to such intestate, the inheritance she common d descend to such persons in equal shares, however remote 38 common degree of consanguinity to such intestate. common degree of consanguinity is from the intestate. V., c. 49, s. 15.

10. If any one or more of the children, of such intestate e living, and any one or more children, of such inheritance all door **10.** If any one or more of the children of such interitance among child- are living, and any one or more are dead, the inheritance descendants. shall descend to the children is that shall descend to the children who are living, and so that lawful descendants of such a training and so that lawful descendants of such children as are dead, the share as would have descendents of such children as are dead, would each child who is living shall inherit such share as would have descended to him if all the source of the intestate have descended to him if all the children of the intestate who have died, leaving issued by the children of the intestate who have died, leaving issue, had been living; and so live the lawful descendants of each objit who is dead shall in herit, in control the lawful descendants of each child who is dead sof such herit, in equal shares, the share which the parent of child work is herit, in equal shares, the share which the parent of such child would have received if limit of y 49, s. 16.

Descendants in equal degree of consanguinity.

cil.

the brothers and sisters and sisters and sisters of them who are the brothers and sisters, and every of them who are the laws of such brothers and transport of the laws of such brothers and who is iving, and to the lawful descendants of such brothers and sisters as are dead of the brother or sister who is usters as are dead, so that each brother or sister who is

living, if all the brothers and sisters of the intestate are Succession of the orman of any one of the orman brothers and sisters and sisters and if any one of the orman brothers and any their descenders. the house of them are docided by the sisters of the shall descend to such brothers and sisters and the house of them are docided by the sister of them are living, and any their descen-tion of them are docided by the sister of them are living and any the sister of them are docided by the sister of the sis

14. If there is no father or mother capable of inheriting If neither father or mother capable of inheriting father or mother is the specified, mother is with to it with the specified of the spe the estate, it shall descend, in the cases hereinafter specified, mother is en-several relatives of the interface and if there are titled to in-herit. to the collateral relatives of the intestate; and if there are titled to in-several of such relatives of the intestate; and if there are titled to in-herit. several of such relatives, all of equal degree of consan-them is the intestate intest Suinity to the intestate, the inheritance shall degree of common degree of them in equal parts, however remote the common degree of sanguinity is from the interitance shall descend to a second degree of a second degree of the secon consanguinity is from the intestate. 38 V., c. 49, s. 20.

tance shall descend to the mother. 38 V., c. 49, s. 19.

18. If the intestate dies without lawful descendants and Succession if aves no father or location without lawful descendants and Succession if the intestate dies without lawful descendants and Succession if the intestate dies without lawful descendants and Succession if the intestate dies without lawful descendants and Succession if the intestate dies without lawful descendants and Succession if the intestate dies without lawful descendants and Succession if the intestate dies without lawful descendants and Succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession if the intestate dies without lawful descendants and succession intestate dies without lawful descendants and succession leaves no father, or leaves a father not entitled to take the living or can-moth. inheritance under the next preceding section, and leaves a not inherit. Mother and a brother or sister, or the lawful descendant of a brother or sister, or the lawful descendant the mother during the inheritance shall descend to the mother or sister, then the inheritance shall descend the brother during her life, and the reversion to such descend or sister of the site of the size of the s brother during her life, and the reversion to such descendants of such the intestate as is living, and the lawful descendants of such brother or sister as is dead, according if the same law of the intestate as is living, and the same law of to the same law of inheritance hereinafter provided; and if the intestate in such case leaves no brother or sister, the inheriany lawful descendant of any brother or sister, the inheri-

12. If the intestate dies without lawful descendants, and Succession in case there are no descenleaves a father, the inheritance shall go to such father, un- no descenless the inheritance came to the intestate on the part of his dants. Mother, and such mother is living; and if such mother is dead, the inheritance descending on her part shall go to the father for life, and the reversion to the brothers and sisters of the intestate and the reversion to the brothers and such the law of inhality their lawful descendants, according to the law of inheritance by collateral relatives, hereinafter that ded; and if there are by collateral relatives or sisters or provided; and if there are no such brothers or sisters or their lawful doctors in such brothers or sisters or bein lawful doctors in brothers shall go their lawful descendant living, such inheritance shall go

sanguinity who have died, leaving issue, been living, and so that the issue of the descendants who have died shall respectively take the shares which their parents, if living, Would have received. 38 V., c. 49, s. 17.

1. The rule of descent prescribed in the next preceding Rule of descent prescribed in the lawful descen- descent i case of u section shall apply in every case where the lawful descen-dants of the intertal every case where the lawful descen-the inheritance, equal degr dants of the intestate, entitled to share in the inheritance, equal degrees that those who are in the nearest degree of consanguinity had take the shares which entitled have descended to them shall take the shares which would have descended to them had all the shares which would have descended to sanguinity who had been living, and

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Chap. 50. living shall inherit such share as would have descended to him or her, if all the broth to him or her, if all the brothers or sisters of the inter tate who have died loss tate who have died, leaving issue, had been living, the so that such descendants shall it. so that such descendants shall inherit, in equal shares, the share which their parent if it share which their parent, if living, would have received. 38 V., c. 49, s. 21. 16. The law of inheritance prescribed in the next proceed. g section shall prevail as to the section of the sec ing section shall prevail as to the other direct lineal decendent ants of every brother and side other direct lineat to the ants of every brother and sister of the intestate, of unequal remotest degree, whenever such descendants are of unequal degree. 38 V., c. 49. s 22 17. If there is no heir entitled to take under any of the eceding sections as to the days preceding sections as to the descent of real property, the inheritance shall, if the same came to the intestate on part of his father descend If there is no First. To the brothers and sisters of the father of the testate, in equal shares if all intestate, in equal shares, if all are living; died, leaving issue, then to such brothers and sisters as and living, and to the lawful descent brothers and sisters and brothers. living, and to the lawful descendants of such of the said brothers and sisters as are doubted at the said brothers are said brothers and sisters as are doubted at the said brothers are said brothers and sisters as are doubted at the said brothers are said brothers are said brothers and said brothers are s brothers and sisters as are dead, in equal shares; Thirdly. If all such brothers and sisters are dead, the in-eir lawful descendants and sisters are dead, the intheir lawful descendants; and in all such cases all such heritance shall descend in the same manner as if all such brothers and sisters had been the interval brothers and sisters had been the brothers and sisters the intestate: 2. If there are no brothers or sisters of the father of or testate, and no lawful documents of the brothers are . 11 there are no brothers or sisters of the father brothers of such brothers at sisters, then the inheritance of the inheritance of the brother the brother and sisters. sisters, then the inheritance shall descend to the law are descendents and sisters of the mother of the intestate, and to the law are descendants of such of the control of the intestate of the sisters as in descendants of such of the said brothers and sisters at a sister at the law in the law i dead, or if all are dead, then to their lawful descendances had been the brother the same manner as if all such brothers and sisters had been the brothers and sisters of the full 24If the pro-perty came by heritance came to the intestate on the part of his disters the mother's the same, instead of descending to the part of and sisters and the same of t the same, instead of descending to the brothers and ats, to prescribed in the same and the same of the intestate's father, and their lawful descending, shall descending, mothers and sisters of the intestate's mother, and their lawful descend to the brothers and sisters of the intestate's mother. a next the brothers and sisters of the intestate's mother, and their lawful descend to their lawful descend and state in the section of the intestate's mother, and preceding. their lawful descendants, as prescribed in the section intestate's mother, in intestate's mother, in the section intestate's mother intestates mother intestate's mother intestate's mot preceding; and if there are no brothers and sisters of the intestate's mother, or lawful descendents, as prescribed in the section of the intestate is mother, or lawful descendents of them, such the intestate's mother, or lawful descendants of them, sisters of heritance shall descend to the line line and sisters of them. heritance shall descend to the brothers and sisters of

As to descendants in unequal degree.

heir under preceding provisions.

Further provision.

OTHER PROVISIONS AS TO REAL PROPERTY. whate or interest therein shall as regards the conveyance of in grant as well as in ment livery. the immediate freehold thereof, be deemed to lie in grant livery.

be affected by any of the provisions hereinbefore contained.

be entitled to inherit under any of the provisions of this ren, &c. **25.** The estate of a widow as tenant in dower shall not Dower. 8 V end by any of the down
be entitled to inherit under the provisions of this mate child-Act the provisions of this ren, &c.

23. Descendants and relatives of the intestate begotten Posthumous before his death, but born thereafter, shall in all cases heirs to in-herit in the same many statistic bed been born in the inherit in the same manner as if they had been born in the 49 me of the intestation of th lifetime of the intestate, and had survived him. 38 V., c.

22. Whenever there is only one person entitled to inherit Sole inheri-cording to the provision only one person entitled, he shall tor. according to the provisions hereinbefore contained, he shall tor. take and hold the provisions hereinbefore contained, he shall heritance, or a share of an interview descends to several tenants in common. heritance, or a share of an inheritance, descends to several tenants in common. persons under such provisions, they shall take as tenants in 40 mon, in properties the second states of the second states as tenants in the second states are second states as tenants in the second states are second states as tenants in the second states are second states as tenants in the second states are second states as tenants in the second states are second states as tenants in the second states are second states are second states as tenants are second states are second 49, 8. 29. Proportion to their respective rights. 38 V., c.

of the intestate, according to the rules in the English Statute of distribution of the rules in the English Statute of distributions of personal estate. 38 V., c. 49, s. 28.

21. On failure of heirs under the preceding provisions, In case of the inheritance shall a surface of heirs. the inheritance of heirs under the preceding provisions, In case of the interitance shall descend to the remaining next of kin failure of heirs.

all those or gift from some one of his ancestors; in WHICH be excluded from not of the blood of such ancestors shall 20 V c. 49, s. 27. be excluded from such inheritance. 38 V., c. 49, s. 27.

20. Relatives of the half blood shall inherit equally with As to relathose of the half blood shall inherit equally with As to rela-ful descendants of make in the same degree, and the law-tives of half-blood. ful descendants of such relatives shall inherit in the same blood, manner as the lawful descendants of the whole blood, unless the interit in the blood, unless the lawful descendants of the whole of the inheritance came to the intestate by descent, which case devise or gift from some one of his ancestors; in which case

19. If the inheritance has not come to the intestate on If it came he part of either the inherit- father's or the part of either the father or of the mother, the inherit- father's or the and shall descend to the intervence of the father mother's side. ance shall descend to the brothers and sisters of the father sort one and mother of the brothers and sisters and to their and mother of the intestate in equal shares, and to their lawful descendent to the intestate in equal shares, and to their lawful descendants, in the same manner as if all such brothers and sisters had been the brothers and sisters of the intestate. 38 V., c. 49, s. 26.

intestate's father, and to their lawful descendants, as hereinbefore prescribed. 38 V., c. 49, s. 25.

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2. Deeds of grant shall be executed and delivered in and uplicate, attested by one still duplicate, attested by one witness, and the execution and delivery thereof shall be delivery delivery thereof shall be duly proved on oath, for the purpose of registration 28 V Deeds of grant. 27. A feoffment, otherwise than by deed, shall be roid law; and no feoffment chall? at law; and no feoffment shall have any tortions operation. 38 V., c. 49, s. 35. Feoffment. 28. Any corporation aggregate in the District capable of king and conveying land shall a the capable to be capable taking and conveying land, shall be deemed to be capable of taking and conveying land, shall be deemed to and sale, in and sale of taking and conveying land, shall be deemed to be capable, of taking and conveying land by deed of bargain and 38 in like manner as any particular Conveyance by corporations. in like manner as any person in his natural capacity. V., c. 49, s. 36 29. No deed of bargain and sale of land in the District of all require enrolment or root registration not necessary shall require enrolment or registration, to supply the place of to validity of enrolment, for the purpose cult to validity of enrolment, for the purpose only of rendering such barsing the and sale a valid and effectual and sale a valid and effectual conveyance for passing v. c. land thereby intended to be berrained and sold. land thereby intended to be bargained and sold. 49, s. 37. **30.** Every person may devise, bequeath or dispose of, by ill, executed in manner have will, executed in manner hereinafter mentioned, all real property and personal property property and personal property to which he is entitled, either at law or in equity, at the time which he is end which Wills may be at law or in equity, at the time of his death, and deroire not so devised, bequeathed or it is death, and deroire made. not so devised, bequeathed or disposed of, would devolve upon his heir at law, or upon his upon his heir at law, or upon his executor or administrator. 38 V., c. 49, s. 38. **31.** No will made by any person under the age of twenty ne years shall be valid Testator must **32.** No will shall be valid unless it is in writing say: secuted in manner hereined one years shall be valid. 38 V., c. 49, s. 39. he of age. executed in manner hereinafter mentioned, that is to say: it shall be signed at the foot it shall be signed at the foot or end thereof by his direct or by some other person in his Execution of or by some other person in his presence, and such signature shall wills. tion; and such signature shall be made or acknowlesses, by the testator in the presence, and more witnesses by the testator in the presence of two or more shall shall be made or acknowledge shall be made or acknowledge shall shall be made or acknowledge shall shall be made or acknowledge shall shall be made or more shall shall be made or more shall shall be made or more shall be shall be made or more shall be made or more shall be shall be made or more sha The testator in the presence of two or more with estator present at the same time; and such witnesses shall estator and shall subscribe the will in the presence of the product of the pro -but no form of attestation shall be managery. 49, s. 40 **33.** Every will executed in manner hereinbefore required, nall be valid without any other required thereof. shall be valid without any other publication thereof. V., c. 49, s. 41. No other pub-**34.** If any person who attests the execution of a will is, the time of the execution the execution of time after. lication. incompe- **34.** If any person who attests the execution of a will the atterney of wit- at the time of the execution thereof, or at any time afterness.

40. The real property of any married woman, which Rights of any married woman, which Rights of any married by her at the time of any married woman as is owned by her at the time of her married woman, which Rights of married profits is the time of her marriage, or acquired in woman as to profits is the during her to be rents, issues and real property. any manner during her coverture, and the rents, issues and real property. profits thereof respectively, shall, without prejudice, and held to the trusts of a state of the same, be subject to the trusts of any settlement affecting the same, be held and enjoyed by her for her separate use, free from any

39. If any real property is devised to any person without When no limitation simple to simple to any words of limitation, such devised to any person without When no which the fee simple for the devise shall be construed to simple to simple to the devise shall be constructed to simple to simple to the devise shall be constructed to simple to simple to simple to simple to simple to simpl pass the fee simple, or other the whole estate or interest pass. which the fee simple, or other the whole estate or interest real property unless had power to dispose of by will, in such real property, unless a contrary intention appears by the will.

effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by

in his presence and by his direction, with the intention of revoking the same. 38 V., c. 49, s. 45. **38.** Every will shall be construed, with reference to the How wills effect as if it had been comprised in it, to speak and take shall be con-death is if it had been comprised in it, to speak and take strued.

37. No will or codicil, or any part thereof, shall be re-Revocation of wills and wills and codicils. voked, otherwise than by marriage or by another will or codicils. codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, required to be executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same, by the testator, or by some person in his presence and have by the testator, or by some person

so attesting shall be admitted to prove the execution of such will or the admitted to prove the will, notsuch will, or the validity or invalidity of such will, not-withstanding such a dividity or invalidity of such will, notwithstanding such devise or legacy. 38 V., c. 49, s. 44.

36. If any person attests the execution of any will, to Devise to without, or to when attests the execution baneficial devise such witness whom, or to whose wife or husband, any beneficial devise such witness or legacy affecting wife or husband, any beneficial devise such witness or legacy affecting any real or personal property, other than may prove a charge for payment of a debt, is thereby given—such de-vise or legacy shall of a debt, is thereby given—such devise or legacy shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, wife or husband in person claiming under such person wife or husband, be null and void; and such person of

35. No person shall, on account of his being an executor Executor may a will, be income that as a witness to be witness. of a will, be incompetent to be admitted as a witness to be witness. prove the execution of such will, or as a witness to prove the validity of such will, or as a witness to prove $\frac{28 \text{ V}}{1000 \text{ V}} = \frac{29 \text{ V$ the validity or invalidity thereof. 38 V., c. 49, s. 43.

wards, incompetent to be admitted as a witness to prove the execution that account, be execution thereof, such will shall not, on that account, be invalid. 38 V., c. 49, s. 42.

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estate or claim of her husband during her lifetime, or as tenant by the courteen and tenant by the courtesy, and her receipt alone shall be a discharge for any rents just discharge for any rents, issues and profits; and every her ried woman shall be light ried woman shall be liable on any contract made by her respecting her real property and contract made only solutions. respecting her real property, as if she were a *feme* sole. V., c. 49, s. 48. 41. All the wages and personal earnings of a married

earnings, moneys or property, shall be free from the and or dispositions of the bushand or dispositions of the husband, and shall be held with enjoyed by such married women enjoyed by such married woman, and disposed of with out her husband's consent of full out her husband's consent, as fully as if she were a feme sole; and no order for protection

respect of any such earnings or acquisitions; and husband, possession, whether actual or acquisitions the husband possession, whether actual or constructive, of the husband, of any personal property of any personal property of any of any personal property of any married woman, shall not render the same liable for his doltary of the same liable for hi

42. A married woman may make deposits of money in er own name in any savings her own name in any savings or other bank, and withdraw the same by her own check . and the same by her own check; and any receipt or acquittance of such depositor shall be a contract of the same by her own check and any receipt or acquittance to any

woman, and any acquisitions therefrom, and all proceeds on profits from any occupation profits from any acquisitions therefrom, and all proceed on separately from her bushes Earnings of married separately from her husband, or derived from any literary, artistic or scientific skill and W woman to be artistic or scientific skill, and all investments of such wages, earnings, moneys or property her own.

No order for sole; and no order for protection shall be necessary and the necessary.

Deposits in banks.

Fraudulent investment invalid.

of such depositor shall be a sufficient discharge to any such bank. 38 V., c. 49 e 50 **43.** Nothing hereinbefore contained in reference to moneys posited, or investments by and the reference to man. shall, as rejust deposited, or investments by any married woman, shall, as against any creditor of the barried woman, shall, as deposited. against any creditor of the husband, give validity to in deposit or investment of monomial, give validity and in frand of deposit or investment of moneys of the husband made of fraud of such creditors: and in deposited ad. fraud of such creditors; and any money so deposited not passed. invested may be followed as if this Act had not passed. 38 V., c. 49, s. 51.

44. A husband shall not, by reason of any marriage, be able for the debts of his wife Liable for the debts of his wife contracted before marriage, but the wife shall be liable to have before and and the fore marriage. but the wife shall be liable to be sued therefor, and is property belonging to her for the sued therefore and the shall be liable to be sued therefore and the shall be liable to be sued therefore and the shall be liable to be sued therefore and the shall be liable to be sued therefore and the shall be liable to be sued the shall be liable to be such the s property belonging to her for her separate use shall be in a hushend respect of any employment or business in which she contracts engaged on her own behalf, or in respect of any of her own contracts. 38 V., c. 49. s 59

Suits by and against a married woman.

45. A married woman may maintain an action in her wn name for the recovery of maintain an action, money A married woman may maintain an action money own name for the recovery of any wages, earnings, persister or property declared by this Action is here here or property declared by this Act, or which is here in a declared to be her separate property declared here in a own name the declared to be her separate property, and shall have, in and against all own name, the same remedies, both civil and criminal against all persons whome against all persons whomsoever for the protection

inflicting upon any other person, either with or without a assault.

(c) Aggravated assault, by unlawfully and maliciously Aggravated assault, by unlawfully and maliciously Aggravated assault.

(b) Attempting to commit larceny from the person, or Attempt to commit larceny; or simple larceny; or

(a) Simple larceny, larceny from the person, embezzle-Larceny, &c. ⁽⁴⁾ Simple larceny, larceny from the person, emberged feloniously receiving stoles property by false pretences, or the stolen. feloniously receiving stolen property, in any case in which embalae of the whole the property in any case in which the value of the whole property alleged to have been stolen, such as a stolen property alleged to have been stolen, embezzled, obtained or received, does not, in the opinion of such stipendiary maximum dama hundred dollars; or such stipendiary magistrate, exceed one hundred dollars; or

49. Any such stipendiary magistrate shall have power As to crimi-hear and determine in a magistrate shall have power the main matters. to hear and determine, in a summary way and without the intervention of a jury, any charge against any person for ine. S committed in the District any of the offences followhaving committed in the District any of the offences follow-

from time to time in from time to time in from time to time in from time to time in from time to time in from time to time in from time to time in from time to time in from time to time in from time to time in from time to time in from time to time in from time to time in from time to from time to time, in force in the District. 36 V., c. 35, s. 2.

48. Every such stipendiary magistrate shall hold office Their powers. during pleasure; and shall have and exercise within the same as is District, or within such limited portion of the same as is the prescribed by the Grand limited portion of the same as is prescribed by the Governor in Council, the powers appertaining to any justice of the peace, or to any two justices which are,

shall assign to any such stipendiary magistrate a yearly salary, not exceeding three thousand dollars, together with his actual travelling three thousand dollars, together with his actual travelling expenses. 36 V., c. 35, s. 1.

47. The Governor in Council may, from time to time, Stipendiary point, by commission Council may, from time to time, Stipendiary magistrates. appoint, by commission under the Great Seal, one or more fit and proper persons as stipendiary magistrates within the District, who shall reside at such places as are prescribed by the Governor in Council; and the Governor in Council;

46. The Lieutenant Governor may appoint justices of the Appointment of justices of the of justices of 7 and such other officers as are necessary for the admin- the peace, &c. 7 and of the laws in the peace of the peace istration of the laws in force in the District. 39 V., c. 21, s.

ADMINISTRATION OF JUSTICE.

security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own shattels and prouse, as if such wages, earnings, money, chattels and pro-perty belonged wages, earnings, money, chattels and any perty belonged to her as an unmarried woman; and any married woman is and any married woman may be sued or proceeded against, separately from her husband, in respect of any of her separate debts, engaged debts, engagements, contracts or torts, as if she were unmarried. 38 V., c. 49, s. 53.

magistrates.

weapon or instrument, any grievous bodily harm, or by unlawfully and malicional unlawfully and maliciously wounding any other person; or

Assault on a female, &c.

(d) Assault upon any female whomsoever, or upon the ale child whose are determined by the second sec male child whose age does not, in the opinion of the magistrate, exceed fourteen magistrate, exceed fourteen years, where such assault, if upon a female, does not in the such assault of an upon a female, does not, in his opinion, amount to an assault with intent to commit

Assaulting. &c., officers.

(e) Assaulting, obstructing, molesting or hindering any pendiary magistrate inst stipendiary magistrate, justice of the peace, commissioner or superintendent of police are to the peace, commissioner or superintendent of police, a policeman, constable or ballin or officer of customs or even or officer of customs or excise, or other officer, in the lawful performance of his duty or performance of his duty, or with intent to prevent the performance thereof:

Punishment.

2. Upon any such conviction by a stipendiary magistrate, e person so convicted more by - Open any such conviction by a stipendiary magistrate the person so convicted may be sentenced to such punish ment as the magistrate thinks of the person o ment as the magistrate thinks fit, by imprisonment for fine term less than two years in any term less than two years, in any gaol or place of by both ment, with or without hard by ment, with or without hard labor, or by fine, or by

50. When the maximum punishment for a crime which not be tried in a summary of the section has jury in certain cannot be tried in a summary way under the section does preceding, or under any provided in a law, jury in all law, jury preceding, or under any provision of the criminal law, does not exceed seven years' imprime not exceed seven years' imprisonment, any such stipend in a magistrate—if the accused magistrate—if the accused assents thereto—may try, any summary way and without the set of a jury; me; summary way and without the intervention of a jury, and charge against any person or anti-structure of the summary and without the intervention of a jury and but if the but if the accused does not so consent, the trial shall be had as provided in the next follow: 2. When the maximum punishment for a crime, other than anishment by death. exceed punishment by death, exceeds seven years' imprisonment any such stipendiary magistration of the perfection of the perfec

Trial by jury of six.

When the crime is capital.

Procedure in such cases.

any such stipendiary magistrate and a justice of the peace with the intervention of a justice of any charge with the intervention of a jury of six, may try any charge against any person or person of against any person or persons for any such crime: 3. When the punishment for a crime is death, any with ipendiary magistrate and the intervention of the neace, inst when the punishment for a crime is death, any with stipendiary magistrate and two justices of the peace, and the intervention of a jury of similar the percentage against any person the intervention of a jury of six, may try any charge against any person or persons for a sur 4. The procedure upon trials under the two sub-sections for any such crime:

The procedure upon trials under the two sub-section next preceding shall, as far as possible, be similar magis procedure upon summary trials. It is the similar magis proceeding shall, as far as possible, be similar magin-trate shall, upon every such trial to be cause to be diags trate shall, upon every such trial, take, or cause to be dings in writing, full notes of the original other proceedings in writing, full notes of the evidence and other proceedings thereat; and all persons tried multiple and sub-sector shall be admiti thereat; and all persons tried under the said sub-sections for the Prosections for the prosection of the value of the prosection of the pr shall be admitted, after the close of the case for the **prosection** tion, to make full answer and doesn't be counsel learned in the law tion, to make full answer and defence by counsel learned in the law:

(b) The Crown may peremptorily challenge any number By the Crown not exceeding the Crown of jurors not exceeding six; (c) Challenges for cause shall be the same as provided for Challenges ader the "Act responses shall be the same as provided for Challenges for cause. Crown. under the "Act respecting procedure in criminal cases;" (d) If, from challenge or otherwise, the number of jurors If list of and for the tripendiary hausted. summoned for the trial is exhausted, the stipendiary hausted. summoned by the trial is exhausted, the stipendiary hausted. magistrate shall direct some constable or other person to try the case; and any person summoned, as herein pro-to serve as a jury is obtained, competent to to serve as a jury person summoned, as herein pro-to serve as a jury person summoned, as herein provided, to serve as a juror, and who makes default or refuses to serve as a juror, and who makes default or remained of the magistrate without lawful excuse to the satisfaction to here as such without lawful excuse to the satisfaction of the magistrate, may be fined by him a sum not exceeding ten dollars, and committed to prison until such fine is 8. If imprisonment in gaol for a term of not less than two when imprisonment is gaol for a term of not less than two when imprisonment is any case, the for two yes or more is years, or in the penitentiary, is awarded in any case, the for two years to be ordered to be ordered to be awarded.

such trials shall be called from among the persons so sum-moned as such in that behalf; and the jury required moned as such jurors, and shall be sworn by the stipendiary Magistrate who presides at the trial : 7. Any person arraigned for treason or felony may chal- Peremptory challenges to challenges to challenges to prisoner. lenge, percemptorily and without cause, any number of jurors prisoner.

not exceeding six :

summon, by word of mouth, from among the bystanders or Tales. from the neighborhood, such number of persons as are neces-sary to make up and, such number of persons as are necessubject to challen to the persons so summoned being by the magistrate subject to challenge as those summoned by the magistrate in the first instance, and the like proceedings shall be repeated, if necessary, until a jury is obtained, competent to vide case: and the like proceedings shall be a super-

(a) Every peremptory challenge beyond the number so Void beyond shall be void. allowed shall be void;

prisoner in the penitentiary, is awarded in any case, the for two is be conveyed to the imprisoned in the District or or more is Manital needed to be imprisoned in the District of awarded. Manitoba; in which latter case he shall undergo such punishment therein as if convicted in the Province of

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743 ⁵. When any person is convicted of a capital offence, and Death sen-sentenced + 2 person is convicted of a capital offence, and Death sen-tence to be

ward to the Minister of Justice full notes of the evidence, with his report with his report upon the case, and the execution shall be

Governor General thereon is communicated to the Lieuten-

is sentenced to death, the stipendiary magistrate shall for-ward to the Minimum the stipendiary magistrate shall for-tence to be reported.

stayed until such report is received and the pleasure of the Stay of execu-Governor General (port is received and the pleasure of the Stay of execu-

6. In default of any ordinance in that behalf made under Summoning this section, persons required as jurors for a trial under sub-sections two are required as jurors for a trial under sub-section, persons required as jurors for a that as stipendiary maximum difference hereof, shall be summoned by a stipendiary magistrate from among such male persons as he thinks suitable in the from among such male persons as he thinks suitable in that behalf; and the jury required on such trials shall be in that behalf;

Manitoba, and shall be so conveyed by any constable or constables, and received and detailed by the author constables, and snall be so conveyed by any constables of the penitentiary on the source of the penitentiary of of the ities of the penitentiary on the warrant of the stipendiary magistrate: 9. The Lieutenant Governor in Council may, from time time, make any ordinance in Council he mode of callto time, make any ordinance in respect to the mode of call-ing juries, and when, and by ---ing juries, and when, and by whom, and how they relating summoned or taken. and in summoned how they relating Jury laws may be made. summoned or taken, and in respect of all matters relating to the same; but no grand in to the same; but no grand jury shall be called in the District: No grand 10. Returns of all trials and proceedings, in criminal atters, shall be made to the Line of Correspondence, in such jury. matters, shall be made to the Lieutenant Governor, in such form and at such times as he divergence of the such times as h 40 V., c. 7, s. 7, part, Returns to be made. 51. Every stipendiary magistrate appointed as a stipendate ary magistrate within the North Tree appointed as of Canada the diary magistrate within the North-West Territories of Canada on or before the coming into former west Territories of the and s. 12, part. on or before the coming into force of this Act, shall have the District as if he we have the district as if he we have the district for the district here and authority for the district here in the district here as if he we have the distribution here as a distribution Powers of same power and authority for trying offences in the **District** as if he had been appointed a still be and a still be a st Stipendiary as if he had been appointed a stipendiary magistrate under this Act. 40 V., c. 7. 8 19 Magistrates for N. W. T. **52.** Any two stipendiary magistrates sitting together as and determine with the power and the state of the s Re-drafted. a court, shall have power and authority to hear and without mine within the District in mine within the District, in a summary way and charge against any grand Powers of two the intervention of any grand or petty jury, any been against any person for an offence alleged to maximum punish ment for which the District and the maximum punish stipendiary magistrates sitting tocommitted within the District, and the maximum prison for an offence alleged to move in the maximum prison ment for which does not exceed and the maximum pr gether. ment for which does not exceed seven years' imprison is and such court shall be a court of the maximum prison is the ment in the second if imprison the ment in the second is a seven years. and such court shall be a court of record; and if imprison the ment in a penitentiary is court of record; and if case the court ment ment in a penitentiary is awarded in any such case the penitentiary in the penitentiary is awarded in any such case the penitentiary in the penitentiary is the penitentiary in the penite court may cause the prisoner to be conveyed to the province of Manit tiary in the Province of Manitoba; and he shall under of Manitoba such punishment therein as if convicted in the Province of Manitoba. 36 V., c. 35. s 4 **53.** Any judge of the Court of Queen's Bench of and rovince of Manitoba shall the forme power this Any judge of the Court of Queen's Bench of and Province of Manitoba shall have the same power this authority for trying offences in the District as, under Act. a stime. authority for trying offences in the District as, under the Act, a stipendiary magistrate or the Act, a stipendiary magistrate or two stipendiary magistrate of the stipendiary magistrate and Powers of certain or a stipendiary magistrate or two stipendiary magistrate and two justices of the as to have in the District, and the president horein made and judges. have in the District, and the provisions herein made such trials shall, so far as applicable applies to the such that that the such that the such that that trials shall, so far as applicable, apply to trials shall proceed judge sitting in the District but we have a such that the provisions herein made as the to any such the district but we have a such index shall proceed

judge sitting in the District; but no such judge shall proceed to any such trial unless recent to the Governor in Council so to to any such trial unless requested by the Governor in Council so to do. 40 Value 7 7 10

Certain offenders may be sent to Manitoba for trial.

54. Any judge of the Court of Queen's Bench of any province of Manitoba, or any justice of the peace, or stipendiary magistrate, shall have never and authority to stipendiary magistrate, shall have power and authority

57. The Governor in Council may cause to be erected in Places of renal or parts of the District may building or buildings, be erected any part or parts of the District, any building or buildings, be erected. or enclosure or parts of the District, any building or lock-up, for the confinement of prisoners charged with the ment the of any offence or sentenced to any punishcommission of any offence or sentenced to any punish-shall, therein: and confirment of prisonment therein ment therein; and confinement or imprisonment therein shall be lawful and voltage or set a solution of the set shall be lawful and valid. 36 V., c. 35, s. 8.

diary magistrates, or stipendiary magistrate or justice of the SR W, by or before stipendiary magistrate or justice of the

56. When it is impossible or inconvenient, on account of Custody by confinement, to carry out of any gaol or other place of N. W. M. police where any independent, to carry out of any contained of imprisonment, there is no gaol. confinement, to carry out any sentence of imprisonment, there is no any judge of the Court of Original Bouch of Manitoba, or any judge of the Court of Queen's Bench of Manitoba, or gaol. any two stipendiary magistrates sitting together as a court, stipendiary magistrates sitting together as a court, or any stipendiary magistrates sitting together as accurate sentence such parson magistrate or justice of the peace, may sentence such person, so convicted before him or them, to be placed and kept in the custody of the North-West Mounted end with a state of Justice of the nature and Police force, with or without hard labor—the nature and discussion which shall be the indge or stipenertent of which shall be determined by the judge or stipen-

person is ordered to be conveyed to gaol or to the penitentiary in Manitoba, any constable or other person in whose tharge he is to be any constable or other person in whose charge he is to be so conveyed shall have the same power to hold and conveyed shall have the same of an to hold and convey him, or to re-take him in case of an the penitentiary in escape, and convey him, or to re-take him in case of Manitoba shall gaoler or warden of the penitentiary in the detain and deal Manitoba shall have the same power to detain and deal with him, in the said Province, as if it was within the District, or as if the said Province, as if it was within the been ordered to be as if the said prisoner or accused person had be as a person be as a person had be as a person be person be as a person be person be as a person be been ordered to be conveyed to such gaol or penitentiary by some competent court or authority in the said Province. V_{1} , c. 35, s. c.

other place of confinement in the said Province, as if the same was in the Dimensional Province, as if the same was in the District. 36 V., c. 35, s. 5. **55.** Whenever, under this Act, any prisoner or accused Conveyance are is ordered to have this Act, any prisoner to the peniten-

^{commit} and cause to be conveyed to gaol in the Province of Manitoba, for trial by the said Court of Queen's Bench, according to the laws of criminal procedure in force in the said Province, any person at any time charged with the commission of any offence against any of the laws or ordinances of any offence bistrict. punishable by laws or ordinances in force in the District, punishable by death or ordinances in force in the District, punisnaple by said Court of Queen's Bench, and any judge thereof, shall And may be power and onthe intervent person arraigned be-punished have power and authority to try any person arraigned be-punished fore the said court in the interest and the jury laws there. fore the said court on any such charge; and the jury laws there. and laws of criminal procedure in force in the said Province shall apply to an apply the punishment shall apply to any such trial; except that the punishment to be awarded, upon the conviction of any such person, shall be according to the conviction of any such person, shall be according to the laws in force in the District; and the sentence may be carried into effect in a penitentiary or other place of any be carried into effect in a penitentiary or

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PROHIBITION OF INTOXICANTS.

58. No intoxicating liquor or other intoxicant shall be anufactured or made in the manufactured or made in the said District, except by special any in permission of the Governor in G permission of the Governor in Council, nor shall any into toxicating liquor or intovicant b toxicating liquor or intoxicant be imported or brought else the District from any Provide or brought or else where, or be sold, exchanged, traded or bartered, except by special permission in an intervent of the Lieutenant

Governor.

59. Intoxicating liquors and intoxicants imported by ought from any place out of C brought from any place out of Canada into the District, by special permission, in writing and into the district, and the district of the distribution of the distr special permission, in writing, of the Lieutenant Governor, shall be subject to the customer of Canada shall be subject to the customs and excise laws of Canada 40 V., c. 7, s. 9, part.

60. If any such intoxicating liquor or intoxicant or anufactured or made in the Diduor or imported of manufactured or made in the District, or imported of brought into the same or into the district, or imported of brought into the same, or is sold, exchanged, forfeited, bartered, in violation of this the and may be seized by any officer of the customs of the excise, or by any constable or where the seized be and the customs of the seized person. excise, or by any constable or other duly qualified perform wheresoever found; and on a state of the fore here any ind wheresoever found ; and on complaint made f the Perof any judge, stipendiary magnet any judge, stipendiary magistrate or justice of the peace may, on the evidence of one condition may, on the evidence of one credible witness in respect the provisions of this Act har and in respect the provisions of this Act have been violated in respect thereof, order the said interior linear or intoxicast so seized to be and interior linear or intoxicast thereof, order the said intoxicating liquor or intoxications of this doubt so seized to be forthwith destroyed; or if the same of not been seized, such inde not been seized, such judge, stipendiary a may issue a justice of the peace, on complete justice of the peace, on complaint as aforesaid, under ad search warrant, as in cases of stolen goods under and "Act respecting procedure the stolen goods the stolen when the same is found, may cause it to be case, ing destroyed; and the still most destroyed; and the still, machinery, keg, barrel, case, box package or receptacle when package or receptacle whence or in which any imported or liquor or intoxicant has been liquor or intoxicant has been manufactured, as well and made, sold, exchanged, traded or bartered, and as well that in which the original supplet in which the original supply was contained as supply if as afores wherein any portion of such original supply was contained as supply as aforesaid, and the remainder as the there are the supply was there are the supply was supply as the supply was supply as the supply was supply as the supply was supply was supply as the supply was supply as aforesaid, and the remainder of the contents packad, such still, machinery, how is a such as the su such still, machinery, barrel, keg, case, beidentieby receptacle or vessel aforesaid, respectively, can be identified may be seized by any officer ref may be seized by any officer of the customs or excise, on the end of any found any constable or other duly of the customs or where only found any constable or other duly of the customs or where only found any constable or other duly of the customs or where only found any constable or other duly of the customs of the cus any constable or other duly qualified person, where any interest of the customs of where any found within the District. found within the District; and on complaint before be judge, stipendiary magieter judge, stipendiary magistrate or justice of that any et may, on the evidence of any credible witness in respect the provisions of this Act bornel in respect to the provision of the magistrate or justice of that any credible witness that any credible witness in respired in respired in the provisions of this Act have been violated in the thereof, declare such intervient in the intervient intervient. thereof, declare such intoxicating liquor or intoxicant, the machinery, vessel or recentaria forfitted and cause hose machinery, vessel or receptacle forfeited, and cause same to be forthwith destroyed same to be forthwith destroyed : and the person in whose

No intoxicant to be manufactured, &c., without permission.

Customs and excise laws to apply.

Forfeiture of intoxicant unlawfully manufactured, &c.

Search warrant may be issued.

Intoxicant, still, machinery and receptacle may be seized.

G5. Every penalty incurred under any of the seven Recovery of penalties. sections next preceding shall be recoverable, with costs of penalties. credible on by summary of the seven Recovery the evidence of one prosecutions next preceding shall be recoverable, with costs -credible witness before conviction, on the evidence of one or incle witness before index stipendiary magistrate credible witness, before any judge, stipendiary magistrate and and the peace having invisdiction in the District; or justice witness, before any judge, stipendiary magistrate, and such judge. stipendiary magistrate or justice of the peace at judge. stipendiary magistrate or justice of the informer and such judge, stipendiary magistrate or justice of the peace shall, on narmont of the penalty, pay the informer peace shall, on payment of the penalty, pay the informer

dollars, a moiety of the dollars and not less than fifty dollars, a molety of which penalty shall belong to the

64. Every person who refuses or neglects to aid any Penalty for the execution of any set or other duly authorized person, in assist officer, assist officer, and under any of the &c. the execution of any act or duty required under any of the &c. siz sections of any act or duty required under any or the give information of energy or who knowingly refuses to any information of the information in respect to give information, or gives false information in respect to error matter arising the second se any matter arising therefrom, shall incur a penalty not dollar two builded and not less than fifty

98. Every article, chattel, commodity or thing, in the Forfeiture of the consideration, exchange, trade or barter of which sory to sory to sory to the the sory to be the sory to be the sory to be the sort is any intoxicat- offence. the consideration, exchange, trade or barter of which sory to ing liquor or intovicent wholly or in part, is any intoxicat- offence. ing liquor or intoxicant, shall be forfeited to Her Majesty, and shall be soized and shall be forfeited in respect to and shall be seized as hereinbefore provided in respect to y receptacle of the seized as hereinbefore provided in respect to 38 any receptacle of any intoxicating liquor or intoxicant.

62. Every person who knowingly has in his possession Penalty for having article, chatted who knowingly has in his possession Penalty for having articles exchange the second se quired, exchanged, traded or bartered, either wholly or in ed for in-bart, for any interiority or bartered, either wholly or in ed for in-toxicants, shall, for possession part, for any intoxicating liquor or intoxicant, shall, for toxicants in dollar fience, incur a new line toxication toxication. each offence, incur a penalty not exceeding two hundred dollars and not loss the area to be a moiety of which dollars and not less than fifty dollars, a moiety of which penalty shall bol penalty shall belong to the informer. 38 V., c. 49, s. 74,

61. Every person who manufactures, makes, imports, Penalty for manufactures, exchanges to a who manufactures intovicating liquor ing, &c. sells, exchanges, trades or barters any intoxicating liquor ing, &c. or intoxicant, except by special permission as aforesaid, or in whose present by special permission as aforesaid, or in whose possession or on whose premises such intoxicat-ing liquor or intoxicating liquor or intoxicant of any kind is found, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars, a moiety of which penalty shall belong to the informer. 38 V., c. 49, s. 74, part.

38 V., c. 49, s. 74, part.

possession any of them is found shall incur a penalty Penalty and device exceeding on of them is found shall incur a penalty Penalty and device than fifty application thereof. hot exceeding one hundred dollars, and not less than fifty application thereof. dollars, and the costs of prosecution; and a moiety of such penalty shall belong to the informer, and the other moiety of the informer, and the other moiety of the informer. shall belong to the informer, and the other manages of Canada.

Imprisonment in default of payment.

Penalty for subsequent offence.

his share thereof; and in case of non-payment of the penalty and costs immediately offer and costs immediately after conviction, the convicting judge, magistrate or institute judge, magistrate or justice may, in his discretion, levy the same by distress and sale or comparing the convicted same by distress and sale, or commit the person so convicted and making default in navment of the person so convicted and making default in payment of the said penalty and point or lock in house with costs to any common gaol or house of correction or lock six house within the District for house within the District, for a term not exceeding it, months, unless the said penalty months, unless the said penalty and costs are sooner paid; and upon conviction for a suband upon conviction for a subsequent offence, the offended shall be liable to a penalty and costs are sooner paiet dollars shall be liable to a penalty not exceeding four and, in the discretion dollars and not less than two hundred dollars, and, in the discretion of the convicting in the discretion of the discretion of the convicting in the discretion of the discret discretion of the convicting judge, magistrate or justice, y, in the imprisonment for a term not area. imprisonment for a term not exceeding six months. c. 49, s. 74, part.

66. No seizure, prosecution, conviction or commitment and this Act shall be invalid for a so long as under this Act shall be invalid for want of form, so long of this the same is according to the two the two same is according to the the same is according to the true intent and meaning of this Act. 38 V., c. 49, s. 74. part

67. The Lieutenant Governor of the Province of Manir oba may cause any insano toba may cause any insane person who came from the province of the province of the province of the province of the province asylum trict and who was confined in the true to t trict and who was confined in a temporary lunatic asylund on the twentieth day of July and sight for on the twentieth day of July, one thousand eighty-five, to be removed to the formatic asylunatic as and eighty-five, to be removed to the Selkirk lunatic asylum; and the superintendent of the and the superintendent of the said asylum or the case ing tendent of such temporary lunatic asylum, as the case of be, shall detain every such period asylum, as the biskeep of until the such temporary lunatic asylum, as the biskeep of be, shall detain every such person committed to his keeping until the pleasure of the Light until the pleasure of the Lieutenant Governor is known, so until such person is discharged in the state of the second in the sec 12, part. Re-drafted.

68. Whenever in any Act of the Parliament of Canada force in the District any of whenever in any Act of the Parliament of Canon in force in the District, any officer is designated for carrying out any duty therein mentioned is designated for such offi-cer in the Di are no such in force in the District, any officer is designated for carrying, officers as are out any duty therein mentioned, and there is no such as designated in Act of Parlia- cer in the District, the Lignetter of the there is no such as in Council be ment. uesignated in out any duty therein mentioned, and there is no such on y duty therein mentioned, and there is no such on y ment. order by what other person are the duty shafeer, beformed order by what other person or officer such duty shall be performed; and anything days performed; and anything done by such person or officer, the premises; or if it is under such order, shall be valid and legal in the premises; or if it is in any such Act order of the premises; or if it is in any such Act ordered that any document thing shall be transmitted to are that any court terring of thing shall be transmitted to any officer, court, the officer, court of such and there is in the District no such const court or torned division or place, and there is in the District no such of the Lieuter of Governor is a such and the such as t Governor in Council may order to any officer, court, the officer, place such the council may order to the the court of the Governor in Council may order to what officer, dispense place such transmission shall be made, or may with the transmission thereof

Want of form not to invalidate.

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69. Any copy of any law made by the Governor in Evidence of ouncil, or by the Governor, laws. Council, or by the Lieutenant Governor and his Council, laws. printed in the Canada Gazette, or by the Queen's Printer, or the printer to canada Gazette, or by the Queen's Winnipeg, the printer to the Government of Manitoba, at Winnipeg, shall be prime from from the Government of Manitoba at Winnipeg, shall be prima facie evidence of such law and of its being in force. 39 V., c. 21, s. 7, part.

70. Every Act of the Parliament of Canada, except in so Application of Acts of Parfar as otherwise provided in any such Act, and except in so liament to the same is the sam far as the same is by its terms applicable only to one or District. more of the Provinces of Canada, or in so far as any such Act is for any reason inapplicable to the District, shall, subject to the District, shall, subject to the provisions of this Act, apply and be in force

in the District. 39 V., c. 21, s. 11, part.

		, s. 11, pa	1.	
Proposed				
Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
36 V 38 V', c. 35 39 V., c. 21	8. 74. 05 and	ss. 2, 9, 10, 11, part, 12, 14 and		
	U VI hout	ss. 2, 9, 10, 11, part, 12, 14 and 15.		
48-49 V., C. 51	Parts of both sections part, and s. 12.	Remainder.	Parts of both sections.	Manitoba Act.
				Į

CHAPTER 51.

An Act respecting Public Lands.

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

	SHORT TITLE.
Short title.	SHORT TITLE. 1. This Act may be cited as "The Dominion Lands Act." 46 V., c. 17, s. 1, part.
	INTERPRETATION.
Interpreta- tion.	INTERPRETATION. 2. In this Act, unless the context otherwise requires in the context otherwise requires in the context of the
"Minister."	Interior: the object to the ob
''Surveyor General.''	(b) The expression "Surveyor General that the the of the Department of the Interior who bears that for the tion, or the chief clerk performing his duties for the being:
"Agent" or "Officer."	(c) The expression "agent" or "officer administration land or officer employed in connection with the administration land
" Local Agent." " Land Office."	the expression "local agent" means the ager to the ion lands employed as aforesaid, with respect "means" in question ; and the expression "land office"
"Dominion Land Survey- or."	(d) The expression "Dominion Land Scions of surveyor duly authorized, under the provisions of
"Crown Tim- ber agent."	(e) The expression "Crown Thirder and to perfect to local officer appointed to collect dues and to respect to other duties as are assigned to such officer, in respect to timber on Dominion lands;
" Clause." " Sub- clause."	 local other appointed to collect dues the in real other duties as are assigned to such officer, in real other duties as are assigned to such officer, in real other duties as are assigned to such officer, in real of this due, timber on Dominion lands; (f) The expression "clause" means a section of the number or of any Act herein cited, distinguished by a separate by a separate number or letter of any clause distinguished by a separate number or letter in smaller type; (g) The expression "Dominion Lands" means any lands low which this Act applies;
" Dominion Lands."	(g) The expression "Dominion Lands" mean which this Act applies;

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(b) The expression "pre-emption entry" means the enter-"Pre-emption g on the books of "pre-emption entry" means the enter-"Pre-emption ing on the expression "pre-emption entry" means the enter-"re-acquire by Durchassical agent of a preferential claim to entry." acquire by purchase, in connection with a homestead entry, and on becoming a product of the homestead, and on becoming entitled to a patent for the homestead, a quarter section of land a quarter section, or a part of a quarter section of land tion right" means the right of obtaining a patent for such means the right of obtaining a patent for such quarter section, or part of a quarter section, on the said Condition and on payment of the price fixed by the Governor in Council at the time of entry in the class of lands in which such at the time of entry in the class of lands in which such pre-emption is comprised, in respect of $\frac{48}{V}$ c 17, s. 1, part. land subject to pre-emption entry. 46 V., c. 17, s. 1, part.

APPLICATION OF ACT.

3. Except as provided by any other Act of the Parliament of Application included, this Act applies exclusively to the public lands of Act. 46 v included in Manitoba and the several territories of Canada.

4. None of the provisions of this Act shall apply to As to lands for the Indian title to obtain its not extinguished. Still under Indian title. territory the Indian title to which is not extinguished. Indian title.

5. The minister shall have the administration and man-Administra-ion and man-Administration and man-Administra-tion and man agement. agement of the Dominion lands, and such administration and man-Administra-Dena and management shall be off the practice of the How effected. and management shall be effected through a branch of the How effected. des: 17 Department shall be effected through a branch of the designated as "The Department, which shall be known and the interior, which shall be known and the office." 46 V., c. 17, designated as "The Dominion Lands Office." 46 V., c. 17,

6. The Governor in Council may appoint an officer who Governor in hat be styled "The Gouncil may appoint an officer who Governor in hat be styled "The Gouncil may appoint an officer who governor in appoint cershall be styled "The Council may appoint an officer who Governor in and an officer who shall be styled "The Commissioner of Dominion Lands," Council may appoint cer-tain officer who shall be styled "The Inspector of Domin-tain officer. and an officer who shall be styled "The Inspector of Dominion Lands," appoint cer-ion Lands Agencies "and be styled "The Inspector of Domin- tain officers." ion Lands Agencies," and such officers shall respectively this the powers not inconsistent with the provisions of have the Powers, not inconsistent with the provisions of Their powers confer the Derform the detire that are from time to time, and duties. this Act, and perform the duties that are, from time to time, and duties.

conferred upon and assigned to them by order of the Gov-

2. The Governor in Council may also establish a Dominion Puted questions arising out of the duties imposed upon the lished. Puted questions arising out of the duties imposed upon the lished. commissions arising out of the duties imposed upon the bound of Dominion lands and the inspector of with the lands are then matters connected in the inspector of the lands are then matters connected in the inspector of the lands are then matters connected in the lands are the lan Dominion lands agencies, and all other matters connected Manifold lands agencies, and all other matters connected Manifold lands agencies and all other matters connected Dominion lands system in with the administration of the Dominion lands system in Manitoba and the North West West Station of the Dominion lands system in and the North West West Station of the Dominion lands system in and the North West West Station of the Dominion lands system in and the North West West Station of the Dominion lands system in and the North West West Station of the Dominion lands system in and the North West West Station of the Dominion lands system in and the North West West Station of the Dominion lands system in and the North West Station of the Dominion lands system in and the North West Station of the Dominion lands system in and the North West Station of the Dominion lands system in and the North West Station of the Dominion lands system in and the North West Station of the Dominion lands system in and the North West Station of the Dominion lands system in and the North West Station of the Dominion lands system in and the North West Station of the Dominion lands system in and the North West Station of the Dominion lands system in and the North West Station of the Dominion lands system in and the North West Station of the Dominion lands system in a station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion lands system in the North West Station of the Dominion of the Dominion lands system in t Manitoba and the North-West Territories; and such Domin- Composition shall be board shall be considered of such persons, and and powers. ion lands and the North-West Territories; and such Domin- Composition shall have such powers and such persons, and and powers. With this such powers and arthority not inconsistent shall have such powers and authority, not inconsistent with this Act, and shall perform such duties as are, from

time to time, prescribed by the Governor in Council. V., c, 17, s. 2. nart

Employees of department not to purchase Dominion lands;

Or give information without permission of Minister.

7. No person employed in or under the Department of the Interior shall purchase the Interior shall purchase any Dominion lands except under authority of the Government of the Governm under authority of the Governor in Council, or shall locate military or bounty land warrant military or bounty land warrants, or land scrip, or person agent of any other person agent of any other person in such behalf; and no person so employed shall disclose to so employed shall disclose to any person, except his super rior officer, any discovery model is any person, except his any other rior officer, any discovery made by him or by any other information in his possession in a such benation, and the second mation in his possession in relation to Dominion lands, until such discovery or information has been reported to until such discovery or information has been reported to the Minister of the Interior the Minister of the Interior, and his permission for such disclosure has been obtained disclosure has been obtained. 46 V., c. 17, s. 2, part.

System of survey. Townships.

8. The Dominion lands shall be laid off in quadrilateral with shall be laid off in quadrilateral as nearly townships, each containing thirty-six sections of as nearly one mile square as the converse one mile square as the convergence of meridians permits, with such road allowances bet with such road allowances between sections, and of such width, as the Governor in Communications of the section 2. The sections shall be bounded and numbered as shown the following diagram :

Sections.

by the following diagram :---

			N	Γ.			1
w.	31	32	33	34	35	36	
	30	29	28	27	26	25	E.
	19	20	21	22	23	24	
	18	17	16	15	14	13	
	7	8	9	10	11	12	
	6	5	4	3	2	1	
<u> </u>							

46 V., c. 17, s. 4.

Lines bounding town-ships.

9. The lines bounding townships on the east and west des shall be meridians and the east and south les shall be meridians. sides shall be meridians; and those on the north and so the sides shall be chords to perclude of the de V., c. If s. 5.

10. The townships shall be numbered, in regular order, in the property from the internet. The townships shall be numbered, in regular or forty nints northerly from the international boundary, or forty or do in parallel of latitude, and shall lie in regular numbered numbered. Manitoba court numbered northerly from the international boundary, or forty-nim from principal parallel of latitude, and shall lie in ranges numbered meridian. Manitoba, east and west from the internation meridian in the Manitoba, east and west from a certain meridian sixty in the styled the " in the year one thousand eight hundred and sixty ins. or styled the "principal meridian" the year one thousand eight hundred and sixty nitre styled the "principal meridian," drawn northerly from or forty-ninth parallel of north latitude at a point ten miles, forty-ninth parallel of north latitude at a point ten miles, Chap. 51.

thereabouts, westerly from Pembina ; and in ranges num- From other with the meridians. bered from such other initial meridians throughout the meridians. North-West Torritorian initial meridians throughout the direction North-West Territories as the minister, in his direction of the land surveys, orders to be established :

2. Such meridians shall be styled the second, the third, Designation of meridians. the fourth meridians shall be styled the second, the third, humber westword and so on, according to their order in the westword and so on, according to the transformeridian. 46 V., c. number westward from the principal meridian. of meridians.

the base lines hereinafter mentioned; and the meridians lines. between lines hereinafter mentioned; and the menunity ward and souther shall be drawn across such bases, northward and southward, to the depth of two townships there-

from, that is to say, to the correction lines hereinafter men-

12. The said forty-ninth parallel, or International boun-Base lines of new shall be the fort in the the fort townships. dary, shall be the first base line, or International boun-Base lines of townships four and first base line shall be between townships four and first base line shall be between townships townships four and five; the third between townships twelve and eight and nine; the fourth between townships twelve and thirteen: the sail fourth between townships twelve and seventhirteen; the fifth between townships sixteen and seven-teen; and so on the tween townships sixteen and seventeen; the fifth between townships sixteen and seven 17, s. 8.

13. The correction lines, or those upon which the jog Correction lines. resulting from the convergence of meridians shall be allowed, shall be as follows, that is to say:--on the line setween townships to the state of the between townships two and three, on that between six and to n, on that between the set of the set o seven townships two and three, on that between six and to say, they will be then and eleven, and so on, that is to say, they will be those lines running east and west between townships and midway between the bases. 46 V.,

14. Each section shall be divided into quarter sections of Divisions of novice and sixter and sixter a subject to the a section. one hundred and shall be divided into quarter sections of Divisions provisions hereinafter made $\frac{46}{17}$ to $\frac{17}{17}$ s 10. provisions hereinafter made. 46 V., c. 17, s. 10.

15. In the survey of a township, the deficiency or Allowances for deficiency of a township, the deficiency or surplus. surplus, resulting from convergence of meridians, shall be for deficiency or surplus. boundary the range of guester sections adjoining the west allowed in the range of quarter sections adjoining the west in allowed to the torrect of the torrect of the south and south error boundary of the township, and the north and south error shall 1 on the correction lines from the north or south discing, and be allowed in the correction lines from the north or south shall be allowed in the ranges of quarter sections adjoining, but to some the correction lines from the north or source but to the ranges of quarter sections adjoining, and north or south respectively of the said correction lines; authors, auth but the Governor in Council may order such deficiency or Proviso. with the Governor in Council may order such deficiency to be equally distributed and south error, or either of them, to be equally distributed among all the quarter sections in-

Irregular quarter sections.

16. The dimensions and area of irregular quarter sections their nall, in all cases, be returned of irregular quarter at their shall, in all cases, be returned by the surveyor at their actual measurements and content to 17 s. 12.

Blocks of four townships to be first laid out.

17. Every given portion of country proposed to be laid at for settlement shall before it out for settlement shall, before it is sub-divided into townships ships and sections, be laid out it is sub-divided for townships ships and sections, be laid out into blocks of four townships each, by projecting the base each, by projecting the base and correction lines, and east and west meridian boundaries. 2. On such lines, at the time of the survey, all township, ction and quarter section come of the survey, and and such

-. On such lines, at the time of the survey, all townsuch section and quarter section corners shall be marked, and such corners shall govern. respectively corners shall govern, respectively, in the subsequent sub-division of the block. 46 V

Corners to be marked.

Posts and monuments at corners.

18. Except as hereinafter provided, only a single rownships osts or monuments, to indicate the section of townships posts or monuments, to indicate the corners of townships or sections, shall be placed on the corners thereof; such posts or or sections, shall be placed on any survey line the lines, he posts or monuments shall, on north and south lines, the placed in the west limit of the road allowances, and on east and west lines in the road allowances, allowances, the east and west limit of the road allowances, and on us, and in all cases shall fix and in all cases sha and in all cases shall fix and govern the position of the boundary corner between the adjust the position of t boundary corner between the adjoining townships, sections, or quarter sections, on the contract of the road allow or quarter sections, on the opposite side of the road allow ance:

As to corners on correction lines.

2. In the case of township, section and quarter section and respective shall, in all one section lines needs. corners on correction lines, posts or monuments shall, town cases, be planted and marked in a the town cases, be planted and marked independently for morth of for ships on either side; those for the ships on either side; those for the townships and those for line, in the north limit of the line, in the north limit of the road allowance, and the 46 V. the townships south of the limit. the townships south of the line, in the south limit. c. 17, s. 14 c. 17, s. 14.

Surveys to be given out by contract or tender.

19. The township sub-division surveys of Dominion nds, according to the suctor is surveys bed. shall be Dominion Dominion lands, according to the system above described, shall be performed under contract at per mile performed under contract at a certain rate per time, by the the trace for a certain rate per time, by the the trace for a certain rate per time, by the trace for a certain rate per time, by the trace for a certain rate per time, by the trace for a certain rate per time, by the trace for a certain rate per time, by the trace for a certain rate per time, by the trace for a certain rate per time, by the trace for a certain rate per time, by the trace for a certain rate per time, by the trace for a certain rate per time, by the trace for a certain rate per time, by the trace for a certain rate per trate per trace for a ce per mile, or per acre, fixed, from time to time, by the Governor in Council, from time to directs: 2. In special cases, where circumstances render hip or sable to effect otherwise the winshing to *it survey* of a to *w* the survey of a the same to be done. townships, the Governor in Council may order the same be done. 46 V., c. 17, s. 15

Exception.

Legal subdivision of townships.

20. To facilitate the description for letters patent of ss than a quarter section area ball be supposed be divided. -v. To facilitate the description for letters patented less than a quarter section, every section shall be supposed to be divided into quarter quarter constraints or forty at as and such to be divided into quarter section, every section shall be supposed and such quarter quarter sections, or forty ad as and such quarter quarter sections shall be numbered as

Chap. 51.

shown in the following diagram, which is intended to show such sub-divisions of a section, which shall be styled legal

		N	Γ.		
W.	13	14	15	16	
	12	11	10	9	E.
	5	6	7	8	
1	4	3	2	1	
S.					

2. The area of any legal sub-division as above set forth Areas to be shall, in letters patent, be held to be more or less, and more or less. shall, in letters patent, be held to be more or 1000, we given to such case, be represented by the exact quantity as given to such sub-division in the original survey. 46 V.,

21. Nothing in this Act shall be construed to prevent As to laying out and enal describing Rivers, surren-describing the lands upon the Red and Assiniboine Rivers, surren- describing lands in this Act shall be construed to prevent As to in the describing dered by the Indiana to the red and Assiniboine Rivers, surren- describing lands in certain section dered by the Indians to the late Earl of Selkirk, from being lands in cer-ont in such many in order to carry tain sections. laid out in such manner as is necessary in order to carry tain claims to lands in the Deriver of Manitoha." or to pretain claims to lands in the Province of Manitoba," or to prevent fractional sections or lands bordering on any river, or lake, or other water or lands bordering on any river, or lake, or other water course, or on a public road, from being danied divided into the province of any certain frontage or laid out and divided into lots of any certain frontage or the b, in such manner to lots of any certain frontage or desirable, or to prevent depth, in such manner as appears desirable, or to prevent wood division of southand a prevent and divisions into the sub-division of sections or other legal sub-divisions into said, lots as hereined. wood lots as hereinafter provided, or the describing of the sub ands upon the Rod and Assimibaine Rivers, or such said lands upon the Red and Assiniboine Rivers, or such about the fractional and and bordering as subdivisions of fractional sections or lands bordering as access or other lots of for patent, by numbers 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 seems arodient 40 V o 17. s. 17. by both, as seems expedient. 46 V., c. 17, s. 17.

DISPOSAL OF DOMINION LANDS.

Lands Reserved by the Hudson's Bay Company.

22. In every fifth township in the territory surrendered Certain sec-tions and don: Whe by the Hudson's Dir Company and described parts of sec-tions in certains in certains and the second second parts of to the Crown by the Hudson's Bay Company, and described parts of sec-township to the "fortile balt" that is to say: in those tions in cer-tain townand designated as the "fertile belt," that is to say: in those tions in cer-thirty it. numbered for the first to form twenty. twenty-five, ships to be Hudson's Bay townships humbered as the "fertile belt," that is to say: in those tions in certain town-thirty, thirty-five, forty forty forty forty and so on in regu-Hudson's I ar shown forty f thirty, thirty-five, forty, forty-five, fifty, and so on in regu- Hudson's Bay the whole on northerly from the International boundary, lands. in succession northerly from the International boundary, lands. the whole of sections numbers eight and twenty-six, and every of the other sections townships, the whole of the whole of sections townships, the whole of the section of th in each and sections numbers eight and twenty-six, and section and every of the other townships, the whole of sharts number eight and the conth half and north-west tection and every of the other townships, the whole states of section number eight, and the south half and north-west hereins of section number townships except in the cases

Quarter of section number twenty-six, except in the cases the land for the land the south half and designated as hereinafter of section number twenty-six, except in the case. the lands of the said for, shall be known and designated as

ships.

2. The company's one-twentieth of the lands in fraction of the lands other or other of the lands other Company's 2. The company's one-twentieth of the lands in the or lands in frac-tional townships shall be satisfied out of one or eight both as the company's one-twentieth of the lands in the or ships and both, as the case may be, of the sections numbers and and twenty-six as above in the sections numbers, and and twenty-six as above, in such fractional townships, and the allotment thereof shall be of the sections numbers even the arctional townships, and the allotment thereof shall be effected by the minister by the said company, or by some the said company, or by some person duly authorized by them respectively: 3. If, when the survey of a township is effected, the ctions so allotted, or any of the sections so allotted, or any of them, or any portion of them, are found to have been house for

Company may select lands in lieu of any found settled upon by authority.

are found to have been *bond fide* settled on under the **support** rity of any Order in Council, or of this Act, the among may, if it foregoes its right to the adverted upon as may, if it foregoes its right to the sections settled upon as aforesaid, or any one or more aforesaid, or any one or more of such sections, select and in lieu quantity of land equal to the quantity of land equal to that so settled on, and in lieu thereof, from any lands then 4. When the sections and parts of sections above settle from settl tioned, are situate in any township withdrawn from settle ment and sale, and held as tind ment and sale, and held as timber lands under no parts the time. sions hereinafter contained, the same shall form no part of the timber limit or limits include the shall be the the timber limit or limits included in such township, but shall be the property of the

5. One-twentieth of the revenue derived from timber nits granted in unsurveyed to the ferrie imits granted in unsurveyed territory within the townsally belt, as hereinafter provided, shall, so long as the annual paid and comprised in the same remain unsurveyed, but such the paid and accounted for to the paid and accounted for to the company; but such are twentieth shall cease or he dimension of the company constraints are twentieth shall cease or be diminished in proportion as are surveyed. townships comprised in such limits, or any of them, heir surveyed; and in such case the surveyed; and in such case the company shall receive in sections eight one-twentieth interest in the lands in such provided: sections eight and twenty-size and in such townships sections eight and twenty-six, as hereinbefore provided.

As to lands found denuded of timber.

6. If the said sections, or either of them; when survey the aforesaid, prove to have been all of timber by hall as aforesaid, prove to have been denuded of timber shall lessee, to the extent of one-ball autoresaid, prove to have been denuded of timber shall lessee, to the extent of one-half or more, the company uded not be bound to accept such cost not be bound to accept such section or sections so denuded of sections are sections as in and shall be entitled to select and shall be entitled to select a section or sections in a section of the township. equal extent, in lieu thereof, from any unoccupied lands in the township:

Title to lands to pass to company without patent in certain cases.

7. As townships are surveyed, and the respective surveyed the set aparts of townships are set aparts. As townships are surveyed, and the respective wnships thereof are confirmed, or as townships or parts of townships are set apart and reserved from Governor of the Governor of the company shall be duly notified thereof parts the minister, and thereupon the duly notified to parts the title in the thereupon the duly notified to parts the minister, and thereupon this Act shall operate real the simple in the sections the title in fee simple in the sections or three quarter of clause of sections to which the company is entitled under any in the company is in the company. clause, as aforesaid, and to vest the same in the company is entitled under by, without the issue of a patent for the laure and as regards mause, as aforesaid, and to vest the same in the comparis without the issue of a patent for such lands; and as regards

Company to have onetwentieth of revenue from timber limits in unsurveyed lands in fer-

tile belt.

Company's lands not to be included

in timber limits.

26. Military Bounty Land Scrip. hereafter given by County Land scrip has been earned, or Warrants in-stead of scription services, warrants is hereafter given by Canada, for military services, warrants stead of scrip

3. All moneys, from time to time, realized from the sale of Investment brown lands shall be interested to time, realized from the sale of Investment of purchase of Canada, to moneys, and the sale of school lands shall be invested in securities of Canada, to moneys, and after a school fund and the invested in securities of therefore, disposal of interest form a school fund, and the interest arising therefrom, disposal of ally to under the cost of the interest arising therefrom, disposal of interest arising the cost of the cos after deducting the cost of management, shall be paid annu- thereon. ally to the Government of the Province or Territory within big the such lands are to the province or the support of pubwhich such lands are situated, towards the support of pub-hot schools therein lic schools therein; and the moneys so paid shall be distri-or m for that purpose buttle Growment of such Province 46 V. buted for that purpose by the Government of such Province c 15 ritory in such as by the Government of such Province or Territory in such manner as it deems expedient. 46 V.,

time to time, remaining unpaid :

2. The terms of sale of school lands shall be at least one- Terms of the in cash at the time of school lands shall be at least one- Terms of the remainder in four payment. fifth in cash at the time of sale, and the remainder in four payment. dqual successive annual instalments, with interest at the rate of six per cent. per annual instalments, with interest at the instalment on the per annum, which shall be paid with each instalment on the balance of purchase money, from

ponding unoccupied lands in the township in which such

25. All sales of school lands shall be at public auction, Sale to be by public aucand an upset price shall be fixed, from time to time, by the tion, and up-but the time in Council that the time is the time in the time is the time. Governor in Council; but in no case shall such lands be set price. put up at an upset price less than the fair value of corres-

homestead entry shall be recognized in connection with the drawn from sale or home-said sections. or any shall be recognized in connection with the drawn from sale or home-stead entry. said sections, or any part of them. 46 ∇ ., c. 17, s. 19. 24. The school lands shall be administered by the minis- How to be ad-r under the direction of the directio ter under the school lands shall be administered by the minis- How to be a 17, s. 20, part.

23. Sections eleven and twenty-nine in every surveyed Sections 11 Wuship throughout the Dominion lands, are and 29 in ea township se township throughout the extent of the Dominion lands, are and 29 in each township set anart 20 or the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are and 29 in each township set anart in the extent of the Dominion lands, are anart 10 in each township set anart hereby set apart as an endowment for purposes of education, apart; and shall be designated school lands; and they are hereby withdrawn from the withdrawn from the operation of the clauses of this Act, which relate to the sale of Dominion lands and to homestead rights therein; and no right to purchase or to obtain And with-homestead entry shall a no right to purchase or to with the drawn from sale or how

the lands set apart by allotment, and those selected to sat- Issue of pa-isfy the one-two-till by allotment, and those selected to sat- Issue of pa-tents in other than the above, tents in other isfy the one-twentieth in townships other than the above, tents in other cases. as provided in sub-clauses two and three of this clause, returns thereof shall be made in due course by the local agent or agents that the made in due course by the local agent or agents, to the Dominion lands office, and patents shall issue for the shall issue for the same accordingly. 46 V., c. 17, s. 18.

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therefor shall be granted in favor of the persons entitled thereto, by the Minister of Militi thereto, by the Minister of Militia and Defence; and such warrants shall be recorded in favor of the persons of the warrants shall be recorded in the Department of the Interior: for military services. 2. Such warrants shall be received at the value shown on their face, in payment for upon their face, in payment for any Dominion lands open for sale; but no greater area in sale; but no greater area in any township than twenty per cent. of the land. exclusive of May be given per cent. of the land, exclusive of school and Hudson's Bay Company's lands, shall be come in payment for lands. Company's lands, shall be open for entry by military bounty warrants : Proviso. 3. When warrants are accepted as purchase money, by ficiency shall be pavable in and a purchase moven the deficiency shall be payable in cash; but if any payment the warrant or by amount in warrant or by amount in warrants, is in excess of be amount of the purchase more than the shall not be As to acceptamount of the purchase money, the excess shall not be returned by the Crown 46 V ance of warrants as purchase money. 27. Assignments of military bounty warrants, or of the put the preciancy of the same shall expectancy of the same, shall not be recognized; but the warrants shall, similarly to other the same be considered to be payable warrants shall, similarly to other land scrip, be all risk of payable to bearer: the warrants the management of the scrip of the second scrip of the sec payable to bearer; the warrantees shall be at all risk of their loss, and no warrant shall. 2. If any person entitled to a military bounty favor of favor favor the legal representative or reprthe legal representative or representatives of such deceased person. 46 V., c. 17. s 22And to pass to legal representatives. **28.** All free grants of land made under an order of the overnor in Council, dated that Governor in Council, dated the twenty-fifth day of April, we thousand eight hundred and a declared in thousand eight hundred and seventy-one, by which it was declared that the officers and seventy-one, by cost or Ontario, and the Grants under declared that the officers and soldiers of the first or Onterion and the second or Quebec batt Order in and the second or Quebec battalion of rifles, then stationed and Manitoba, whether in the second Council of Manitoba, whether in the service or in depot companies, and not dismissed therefrom should be a free grant, 25th April, 1871, con-firmed. not dismissed therefrom, should be entitled to a free bereby without actual residence of without actual residence, of one quarter section, are hereby confirmed, and the Ministor of one quarter section, before shall confirmed, and the Minister of Militia and Defence shall issue the necessary warrants the first state of the shall is a state of the shall is a state of the shall is a state of the state issue the necessary warrants therefor accordingly: 2. Every assignment of his interest by a person so entitled, ily made and attested, and have been by a person so entitled, area in the second have been applied by a person so entitled, and have been attested attested and have been attested atte duly made and attested, and having the certificate of private charge, in the case of non-contract the certificate of private soldiers att charge, in the case of non-commissioned officers of lands soldiers attached thereto, and filed to the Dominion was soldiers attached thereto, and filed in the Dominion trans for in each of the warrant when the held to the Assignments of grants office before the issue of the warrant, shall be held in the warrant. under such fer in each case the interest of the person so entitled in case, warrant when issued—which be the person so entitled in case, Order, attest-ed as herein warrant when issued—which latter, in every such file, and held for the distance of the person so entitled in case, shall be attached, after registry to the person so entitled in case, and held for the distance of the person so entitled in case, and held for the distance of the person so entitled in case, and held for the person so entitled in the person so mentioned, shall be attached, after registry, to the assignment or file, and held for delivery to the particular thereto, or for recognized. and held for delivery to the person entitled thereto, Re-drafted

Re-drafted.

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Sale of Dominion Lands.

29. Dominion lands, as the surveys thereof are duly As to sale of surveyed and confirmed at a survey the onvise hereinafter lands. Made and confirmed, shall, except as otherwise hereinafter lands. provided, be open for purchase, at such prices, and on such terms and conditions as are fixed, from time to time, by the

Governor in Council; but no purchase shall be permitted Proviso. at a less price than one dollar per acre:

² Except in special cases in which the Governor in Not more a section, or six hundred and forth a section shall exceed to one person. a section, or six hundred and forty acres :

3. Sales shall be restricted, when the Governor in Council May be restricted, when the Governor in council May be restricted deems it expedient, to the odd-numbered sections in each restricted.

4. Such unoccupied lands as the minister deems expe- Sale by drawn from time to time, may, when he so orders, be with- certain cases. drawn from ordinary sale and settlement, and sold at public for the bighest bi for the same.

⁵. Every legal sub-division or other portion of Dominion As to water user, which includes lands, which includes a water power, harbor or stone powers, &c. quarry, which includes a water power, harbor or stone disposed of in such means and from ordinary sale, and shall be different of in such means and terms and condisposed of in such manner, and on such terms and conditions, as are fixed by the Governor in Council, on the Report of the minister. 46 V., c. 17, s. 24.

30. Town Plots, &c. htry any tract or tracts of land more law the same out for town plots ato to the same out for two plots for two plots to the same out to the entry any tract or tracts of land, and may lay the same out for town plots, bld, eith or village lots and the lots so laid out shall be &c.; into town or village lots; and the lots so laid out shall be &c.; Annual for such price as the wide town or village lots; and the lots so laid out shall be hinister sees fit, or at public auction,—an upset price being

2. When the lands withdrawn from sale or homestead And arrange itry, to be laid out into the sale of homestead with any rail land, be laid out into the sale of th entry, to be laid out into town or village lots, are adjacent way company inister to which any reilectrony is entitled, the as to sale of such lands. to lands the lands withdrawn from sale or non-boliands to be laid out into town or village lots, are adjacent way company withdrawn any railway company is entitled, the as to sale of village as and such lands of the company in the town or withdrawn, and such lands of the company in the town or and a sare as read with the lands of the company in the town or the lands of the company in the town or and the sold on joint account Willage as are agreed upon, shall be sold on joint account and on such terms as a new provident and equitable; and the Mage as are and on such lands of the company in the town lands so withdrawn may be granted to the company or to and on such terms agreed upon, shall be sold on joint hads so withdrawn may be granted to the company or to bon for as the Commont and the company agree

Auds so withdrawn as appear just and equivalent of the person as the Government and the company agree 8. A deed from the grantee to the purchaser of any lands Conveyance withdrawn and sold shall give the latter a good and from grantee ⁸. A deed from the grantee to the purchaser of any lands Conveyance withdrawn and sold, shall give the latter a good and ^{from grantee.}

valid title, free from all charges, incumbrances and trusts not expressed in the deed of not expressed in the deed of conveyance executed by the grantee. 46 V., c. 17 s 25

31. The Governor in Council may set apart and approving the for the Council may set apart lands priate such Dominion lands as he deems expedient, public for other pub-lic purposes. Worship, burying grounds schered and some worship, burying grounds, schools, benevolent institutes and squares, and for other size: and squares, and for other similar public purposes, and ster he time before the issue of latter time before the issue of letters patent therefor, may and he revoke such appropriation revoke such appropriation, as he deems expedient; of the may make free grants for the may make free grants, for the purposes aforesaid, they are to be as ne deems expedied, of her lands so appropriated, the trusts and uses to which 40 are to be subject being expedience natent. are to be subject being expressed in the letters patent. V., c. 17, s. 26

Entry for homestead rights; area limited.

every male who has attained the sole head of a family, who makes application in the form A in the schedule to any Act, shall be entitled to obtain human antry for hich Act, shall be entitled to obtain homestead entry which quantity of land not exceeding quantity of land not exceeding one quarter section, which is of the class of land open word in the quarter section of this Act, is of the class of land open, under the provisions of this Act, to homestead entry:

Pre-emption entry therewith.

from execution.

To apply only to agricultural and surveyed lands.

2. Such person may also, in connection with such home ead entry, obtain at the same time of a later other pre-amount -. Such person may also, in connection with such date stead entry, obtain at the same time, but not at a later date a pre-emption entry for an odicity processing a state of the state of t a pre-emption entry for an adjoining unoccupied the said section, or part of a quarter continue to the said class: w pre-emption entry for an adjoining unoccupied the said section, or part of a quarter section, of land of the said class:

3. The entry for a homestead and for its attached pre-aption, if any, shall entitle the take, occupy id cultimeters. o. The entry for a homestead and for its attached occupy of emption, if any, shall entitle the recipient to take, occupy and cultivate the land entered for the hold possessions the same take. and pre-emption, if any, shall entitle the recipient to take, estimates emption entry. and cultivate the land entered for, and to hold possession the same to the exclusion of the parson or particles Exemption whomsees the same to the exclusion of any other persons for trespess whomsoever, and to bring and to bring and to bring and the same to the person of t whomsoever, and to bring and maintain actions for shall for main in the C committed on the said land; the title to the land thereion and the land main in the Crown until the issue of the patent in execution before the issue and the land shall not be liable to be taken in execution before the issue of the patent

4. The privilege of homestead and pre-emption person all only apply to surveyed and i lands; no per its all be entited 4. The privilege of homestead and pre-emption errors shall only apply to surveyed agricultural lands; no per its shall be entitled to such entry for land valuable for is timber, or for hay land, or for land on which there ing stone or marble timber, or for hay land, or for land on which there ing stone or marble quarry or for land on which there is now a stone or marble quarry or for land on which stone or marble quarry, or coal or other mineral value, or whomen is water in which have which may serve to drive machine is any which is not interest of the server to drive machine for land winners. which may serve to drive machinery, or for land which we have not be any or for land which any serve to drive machinery, or for land which and any have ant harbor between the server of an the server between th reason of its position, such as being the shore of anited it is in ant harbor, bridge site or canal site or being either it is actual or prospective. reason of its position, such as being the shore of aither in ant harbor, bridge site or canal site, or being it is actual or prospective railway terminus or station,

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4. The person so authorized shall, in order to obtain such Application in such application in such application in such application in the schedule to entries, make application in the form G in the schedule to such and show he represents, this Act, on behalf of each of those whom he represents, to the local agent according and shall make an affidavit before the local agent according circle form H I V to the form H, J, K or L, in the schedule to this Act, as the home stances of the or L and shall pay for each circumstances of the case require; and shall pay for each Fees. homestead entry, and for each pre-emption entry, the office fee of ten dollars hereinbefore prescribed for such entry:

them, before their arrival in the Province or Territory in which the land the state is situate : which the land they desire to occupy is situate :

8. In the case of intending immigrants or other persons As to immi-proposing to settle together in the land board, others intenproposing to settle together, the minister or the land board, others intend-there are a signed to the transformed to the settle together. on requisition signed by them, may authorize any person ing to settle them them to obtain botter. they name to obtain homestead and pre-emption entries for together. Which before their animal and pre-emption entries for together.

having like effect to that prescribed for homestead entry:

2. If a person who obtains homestead entry applies for Further fee on av to the same and obtains at the same time a pre-emption entry, he shall entry. shall the local agent a first a pre-emption entry, he shall entry. pay to the local agent a further office fee of ten dollars, and shall receive therefor from him a receipt in like form, and having like effect to the form him a receipt in like form, and

34. Every person applying for homestead entry shall Affidavit to be prear and make off deploying for homestead entry shall Affidavit to be plicant for to the form B, C, D or E, in the schedule to this Act, as the homestead circumstances of the case require; and upon filing such entry. affidavit with the local agent, and on payment to him of an office fee of ten dollars, such person shall receive a receipt Fee. from the local agent according to the form F in the schedule to this Act; and such receipt shall be a certificate of the shall be active to the second shall entry and shall be authority to the person obtaining it to take possession of the land described in it:

2. No homestead entry shall be granted to any other As to home-strain in respect of early shall be granted to any other As to home-the months after thereafter. person in respect of such land until three months after thereafter. notice in writing has been given by the local agent to such wrafide settler that include given by the local agent to such bond fide settler that such land is open for settlement.

33. Whenever the survey of any township has been As to rights of any confirmed and have settled finally confirmed and such township opened for homestead have settled entry, any person and such township opened for homestead have settled entry, any person who has bonû fide settled and made im- on lands be-provements before who has bonû fide settled and made im- on lands beprovements before such confirmed survey on land in such fore survey. township, shall have a prior right to obtain homestead entry for the land so settled on, if such right is exercised within three month. within three months after the land is open for settlement, and if such land is after the land is open for the right to and if such land has not been reserved or the right to homestead entry is not excepted under the provisions of

the public interest to withhold from such entry. 46 V., c. 17, s. 27

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As to entry by occupants of contiguous lands.

5. Persons who occupy land owned by them may obtain omestead entry, or homester owned by them entry, as homestead entry, or homestead and pre-emption entry, as the case may be, for any court the case may be, for any contiguous lands open for such entry; but the whole optimized and some shall not entry; but the whole extent of land so entered shall not exceed one quarter section and so entered shall not exceed one quarter section under homestead entry, or two quarter sections under homestead entry, or two quarter sections under homestead entry, or or and quarter sections under homestead and pre-emption entry, as the case may be

First settler entitled to entry, unless contrary to public interest.

Provision in case contending parties have made valuable improvements.

6. Every person who applies for such entry for contigu-is land shall, when making the such entry for contiguous land shall, when making the affidavit prescribed for homestead entry also described owner of con-homestead entry, also describe therein the tract he owns tiguous land. and lives upon: and his posid and lives upon; and his residence upon and cultivation of the whole shall, thereafter back is the term. the whole shall, thereafter, be of the kind and for the term required by the provisions of the kind and for the ordirequired by the provisions of this Act in the case of ordinary homestead entry, before he is a start to patent nary homestead entry, before he shall be entitled to patent for the part so entered for the shall be entitled to react out out of the shall be entitled to patent Proviso, as to for the part so entered for; but such residence and cultivar residence, &c. tion may be upon and of sit residence, &c. tion may be upon and of either the land originally occur pied by him, or that for pied by him, or that for which homestead entry has been obtained, or both. 46 V46 V., c. 17, s. 29 ;-47 V., c. 25, s. 1.

35. If a dispute arises between persons claiming entry for the local agent. right to homestead entry for the same land, the local agent, or any person thereto anthereto ant persons claim- or any person thereto authorized by the minister, shall the same land, make investigation and obtain and obtain and the same land. the same land, make investigation and obtain evidence respecting the facts; and his report thereon togeth and his report thereon, together with the evidence taken, shall be referred to the mining the the port thereon to the mining to the port t shall be referred to the minister for decision, or to the Do minion lands board. or Commit minion lands board, or Commissioner of Dominion Lands, or such person as is appointed by the commission of Dominion Council to such person as is appointed by the Governor in Council to

2. When two or more persons have settled upon and seek obtain homestead entry for the settled upon and who to obtain homestead entry for the same land, the one who settled first thereon shall be control on the ontrol of the settled first thereon shall be entitled to such entry, if it is not land is of the class open to be land is of the class open to homestead entry, and if it is not in the opinion of the minister and in the in the opinion of the minister otherwise inexpedient, in the public interest, to entertain and in the public interest. public interest, to entertain any application therefor:

3. When contending applicants have made valuable in ovements on the land in dimension may, if the provements on the land in dispute, the minister may, if the application to acquire the land had been the minister may are enterapplication to acquire the land by homestead entry is enter tained by him, order a division to acquire the land by homestead entry is enter tained by him, order a division thereof in such manner as shall preserve to each of the as shall preserve to each of the parties to the dispute, as at as practicable, his improvement as practicable, his improvements; and the minister may, at his discretion, direct that the diff his discretion, direct that the difference between the extent of the land so allotted to coach of the land so allotted to each of them and a quarter set it tion shall be made up from tion shall be made up from unoccupied land adjoining, 46 there is any such of the class there is any such of the class open to homestead entry. V., c. 17, s. 30

Delay for perfecting entry limited.

36. Every person who has obtained homestead entry hall be allowed a period of size date within the date within shall be allowed a period of six months from its date within which to perfect the entry because the own person, which to perfect the entry, by taking, in his own person,

3. Every ad for person who proves that he has resided on the Or residing 12 om the which he has been that he has resided on the Or residing 12 of the which he has been that he has resided on the Or residing 12 of the bas been that he has resided on the Or residing 12 h_{and}^{3} . Every person who proves that he has resided on the Or residing from the has homestead entry for twelve months months and performing the has to be performing big entry therefor, and that other duties before the entry therefor, and that other duties before the entry therefor. from the date of his perfecting his entry therefor, and that other duties before the entry for twelve months performing the has brought under cultivation at least thirty acres of three years he has brought under cultivation at least thirty acres of three years.

patent for patent shall, for the purpose of the issue of the sub-clause if and cultivation are going sub-clause, if such residence and cultivation are otherwise in conformity with the provisions of this Act:

2. In the case of a settler who obtains homestead entry Case of settler obtaining entry before e for land occupied by him previous to survey thereof, in the entry before vation hereinbefore monthly previous to survey thereof, in the entry before the entry hanner hereinbefore mentioned, residence upon and culti- survey. valuer hereinbefore mentioned, residence upon and curve application for netont about the purpose of the issue of application of the land for the three years next preceding we held equivalent to that prescribed in the fore-

minion lands, or the land board; but the patent therefor Must be a sub-Majorate to any post a subject of Her Majesty. shall not issue to any person who is not a subject of Her Majesty. Majesty by birth or naturalization :

38. At the expiration of three years from the date of his When and on east ing his homostand of three years from the date of his what conditions a settler or in case of his tions a settler or in case of his tions a settler. perfecting his homestead entry, the settler, or in case of his what condi-faction his legal representation, to the satis- may obtain bis patent. death, his legal representatives, upon proving, to the satis-have of the local agent that he or they or some of them his patent. faction of the local agent, that he or they, or some of them his patent. have resided upon and cultivated the land during the said land of three works at the said to a patent for the term of three years, shall be entitled to a patent for the min, if such proof is a state the Commissioner of Doland, if such proof is accepted by the Commissioner of Do-shall ands or the local based, but the patent therefor

hot as to the cultivation of each separate quarter section entered as a homestead. 41 V., c. 17, s. 32.

37. If a number of homestead settlers, embracing Case of immigrants form-twenty for the settlers in the settlers is the settler in the settlers in the settlers in the settlers is the settlers in the settlers in the settlers is the settlers in the settlers in the settlers in the settlers is the settlers in the sett at least in a number of homestead settlers, embracing Case of mana convenience in the costality, with a view to greater ing a hamlet and the costality is been been and churches, or village. convenience in the establishment of schools and churches, or village. and to the attainment of social advantages of like character, ask to be allowed to settle together in a hamlet pense with the foregoing requirements as to residence, but pense with the foregoing requirements as to residence, but

8. Provided further, that in the case of immigrants from Proviso; in sewhere than the North A in the case of immigrants the Governor grants from grants from or to be the grant of the gra ³. Provided further, that in the case of immigrants from Proviso; in elsewhere than the North American continent, the Governor case of immi-to twelve may extend the time for the perfecting of entry places out of 8. 31. Months from the date thereof. 46 V., c. 17, N. America.

2. Provided, that every person who obtains entry on or Proviso; as to ter the first of Senten L Proviso; and whose term for after 1st Sepafter the first of September in any year, and whose term for after 1st Sep-following the same are in any year, and whose term for after 1st Sepperfecting the same expires before the first day of June tember. following, shall be allowed an extension of time to the latter date within which to perfect his entry:

bossession of the land and beginning continuous residence thereon and cultivation thereof; and if the entry is not perfected within that period, it shall be void, and the land shall be open to entry by another person, or to other disposition under this Act by the minister:

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thereof, may, before the expiration of the three years defined in sub-clause one of the day defined in sub-clause one of this clause, obtain a patent by paying the Government price paying the Government price at the time for the land:

4. Proof of residence, erection of a habitable house and ltivation, required by this cultivation, required by this clause, shall be made by the evi-claimant by affidavit, and shall be claimant by affidavit, and shall be corroborated by the evidence on oath of two disinter dence on oath of two disinterested witnesses, relates, and the vicinity of the land to which it is related by the tin the vicinity of the land to which their evidence relates, mis-shall be subject to accentance shall be subject to acceptance as sufficient by the Commis-sioner of Dominion lands on the description of the contract of the sioner of Dominion lands or the land board; and such the davit shall be sworn, and could be and such the before by davit shall be sworn, and such evidence given, before by local agent or some other parate local agent or some other person named for that purpose by the minister:

5. If, in connection with the homestead entry, the settler is heretofore obtained or has a set of the settler in the settler i has heretofore obtained, or hereafter obtains, a pre-emptine entry, in accordance with 11

entry, in accordance with the provisions of this homestead shall, on becoming entitled to Right of setshall, on becoming entitled to a patent for his homestead, be also entitled to a patent for his homestead in such tler who has also obtained be also entitled to a patent for his homesteed in such pre-emption entry, on payment and included in according pre-emption pre-emption entry, on payment of the price fixed, in according ance with the provisions of the price fixed, in according entry and pays ance with the provisions of this Act, by the Governor and Council; but such pre-emption with the processed mes the price.

Proviso.

Other conditions on which a patent may be obtained.

House.

Residence.

Breaking land.

The same.

Council; but such pre-emption right, if not exercised mes payment made within six mouth of the cattler becomes payment made within six months after the settler becomes entitled to claim a patent mod entitled to claim a patent under his homestead entry, shall be forfeited, and such present the settler become to be be forfeited, and such pre-emption shall not thereafter is open to homestead entry with a state the minister. open to homestead entry without the consent of the minister person claiming a patent under a homestead entitled under a homestead and pre-emption entry, shall be entitled (a) That he has erected upon his homestead a habitable ouse, and has bonû fide receid. It's homestead a less for house, and has bonâ fide resided therein for not less for three months next prior to the prior t

three months next prior to the date of his application for his patent; (b) That for the period between the time within which, v clause thirty-six of this Act the time within a performed to the time of time of the time of ti

(v) that for the period between the time within which by clause *thirty-six* of this Act, it is provided that a perty, who has obtained a homester who has obtained a homestead entry shall perfect his dence and the commencement of his and the commencement of his said three months, resident within a radius upon his homestead, he has been bond fide resident within a radius of two miles from his a radius of two miles from his homestead quarter section; (c) That within the first year after the date of his than ead entry he broke and prosted of his not less ten acres of his homestead arrest

(d) That within the second year he cropped the said ten res and broke and prepared to the second year he cropped than fifteen res in addition the said term acres and broke and prepared for crop not less than acres; acres in addition, making not acres in addition, making not less than twenty-five

Proof of residence and cultivation in such case.

42. Every assignment or transfer of homestead or pre-Assignments before patent to be void. emption right, or any part thereof, and every agreement to be void. assign or transfer any part thereof, and every agreement or transfer any homestead or pre-emption right, or made or entered any part transfer any homestead or pre-emption right, -into before the issue of the patent obtained, made or entered and the person so assigning of transferring, or making an and the person so assigning or transferring, or making an Forfeiture. agreement to assign or transferring, or making and pre-emption right and pre-emption right, and shall not be permitted to make home the estead onter is a person whose another homestead entry: Provided, that a person whose Proviso: in menal or homestead entry: Provided, that a person whose Proviso: in menal the person whose Proviso: in the person whose Proviso: in menal the person whose Proviso: in the person whose Proviso: in menal the person whose Proviso: in the person whose Proviso: in menal the person whose Proviso: in the person whose Proviso: in menal the person whose Proviso: in the person whose Proviso: in menal the person whose Proviso: in the person whose Proviso: in menal the person whose Proviso: in the person whose Proviso: in menal the person whose Proviso: in the person whose Proviso: in menal the person whose Proviso: in the person whose Proviso: in the person whose Proviso: in menal the person whose Proviso: in menal the person whose Proviso: in the person whose P homestead or homestead and pre-emption have been recom-the school agent a cortificate to the terminet in the form M in local agent. from such agent a vertificate to that effect, in the form M in local agent. of D_{one} the schedule to this Act to that effect, in the form M in local agent. the schedule to this Act, countersigned by the Commissioner of Dominion lands of Dominion lands, may legally dispose of and convey,

thereof to a person other than the person whose entry is $\frac{46}{3}$ V $\frac{1}{2}$ V $\frac{1}{2}$

41. Every homestead, the entry of which has been can- Sale of may, in the distribution of which has been can- sale of which entry of which has been can- sale of the sale of t celled, may, in the discretion of the minister, be held for homestead of imp. sale of the land with the improvements, if any—or of the is cancelled. thereof to approve and the improvements, if any—or or the thereof to approve whose entry is

40. In cases of illness, vouched for by sufficient evidence. In case of in the cases of illness, vouched for by sufficient evidence. In case of sickness the cases of interview. or in the cases of illness, vouched for by sufficient evidence. In case of native land to bring their families to their homesteads, or tended. in other special cases, the minister may, in his discretion, grant an evtonsion of the minister may, in his discretion, grant an extension of time during which such settler may be absent from his homestead, without prejudice to his right therein; but the time so granted shall not be reckoned as residence. 46 V., c. 17, s. 34, part.

39. If it is proved to the satisfaction of the minister that Forfeiture of settler has not the satisfaction of the minister that Forfeiture of right by non-residence. a settler has not resided upon and cultivated his home-residence. and, except as horeized upon and cultivated his home-residence. stead, except as herein provided for, at least six months in any one year, the right to the land shall be forfeited, and the entry therefore ight to the land shall be forfeited. the entry therefor shall be cancelled; and the settler so forfeiting his entry shall not be eligible to obtain another entry except in the second state of the discretion of the entry except in special cases, in the discretion of the minister. 46 V., c. 17, s. 34, part.

from his residence for more than six months in any one $\frac{25}{25} \approx 2$ and 3. Year. 46 V., c. 17, s. 33; -47 V., c. 25, ss. 2 and 3.

And the residence described in this sub-clause shall be Residence exand the residence described in this sub-clause shall be resumed from his residence for the applicant has not been absent plained.

(e) That within the third year after the date of his home- The same. stead entry he cropped the said twenty-five acres and broke and prepared for crop not less than fifteen acres of addition, making in all not less than twenty-five acres of homostoria all not less than twenty-five acres of addition the said homestead cropped, and fifteen acres in addition broken and prepared for crop, within three years of the date of perfecting his homestead entry;

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46 V., c. 17,

assign or transfer his right and title therein. s. 36.

43. Any person who has obtained a homestead patent ter three years' residence. after three years' residence, or a certificate countersigned by the Commissioner of Dominier description of the preobtain another the Commissioner of Dominion lands, as in the next that ceding clause mentioned entry. Condition on ceding clause mentioned, with the additional statement that there has been three veare' with the additional statement another there has been three years' residence, may obtain another homestead and pre-emption and and an area. homestead and pre-emption entry. 46 V., c. 17, s. 37. 44. If any person thereunto authorized by the minister aces immigrants as settlered in Maniplaces immigrants as settlers on homestead lands in the total or the North-West Torrit toba or the North-West Territories, free of expense to the Crown, the Governor in Council Council may Crown, the Governor in Council may order that the expenses or any part thereof, incurred order adcertain pur-poses, to be a or any part thereof, incurred by such person, for the passage lien upon their homesteads. If the contract of the immigrant, in bringing his to his homestead, or for aid in creating buildings on his to his homestead, or for aid in erecting buildings on his homestead, or in providing horses, cattle, farm implements or seed grain for him. may if or seed grain for him, may, if so agreed upon by the parties, be made a charge upon the boxest of upon by immigrant; be made a charge upon the homestead of such immigrant, and in such case the claim for such and on behalf and in such case the claim for expense incurred on behalf of such immigrant, as above to the incurred on the state of such immigrant, as above to the state of th of such immigrant, as above, together with interest thereon, shall be satisfied before a potential of the patent shall be satisfied before a patent or certificate for patent shall issue for the land, subject to the certificate provisions: shall issue for the land, subject to the following provisions: (a) That the sum or sums charged for the passage money of a subsistence of such immirrow of the passage fand subsistence of such immigrant shall not be in excess of the actual cost of the same as a subsistence of the same as a subsistenc the actual cost of the same, as proved to the satisfaction of the minister; (b) That an acknowledgment by such immigrant, of the local bb so incurred, has been filed in the local filed in the local interview. debt so incurred, has been filed in the office of the local agent; (c) That the charge against such homestead for principal oneys advanced shall not in amount moneys advanced shall not, in any case, exceed in amount the sum of five hundred dollars (d) That no greater rate of interest than six per $\frac{\text{cent. per}}{46}$ V., c. num shall be charged on the last than $\frac{1}{20}$ annum shall be charged on the debt so incurred. **45.** If an immigrant to whom an advance has been made, in the next preceding elements by whom an 17, s. 38, part. as in the next preceding clause provided, and by whom of for whom a homestead entry and pro-emption his right to the for whom a homestead entry, or homestead and pre-empties homestead. have been obtained to the for whom a homestead entry or entries entries, have been obtained, forfeits such entry under the provisions of this Act, the minister may, in discretion, treat the person by whom such advance atty under the provisions of this Act, the minister may, in was His right may discretion, treat the person by whom such advance entry party making made as if he was the person

Governor in

Conditions.

Charge for passage.

Acknowledgment.

> Charge limited.

Rate of interest.

party making made as if he was the person by whom such advance ntry or entries, or his legal represented to had obtained such entries of the or entries, or his legal representative, and as if no forfeiting so of the entry had taken place and the place and of the entry had taken place up to the time of his being so treated; and if, under like air treated; and if, under like circumstances, the immigrant

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by or for whom a homestead entry, or homestead and preemption entries, have been obtained, has acquired a right to provision receive a patent find the provision the subject of such when right has receive a patent for the land forming the subject of such when right to receive a patent for the land forming the subject of such when right to patent has and does not been acquired. entry or entries, after three years' residence, and does not been acquired. apply for the issue of the same, the person or persons by whom the advance was made may obtain such patent, or certificate for the same may obtain such patent, or certificate for patent, in the name of the person so entitled to obtain the second the person so entitled to obtain the same, or of his legal representatives, and thereupon the same, or of his legal representatives, and the such homestoric made shall be a statutory mortgage on

Such homestead. 46 V., c. 17, s. 38, part.

Discontinuance of Pre-emptions.

46. The privilege of pre-emption, in connection with a Pre-emption homestead entry, shall be discontinued from and after the to be discon-dread day of January in the discontinued from and after the to be discon-dread day of January in the discontinued from and after the used after the discontinued from and after the to be discon-dread day of January in the discontinued from and after the to be discon-dread day of January in the discontinued from and after the to be discon-dread day of January in the discontinued from and after the discon-dread day of January in the discontinued from and after the discon-dread day of January in the discontinued from and after the discon-dread day of January in the discontinued from and after the discontinued from a discont first day of January, in the year one thousand eight hun-1st January, and eighty-seven. 47 V., c. 25, s. 4.

Mining and Mining Lands.

47. Lands containing coal or other minerals, whether in Mineral and inveyed or upon and coal or other minerals, whether in Mineral and be disposed surveyed or unsurveyed territory, shall not be subject to the coal lands to be disposed of this Act the territory is compared to the coal lands to be disposed of the territory is the territory to the territory territory. provisions of this Act respecting sale or homestead entry, under Order and shall be disposed for the shall be disposed for but shall be disposed of in such manner and on such terms in Council. and conditions as are, from time to time, fixed by the Governor in Council, by regulations made in that behalf. 46 V., c. 17, s. 42

48. No grant from the Crown of lands in freehold or for Gold or silver mines not to pass by grant from the Crown of lands in freehold or to pass by grant all the conveyed or to pass by grant any less estate, shall be deemed to have conveyed or to pass by grant are any the gold or ciller to have conveyed or to pass by grant them.

convey the gold or silver mines therein, unless the same of land con-are expressly converted or silver mines therein, unless the same of land con-taining them are expressly conveyed in such grant. 46 V., c. 17, s. 43. 49. Every discoverer of minerals upon surveyed or unsur-Rights of discoverer of minerals upon surveyed or unsur-Rights of discoverer of minerals who had applied of mineral taining them.

veyed lands, or his assigns and associates, who had applied of minerals. for a grant of such lands before the passing of the Act passed the forty-thical and before the passing of the Act passed Moiosty's reign, chapter in the forty-third year of Her Majesty's reign, chapter Act had not been proceed 46 W = 17 s 44. Act had not been passed. 46 V., c. 17, s. 44.

50. Grazing Lands. **Stant** leases of unoccupied Dominion lands for grazing pur-rent is any person for mathematic vers and at such ing lands. poses of unoccupied Dominion lands for grazing pur-lease of grazing tent, in each case, as is deemed expedient; and every such Condition for cancellation for contain a condition by which the Governor in of lease. lease shall contain a condition by which the Governor in of lease. Council may authorize the minister, at any time during the time of the lease the minister, at any time during the term of the lease, to give the lessee notice of cancella-of and at the order of the service 46 V. tion thereof, and at the end of two years from the service c. 15 notice, such losses in the lesses and determine. 46 V., of such notice, such lease shall cease and determine. 46 V.,

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Hay Lands.

Lease of hay lands.

Proviso.

In case of sale or settlement.

51. A settler in the vicinity of unoccupied hay quar ay obtain a lease for an arrive of unoccupied hay quar may obtain a lease for an area thereof not exceeding a such ter quarter section or forter ter quarter section, or forty acres, for such term and at such rent as the minister deeme rent as the minister deems expedient; but such lease shall not operate to prevent. Bt any time it torm, the sale not operate to prevent, at any time during its term, sale or or settlement of the land or settlement of the land; and in the case of such sale or settlement, the lessee shall be settlement, the lessee shall be paid by the purchaser or set tler for fencing, or other tler for fencing, or other improvement made, such sum as the local agent determines. the local agent determines; and the lessee shall be allowed to remove any hav be bee set

Deputy Governor for signing patents.

52. A Deputy Governor may be appointed by the got of nor General, who shall have the absence of ernor General, who shall have the power, in the absence of or under instructions of the G or under instructions of the Governor General, to such letters patent of Dominion land letters patent of Dominion lands; and the signature force Deputy Governor to such patent Deputy Governor to such patents shall have the same force and virtue as if such patents and virtue as if such patents were signed by the Governor General. 46 V., c. 17. s 70

Department of Interior.

To be signed by Governor General or Deputy.

Limitation of time for claim.

53. Every patent for land shall be prepared in the minister art of the Interior and all the prepared in minister and all the prepared in the the prepar The search and the search and the search in the search in the search in the search in partment of the Interior, and shall be signed by the minister or the deputy of the Minister or by some of Interior. or the deputy of the Minister of the Interior, or by some other person thereunto specially in Course of the Specially and the Specially in Course of the Specially and the Specially and the Special of t other person thereunto specially authorized by the dy an in Council, and when so signed by the other person there are a signed by the so signed by the signed by the so signed by the signed by the so signed by the so signed by the so signed by the solution of the solutio in Council, and when so signed shall be registered by the Registrar officer specially appointed for the formation of the special state officer specially appointed for that purpose by the Registrate de State he General, and then transmitted to the Secretary of State, as Same shall. Canada, by whom, or by the Under Secretary of State, and then transmitted to the Secretary of State, and same shall be countersigned. same shall be countersigned, and the Great Seal of Canada thereto caused to be affired. thereto caused to be affixed: Provided, that every patent for land shall be signed by the C land shall be signed by the Governor General or 70, part. Governor, as hereinbefore provided of Top 17 s. 70, part. 46 V., c. 17, s. 70, part.

51. Whenever, through error in survey or in the books of a Dominion lands of case of defici-ency of quan. or plans of a Dominion lands office, any grant of land is in patent. in value, at the time such land more a free grant, to the ascertained to the time such land more around or sold, not in value, at the time such land was granted or sold, to more a scertained deficiency : or here the such land was granted or sold to the sole of so much as a scertained deficiency : or here the sole of so much as a scertained deficiency : or here the sole of so much as a scertained deficiency : or here the sole of so much as a scertained deficiency : or here the sole of so much as a scertained deficiency : or here the sole of so much as a scertained deficiency : or here the sole of so much as a scertained deficiency : or here the sole of ascertained deficiency; or he may order the purchase at the of so much land as is deficient of so much land as is deficient, with interest thereon of the purchase rate of six per centum normalized as the time of the purchase time of time of the purchase time of time of the purchase time of the purchase time of tim rate of six per centum per annum, from the time but no purchase thereof, to be paid host to the purchaser; bind purchase thereof, to be paid back to the purchaser; be claim respecting any such difference of the purchaser is the purchaser claim respecting any such deficiency shall be entered the date of the patent and within for unless it is made within five years from the date of of patent, and unless the definition patent, and unless the deficiency is equal to one-tentained the whole quantity described in the start of being contained in the lot or a the whole quantity described in the patent as being contained in the lot or parcel of land growthed to N7 o 17. s. 71. **55.** Whenever a patent has been issued to, or in mis-une of, a wrong person. or contained to prical error, mis-

m error may 55. Whenever a patent has been issued to, or in mis-be cancelled. name of, a wrong person, or contains any clerical error, mis-

properly revert to the Crown, or is wrongfully in possession of such person, shall grant an order upon the settler or

58. When any settler, purchaser or other person refuses Remedy in feiture of the same under the possession of any land after for- to deliver up possession of any land after for- to deliver up of forfeited of forfeited of forfeited of forfeited of the same under the possession of this Act, or whenfeiture of the same under the provisions of this Act, or when-possession land any person is when the provisions of this Act, or when based and of forfeited and any person is when the provisions of this Act, or when based and based any person is when the provisions of this Act, or when based and ever any person is wrongfully in possession of Dominion land, or to va-same and refuses to wood the provisions of this Act, or when-the provisions of this Act, or when-of forfeited of forfeited to possession of Dominion land, or to va-the provision of the cate land wrongfully and and refuses to vacate or abandon possession of the cate land of competent inrister may apply to a judge of any court held. of competent jurisdiction in cases respecting real pro perty in the province or Territory in which the land is have, for an order in the formation of a writ of ejectment or of situate, for an order in the form of a writ of ejectment or of to L: facias messes in the form of a writ of ejectment or of habere for an order in the form of a writ of ejectment or of to his satisfaction that such has and the said judge, upon proof sheriff to give pronent. to his satisfaction that such land was so forfeited and should possession.

judge such patent, lease or other instrument to be void; and upon the registry of such decree or adjudgment in the Avoidance on of the Registry of such decree or adjudgment, lease registry of decree. office of the registry of such decree or adjudgment in the Avouance or other instrument shall a such patent, lease registry of decree. or other instrument shall be void. 46 V., c. 17, s. 74.

tion in cases respecting real property in the Province or Territory where each is the property in the province of the province Territory where such lands are situate, may, upon action, bill or plaint respecting such lands, and upon hearing the lands, and upon hearing the parties interested, or upon default of the said parties after such hotice of proceeding as the said court orders, decree or ad-

entertained unless it is preferred within one year after the time for claim. discovery of the error. 46 V., c. 17, s. 73. 57. Whenever patents, leases or other instruments Provision in specting lands, patents, leases or other instruments provision in error case of patents. respecting lands have issued through fraud, or in error case of patents fion in cases respective re

56. In all cases in which, through error, grants or letters Remedy in the transmission of the second seco Patent have issued for the same land, inconsistent with case of grants and in all cases in which, through error, grants or letters Remedy in each other, and in all the same land, inconsistent with case of grants or patents each other, and in all cases of sales or appropriations of the inconsistent same land, inconsistent with or patents the minister may with each other. same land, inconsistent with each other, the minister may with each other. order a new grant, to the person thereby deprived, of land of value equal to that of the original grant, at the time the same was grant of the original grant, at the time the same was granted, or may, in case of sale, cause repayment to be made of the original grant, at the time to be made of the original grant and the time to be made of the original grant and the time to be made of the original grant and the time to be made of the original grant and the time to be made of the original grant and the time to be made of the original grant and the time to be made of the original grant and the time to be made of the original grant and the time to be made of the original grant and the original grant and the time to be made of the original grant and the original grant to be made of the purchase money, with interest; or when the land has purchase money, with interest; or has been the land has passed from the original purchaser, or has been improved here at the original purchaser, or when the improved before the discovery of the error, or when the discovery of the error, and assign original grant was a free grant, the minister may assign bominion lands as to biometer of scrip for the purchase of Dominion lands as to him seems just and equitable under the circumstances; but no claim under this clause shall be Limitation of dia real and an and a second secon

nomer or wrong or defective description of the land thereby intended to be such patent an intended to be granted, or there is in such patent an omission of the granted, or there is in such particulations of the grant, the minister may, there being no additions of the grant, the defective patent to there being no adverse claim, direct the defective patent to be cancelled and a correct one to be issued in its stead— which correct and a correct one to be issued in its stead which corrected a correct one to be issued in its succes one so cancellad patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such and have the same effect as if issued at the the same effect a date of such cancelled patent. 46 V., c. 17, s. 72.

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person in possession to deliver up the same to the minister, or to the person by him and and and the posses or to the person by him authorized to receive such posses sion; and such order shall be the same to the write sion; and such order shall have the same force as a write habere facias possessionem and the same force is a same in the habere facias possessionem, and the sheriff shall execute in same in like manner as be well same in like manner as he would execute the said writ in an action of ejectment or a patit an action of ejectment or a petitory action. 46 V., c. 17, s. 75.

59. The minister shall cause to be kept, in the Depart of the Interior, books form

Assignments of Dominion lands to be registered.

Condition of registration.

ment of the Interior, books for registering, at the Depuind the persons interested, assignment the persons interested, assignments of any rights to Dominion lands which are assignable model of any rights to noof to dis lands which are assignable under this Act, upon proof to his satisfaction that such assignments satisfaction that such assignments or registered shall be enly against any other assignment against any other assignment unregistered or subsequently registered; but any assignment unregistered or subsequently registered; but any assignment to be registered shall be unconditional, and all conditions on which the the depends shall be performed depends shall be performed, or dispensed with by 17, minister, before the assignment **60.** On any application for a patent by the legal repre-ntative of a person who died with the patent, as s. 76.

sentative of a person who died entitled to such patent, as minister may receive proof of the sector of manner he minister may receive proof of the facts in such manner the he sees fit to require: and he sees fit to require; and upon being satisfied that and claim has been justly established. claim has been justly established, may allow the same 77. cause a patent to be issued according to 17, 5.

TOWNSHIP PLANS AND PATENT LISTS. 61. The minister shall transmit to the registrar of every and registration dist. county and registration district or division in Manitoba and the North-West Territoria and the North-West Territories, as early as possible in such year, a certified copy of the such year, a certified copy of the map of each township in next county, district or division county, district or division, surveyed in the year such preceding, together with a contract of the lands in such preceding, together with a certified list of the lands in such county, district or division V = 0county, district or division, patented during such year. V., c. 17, s. 78.

Authority to issue scrip.

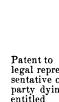
62. The Governor in Council may, if he deems pedient so to do, satisfy and the deems in the deems of Domin by expedient so to do, satisfy any claim to a grant of Dominion lands, respecting which no a grant to make in law by lands, respecting which no provision is otherwise made in law, by an issue of scrip rod law, by an issue of scrip redeemable only by its receipt in payment for such land 46 W

TIMBER AND TIMBER LANDS.

63. The minister may direct that in the sub-division of wnships, which consist norther is and partly of mber land. Sumister may set apart land for wood lots. The minister may direct that in the sub-division of for wood lots. townships, which consist partly of prairie and partly of timber land, the timber lands shall be divided into

legal representative of party dying entitled thereto.

Minister to transmit certain information to registrars.



lots of not more than twenty and not less than ten acres each, in such manner as to afford, as far as practicable, one wood lot Such wood lot to each quarter section prairie farm :

which does not exceed in extent twenty-five acres, such ing wood on the shall here in the state of the state timber land shall be appurtenant to such quarter section them.

and shall be appurtenant to shall not be divided into wood lots:

3. Out of any wood lots set apart under the first sub-Assignment of this clause the set apart under the first sub-Assignment of this clause the set apart under the first sub-Assignment of the set apart under the set apart under the first sub-Assignment of the set apart under the set ap clause of any wood lots set apart under the first sub-Assignment apportion a wood lot he local agent shall, on application, each homeapportion a wood lot to each settler on a homestead quarter stead. section a wood lot to each settler on a homesteau quant and such wood lot in more than ten acres of woodland; and such wood lot shall be paid for by the applicant at the Price to be then for wood lot shall be paid for by the applicant at the price to be then the minister, and paid by set price for wood lot shall be paid for by the applicant at the Price to be shall be entered in the books of the local agent and be stead by him, in his roturns are price to such homegiven by him, in his returns, as appertaining to such homestead quarter section; and on the homestead claimant fulfiling all the requirements of this Act in that behalf, but hot otherwise, a patent shall issue to him for such wood lot lot otherwise, a patent shall issue to him for such woou was apportioned in connection with a homestead, under in certain connection with a homestead, under in certain Was apportioned always, that any person to whom a wood lot Proviso: the provisions of sub-almost on with a homestead, under in certain Domestead, of sub-almost of the cases. the provisions of sub-clause five of clause forty-six of "The cases. Dominion Lands Act of 1872," having duly fulfilled the Conditions Lands Act of 1872," having duly fullined in the said for such wood lot as a free grant, as provided in the said sub-clause. notwith the sub-clause of the said subsuch wood lot as a free grant, as provided in the such lange, notwithstanding the repeal of the said subclause, notwithstanding the repeal of the salu sur-Provided further thirty-seventh Victoria, chapter nineteen: Provided further, that the cancellation of a homestead Proviso: if word, shall carry with it the cancellation of a homestead entry is can-

entry shall carry with it the cancellation of a homestead Proviso: n wood lot apportioned the cancellation of the entry of the homestead purchase the forfeiture of the celled. wood lot apportioned thereto, and also the forfeiture of the celled. purchase money of such wood lot :

4. Any holder of a homestead entry who, previously to As to sale of one of the patent collection the issue of the patent, sells any of the timber on either his mills, &c., homestead or pre-emption continue or on the ap-before patent. bomestead of the patent, sells any of the timber on either his mills, &c., purtenant wood lot to some sells or to any other Purtenant or pre-emption quarter section, or on the ar-than settlers for their without having than settlers for their own private use, without having is minuted to be a settler of the settlers for the settler of the sett previously obtained permission so to do from the minister, for a trespass and the prospected therefor beis Suilty obtained permission so to do from the minister, fore a justice of the permission so to do from therefor be-shall justice of the permission conviction thereof, fore a justice of the peace; and, upon conviction thereof, Punishment dollare liable to a popular net arcording one hundred for so doing. thall be liable to a penalty not exceeding one hundred for so doing. dollars or to imprisonment for a term not exceeding six ion of to both populate and imprisonment, in the discrenonths, or to imprisonment for a term not exceeding single of the court. and for the penalty and imprisonment, in the discretion of the both penalty and imprisonment, in the discussion homestead and pre-emption rights and the timber so sold

homestead and pre-emption rights, and the timber so sold aball be subject to seizure and confiscation in the manner hereinafter provided. 46 V., c. 17, s. 45.

4. In the Timber Berths. ^{Ression} "timber" seven clauses next following, the ex- "Timber" **5.** V. o The means all model products thereof. In the Timber Berths.
Y, c. 17, s. 46.
Wood and all products thereof.

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Timber districts.

65. The Governor in Council may, from time to time, eclare districts of territory to 1 may, from time to time, and no declare districts of territory to be timber districts, and no lease of a timber berth shall b lease of a timber berth shall be granted except within tim-ber districts so set apart 46 W 66. The minister may set apart any tract of land in any nber district, and may course it timber district, and may cause the same to be divided each, timber berths not exceeding in and the same to be divided each, timber berths not exceeding in and the same to be miles each.

timber berths not exceeding in area fifty square miles each, and the same shall be reserved of a settlement in

and the same shall be reserved from sale and settlement and, under such regulations of

and, under such regulations as are made by the Governor dues Council respecting the ground

Council respecting the ground rents, royalties or other the which shall be paid in connections as a remain leases of the

which shall be paid in connection therewith, leases here right to cut timber on such h

right to cut timber on such berths may be granted as here inafter provided. 46 V c 17

67. The Governor in Council may, from time to time, der that leases of the right to make the certain which

Division of such districts into timber berths by Minister.

Regulations respecting grant of such berths.

order that leases of the right to cut timber on certain blic ber berths defined in the card ber berths defined in the order shall be offered at warded auction at an upset bonns for a shall be offered at warded Sale of leases] of such berths; conditions thereof.

Lease to sole applicant.

auction at an upset bonus fixed in the order, and awarded to the person bidding, in each to the person bidding, in each case, the highest bonus to be paid in the order, and award there is a subfor, such bonus to be paid in cash at the time of sale: 2. The Governor in Council may also authorize the resent to any person the right to cut timber on the right to any person be the resonance in Council may also authorize the person of the right to cut timber on any timber berth to any person who is the sole applicant for who is the sole applicant for such lease the bonus authorized by such applicant to be f paid by such applicant for such lease—the bonus to is the lease to him, and to be main the order authorisits issue the lease to him, and to be paid in cash at the time of its issue: 3. When one or more persons apply for the right in may mber upon the same benth. the Council mats ithorize the more than 5. When one or more persons apply for the right in the same berth, the Governor in Council may for a berth. authorize the minister to invite the large from the apple ash or the public authorize the minister to invite tenders from the applicants or the public; and the person the applicant highest 17.

and perton the Governor in $\frac{Councile}{2}$ and \frac

Duration of leases; and as to renewal.

No renewal in certain Cases.

Form and effect of lease.

68. Leases of timber berths shall be for a term not pot eding one year, and the location of the berth shall be held to d Leases of timber berths shall be for a term not for ceeding one year, and the lessee of a timber berth shall bis be held to have any claim what are a renewal arin, lease unloss be held to have any claim whatever to a renewal in Council anth lease unless such renewal is provided for in the conditions of Science authorizing it or an in the conditions of the con case unless such renewal is provided for in the Order of Council authorizing it, or embodied in the conditions ob sale or tender, as the case many high which it was tained: sale or tender, as the case may be, under which it was tained :

2. No lease shall be renewed in any case in which the ssee has failed to pay any case in covalty or other tes in course 4. No lease shall be renewed in any case in which there is a stall be renewed in any case in which there is a stall to pay any ground rent, royalty or othere in connection there with the transformed at the stall be the stall b

69. The lease shall describe the lands upon which rees the lesses all •••• The lease shall describe the lands upon which rest timber may be cut, and shall, during its continual the in the lessee all rights of provide the lands upon upon the timber. wood in the lessee all rights of property whatsoever in all the timber, wood or other product of cut within the lessee all rights of property whatsoever in all the timber. in the lessee all rights of property whatsoever within the timber, wood or other products of wood, cut within

(e) To prevent any unnecessary waste of timber in the Preventing voides of cutting the waste. (c) To prevent any unnecessary waste of timber in the Prevent avoided, the destruction of growing trees which have not timber. Yet attained a size fitting them to be used for merchantable

or products of wood, in whatsoever form the same are sold period, and the amount of by him during such month or other Period, and the amount received by him therefor;

(d) To make, monthly, or at such other intervals of time Returns to be made at stated of the required of the r as they are required of him, by regulations made under this periods. Act or by the minister, returns sworn to by him or by his agent or employee cognizant of the facts, declaring the quantities taken from the berth, and those sold, of all timber or products of model.

(c) To keep correct books of account of his business, and Accounts to submit the same to be kept. to submit the same for the inspection of any authorized agent of the minister, whenever required;

five per cent. on his sales of the products of the berth, as

(b) To pay in advance, in addition to the bonus, an Payment of ground route and ground rent and ground rent and ground rent and ground rent. annual ground rent of five dollars for each square mile; and and royalty. further, to pay in cash, at each time of his making the return prescribed in sub-clause (d) of this clause, a royalty of the per cent on his making and the berth, as

(a) To erect, in connection with the berth leased, and to Erection of $\frac{1}{100}$ operation with the berth lease, a saw-mills, & have in operation within a time prescribed in the lease, a saw-mills, &c. the mill or mills of the time twenty-four hours a saw mill or mills, of capacity to cut in twenty-four hours a fact by of capacity to cut in twenty-four hours a details of the same two and a-half thousand feet, board measure, for every two and a-half square miles of the area leased, or to establish such other wanufactory of wood goods as the minister accepts as equi-

70. The lease shall, in addition to such other provisions Further conas are in the Order in Council granting it, or in the condi-brance of sale or tor in Council granting it, contain tions of sale or tender under which it was obtained, contain provisions binding the lessee,-

limits of the leasehold, whether such trees, timber and wood or products are cut by his authority or by any person without his consent; and such lease shall entitle the lessee to Rights of lessee in replaci; and such lease shall entitle the lessee to timber, and seize in replevin, revendication or otherwise, as his pro-lessee to the time, revendication or otherwise, as his property, such timber where the same is found in the posses- enforcement ion of any protection of any protection thereof. sion of any unauthorized person, and also to bring any action thereof. or suit against any person unlawfully in possession of any such timber such timber, and to prosecute all persons cutting timber in trespass upon the prosecute all persons cutting timber, and bespass upon his lease, to conviction and punishment, and to recover damages, if any; and all proceedings pending at the expiration of any; and all proceedings pending at the expiration of any such lease may be continued and completed as it is used to the expired. 46 V., c. 17, completed as if the lease had not expired. 46 V., c. 17,

As to cases of error in

survey, &c.

(f) To exercise strict and constant supervision to prevent e origin and spread of fine f and f for f and f and f for f and f and f for f and f for f and f and f for f and f for f and f and f for f and f and f and f for f and f and f and f and f and f for f and f an the origin and spread of fire. 46 V., c. 17, s. 52.

71. If, in consequence of any incorrectness in survey of her error or cause whatseered other error or cause whatsoever, a lease is found to any prise lands included in another t prise lands included in another lease of prior date, or any lands sold, granted, leased or lawfully set apart for void other purpose under this Act the later lease shall be out other purpose under this Act, the later lease shall be grant in so far as it interferes with an in so far as it interferes with any previous lease, sale, grant or setting apart. 46 V c 17

Retroactive effect of this clause.

Forfeiture of lease for violation of conditions.

Proviso.

Lien of the Crown for dues, and enforcement thereof.

72. Every lease of a timber berth shall be subject to the groving the the Crown to deal right of the Crown to deal, in accordance with the protect is by the sions of this Act and the received of the second of the sec as to coal and sions of this Act and the regulations made under it by the minerals; Governor in Council Governor in Council, with any and all coal and and minerals found within the limit minerals found within the limits of the berth leased; pro the Crown shall have the right the Crown shall have the right, in dealing, as above designed with any coal or other minerals in lands leased and timber limits, to authorize the second sec timber limits, to authorize the persons to whom such and or other minerals are granted or other minerals are granted, to take possession of and occupy such extent of the land occupy such extent of the land so leased as is necessary work such coal or other minutes of the land so leased as is necessary of the solution of the land so leased as is necessary of the solution of the land so leased as is necessary of the solution of the land so leased as is necessary of the solution of the land so leased as is necessary of the solution of the land so leased as is necessary of the solution of the solution of the land so leased as is necessary of the solution of the land so leased as is necessary of the solution of th And for roads work such coal or other minerals, and to open necessary in the less through any such time. norm such coal or other minerals, and to open necessarily on the berth the value of any and the paying carily on making such the berth the value of any and all timber necessarily on the pro-making such roads or in more than the promaking such roads or in working the mines; and the pro-visions of this clause shall or to say the visions of this clause shall operate retrospectively: heretor to say, they shall apply to all to say, they shall apply to all leases of timber berths has i fore granted under any Act fore granted under any Act respecting Dominion lands, see they had been contained in such that they have be they had been contained in such Act when it was passed. 46 V., c. 17, s. 54.

73. Every lease shall be subject to forfeiture for or or of any one of the condition tion of any one of the conditions to which it is subject and without for any fraudulent return; and in such case the minister motion without any action. suit on the without any action, suit or other proceeding and make a the compensation to the lessee, cancel the same and make other lease or disposition of the limit density of the same and make any und: lease or disposition of the limit described therein to any time during the there is a cancel the same and make a person, at any time during the same and there is a cancel the same and there is a cancel the same and there is a cancel the same and the sa person, at any time during the term of the lease so canceling but the minister may. if he are also be to the lease so canceling but the minister may, if he sees fit, refrain from cancelling such lease for non-payment of the lease so cancelling ment of the lease for non-payment of the leas such lease for non-payment of dues, and may enforce payment of such dues in the method of the second dues and may enforce 46 V of 17ment of such dues in the manner by this Act provided. 46 V., c. 17, s. 55.

74. All ground rents, royalties or other dues on timber at within the limits of any time, or other dues are arest • • All ground rents, royalties or other dues on are not cut within the limits of any timber berth, which are interest paid at the time when they have been hall bear in the paid at the time when they become due, shall be and shall be at the rate of six per cent per at the time when they become due, shall be at the rate of six per cent. per annum until paid, and in case a lien on any timber cut within a lien on any timber cut within such limits; and in case the such non-payment—whether is such non-payment—whether, in consequence the Crown timber accurate to the part of the sector of the berth has or bes wet. buch non-payment—whether, in consequence the Crown lease of the berth has or has not been cancelled may, cut timber agent or other person and the sanction of timber agent or other person authorized thereto may, cut the sanction of the minister rait the sanction of the minister, seize so much of the timber of

bonds or promissory notes for any money due to the Crown, without affect-any dress disconction for double the amount of ing lien. as aforesaid, or in his discretion, for double the amount of ing lien. any dues, penalties and costs incurred or to be incurred, and which it is under solutions incurred or to be incurred, and way, dues, penalties and costs incurred or to be incurred, and which the same would be louisble, but the taking of such which the same would be leviable; but the taking of such enforce notes shall not affect the right of the Crown to honds or notes shall not affect the right of the Crown to lien and the debt shall be a vertice payment of and the debt shall be a the low any timber ant of the context of the best of t Juorce payment of such money, and the debt shall be a bond. So by his anthonize if the sums for which such a for the sums for which such the sum the s the lessee or by his authority, if the sums for which such honds or notes are given are not paid when due. 46 V., c. bonds or by his authority, if the sums for which suc-17, s. 59.

76. If the payment of the Crown dues on any timber has Enforcement of $f_{K_{DAL}}$ and by any location by the removal in case of in case of incase of the context of the context of the case of th been evaded by any lessee or other person, by the removal in case of canada. of such timber or products out of Canada, or otherwise, the removal of Canada. amount of dues so evaded and any expenses incurred by of Canada. the Crown in enforcing payment of the said dues under this Act, may be added and any expenses incurred and the Act, may be added and any expenses incurred any expenses incurred and any expenses incurred and any expenses incurred any expenses incured any expenses incured any exp this Act, may be added to the dues remaining to be collected on any other timber of the borth by the lessee on any other timber cut on any timber berth by the lessee by his authority, and may be levied and collected or dn such time time to the question any timber berth by the too-dn any timber berth by the toosecured on such timber, together with such last-mentioned \cdot or the amount dues, in the manner hereinbefore provided; or the amount be to the Crown of which in the set evaded, may due to the manner hereinbefore provided; or the amount be recovered hy action which payment has been evaded, may or him to action which payment has been evaded, may be recovered by action or suit in the name of the minister c. 1. agent, in any construction of the minister or his agent, in any court of competent jurisdiction. 46 V.,

75. All timber cut under lease shall be liable for the pay- Timber liable the said timber. Or any port of it is found whether it is or the said timber, or any part of it, is found, whether it is or the said timber of the converted into door any other manufacthe of wood. and the boards or any other manufacthre of wood; and all officers or agents employed in the collection of such dues may follow all such timber and may due and detain the such dues may follow all such timber and may seize and detain the same wherever it is found, until the dues thereon are paid or secured, as provided in the next Preceding clause. 46 V., c. 17, s. 57.

on such berth as will, in his opinion, be sufficient to secure Seizure and the payment of such rent or royalty, and all interest and sale of timber. expenses of such rent or royalty, and all interest security for the and sale, and may detain the same as security for the payment thereof; and if payment is not made within three months after such seizure, he may, with the sanction of the months after such seizure, he may, with the sanction of the minister, sell such timber by public auction, and stored minister, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon and expenses aforesaid, he shall pay over the balance if the timber was in his the balance, if any, to the lessee, if the timber was in his possession at the time of seizure, or if it was not, to the it, on who had Person who had possession thereof at that time. 46 V., c.

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78. The Governor in Council may, from time to slopes r the preservation of forest the P for the preservation of forest trees on the crests and slopes of the Rocky Mountains and treet on the crests maintenance of the Rocky Mountains, and for the proper maintenance throughout the year of the volume of uniter in the rivers throughout the year of the volume of water in mountains, and streams which have the and streams which have their sources in such mountains and traverse the North-West and traverse the North-West Territories, reserve from set lease or license, such portions of the land in the Rocky Territories, on, adjacent to and in the Rocky Territories, on, adjacent to, or in the vicinity of reserve, and Mountains, as to him it appears expedient so to reserves, and may define the limits or hand in the reserves, and Mountains, as to him it appears expedient so to reserves, and Forest parks. may define the limits or boundaries of such reserves, park, may set aside and appropriate to be a for a forest paint may denne the limits or boundaries of such reserves; park, may set aside and appropriate such lands for a forest parks, of forest parks, as he door

or forest parks, as he deems expedient, and may appropriate such lands for a forest parks: officers for the preservation of such reserves and forest parks.

2. Statements showing such reserves and appropriations, it has necessary many objective partiance in the second second partiance in the second . Statements showing such reserves and appropriation with the necessary maps, shall be laid before Parliament within fifteen days after the second error of the second with the necessary maps, shall be laid before the session within fifteen days after the commencement of the session next after such reserves or approximately have been made: next after such reserves or appropriations have been made: 3. Even

3. Every one who wilfully cuts down, breaks, down, ots up, removes or destructions down, he cut roots up, removes or destroys, or causes to be cut y tree, broken, barked, rooted up broken, barked, rooted up, removed or destroyed or destroyed or destroyed or destroyed or destroyed or destroyed, and more any such any su sapling, shrub, underwood or timber, growing in an offence, any such reserve or forest park shall for every such and not incur a penalt any such reserve or forest park, shall, for every such and incertainty not exceeding the dollars and dollars. incur a penalty not exceeding one hundred dollars which the second reserve or forest park, shall, for every such and not exceeding one hundred dollars which the second read of the seco less than ten dollars, which shall be recoverable, me istrate costs, in a summary manner, before a stipendiary institute in the process two justices the peace, under the "Act respecting summary proceeding before Justices of the Party" before Justices of the Peace;" and in default of prosecution, the offender payment of such penalty, and of the costs of prosecution the offender may be imprised of the costs of prosecution. rayment of such penalty, and in default of prosecuting the offender may be imprisoned for any term not exceeding three months. 47 V., c. 25.5 Liability of Persons Cutting Timber without authority.

Additional penalty for removal out of reach of officers.

79. If any person, without authority, cuts, or employs ay iduces any other person to out on the cut in cutting ries mber of any difference in the cut of any din the cut of any difference i • 3. If any person, without authority, cuts, or employed induces any other person to cut, or assist in cuting timber of any kind on Dominica lands or removes around away, or employed on Dominion induces any other person, without authority, cuts, or emit and cuting removes of any kind on Dominion lands, or removes person to away, or employs or induces any other person to cut, or assist any other person to remove away, or employs or induces any other person to cut any other person to cut any cut any other person to cut any cut any other person to cut any cut an amper of any kind on Dominion lands, or removes person to away, or employs or induces or assists any other person he shall not access remove or carry away any timber of any kind so claim for shall not acquire any right to such timber or any same and remuneration for cutting the remuneration for cutting the same preparing market or conveying the same to the same of market of the same to the same of the remuneration for cutting the same, preparing market is the market or conveying the same to or towards neach of the when the timber has been removed out of the repossible Crown timber officers, or it is otherwise found impossible seize it, he show when the timber has been removed out of the reach of us Crown timber officers, or it is otherwise found impossible disbursement seize it, he shall, in addition to the loss of his labor diag for each tree with a penalty not or coording three dol to Scize it, he shall, in addition to the loss of his labor diars disbursements, incur a penalty not exceeding three do to have cut or each tree which, or any port of which he is proved have cut or each tree which any port of which he is proved to assoursements, incur a penalty not exceeding is proved to for each tree which, or any part of which, he is proved have cut or carried away. or essisted to cut or carry have cut or carried away, or assisted to cut or carry

Preservation of forest trees and maintenance of rainfall.

Returns to Parliament.

Penalty for destroying trees.

Summary proceedings.



S2. Whenever any Crown timber agent or other officer In absence of satisfactory in the minimum of the minimum text agent of text agent of the minimum text agent of text a or agent of the minister is in doubt as to whether any explanation is not has or has not it is in doubt as to whether any seized as cur timber of the minister is in doubt as to whether any explanation is not liable to Crown timber agent of the there a liable to Crown been cut without authority, or is or timber may be seized as cut the whole or any part without authority. is hot liable to Crown dues on the whole or any part without sion of the may increase of the persons in posses- authority. thereof, he may inquire of the person or persons in posses- authority. sion or in charge of such timber, as to when and where the was of such timber, as to when and where the same was cut; and if no satisfactory explanation, on sein or otherwise oath or otherwise, as he requires, is given to him, he may weize and detain such timber until proof is made to the satisfaction of the minister or of such Crown timber agent and er, that such in the minister of the without authority, or officer, that such timber or of such Crown timber age-of a not liable sittle or in part, to Crown dues and is not liable, either in whole or in part, to Crown dues day, kind: and is not in the international internatio of any kind; and if such proof is not made within thirty Recovery of times such source by the dealt with as days after such if such proof is not made within thirty dues. have cut without out of timber may be dealt with as timber such seizure, such timber may be dealt with an have not been paid authority, or on which the Crown dues case. Not been paid authority to the circumstances of the imbefore have not been paid, according to the circumstances of the many have a been been been been be recovered as hereinbefore case; and the dues thereon may be recovered as hereinbefore

to render it impossible or very difficult to distinguish the timber it impossible or very difficult to distinguish whole so cut without authority from the other timber, the whole shall be held to have been cut without authority and that be liable to action have been cut without authority and shall be held to have been cut without autnomy the holder separate and forfeiture accordingly, unless the holder separates, to the satisfaction of the Crown timber Vent, the timber end to the satisfaction of the Crown timber 46 **agent**, the timber cut without authority from the other.

S1. If the timber reported or known to have been cut Provision if the timber reported or known to have been mixed been without authority, has been made up with other timber deen mixed nin a crib, dram or not been made up with other timber has, at any with other timber, timber timber has, at any with other timber has a crib, dram or not been made up with other has a crib, dram or not been made up with other has a crib, dram or not been made up with other has a crib, dram or not been made up with other has a crib, dram or not been made up with other has a crib, dram into a crib, dram or raft, or in any other manner has, at any with other timber. mill or elsewhere, been so mixed up with other timber as timber.

80. Whenever any Crown timber officer or agent receives Seizure of timber on the affidavit made before timber on davit befor satisfactory information, supported by affidavit made before davit before of the Postice of the a justice of the peace, or before any other competent officer a J. P. or person, that any timber has been cut without authority on Dominion, that any timber has been cut without autors of agent, from other constraints or if any Crown timber officer or his own knowagent from other sources of information, or his own know-ledge, is aware 'the base been cut without ledge, is aware ' that any timber has been cut without authority on any such lands, he may seize or cause to be seized, in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until the matter is decided by com-Petent authority. 46 V., c. 17, s. 61, part.

employed under the authority of this Act, shall be sufficient proof thereof proof thereof, unless the defendant proves the contrary. 46 V, c. 17, s. 60

and such sum shall be recoverable, with costs, at the suit and in the name of the Crown, in any court having juris-diction in civil and the Crown, in any court having jurisdiction in civil matters to the amount of the penalty: and Burden of the cases the barters to the amount of the penalty: and Burden of the cases the barters to the amount of the penalty to cut and take in all cases the burden of proof of authority to cut and take manual the timber shall use of proof of authority to cut and take the timber shall lie on the person charged; and the aver-ment of the sector of the se ment of the person seizing or prosecuting, that he is duly

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Release of timber on security being given.

83. If any timber, or any product thereof, is seized under e provisions of this Act but of the seized under the provisions of this Act by any Crown timber agent of officer, he may allow such timber officer, he may allow such timber or product thereof to be removed and disposed of on the product security, removed and disposed of, on receiving sufficient security, by bond or otherwise to big sufficient full value by bond or otherwise to his satisfaction, for the full the the thereof or, in his discretion thereof or, in his discretion, for payment of double amount of all dues, penalties and amount of all dues, penalties and costs incurred or imposed thereon, as the case may be to the to the second secon 84. All timber seized under this Act on behalf of the coundemned, cown, as being forfeited shall a shall be coundemned.

Crown, as being forfeited, shall be deemed to be condemned, unless the owner thereof or the unless the owner thereof or the person from whom it was seized, within one month from the person from whom it was

seized, within one month from the day of the seizure, gent notice to the seizing officer of the day of the seizure, gent

notice to the seizing officer or to the Crown timber that or officer under whose authorited

opinion of the judge before whom such case is tried (who may for that cause dismiss the

may for that cause dismiss the suit on the expiration instituted. three months from the date on which it was instituted anything to the contrary be which it was notwith anything to the contrary hereinbefore enacted not after standing), the timber may hereinbefore enacted may, and thist.

Timber seized to be deemed condemned and forfeited in default of owner claiming within one month.

Confiscation and sale in case of default to contest seizure.

&c.

Sale in default of payment.

Burden of proof to lie on the claimant.

2. The minister may, if he sees cause for so doing, instead confiscating timber cut with instead of con- of confiscating timber cut without authority on Dominin certain cases, and impose a penalty which lands, impose a penalty which, in addition to all costs of curred, shall be levied on such in addition to all costs of curred, shall be levied on such timber; and, in default of payment of the whole on down timber; and, er a notice or, payment of the whole on demand, he may, after a notice of fifteen days, sell such timber by her and may after a notice of in his diagonal sell such timber by her her and may after a notice of a sell such timber by her her and may after a sell such timber by her her and may after a sell such timber by her her and may after a sell such timber by her her and may after a sell such timber by her and may afte fifteen days, sell such timber by public auction, and sale, at in his discretion, retain the main the sale at the in his discretion, retain the whole proceeds of such sale, 64, the amount of the penalty and the proceeds of 7 c. 17, s. 64. the amount of the penalty and costs only. 46 V., c. 17, s. of

85. Whenever any timber is seized for non-payment of own dues, or for any cause of the seized for non-payment prosections in is instituted. Crown dues, or for any cause of forfeiture, or any prosection tion is instituted for any proved tion is instituted for any penalty or forfeiture, dues have Act, and any question arises is in the solution of the solution of the solution arises are the solution arises and the solution arises are the solution are the solution are the solution arises are the solution are the solu Act, and any question arises whether the said timber wid been paid on such timber, or whether the said timber was cut on other than any pent of the burds aforesaid the burd cut on other than any part of the Dominion lands aforesaid the burden of proving payment the burden of proving payment, or of proving on what land the said timber was cut shall be the said timber was cut, shall lie on the owner or claimant of such timber, and not on the owner or the same of such timber, and not on the officer who seizes 46 V, c. 17, or the person instituting 86. Any officer or person seizing timber in the discharge s. 65. of his duty under this Act may, in the name of the Crown,

Officer seizing may call in assistance.

or officer under whose authority the seizure was made, he intends to contest the seizure was mithin fitteen he intends to contest the seizure; and if, within fifteen days thereafter, the claiment h days thereafter, the claimant has not instituted proceedings before a court of competent instituted proceedings before a court of competent jurisdiction to contest the seizure or if the decision of the court is the seizure of the or if the decision of the court is against him, or if the claimant fails duly to prosecut claimant fails duly to prosecute such proceedings, in the opinion of the judge before when the proceedings is tried (who

standing), the timber may be confiscated and may, and thirty days' notice posted up at the same thirty days' notice posted up at the place where for the banefit is confiscated, be sold, by order of the minister, for the benefit of the Crown :

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Slides, &c.

the timber so solution is the securing and protecting the timber so seized. 46 V., c. 17, s. 66, part.

87. No sale or grant of any Dominion lands shall give or Right to prey any right of any Dominion lands shall give or Right to slides, & convey any right or grant of any Dominion lands shall give or Right to other work previously to any slide, dam, pier or boom, or not to pass by street work previously in the street land or on any sales or grants work previously in the street land or on any sales or grants other work previously constructed on such land, or on any sales or grants stream passing thread to be any slide, dam, pier or boom, or not to pass by the previously constructed on such land, or on any sales or grants of land unless expressly stream passing through or beside it, for the purpose of facili- expressly break the descent of the descent of the purpose of the descent of t tating passing through or beside it, for the purpose of facin- expressly pressly mentioned in timber or saw-logs, unless it is ex-mentioned. pressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier broom, or other work, is intended to be thereby sold or 46 v

granted. 46 V., c. 17, s. 68, part.

SS. The free use of slides, dams, piers, booms and other Free use of slides, dams, piers, booms and other free use of slides, &c., not affected Works on streams, to facilitate the descent of lumber and slides, &c., saw-logs, and the right of facilitate the descent of lumber and slides, &c., not affected. saw-logs, and the right of access thereto for the purpose of any the same and the right of access thereto for the purpose of the same and the same a using the same and the right of access thereto for the purpose any way he interest in repair, shall not in the same and keeping them in repair, shall not in the same and the any way be interrupted or obstructed by or in virtue of

the construction of Dominion lands made subsequently to the construction of such works. 46 V., c. 17, s. 68, part.

So. The free use, for the floating of saw-logs or other Free use of all streams and the floating of saw-logs or other bare the descent lakes and a streams and the descent l timber, of all streams and lakes necessary for the descent lakes and ac-stream. The free use, for the floating of saw-logs or other Free use of streams and lakes necessary for the descent lakes and ac-not affected. thereof from Dominion lands, and the right of access to such cess thereto. the loss and lakes and of the loss of the lakes and access to such cess thereto. the loss and lakes and of the loss of the loss of the lakes and of the loss of streams and lakes necessary 101 the streams and lakes necessary 101 the streams and lakes, and the right of access to such cess thereto. the land on either side and of passing and repassing on or beside not affected. the land on either side, and wherever necessary for such use thereof, and over all existing or necessary portage roads and my rapids or falls past any rapids or falls, or connecting such streams or lakes, are hecessary for taking out timber from Dominion lands, and time right of constructions with the rest of construction with the rest of the state of the the right of constructing slides where necessary, shall con-by a uninterrupted and the unit to affected or obstructed to V tinue nght of constructing out timber from Doministry, shall com by or in virtue of and shall not be affected or obstructed c. 17 in virtue of any other of such lands. 46 V., by or in virtue of any sale or grant of such lands.

POWERS OF THE GOVERNOR IN COUNCIL.

90. The Governor in Council may-

(a) Withdraw from the operation of this Act, subject to Lands as have rights as defined a prosted thereunder, such lands reserve Indian existing withdraw from the operation of this Act, subject to Lands as have been or are resourced for Indians.

(b) Reserve from general sale and settlement, Dominion Lands ruction such an extent on in the con-required to aid in the con-required for rail lands to such an extent as is required to aid in the con-by Canad railways in Monital Option the Territories owned struction of railways in Manitoba or in the Territories owned resonada, and provide for the disposal of the lands so by Canada, and extent as is required to reserved, notwithstanding on the disposal of the lands so in solution of the solution of the lands are reserved, notwithstanding anything contained in this Act, deemod manner, at such mice and on such terms as are in such notwithstanding anything contained in this new deemed expedient.

Council as to-

Free grant for railway to Hudson's Bay.

(c) Make a free grant of land, not exceeding in extent six ousand four hundred thousand four hundred acres for each mile of railway within Manitoba. and not acres for each mile thousand within Manitoba, and not exceeding in extent twelve there sand eight hundred acros sand eight hundred acres for each mile in the North-West Territories, in aid of the const Territories, in aid of the construction of a railway from Bay; point on the Canadian Posite T point on the Canadian Pacific Railway to Hudson's Bay;

Encouragement of drainage, &c.

(d) Grant to the promoters of works undertaken with aew of draining and realized. view of draining and reclaiming swamp lands, for the way pose of encouraging such marks pose of encouraging such works, remuneration in the way of grants of the lands so of grants of the lands so reclaimed, or of such portions thereof as are deemed fair and

Schools of

(e) Grant land—not in any case exceeding in who the section and one half will establish and keep in operation thereon, for a term of not less than five years a solution thereon, in practical not less than five years, a school of instruction in practical farming and all matters portage in agriculture. one section and one half section-to any farming and all matters pertaining thereto, having, and that period, an average attern that period, an average attendance of thirty pupils, and otherwise meeting the apprendict of thirty pupils, and otherwise meeting the approval of the minister;

Claims arising out of Indian title.

(f) Grant lands, in satisfaction of any claims existing in the indian set of the (1) Grant lands, in satisfaction of any claims existing tile, connection with the extinguishment of the Indian Terri-preferred by half-breeds resident in the North-West the tories, outside of the limits of Maritable previous to and fifteenth day. tories, outside of the limits of Manitoba, previous to and fifteenth day of July. One the fifteenth day of July, one thousand eight hundred terms and conditions to the second s seventy, to such persons, to such extent, and on such terms and conditions as are deemed

(g) Investigate and adjust claims preferred to Dominion nds situate outside of the Density of the allegenth 15/ investigate and adjust claims preferred to Dominion lands situate outside of the Province of Manitoba, alleged to have been taken up and softled day of Ind have been taken up and settled on previous to the fifteent day of July, one thousand eight have been to not seven ty, and grant to port prior to 15th lave been taken up and settled on previous to the fifteening of July, 1870. day of July, one thousand eight hundred and seventy, and grant to persons satisfactorily cost I library mulisturbed of by grant to persons satisfactorily establishing undisturbed of pation of any such lands prior to the date and being, of their own pation of any such lands, prior to the said date, and being, by their own residence or that the said date and being acce Pation of any such lands, prior to the said date, and being, of their own residence or that of their servants, tenants agents, or of those through whom they claim, in actual result able possession thereof at the said date and in said faction of able possession thereof at the said date, so much land in sale, faction of such claims as is considered for and reasonable, faction of such claims as is considered fair and reasonable, but not exceeding in any cost taction of such claims as is considered fair and reasonables but not exceeding in any case one quarter section, there has been cultivation of the section of there has been cultivation of more than that area;

For carrying out the provi-sions of this Act.

(h) Make such orders as are deemed necessary, from to time, to carry out the provision of this Act according for eit true int (*u*) Make such orders as are deemed necessary, from the to time, to carry out the provisions of this Act according for their true intent, or to meet and the provision of this arise, anake which no meet are the provision of the their true intent, or to meet any cases which arise, and which no provision is made in the arise and further are which no provision is made in this Act act, and further make and declare any regulations which is and further make to give the and declare any regulations which are considered necessary to give the provisions in this alternational full to the provision of the second full to the second full t to give the provisions in this clause contained, full effect; and, from time to time alter contained, for order and any regulation and, from time to time, alter or revoke any order or orders, and make others any regulations made in respect of the said provisions, make others in their stead.

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(i) Impose penalties not exceeding two hundred dollars, Penalties for violation. or not exceeding two hundred dollars, relation. of any regulation three months imprisonment, for violation violation. of any regulations under this Act;

(j) Provide that any statement or return required to be Statement ade by such that any statement or return required to be Statement 46 V., under oath made by such regulations, shall be verified on oath. 46 V., under oath. c. 17, s. 81, part ;-47 V., c. 25, s. 6.

91. Every order or regulation made by the Governor in Such orders must be pub-Council, in virtue of the provisions of the next preceding lished in Caclause, or of any other clause of this Act, shall, unless other- nada Gazette. wise specially provided in this Act, have force and effect only after the same has been published for four successive weeks the Canada Control of the same has been been published for four successive weeks in the same has been published for four successive weeks shall be laid before both Houses of Parliament, within the ment. first fifteen days of the session next after the date thereof.

B2. The Governor in Council may establish a tariff of Fees for copies of be charged by Council may establish a tariff, so the charged by the copies of maps, and the copies fees to be charged by the minister for all copies of maps, acc. township plans, field notes and other records, and also for registering assignments; and all fees received under such tariff shall form part of the revenue from Dominion lands.

officer authorized thereto, and of plans or documents in any bominion lands of the North-Dominion lands or Surveys office in Manitoba or the North-West Territories, attested under the signature of the agent or inspector of surveys office in Manitoba or the monoinspector of surveys, or other officer in charge of such office, shall be compatent of the signature of the agence. shall be competent evidence in all cases in which the original records, documents, books, plans or papers would

be evidence. 46 V., c. 17, s. 2, part.

GENERAL PROVISIONS.

93. Copies of any records, documents, plans, books or Certified office, belonging to or deposited in the Dominion lands tain docu-inter. attested under the records of the Minister of the ments to be evidence. office, attested under the signature of the Minister of the ments to be office, attested under the signature of the Minister of the ments to be office. Interior or of the Surveyor General, or of any chief clerk or evidence.

94. Lithographed or other copies of maps or plans pur-As to lithofice of the Department of the Interior, and to have a terior of the Interior of the Interior of the Interior. lithographed or copied signature of the Minister of the Interior or of the Surveyor General thereto attached, shall be received in all courts and proceedings as primâ facie evidence 2 the originals and proceedings as primâ facie evidence of the originals, and of the contents thereof. 46 V., c. 17, s.

95. All affidavits, oaths, solemn declarations or affirma-Before whom affidavits, &c. tions required to be taken or made under this Act, except may be made. as herein otherwise provided, may be taken before the judge on clerk of any county or circuit court, or any justice of the

peace, or any commissioner for taking affidavits, or any notary public, or any Dominican taking affidavits, or officer, or notary public, or any Dominion lands agent or officer, of any person specially authorized this difficer affidavits by any person specially authorized to take such affidavits by this Act or by the minister to take such

96. The Dominion lands board, the Commissioner of minion lands, and the minion lands board, the Commission lands Dominion lands, and the inspector of Dominion lands effect agencies, and any person specially authorized to that effect by the Governor in Conneil by the Governor in Council, may summon before them er him, any person. by submer him, any person, by subpœna issued by them or him, ex-amine such person under oath amine such person, by subpœna issued by them or him, tion of papers and writings before it of papers and writings before them or him; and if any person duly summoned person to produce any of him and it the person duly summoned person to produce at the person duly summoned person to person the produce at the person duly summoned person to person duly summoned person duly summo person duly summoned neglects or refuses to appear at the time and place specified in the time and place specified in the subpœna, legally set the upon him, or refuses to give the upon him, or refuses to give evidence or to produce by warrant, papers or writings demanded of him-may, by warrant, under their or his hands or h under their or his hands or hand, cause such person, so neglecting or refusing. to be tobe neglecting or refusing, to be taken into custody and to of imprisoned in the nearest contempt of imprisoned in the nearest common gaol, as for contempt 17, court, for a term not exceeding 6 46 V., c. 17, s. 83.

97. Every receipt or certificate of entry or sale issued by agent of Dominion lands the an agent of Dominion lands shall, unless such entry or sale issued the has been revoked or cancelled the has been revoked or cancelled by the minister, entitle interiors person to whom the same way person to whom the same was granted, to maintain the lands or suits against any wrong-doer or trespasser on the lands to which such receipt or continue of the spasser of the space of the to which such receipt or certificate relates, as effectually as the could do under a patent of such land from the Crown. 46 V., c. 17, s. 85.

98. No person shall act as surveyor of Dominion lands iless he was, before the f unless he was, before the fourteenth day of April, and thousand eight hundred and thousand eight hundred and seventy-two, duly qualified by certificate, diploma or compared with the Crown by certificate, diploma or commission, to survey the become lands in some one of the Province of Grande or has become qualified lands in some one of the Provinces of Canada, or has become qualified under the provision of Canada, or has to the forth. qualified under the provisions hereinafter set forth. c. 17, s. 87. nort 99. Persons qualified under the provisions of this Act all be styled "Dominion Logical States" or "Dominion" 17. shall be styled "Dominion Land Surveyors," or 46 V., c. 11, 5 87 s. 87, part.

100. There shall be a Board of Examiners for the land ation of candidates for ination of candidates for commissions as Dominion of the surveyors, or as articled pupil or General ination of candidates for commissions as Dominion faired and eight col-surveyors, or as articled pupils, which shall consist of Barrow Surveyor General and eight other competent persons Surveyors, or as articled pupils, which shall consist of the Surveyor General and eight other competent persons

Certain boards and officers may summon and examine persons on oath.

Punishment for contempt.

Entry receipt, &c., to give right to maintain suits.

Qualifications required of Dominion

Official style of surveyors.

surveyors.

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appointed, from time to time, by Order in Council; and the Meetings. meetings of the board shall commence on the second Monday in the months of May and November in each year, and may be adjourned for the time and the place of may be adjourned from time to time; and the place of the shall be adjourned from time to time or some place in Meeting shall be at the city of Ottawa, or some place in Manitoba or the Multi Constant of the minister, Manitoba or the North-West Territories, as the minister, from time to time, directs, and notice of such place of meeting shall be published in the Canada Gazette:

2. Every member of the board shall take an oath of Members here, according to the formed shall take an oath of Members here according to the formed shall take an oath of Members office, according to the form N, in the schedule to this Act, which shall be addressed of any one of the which shall be administered by a judge of any one of the superior courts in any Province of Canada, who is hereby authorized and required to administer such oath:

³. Three members of the board shall form a quorum :

4. The board shall, from time to time, appoint a fit and Secretary. proper person to be secretary thereof, who shall keep a

5. Local boards of examiners may be established, under Local boards of the During the During the Manitoba or British in Council. Order in Council, for the Provinces of Manitoba or British in Council. Shall a for the North West Territories which boards Columbia, or for the Provinces of Manitoba or Differences shall consist of not North-West Territories, which boards shall consist of not more than six and not less than three members each, and shall hold their meetings at such time c in place as the minister for the directs. 46 V., and place as the minister, from time to time, directs. 46 V.,

101. No person shall be admitted as an articled pupil Examination assed Dominion land and the has previously as pupils. with any Dominion land surveyor, unless he has previously as pupils. passed an examination before the Board of Examiners, or dence one of the more than the source of the source of the source of the more than the source of the before one of the members thereof, or before some surveyor weil the board of the ability to deputed by the members thereof, or before some survey write English correctly and also as to his knowledge of write English correctly, and also, as to his knowledge of and decimal fractions the extraction of the square vilgar and decimal fractions, the extraction of the square blan the fractions of Enclid, the rules of and cube roots, the first three books of Euclid, the rules of superficies, and the plane trigonometry, the mensuration of superficies, and the eration of superficies of such

use of logarithms, and has obtained a certificate of such ber of his the mensuration of superficies, and the ber of his the description of the such board, memeramination, and of his proficiency, from such board, mem-102. Applicants for such examination, previously to be- Notice by ap-I their d, shall give notice to the corretary of the board plicants to secretary.

ing articled, shall give notice to the secretary of the board secretary. whereas to present the secretary of the board secretary. of their desire to present themselves for examination; in which that officer chall instruct them as to the manner where desire to present themselves for examination, in which they must present 4e V c 17, s. 90. which they must proceed. 46 V., c. 17, s. 90.

103. No pupil shall be entitled to be examined before Conditions aless hat for admission and surveyor, precedent to for admission for admissio the board, for admission as a Dominion land surveyor, precedent to examined before Conditions previously served receiverly and faithfully for for admission understand pupil shall be entitled to be examined in the second pupil shall be entitled to be examined in the second seco

to be sworn.

and during the period of three successive years, under articles in writing in the c of a Dominion land surveyor, and unless he produces certificate from such surveyor, and unless he produced dur certificate from such surveyor, of his having so served bis ing the said period, and also art of his having so served bis ing the said period, and also satisfactory testimony as to his character for probity and sobrid character for probity and sobriety. 46 V., c. 17, s. 91, part.

104. Whenever the pupil of a Dominion land surveying in writing; no the pupil is an is, at the time of his entering into articles in writing, adult. compliance with the compliance with the provisions of the next form of the said form as clause, a person of twenty-one years of age, the said form as may be altered to suit the correlation of the next so much as may be altered to suit the case, by leaving out so much and relates to the father or other relates to the father or other person, by whose consent and approbation the pupil enters into articles humaking the pupil approbation the pupil enters into articles, by making the pupil himself take upon himself the still himself take upon himself the obligation in the said the imposed on such father or other imposed on such father or other person, by stating and of otherwise consideration money has been paid by the pupil, and of otherwise so varying the formation by the pupil, and the the case otherwise so varying the form as to suit the circumstances of the case. 46 V., c. 17. s of

Transfer of a pupil.

> Completion of term with another surveyor.

Duplicate of articles to be transmitted to secretary.

As to admission of persons commissioned as surveyor of lands in any Province.

105. Any Dominion land surveyor may, by an instruction of the surveyor may, by an instruction Any Dominion land surveyor may, by an insute ment in writing, transfer a pupil, with his own such pupil any other Dominion land surveyor has such pupil any other Dominion land surveyor, with whom such pupil may serve the remainder of him

106. If any Dominion land surveyor dies, or leaves anada, or is suspended or diama surveyor dies, or leaves etc. his to Canada, or is suspended or dismissed, his pupil may other plete his term under articles plete his term under articles, as aforesaid, with any other Dominion land surveyor de V

107. Articled pupils shall transmit to the secretary of the part, within three months for articles for articl board, within three months of the date of their articles for duplicate thereof, together with duplicate thereof, together with a fee of two retary sully acknowled. augureate thereof, together with a fee of two dollars shall receiving and filing the same; and the secretary shall carefully file and been the secretary shall carefully acknowledge the receipt of such papers and shall carefully file and keep the same with with the same with the same with the sam file and keep the same with the records of the board. V., c. 17, s. 94.

108. Every person who, subsequently to the fourteents of April, one thousand eight burgers and seventy of day of April, one thousand eight hundred and seventy or was or becomes duly qualified her continuet. diplome in commission was or becomes duly qualified by certificate, Canada in which, in order to be so qualified a course of study. If the ing the subwhich, in order to be so qualified by certificate, Canada is ing the subjects prescribed by course of study, hundred non twelve of this is ing the subjects prescribed by clause one hundred ind shall be entitled. ine subjects prescribed by clause one hundred and twelve of this Act, is required by the law of such Provised shall be entitled to obtain a conversion nominion other shall be entitled to obtain a commission as Dominion other surveyor without being subject of the surveyor without being surveyor without being surveyor without being subject of the surveyor without being surveyor without being surveyor without being subject of the surveyor without being su surveyor without being subjected to any examination of Dominion than with respect to the surveyor of Dominion of Dominion and the survey of Dominion Dominion to the survey of Dominion Dominion Dominion Dominion to the survey of Dominion Burveyor without being subjected to any examination of the than with respect to the system of survey of miners of lands; but it shall rest with the Board of a surveyor to Crown lands Proviso: lands; but it shall rest with the Board of Examiners of Board to judge decide whether the qualifications required of a survey ments of quali- Crown lands in such Province of the field of the survey of th or require- so decide whether the qualifications required of a survey or to ments of quali- Crown lands in such Province are sufficiently

112. ⁴⁰ V., c. 17, s. 98. Dard, Authorizing him to receive a commission from the Examination Arvevo. Dominion land for admission as surveyor. board, authorizing him to practise as a Dominion land for admission years and util he has attained the full age of twenty-one years and has bassed a satisfactory examination before the Years and has passed a satisfactory examination before the

board, and shall, with such notice, transmit the fee hereinafter prescribed. 46 V., c. 17, s. 98.

the board shall give due notice thereof in writing to the secretary. A secretary at least one month previous to the meeting of the fee

service under articles with a Dominion land surveyor.

10. Every person who has followed a regular course of Graduates of by in all the branches of Graduates of by this Act colleges may be examined study in all the branches of education required by this Act be examined repul. as a Doministration as a Doministration required by this Act be examined war's service for admission as a Dominion land surveyor through the after one unit sessions for at light the sessions for at light the session as a comparison of the session of the sess regular session as a Dominion land surveyor through the after one organized where a complete contract of such instruction is University where a complete course of such instruction is organized, and who has thereupon received from such col-the or university of a thereupon received from such colbege or university a certificate, diploma or degree, vouching said therefor, shall be available of three years as aforetherefor, shall be exempt from serving three years as afore-said, and shall be exempt from serving three years as aforesaid, and shall be exempt from serving three years as along service under entitled to examination after one year's after the under entitled to examination land surveyor.

person as in every way qualified to pass an examination for 4 commission as a Darie Qualified to pass an examination for 46 V., c. 17, s. 96. a commission as in every way qualified to pass an examination as a Dominion land surveyor. 46 V., c. 17, s. 96.

109. Every person who has been duly admitted as a Surveyors in Inveyor of lands in the Majesty's dominions Her Majesty' dominions, **W9.** Every person who has been duly admitted as a Surveyors in other than Canada in any part of Her Majesty's dominions Her Majesty's his producing a written certificate of a Dominion land after one surveyor, that such person has written the previous two year's service. Producing a written certificate of a Dominion land after one years, served for one person has, within the previous two year's service. years, served for one year with him continuously engaged in surveying Dominion lands, and that he considers such

2. Land surveyors holding diplomas, certificates or com-Examination issions for Province of Contract of the gualifica-in certain cases. hissions for Provinces of Canada in which the qualifica- in certain cases. similar to those prescribed by this Act, shall undergo examination by the prescribed by this Act, shall unsued before commission board, and satisfactorily pass the same, before commissions as Dominion land surveyors are granted to them. 46 V., c. 17, s. 95.

those set forth in the said clause to entitle him, under the fication in foregoing provision and before any such Provise for foregoing provisions, to such commission; and before any such Provise for such commission as D to such commission; and before any such Provise for reciprocity as such commissions, to such commission; and before any provise for shall be shown that such Province has reciprocated the to such ad-privilege hereby montal and survey to Dominion land mission. Privilege hereby granted, by granting to Dominion land mission. surveyors, on their application, and without subjecting them to an examination, except with respect to a knowledge of the survey laws of the surv of the survey laws of such Province, diplomas, certificates or commissions, as the case may be, as surveyors of lands

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In mathematics.

board on the following subjects, that is to say: Euclid, first four books, and proposition of the four books, and propositions first to twenty-first of the sixth book; plane trigonometers to twenty-first solution sixth book; plane trigonometry, so far as it includes solution of triangles; the use of loggin of triangles; the use of logarithms; mensuration of right lined ficies, including the calculation of the area of right-line figures by latitude and depart figures by latitude and departure, and the dividing of ing of land; a knowledge of it ing off land; a knowledge of the rules for the solution of spherical triangles, and of the spherical triangles, and of their use in the application surveying of the following elements in the application astronomy surveying of the following elementary problems of practical astronomy:---

In practical astronomy.

(a) To ascertain the latitude of a place from an observa-on of a meridian altitude of the tion of a meridian altitude of the sun or of a star;

(b) To obtain the local time and the azimuth from an environment of the survey of the observed altitude of the sun or a star;

versant with the keeping of field notes, their plotting of land and meters and b representation on plans of survey, the describing and metes and bounds for title and the describing of land and methods

(c) From an observed azimuth of a circumpolar scer-hen at its greatest elongation of a circumpolar scerwhen at its greatest elongation from the meridian, to ascer-tain the direction of the latter He shall be practically familiar with surveying operations id capable of intelligently and be and and capable of intelligently reporting thereon, and be and versant with the keeping of felly thereon, nlotting, by

Surveying operations and use of instruments.

System of Dominion surveys.

Examination may be on oath as to practice.

Successful candidates to receive commissions and give security. examiners, as to his actual practice in the field, and regard to his instruments **114.** Every person who passes the examination prescribed this Act shall receive a contract of the board this cordance **THE**. Every person who passes the examination prescriber by this Act shall receive a commission from the of this accordance with the form D in the robedule of vor, Act. accordance with the form P in the schedule surveyor, Act, constituting him and shall enter into 8 in the sum of one thousand dollars for and definitioned for and definition of the board, enter to the sum of one thousand dollars for and definition of the Majesty, Her Heirs and Successors, conditioned for his office, and shall take and shall, jointly and severally with due and faithful performance of the duties of his office, and shall take and subscribe before the duties of any member which may a which may administer the same which may administer the same, the oath of allegiance, and an oath in the form following: , do solemnly swear (or affirm as he faithfully discharge the Anties of a case may be) that I will faithfully discharge the duties of a

Form of oath.

instructions and regulations published by the authorition the minister, from time to time of the manual of Dominion and support the minister, from time to time, for the guidance of Dominion land surveyors. 46 V. c. 17 - 20 **113.** The board may examine any candidate of the hich oath may be administered by any one of with taminers of the second by the which oath may be administered by any one of with examiners, as to his actual prosting to be field, and with

metes and bounds for title, and with the adjustments; seef shall also methods of use of ordinary surveying instruments and shall also be perfectly conversant and the system of surveying as embodied shall also be perfectly conversant with the system of standing as embodied in this Act and with the system of standing as embodied in this Act, and with the manual of surveying instructions and regulations

Dominion land surveyor according to law, without favor, affection or partiality. So help me God :"

2. Until the above formalities have been complied with Commission subject to above formalities have been complied have subject to above formthe said commission of Dominion land surveyor shall have subject to above form-alities.

⁸. The said oaths of allegiance and of office shall be depo- Deposit of oaths. sited in the Dominion lands office:

4. The said bond shall be deposited and kept in the man- Deposit of briescribed by lond, by l her prescribed by law with regard to the bonds given for bond. the like purposes by other public officers of Canada, and the benefit of any porces who exciting damage by breach of

the benefit of any person who sustains damage by breach of

5. The commission shall be registered in the office of the Registration $\frac{5}{17} = 101$. Registrar General of Canada. 46 V., c. 17, s. 101. of commission.

115. Every person who is entitled to receive or already Voluntary examination who is entitled to receive or already voluntary in higher possesses a commission as Dominion land surveyor and has in higher of and of given the notion of the post of the p previously given the notice prescribed in clause one hundred branches of of the leven of this Act and the prescribed in the state of th and eleven of this Act, may be examined as to his knowledge study. of the following subjects relating to the higher branches of the policying subjects relating to the higher branches of surveying, qualifying him, in addition to the performance of the duties declared by the difference in the competence the daties qualifying him, in addition to the performance of Dominion land by this Act to be within the competence of Dominion land surveyors, for the prosecution of exten-ble governing of the prosecution of extensive governing or topographic surveys or those of geogra-

phic exploration, that is to say :---

(a) Algebra, including quadratic equations, series and cal- Mathematics. culation of logarithms;

(b) The analytic deduction of formulas of plane and spherical trigonometry;

(c) The plane co-ordinate geometry of the point, straight

line, the plane co-ordinate geometry of the point, straig-and the circle and ellipse, transformation of co-ordinates, of the determination of the point, straigand the circle and ellipse, transformation of co-orumany, of the determination, either geometrically or analytically, radius of current to a constant in an ellipse; of the radius of curvature at any point in an ellipse;

the delineation of spheric surfaces; (e) Method of trigonometric surveying, of observing the state of trigonometric surveying of triangles on the

angles and of trigonometric surveying, of observing and the sides of large triangles on the sides of large triangles on the differences of latitude earth's surface, and of obtaining the differences of latitude being, such a surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, regard being had to the effect of the earth ; being had to the effect of the figure of the earth;

() The portion of the theory of practical astronomy which Practical 501 the determination of the theory of practical astronomy of astronomy relates to the determination of the geographic position of astronomy.

points on the earth's surface and the directions of lines on the same, that is to say '---

(2.) By differences of meridional zenith distance (Tal-cott's method). Methods of determining latitude-

- (3.) By transits across prime vertical;

Determination of azimuth—

- (1.) By extra meridional observations;
- (2.) By meridian transits;

Determination of time-

- (1.) By equal altitudes;
- (2.) By meridian transits;

Determination of differences of longitude-

- (1.) By electric telegraph;

(g) The theory of the instruments used in connection with e foregoing, that is to say the the foregoing, that is to say, the sextant or reflecting circle, altitude and azimuth instruments altitude and azimuth instrument, astronomic transit, zenithe telescope and the management Theory of telescope and azimuth instrument, astronomic transit, zeuthe ordinary meteorological instrument of chronometers; (mercar), and are instruments. ordinary meteorological instruments, barometers; (merong), and aneroid), thermometers (ordinary and self-registering), see of the And their use. anemometer and rain gauges—and his knowledge of use of the same: (h) Elementary mineralogy and geology, so far as respects knowledge of the more control geology, so far by which of a knowledge of the more common characters by which of mineral bodies that enter large the composition of mineral bodies that enter largely into the composition of rocks are distinguished with the properties and rocks are distinguished, with their general properties and conditions of occurrence the Mineralogy and geology. conditions of occurrence; the ores of the common North and the classification of model and the classification of rocks; and the geology outline America, so far as to be able to of the local America, so far as to be able to give an intelligent 46 V., C. II, s. 102 Geology of North America. **116.** Persons who pass the above mentioned examination the higher branches of survey in the higher branches of survey is a contract of the higher branches of survey is a contract of the higher branches of survey is a contract of the higher branches of survey is a contract of the higher branches of survey is a contract of the higher branches of survey is a contract of the higher branches s. 102. those passing such examina-tion. **116.** Persons who pass the above mentioned examina-in the higher branches of surveying, shall receive a certifi-cate to that effect from the human shall be designated to be designed. The higher branches of surveying, shall receive a certain cate to that effect from the board, and shall be designated. Dominion topographical surveying, A = V = 17, s. 103. 117. The following fees shall be paid under the provi (a) To the secretary of the board, by each pupil, on giving being being being ticled, one down and the secretary to being ticled. Tariff of fees. on giving no- (a) To the secretary of the board, by each pupil, on giving ary examina- notice of his desire for examination preliminary to being tion. articled, one dollar.

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(b) To the secretary of the board, as the fee due on such On examina $e_{\text{tamination, ten dollars, and a further sum of two dollars tion.}}^{(v)$ To the secretary of the board, as the fee due on such one for the certificate.

(c) To the secretary of the board, by each pupil, at the On transmit $time_{n}^{(c)}$ To the secretary of the board, by each pupil, at the Un transmitting articles of transmitting to such secretary the indentures or ting articles. articles of such pupil, two dollars;

(d) To the secretary of the board, by each candidate for On giving no-ther the ordinary of the board, by each candidate for On giving no-tice, final ex-amination. either the ordinary of the board, by each candidate for On giving and mission, with his notional descent and the higher examination for a com- tice, final examination. **mission**, with his notice thereof, two dollars;

(e) To the secretary of the board, by each applicant obtain- On obtaining commission as his for the board, by each applicant obtain. ing a commission, as his fee thereon, two dollars;

(f) To the secretary of the board as an admission fee by On admission. any candidate secretary of the board as an admission ice sy sum shall also correctly a commission, twenty dollars, which sum shall also cover the certificate by the board in the case of a candidate precision in the case of a candidate passing the higher examination; but such amount, as also the ten dollars required to be paid under Application Final to the Minister of fees. sub-clause (b) of this clause, shall be paid to the Minister of fees.

Finance and Receiver General to the credit of Dominion

118. Every member of the board who attends during Allowances to members of day's sitting, and the secretary, shall receive five dollars for the board. each day's sitting, and the secretary, shall receive five domain and penses incurred by and the actual travelling and living expenses incurred by such member, and consequent upon such attendance, and the minister shall pay such sums; but no Proviso. member of the board, if, at the time of the meeting, he is more show one hundred will at the time of the meeting, he is more than one hundred miles distant from the place of meeting, if at the time of the place of meeting, in receive any allows distant from the place of meeting, if a such meetshall receive any allowance for being present at such meet-to such meet meet to be any allowance for being present at such meeting, unless such member was previously specially notified examination of a pupil previous to being articled, by a of apupil. eramination of a pupil previous to being articled, by a of a pupil. member of the board, or by a surveyor deputed by the board for the burnose such member or such surveyor shall board for the board, or by a surveyor deputed by the paid for the purpose, such member or such surveyor shall five dollars (such member or such surveyor shall for the dollars) (such member or such surveyor shall for the dollars) (such member or such surveyor shall for the dollars) (such member or such surveyor shall for the dollars) (such member or such surveyor shall for the dollars) (such member or such surveyor shall for the dollars) (such member or such surveyor shall for the dollars) (such member or such surveyor shall for the dollars) (such member or such surveyor surveyor such surveyor such surveyor such surveyor such surveyor surveyor such surveyor surveyor such surveyor be paid for the purpose, such member or such surveyor such s. 105. five dollars for such examination. 46 V., c. 17,

119. The board may, in its discretion, suspend or dismiss Board may suspend or dismiss Board may suspend or dismiss ne discretion and or disc from the practice of his profession, suspend or dismiss Board may topographical surveyor whom it finds guilty of gross gent or cor-ter rupt surveyor.

topographical surveyor whom it finds guilty of gross gent or cor-bis office; but the board shall not suspend or dismiss such Proviso; sur-to veyor to be his office; but the board shall not suspend or dismiss such Proviso; sur-appear; Without having appear summoned him to heard. surveyor but the board shall not suspend or dismiss such Proviso; su appear in order to be heard in his defence nor without appear in order to be heard in his defence, nor without compile heard the evidence of the heard in his defence. Nor without in support of the having heard in order to be heard in his defence, nor without complaint and on babale offered both in support of the s. the interval of the support of the s complaint and on behalf of such surveyor. 46 V., c. 17, 120. The Surveyor General shall require every Dominion Surveyors to add to their surveyors of a ddition to the oath by returns of sur land or topographical surveyor, in addition to the oath by returns of sur-

this Act required to be administered to him on receiving his commission as such to take an oath, or his commission as such, to take and subscribe an of his surm of his surm of his surcorrect execu-tion thereof. The commission as such, to take and subscribe an on his subscribe an affirmation, on the return of his faithfully veys of Dominion lands that it veys of Dominion lands, that the same have been faithfully and correctly executed according to the instruction and correctly executed according to law and the instruc-tions of the Surveyor General tions of the Surveyor General; and if it is proved, on satisfactory evidence, before any and if it is proved, inrisdiction, If statement is factory evidence, before any court of competent jurisdiction, false, proceed that such surveys or any court of competent jurisdiction and the surveys or any court of competent been so and that such surveys, or any part thereof, have not been so epi-cuted, the Attorney General of G cuted, the Attorney General of Canada shall, upon the spit cation of the Surveyor General cation of the Surveyor General, immediately institute a such upon the bond of such surveyor General, immediately institute of such suit ch. II Effect of such upon the bond of such surveyor, and the institution of held by suit. suit shall operate as a lien on any property owned or held by such surveyor, or his suretion of the suit is instisuch surveyor, or his sureties, at the time the suit is insti-tuted. 46 V., c. 17. s 107

121. Every Dominion land surveyor shall keep ereof in the surveys in keep journals and field notes and regular journals and field notes of all his surveys in and to furnish Dominion lands, and shall fill in the order of it ove copies. and notes and regular journals and field notes of all his surveys in and to furnish Dominion lands, and shall file them in the order of time copies. Which the surveys have been and the shall give which the surveys have been performed, and he shall give copies thereof to all persons on the performed, but required sort do and f copies thereof to all persons concerned, when required so for do; and for so doing he shall be a for the shall be a formed dollar and for so doing he shall be a formed and forme dollar and do; and for so doing he shall be paid the sum of one dollar for each copy, if the number of each copy, if the number of words therein does not exceeds four hundred—but if the number of the sum of one acceeds four hundred, he shall be paid the sum of words therein does not exceeds hundred but if the number of words therein for every four hundred—but if the number of words therein exceeds four hundred, he shall be paid ten cents additional for 46 V, hundred words over and object of the state hundred, he shall be paid ten cents additional for 46 V, hundred words over and above four hundred words. c. 17, s. 123.

122. Every Dominion land surveyor summoned to attend ty court, civil or criminal court of giving 1 be surveyor for attendance as any court, civil or criminal, for the purpose of giving the witness. dence in his professional court of giving allowed a dence in his professional capacity as a surveyor, shall be allowed five dollars for each day have a surveyor, addition allowed five dollars for each day he so attends, in be taxed to his reasonable travelling and paid to his reasonable travelling and living expenses, to be and paid in the manner by low with regard to the payment. and paid in the manner by law provided, with $\frac{160}{46}$ v, c. 17, s. 194 17, s. 124.

Chain bearer to be sworn.

123. Every chain bearer employed in the survey of or inion lands shall, before be chain the survey in dis. winion lands shall, before he commences his chaining is measuring, take an oath or of the the wind is charge such measuring, take an oath or affirmation that he will charge such duty with charge such duty with exactness, according to the of his judgment and ability and account a second to be account of the chaining of the second his judgment and ability, and render a true account be been approximation that not be been approximated about the been approximated account of the been approximated Judgment and ability, and render a true account of the chaining or measuring to the surveyor by whom he are been appointed to such duty. maining or measuring to the surveyor by whom he surveyor by whom he surveyor by whom he surveyor may administer such cather and any Dominion 46 V, c 17, s. 108

Standard to be English measure of length.

124. The measure of length used in the surveys of point inion lands shall be the English surveys of length, and The measure of length used in the surveys of main minion lands shall be the English measure of length, main measure

every Dominion land surveyor shall be in possession of a subsidiary standard, subsidiary standard thereof—which subsidiary standard, n thereof the the thereof the the test of the the test of test tested and stamped as correct by the Department of Inland Revenue shall be as correct by the Department of Inland Revenue, shall be furnished to him by the said department, on payment of the furnished to him by the said department, on payment of a fee of three dollars therefor; and all Do-minion land and three dollars therefor; and all dominion land surveyors shall, from time to time, regulate and verify, by such standard, the length of their chains and the V = 17, s. 109. other instruments for measuring. 46 V., c. 17, s. 109.

Renewal of Lost Corners and Obliterated Lines.

125. Whenever a Dominion land surveyor is employed Provision to run any dividing line or limit between sections or other original erect sub-divisions and or limit between sections or other mound or prost is lost legal sub-divisions, and the mound, post or monument mound or the marked on the mound, post or monument mound or the mound survey, to define post is lost erected, marked or planted in the original survey, to define post is lost. the corner of such section or other legal sub-division, cannot be found, he shall section or other legal sub-division, cannot be found, he shall obtain the best evidence that the nature of the case admite the best evidence that the nature of the case admits of, respecting such corner mound, post or monument . but is it respecting such corner mound, post or

monument; but if the position of the same cannot be satis-factorily so ascertained by the position of the same cannot be satisfactorily so ascertained, he shall proceed as follows :---

(a) If the lost corner mound, post or monument is that If a township of a township corner, he shall report the circumstances of corner. the case to the Surveyor General, who shall instruct him

(b) If the lost corner mound, post or monument is on one of If on one of a township. It is by a straight line, the outlines a township. the outlines of a township, he shall join, by a straight line, the outlines of a township. the nearest undisputed section or quarter section corners on such outline and disputed section or quarter section corners on such outline, and divide such straight line into such number outline, and divide such straight line into such muse divisions or quarter sections or other legal sub-

divisions as the same contained in the original survey,

(c) If in re-establishing the east or west boundary of a As to correc-bunchip, one of the stablishing the east or west boundary of a As to correctownship, one of the nearest undisputed corners is on a tion lines. forty of line, every content of the made exactly correction line, every quarter section shall be made exactly forty chains, and the deficiency or surplus, as the case may tion will be left in the deficiency or surplus, as the correcbe, shall be left in the quarter section adjoining the correc-

(d) If, in re-establishing the north or south boundary of a Where a de-the north surveyed under the first arratem of survey, one of ficiency shall be left. ⁽⁴⁾ If, in re-establishing the north or south boundary of a Where a de-the nearest under the first system of survey, one of ficiency shall townships under the first system of survey, one of the be left. the nearest undisputed corners is the western corner of the chain by every guarter that a chall be made exactly forty township, every quarter section shall be made exactly forty shall, and the dofinition of the dofinitio chains, every quarter section shall be made exactly long shall be left in the western quarter section ;

shall be left in the western quarter section ;

it shall be re-established as aforesaid, previously to re- re-established. establishing the outline of the township;

(f) When the lost corner is in the interior of a township, the limit of a meridian shall connect the two nearest undisputed corners on such limit by a straight line and divide the into such limit by a straight line, and divide the distance into same number of sections or other law. number of sections or other legal sub-divisions as the same contained in the original sub-divisions as the same contained in the original survey, giving to each an equal breadth;

(g) If one of the nearest undisputed corners is on a forty ction line, he shall make each corner is on a rection line, he shall make each quarter section exactly forty chains and leave the definition of the case may be included the case may chains and leave the deficiency or surplus, as the case may be, in the quarter section addition be, in the quarter section adjoining the correction line;

When nearest undisputed corners are in different townships.

(h) When the nearest undisputed corners on the said nit of a meridian road allows in $\frac{1}{2}$ limit of a meridian road allowance are in different town ships, the outline between establish ships, the outline between such townships established previous to re-established previous to re-establ established previous to re-establishing the meridian;

When of a quarter section on a line running east to west.

(i) When the lost corner is that of a quarter section by a the running east and west the running east and we at the r line running east and west, the surveyor shall join, the meridians straight line, the opposite section corners on the meridians on each side, and give to the corners of the section an equal on each side, and give to each quarter section an equal breadth; (*j*) If, in townships surveyed under the first system of rvey, the lost corner is in the townships of sections in the townships in the section of sections in the townships in the section of sections in the sections in the section of sec survey, the lost corner is in the western row of sections is a township, the first quarter row in the made exactly forty obsisted with the first quarter section and the made exactly forty obsisted with the first quarter section and the made exactly for the first quarter section and the made exactly for the first quarter section and the made exactly for the first quarter section and the made exactly for the first quarter section and the first quarter se

When in under first system of

a township, the first quarter section shall be made case may forty chains, and the deficient forty chains, and the deficiency or surplus, as the case may be, shall be left in the western be, shall be left in the western quarter section; (k) When the position of one of the corners of the corners ablished eridians is also lost, such a such as the transmission of the corners ablished in the

when the position of one of the corners ablished meridians is also lost, such meridian shall be re-established previously to re-establishing the previously to re-establishing the east and west line;

(1) Whenever a surveyor erects, plants or places a mound, ost or monument as aforesaid post or monument as aforesaid, to renew a lost or allowance corner, he shall duly toba corner, he shall duly take into account any allowards for road or roads, and the stablished for road or roads, and the corner, or division or limit of established, shall be the true Effect of such established, shall be the true corner, or division or limit of survey. such section or other legal and division of 17, 8. 10.

sub-division.

126. When, in the survey of legal sub-divisions, it is necessary for a Dominion land survey of legal sub-division the division, at between the division of t when, in the survey of legal sub-divisions, it is nector sary for a Dominion land surveyor to establish the division line between two sections he shall statish by connects if by a straight " laying out a sary for a Dominion land survey of legal sub-divisions, the divise, half or quarter line between two sections, he shall effect this by conners, is sub-division by a straight line. the opposite sub-division corners, the survey of legal sub-division corners, is the survey of legal sub-division corners, is a sub-division by a straight line. by a straight line, the opposite original section the points they exist, and if not, by similarly connecting the points by a straight line, the opposite original section the points they exist, and if not, by similarly connecting the next established in renewal thereof established in renewal thereof, in accordance with sections preceding clause, giving, in either the guarter sections preceding clause, giving, in either case, the quarter sections involved an equal breadth ·

western row survey.

When meridian shall be reestablished.

Allowance for road to be

2. In laying out a half section or a quarter section he Half or quar-tall connect that a half section or a quarter section he Half or quarshall connect the opposite quarter section posts by straight ter section.

³. In laying out other and minor legal sub-divisions he Other sub-all give to every and minor legal sub-divisions. shall give to every such sub-division its proportionate share divisions. of frontage and interior breadth, and connect the resulting terminal points by a straight line :

4. The lines or limits so drawn on the ground in the Lines drawn anner above property cases, be limits. manner above prescribed shall, in the respective cases, be limits. the true lines or limits of such section, half section or do not legal sub-division, whether the same correspond or do not correspond with the area expressed in the respective patents for such lands. 46 V., c. 17, s. 111.

Division Lines in Fractional Sections.

127. The dividing lines or limits between legal sub-Dividing lines in fractional lines or limits between legal sub-Dividing lines divisions, in fractional sections, shall be drawn from the from original define. original corners (or the points representing such corners, as corners. defined on the ground, in accordance with the provisions of the front of the this Act), in the section line intended as the front of the

2. Northerly or southerly lines shall be drawn due north Northerly and southerly lines. or due south :

3. Easterly or westerly lines shall be drawn at an angle Easterly and ith the meridian equal to the angles formed lines. with the meridian equal to the mean of the angles formed lines. with the meridian equal to the mean of the angles ion and the same meridian by the lines which are the northern the southern been by the lines which are the northern the southern been by the lines which are the northern by and the same meridian by the lines which are the normality, c: 17. s 110 boundaries respectively of the section.

Driginal Boundary Lines. abdivisions, towns or will of townships, sections or legal Boundaries look. sub-divisions, towns or villages, and all boundary lines of Act are point, gives and common lines of the lines and governing to be deem the true of th blocks, gores and commons, all section lines and governing to be deemed of any i monuments erected placed or planted at the angles of any townships, towns, villages, sections or other legal land lots or parcels of sub-divisions, blocks, gores, commons and lots or parcels of Commune the anthonic of the Governor in land, under the authority of this Act or of the Governor in snall he that the subority of this Act or of the Governor in land, be that the subority of the Governor in the subority of the source of t Council, under the authority of this Act or of the Governor in such townships township sub-divisions, blocks and villages, sections or other legal sub-divisions, towns and villages, sections or other legan land respectively with the commons and lots or parcels of respectively with the commons and lots or parcels of respectively with the commons and lots or parcels of respectively with the common admeasurement, land respectively, whether the same, upon admeasurement, nent: are not found to the same, upon admeasurement, are or are not found to contain the exact area or dimensions mentioned or expressed nentioned or expressed in any patent, grant or other instru-or other in respect of any patent, grant or other instrument in respect of any such township, town, village, section of large legal sub-diministration of large common, lot or parcel or other legal sub-division, block, gore, common, lot or parcel

Townships and other legal subdivisions to comprise all the space within their boundaries.

129. Every township, section or other legal sub-division, wn, village, block gene town, village, block, gore, common, lot or parcel of the shall consist of the whole shall consist of the whole width included between the several mounds, posts mound included between at timel several mounds, posts, monuments or boundaries respectively, so erected, marked plant tively, so erected, marked, placed or planted as aforesaid, at the several angles thereof and the several angles thereof, and no more or less any quan-tity or measure expressed in the more or less any quantity or measure expressed in the original grant or patent thereof notwithstanding de V

As to aliquot parts of townships, &c.

130. Every patent, grant or instrument purporting sab r any aliquot part of and the instrument purport legal is be for any aliquot part of any section, or other legal be division, block, gore, common, lot or parcel of land, shall the dual of the quantity construed to be a grant of such aliquot part of the quantity is the same contains on the grant of such aliquot part of auantity of the same contains on the ground, whether such quantity is more or less than that expression of the quantity is more or less than that expressed in such patent, grant or instrument. 46 V., c. 17 c. 11

Road allowances in towns, &c., to be public highways.

131. In every town and village in Manitoba or the North est Territories, surveyed and a log the provisions West Territories, surveyed and laid out under the provisions of this Act, all allowances for of this Act, all allowances for any road, street, lane, or such to yield of such to yield o common, laid out in the original survey of such town all village, shall be public high village, shall be public highways and commons; in he original survey of such town if he mounds, posts or monument mounds, posts or monuments, placed or planted or designate or on the designate of the second original survey of such town or village, to designate or common, fine any allowance for a road fine any allowance for a road, street, lane, lot of such road, shall be the true and unalter literation of such road, shall be the true and unalterable boundaries of such road, street, lane, lot or common land such road, street, lane, lot or common land such road, street, lane, lot or common land street, land street, lane, land street, land stre street, lane, lot or common; and all Dominion or village, shall foll veyors employed to make surveys in such town or village shall follow and pursue the surveys in such town of the surveys in such town at regulations in shall follow and pursue the same rules and regulations in respect of such surveys as respect of such surveys as are, by law, required of $V_{1,6}$ when employed to make surveys as are, by law, required 46 $V_{1,6}$ when employed to make surveys in townships. 17. s 116 17, s. 116.

132. Every Dominion land surveyor acting in that pacity, may examine with a surveyor with response capacity, may examine witnesses on oath, with respect to all matters relating to the setul all matters relating to the settlement, occupation of lands, and better of sion of Dominion lands, and to the survey of lands, town better ascertaining the original better ascertaining the original corner or limits of any fand, ship, section or other level and corner or limits of any fand, and more ship, section or other legal sub-division, lot or every person and may administer such a division, lot or every person if, and may administer such oath or oaths to 46 V, c. 1, s. 117

133. Whenever any Dominion land surveyor is in doubt to the true corner, boundary to the true of any township, ction lot and whenever any Dominion land surveyor is in down as to the true corner, boundary or limit of any townsbip, section, lot or tract of land which he is employed to survey, and has recer section, lot or tract of land which he is employed to survey, and has reason to believe the and has reason to believe that any person is possessed of any important information touching the possess boundary of limit, or of the possess of the posses of the possess of the possess of the possess of the possess important information touching such corner, boundary or limit, and which he is employed of any important information touching such corner, boundary or limit, and limit, or of any writing, plan or document tending init, and lish the true position of such corner, boundary or limit, lish the true position of such corner, boundary or limit, and

Surveyors may examine witnesses on oath.

How surveyors shall proceed to ascertain boundaries when doubtful.

135. Any Dominion land surveyor, when engaged in the Power to one of his dution of h performance of his duties as such, may pass over, measure private lands. along and ascertain the bearings of any township or section base of other poverning line, or other poverning line bearings of any township or section line, and ascertain the bearings of any township or secure pass over the lands of the secure whomsoever, doing no pass over the lands of any person whomsoever, doing no

him performed, may be filed and kept at the registry office sitned place in which the last the registry office in which the last the registry office in which the last the registry office in the last the registry office in which the last the registry office in the registry office in the last the registry office in the re of the place in which the lands to which the same relate are in which the lands to which the same relate are in which the lands to which the same relate are in which the lands to which the same relate are in evidence in situate, subject to be produced thereafter in evidence in

134. All evidence taken by a Dominion land surveyor, Evidence very said, shall be read taken by a Dominion land surveyor. **use** aforesaid, shall be reduced to writing and shall be read surveyor to be such a ball be signed by reduced to writing and shall be signed by reduced to writing and shall be signed by reduced to writing and over to the person giving the same, and shall be signed by reduced to writing an shall be signed by reduced to the person; or if he can be aball acknowledge writing an signed. the same as correct before the writing and shall be signed by reduced to the same as correct before the same, who shall sign the same as correct before two witnesses, who shall sign snal and surveyor; and the same as correct before two witnesses, who shall sign such evidence shall also the Dominion land surveyor; and such evidence shall also the Dominion land surveyor; and and sworn to as correct before instice of the peace, by any by and sworn to as correct before a justice of the peace, by any him inion land survey by Dominion land surveyor, with reference to any survey by of the performed may be for a justice of the registry office

same tendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the subpœna, produce the place and time appointed in the subpœna, or to produce the place and time appointed in the suppoint, mentioned or referred plan or document, if any, therein inc. such evidence and mentioned or referred to, or to give such evidence and information as he prove to give such evidence and information as he possesses touching the boundary or limit in question as he possesses touching the boundary or man person may be issued by the justice for the arrest of such here to a penalty person may be issued, and he shall be liable to a penalty hot exceeding one hundred dollars, or to imprisonment for a term not exceeding one hundred dollars, or to imprisonment to a of such justice to the transformed days, or to both, in the discretion of such justice. 46 V., c. 17, s. 118.

^{3.} If the person required in such subpœna to appear, Penalty for same tendered to him reasonable expenses, or having the disobeying it.

2. Such subpœna shall be served on the person named How served. therein by delivering a copy thereof to him, or by leaving the same for him with the sam the same for him with some adult person of his family at his residence orbitized and adult person of his family at his residence, exhibiting to him or such adult person the

if such person does not willingly appear before, and be eramined by such surveyor, or does not willingly produce to him such writting with surveyor and by such surveyor may to him such surveyor, or does not willingly produce apply to any insting, plan or document, such surveyor may Subpœna may be issued. apply to any justice of the peace for an ordinary subpœna at testificandum ad testificandum, or a subpæna duces tecum, as the case requires, accompanying such application by an affidavit or solemn declaration made before such justice of the peace, of the facts on which the application is founded; and such justice may issue a such application is founded; and such person may issue a subpœna accordingly, commanding such person to appear before the surveyor at a time and place mentioned in the subpœna, and, if the case requires it, to bring with the subpœna, and, if the case requires it, to bring with him any writing, plan or document mentioned or referred

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46 V., c. 17,

actual damage to the property of such person. s. 120.

136. Every person who, in any part of the Dominion land nds, interrupts, molests or bindy part Dominion and lands, interrupts, molests or hinders any Dominion land surveyor while in the discharge of the surveyor. surveyor while in the discharge of his duty as a surveyor is guilty of a misdemeanor while in the discharge of his duty as a survey not and the discharge of his duty as a survey of a misdemeanor while his duty as a survey of a misdemeanor whi is guilty of a misdemeanor, and liable to a penalty not not ceeding twenty dollars or to in ceeding twenty dollars or to imprisonment for a term of the exceeding two months. or to build a second of the exceeding two months, or to both, in the discretion of the court. 46 V., c. 17, s. 191 Re-drafted.

Penalty for pulling down or destroying land marks placed by surveyor on

137. Every person who, knowingly and wilfully, palls own, defaces, alters or remove down, defaces, alters or removes any mound, post or merey ment erected, planted or plant or priorinal survey ment erected, planted or placed in any original survey under the provisions of this A under the provisions of this Act, or under the authority be the Governor in Council, is guilty of felony, and shall liable to imprisonment for any town in the authority seven years liable to imprisonment for any term not exceeding seven years. 2. Every person who, knowingly and wilfully, defacts or removes any other

-. every person who, knowingly and wilfully, detailed alters or removes any other mound or land-mark, to mark monument placed by any Development of the mark and the second monument placed by any Dominion land surveyor to sec any limit, boundary or land surveyor, in any limit, boundary or angle of any to limit and surveyor to see it in or other legal sub-division of any coll of land is Manitebe pulling down tion or other legal sub-division, lot or parcel of a mis Manitoba or the North-West Torritorian is onilty of a mis demeanor and the sub-division of the sub-division o or destroying other land Manitoba or the North-West Territories, is guilty of a find demeanor, and liable to a source of a find dred dollar marks so demeanor, and liable to a penalty not exceeding exceeding not exceeding three mot exceeding and three mot exceeding and three mot exceeding and three mot exceeding th placed. dred dollars or to imprisonment for a term not the cont. 46 V α 17

three months, or to both, in the discretion of the court. 46 V., c. 17, s. 122, part Re-drafted. The provision as to punishment of the offence first mentioned is new.

As to examining posts.

138. Nothing in this Act shall extend to preferre from taking ominion land surveyors in the shall extend from taking from the free from taking from taking from the free from taking fro Dominion land surveyors, in their operations, mere which the soundary of the state up posts or other boundary marks when necessary, were which they shall carefull which they shall carefully replace them as they before. 46 V., c. 17 s 199

SCHEDULE.

FORM A. do hereby apply for a home, ns of APPLICATION FOR A HOMESTEAD ENTRY. of do hereby apply for a Lands stead entry, under the provisions of "The Dominion number Act," for the quarter section of section number township township, in the of the meridian. of the 46 V., c. 17, Form A.

Penalty for molesting surveyorin discharge of his duty.

original survey. And for

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AFFIDAVIT in support of claim for homestead entry by a person when person when the state of the person who has bonâ fide settled and made improvements upon land in advance of survey.

I, A. B., do solemnly swear (or affirm, as the case may be) hat I am over eight that I am over eighteen years of age; that to the best of my howledge and belt of which my aphowledge and belief the land in respect of which my application is made is of the class open for homestead and pre-emption is made is of the class open for homesuran to cultivate the class open resident upon and began day of to cultivate the said land on the 18 the said land on the day of apon and cultivated the same was surveyed; that I have resided the same was surveyed; that I have resided; the same was surveyed; that I have resided; the same was surveyed; the same was surveyee; upon and cultivated the said land continuously ever since; that there is no other person residing or having improve-Ments upon it, and that this application is made for my erclusive use and benefit, with the intention of residing dim and cultivetime intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or per-

sons whomsoever; and that I have not heretofore obtained an entry for a homestead on Dominion lands. Subscribed and sworn

18 , before me) ⁴⁶ V., c. 17, Form B.

Local_Agent.

(Signature.)

AFFIDAVIT in support of claim for homestead entry by a per-son who has not a support of claim for homestead entry. son who has not previously obtained homestead entry by a rate of the second sec I, A. B., do solemnly swear (or affirm, as the case may be)

that I am over eighteen years of age; that to the best of my blightedge and belief the load in respect of which my aphowledge and belief the land in respect of which my ap-prover belief the land in respect of which my application is made is of the class open for homestead and stad proceedings of the class open for homestead and that the class open residing on the pre-emption is made is of the class open for homesteau and taid land, nor are there is no person residing on the this land, nor are there is no person residing that there is no person to the person the there is no person to the person the there is the person to the pe the class open is of the class open is that there is no person residing on the with pilication is made for the cool of the class open is t this application is made for my exclusive use and benefit, said the intention of position when and cultivating the With the intention is made for my exclusive use and Dence. said land, and not directly or indirectly for the use or benefit said land, and not directly or indirectly for the use or benefit have veher berson of residing whomsoever; and that I of any other person or persons whomsoever; and that I

have not here person or persons whomsoever; and that -Dominion lands Subscribed and sworn)

46 V., c. 17, Form C. , before me) Local Agent.

(Signature.)

AFFIDAVIT in support of a claim for homestead entry by a person who has previously for homestead bas forfeited, person who has previously obtained, and has forfeited, his homestead entry but

his homestead entry, but is permitted by the Minister of the Interior to obtain and the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be) at I am over eighteen woon of the best of my that I am over eighteen years of age; that to the best of my knowledge and belief the local knowledge and belief the land in respect of which my and plication is made is of the al plication is made is of the class open for homestead the pre-emption entry: that there is a pre-indication of the second pre-emption entry; that there is no person residing that I said land, nor are there appreciate the person residence is the person is the person in the person is the perso said land, nor are there any improvements thereon; 18, in obtained homestead entry on the range of the meridian the forfeited the same; that by order of the Minister of the make application for the make applicat Interior, which I now produce, I have been permitted in make application for and many that is and the second secon make application for and receive another homestead each and that this application is and that this application is made for my exclusive use and benefit, with the intention of benefit, with the intention of residing upon and cultive the the land applied for, and not divide upon and cultive the the land applied for, and not directly or indirectly for whomsoever. use or benefit of any other person or persons whomsoever. Subscribed and

day > to. this , before me of 18 Local Agent.

46 V., c. 17, Form D.

(Signature.)

FORM E. AFFIDAVIT in support of a claim for homestead entry by a person who has previously a transmission of a claim for homestead entry by a for particular the support of a claim for homestead entry by a person who has previously obtained a recommendation for patent for a homesteed of the trears' residence and only for patent for a homestead, after three years' residence and cultivation.

I, A. B., do solemnly swear (or affirm, as the case may be) at I am over eighteen vers of a the the best of my nowledge 1, A. B., do solemnly swear (or affirm, as the case may my that I am over eighteen years of age; that to the best of my knowledge and belief the lord in and application. knowledge and belief the land in respect of whether the pre-emptiapplication is made is of the class open for homestead the said land pre-emption is made is of the class open for homestead the said land, nor are there any the person residing upon that this application said land, nor are there any improvements there and he said with the int this application is made for my exclusive use and the soft and, and with the intention of residing upon and cultivating benefit land, and not directly or indirectly for the use or the intention and, and not directly or indirectly for the use and the benefit of any other person or persons when the use of the use of any other person or persons when the use of of any other person or persons whomsoever; that I ownship entry for the guarter soutier of souther and the souther person of the sou of the 18 sand I resided upon and cultivated the same for three years,

that my said homestead has been recommended for patent, certificate of which fact, signed by the proper agent of Dominion lands, and countersigned by the Commissioner of Dominion lands, and countered bominion lands, I now produce. Subscribed and sworn ^{to}, this

18 day y , before me) 46 V., c. 17, Form E. Local Agent.

(Signature.)

FORM F.

I certify that I have received from or pre-emption and being the office fee for homestead entry, (or pre-emption entry in connection with homestead entry, as the case may be) by in connection with homestead entry, as the case may be), for (describe the land), and that the said payment, vested with the rights conferred in such cases by the provisions of "The Dominion Lands Act," respecting

(Place-Date). 46 V., c. 17, Form F.

Local Agent.

APPLICATION FOR A HOMESTEAD ENTRY BY AN AGENT. I, A. B., do hereby apply on behalf of

Ander the provisions of "The Dominion Lands Act," for the 46 V., of the ., c. 17, Form G. township, in the

range meridian.

AFFIDAVIT by an agent in support of a claim for homestead entry on behalf of in support of a claim for homestead who has bonû fide settled entry on behalf of a person who has bonû fide settled and made improvements upon land in advance of I, A. B., do solemnly swear (or affirm, as the case may be) that

eighteen years of age; that to the best of my knowledge and

belief the land in respect of which the application is made is of the class open for homestard is of the class open for homestead and pre-emption entry; that the said became resident to cultive became resident upon and began to cultivate the same was surveyed; that he has resided upon and cultivated the said land in conformity with the same way are supported in the same way are supported in the same support of the same suppo the said land in conformity with the requirements of the homestead provisions of the Darie the requirements of the homestead provisions of the Dominion lands law ever since; that there is no other parson that there is no other person residing on, or claiming, is having improvements upon it and this application having improvements upon it, and that this application in the inter-made for his exclusive use and that this application at the intermade for his exclusive use and benefit, with the and tion of his residing upon and a literation of his residence o tion of his residing upon and cultivating the said land, the not directly or indirectly for the not directly or indirectly for the use or benefit of any other person or persons whomseever person or persons whomsoever, and that he has not hereto fore obtained an entry for a hereto. fore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn) to, this day of 18 , before me) Local Agent. 46 V., c. 17, Form H.

AFFIDAVIT by an agent in support of claim for homestead entry on behalf of a person who has not previously obtained homestead entry

I, A. B., do solemnly swear (or affirm, as the case may be) at of the of the case may be , for whom I am acting of , for whom I am act the best of my knowledge and the years of age; mespected which the , tor wnom that to to best of my knowledge and belief the land in for home which the application is mod which the application is made is of the class open is no person residing. stead and pre-emption entry; that there is no person residing upon the said land residing upon the said land, nor are there any improvements thereon, and that the application thereon, and that the application is made for the with aid intention intention of his residing upon and cultivating the fit of land, and not directly or indirectly for the upon the upon the upon has land, and not directly or indirectly for the use or benefit of any other person or persons in any other persons or persons. and not directly or indirectly for the use of benefit as any other person or persons whomsoever, and on Domin not heretofore obtained an antinot heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn) to, this day 18 , before me of Local Agent. 46 V., c. 17, Form J.

(Signature.)

(Signature.)

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AFFIDAVIT by an agent in support of a claim for homestead entry on behalf of a person who has previously obtained and has for fair of a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister homestead entry, but is permitted by the Minister of the Interior to obtain another home-

that

I. A. B., do solemnly swear (or affirm, as the case may be) ledge and belief the land in respect of which application is nade is of the class open for homestead and pre-emption entry; that the class open for homestead and pre-emption entry; that there is no person residing on the said land, nor forfeited the same; that by an order of the Minister of the neterior, which to that by an order of the Minister of the quarter section of section Interior, which I now produce, he has been permitted to Make application for and receive another homestead entry, and that this application is made for his exclusive use and cultibenefit, with the intention of his residing upon and cultivating the land applied for, and not directly or indirectly for the land applied for, and not directly or managers, soever.

Subscribed and sworn ^{to}, this 18

day , before me) 46 V., c. 17, Form K. Local Agent.

(Signature.)

AFFIDAVIT by an agent in support of a claim for homestead entry on hehalf of a claim for homestead entry on behalf of a person who has previously obtained a recommendation of person who has previously obtained a recommendation for patent for a homestead after three Years' residence and cultivation. that

I, A. B., do solemnly swear (or affirm, as the case may be) over eighteen , for whom I am acting herein as agent, ... and belief the land ; age; that to the best of my knowledge mad the land ; age; that to the best of my knowledge and belief the land in respect of which the application is entry is of the class Made is of the land in respect of which the application and the site of the class open for homestead and pre-emption the site of the site open and cultivating that there is no period in a property that there is no period in a period open and cultivating that entry; that there is no person residing upon and cultivating the said land, nor ano the second secon the said land, nor are there any improvements thereon; that the application is made for the avaluative use and benefit of the said land, nor are there any improvements thereon; the said and is made for the exclusive use and benefit of the exclusive of his residing upon and cultivating the said land, and not directly or indirectly

for the use or benefit of any other person or persons whom soever; that the said obtained entry for the townsur meridian, as a homestead 18 ; that he resided upon said quarter section of section meridian, as resided upon and cultivated the same for three years, and that his said homestead has been recommended for patent, certificateds, which fact, signed by the provenue of the Dominion lands, and contained the provenue of the province of the provenue of the province of the pro which fact, signed by the proper agent for Dominion lands, and countersigned by the Commission of the Dominion lands, and countersigned by the Commissioner of Dominion lands, I now produce.

Subscribed and sworn) day to, this 18 , before me of

(Signature.)

Local Agent. 46 V., c. 17, Form L.

who is the holder of a home stead entry (or homestead and pre-emption entry, as the profit may be) for (describe the land) , who is the noncer as the root may be) for (describe the land), has complied with the prote sions of the law required to be seen to in order I sions of the law required to be conformed to in order to have receive a potent of land. and that I entitle him to receive a patent for such land, and that I have recommended the issue of such land, and the s Local Agent.

FORM M.

(Place—Date .) Countersigned :

Commissioner of Dominion Lands. 46 V., c. 17, Form M.

FORM N.

OATH OF MEMBER OF BOARD OF EXAMINERS. I, A.B., do solemnly swear (or affirm, as the case may of at I will faithfully discharge the late of an examiner. 1, A.B., do solemnly swear (or affirm, as the case may of that I will faithfully discharge the duty of an examiner candidates for commissions of Dentity and or top affect phical summer candidates for commissions as Dominion land or toportion in the favor, after the duty of an examiner and the duty of an example. phical surveyors according to law, without favor, afe tion or partiality. So help me favor 46 V., c. 17, Form N.

FORM O.

ARTICLES OF PUPIL TO DOMINION LAND SURVEYOR.

THESE ARTICLES OF AGREEMENT, made the day of one thousand eight hundred and , between A. B., of of Dominion land surveyor, of the one part. and C. D., of and E. F., son of

the one part, and C. D., of and E. I the said C. D., of the other part, witness :---

That the said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B., to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence next ensuing, and fully to be completed and ended:

And the said C. D. doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his executors, administrators and assigns, that the said E. F. shall well and faithfully, and diligently, according to the best and utmost of his power, serve the said A. B. as his pupil in the practice or profession of a Dominion land surveyor, which he, the said A. B., now followeth, and shall abide and continue with him from the day of the date hereof, for and during and unto the full end of the said term of three years:

And that he, the said E. F., shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said A. B., his executors, administrators or assigns, or of any of his employers; and that in case the said E. F. shall act contrary to the last mentioned covenant, or if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehavior, neglect or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators or assigns, and make good and reimburse him or them the amount or value thereof:

And further, that the said E. F. shall, at all times, keep the secrets of the said A. B., in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B., in all matters and things, and, from time to time, pay all moneys which he shall receive of or belonging to or by order of the said A. B. into his hands, and make and give true and fair accounts of all his acts, and doings whatsoever in the said business and we have a start delay. in the said business and profession, without fraud or delay, when and so often as here to the said of the said will when and so often as he shall thereto be required; and will readily and cheerfully of readily and cheerfully obey and execute his lawful him. reasonable commands, and shall not depart or absent him self from the service or self from the service or employ of the said A. B. at and time during the said town time during the said term, without his consent first had and obtained, and shall from the obtained, and shall, from time to time, and at all diligence during the said term, conduct himself with all due diligence and with honesty and solving

And the said E. F. doth hereby, for himself, covenant with e said A. B., his executors and the said A. B., his executors and the said the the said A. B., his executors, administrators and assigns, serve he, the said E. F., will truly here the said the said E. F. and the said the sai he, the said E. F., will truly, honestly and diligently serve the said A. B. at all times for the said A. B. at all times for the said A. B. the said A. B. at all times, for and during the said term, as a faithful pupil ought to do in a during the said term the a faithful pupil ought to do, in all things whatsoever in the manner above specified . of lawful

the sealing and delivery of these presents (the receipt where his is hereby acknowledged) the said A. B. paid at or being his hereby acknowledged) the said A. B. paid at or being his hereby acknowledged) the said A. B. paid at or being his hereby acknowledged) the said A. B. paid at or being his hereby acknowledged) the said A. B. paid at or being his hereby acknowledged) the said A. B. paid at or being his hereby acknowledged) the said A. B. paid at or being his hereby acknowledged) the said A. B. paid at or being his hereby his hereby his hereby his hereby here is hereby acknowledged), the said A. B., for himself, the heirs, executors and administer heirs, executors and administrators, doth covenant with the said C. D., his heirs, executor said C. D., his heirs, executors and administrators, doth covenant with the said A. B. will accept and tobally the said tobally to be and tobally to be accepted and tobally to be and tobally to be and tobally to be accepted and to be accept said A. B. will accept and take the said E. F. as his papil, and that he, the said A B and that he, the said A. B., will, by the best ways and means he may or can. and to the means he may or can, and to the utmost of his skill and knowledge, teach and instruct knowledge, teach and instruct, or cause to be taught and by structed, the said E. F in the structed, the said E. F. in the course of study prescribed Ach, clause one hundred and twol clause one hundred and twelve of "The Dominion Lands Act, in practical surveying operation in practical surveying operations, and in the use of ments, and generally in the art ments, and generally in the art, practice and profession of Dominion land surveyor with in the indicate and profession of A. B., and Dominion land surveyor, which he, the said A. B., and doth, and shall at all times dot. doth, and shall at all times during the said term, use the practice, and also will provide the said term, use the practice, and also will provide the said E. F. with all the necessary and reasonable are the said E. F. with all the necessary and reasonable expenses incurred in transactilly or performing the business of the or performing the business of the said A. B., and also F. a at the expiration of the said to the said A. B., and E. or said E. or sa at the expiration of the said term, give to the said ender F, at the said term, give to the said ender F, certificate of servitude and use his best means and ender F, at the request, cost and characteristic and cha at the request, cost and charges of the said C. D. and E. F., or either of them, to cause and the said C. the said . Lates or either of them, to cause and procure him, the said before the Bern of candidates of candidates for communication of candidates to be examined before the Bern of candidates of candidates for communication of candidates the before the Bern of candidates to be examined before the Board of Examiners of candidates for commissions as Dominica d for commissions as Dominion land surveyors: provided the said E. F. shall have well for any surveyors is monthly served said E. F. shall have well, faithfully and diligently served his said intended pupilare

And for the true performance of all and every true venants and agreements of all and to the B. covenants and agreements aforesaid, according to the said, ad-intent and meaning thereof intent and meaning thereof, each of them, the said ad-and C. D., doth bind himself his him arountors and adand C. D., doth bind himself, his heirs, executors, and ministrators, unto the other ministrators, unto the other, his heirs, executors and assigns, in the penal sum of five hundred dollars, firmly by these provides the penal sum of the su

IN WITNESS WHEREOF, the parties aforesaid have hereunto set their hands and seals, the day and year first above Written.

Signed, sealed and delivered

A. B. (Seal.) C. D. (Seal.) E. F. (Seal.)

in the presence of

46 V., c. 17, Form O. G. H., J. K.

FORM P.

COMMISSION AS DOMINION LAND SURVEYOR. of

This is to certify to all whom it may concern, that A. B., Board of Examiners, and hath been found duly qualified to fill the office and perform the duties of Dominion land surveyor, he having complied with all the requirements of the law in that behalf: Wherefore he, the said A. B., is hereby duly admitted to the said office, and commissioned for the said office, and commissioned to the said office. discharge of the duties thereof, and is by law authorized to

practice as a surveyor of Dominion lands. IN WITNESS WHEREOF, we, the President and Secretary of Board have since the president and secretary of

the said Board, have signed this commission, at on this

one thousand eight

C. D., ⁴⁶ V., c. 17, Form P. Surveyor General. E. F., Secretary. Proposed Consolidated. Part Consolidated. Left To be To be 46 V., c. 17...... The whole except ss. 1 (part) 79,84, s. 66, part..... ss. 1 (part) 66 86, 107 (part) (part) 67,79,84, and 126 (repeal-ing clause.) s. 67...... s. 67..... for Repeal. Cousolidated Consolidated with. Offences against the Person. Larceny.

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CHAPTER 52.

An Act respecting Ordnance and Admiralty Lands. HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :--1. All the lands mentioned in the schedule to this been have been by whatever mode of conveyance the same for years all acquired or taken, whether in fee, for life, for years and shall be approximately and all the approximately for and shall be and all the approximately according to the same and shall be and all the approximately according to the same and shall be and all the approximately according to the same and shall be and shall be and shall be and shall be according to the same according Lands vested otherwise, and all the appurtenances thereof, are and she be and continue absolutely whether is the thereof, are and she in Her Majesty for Canada. be and continue absolutely vested in Her Majesty for ble purposes of Canada, and shell be and the provisions of purposes of Canada, and shall be subject to the provisions in the laws relating to public land to the same, and shall be held, used, alienated and dealt with accordingly; subject, neverthelassed, alienated and rements, accordingly; subject, nevertheless, to any sales, agreements, leases or agreements to lease have been any sales, agreements, respectively. leases or agreements to lease, heretofore lawfully entered into respecting the same. $C \in S$ C. S. C., c. 24, s. 2, part ; 40 V., c. 2. Nothing in this Act shall affect any right of any person aiming any of the said lands of any right of any V, c. 8, s. 1;-42 V., c. 33, s. 1. claiming any of the said lands. C. S. C., c. 24, s. 3; -40 V., c. 8, s. 2; -42 V., c. 33, s. 2. Rights saved. **3.** The said lands shall be divided by the Governor in governor in the uncil into two classes to the divided by the respectively. Council into two classes, to be denominated respectively. Class one and Class two: Lands divided into two 2. Lands in either class, may, from time to time, be placed replaced in the other class be to time in Council. or replaced in the other class, may, from time to time, be purely council. C. S. C., c. 24, s. 1, part -40 V C. S. C., c. 24, s. 1, part ;-40 V., c. 8, s. 3;-42 V., c. 38, 5. 4. Class one d 4. Class one shall consist of such parts of the said lands of e, from time to time, placed in the said by order - Class one shall consist of such parts of the said lands of are, from time to time, placed in that class, by order of the Governor in Council 2. Lands in class one shall be retained by the Government 'Canada for the defence of Covernment 3. Such of the lands in class one as it is deemed necessary the Governor in Conneil to the defence of the defen by the Governor in Council to occupy for the defence Canada in time of peace. may be such for the such force Canada in time of peace, may be so occupied by such force as is lawfully directed by the G as is lawfully directed by the Governor in Council: 4. Such of the lands in class one as it is not deemed as the used, as the preserved to occupy, may be located. sary so to occupy, may be leased or otherwise used, as de Governor in Council thinks have a start of the star Governor in Council thinks best for the advantage of Canada C. S. C., c. 24, s. 1, part and a start of the advantage of 33. s 4 C. S. C., c. 24, s. 1, part, and s. 4;-40 V., c. 8, s. 4;-42 V., c. 33, s. 4. required. 5. Class two shall consist of such parts of the said lands as e not in class one : Class two.

are not in class one :

classes.

Change of class.

Class one.

Lands for defence.

How occupied.

How dealt with if not

accounted for in like manual or other sums charged thereon. accounted for in like manner as other sums charged thereon.

erceed two hundred, and that the sum paid to any such pensioner for improvements does not exceed the amount such conditions. C. S. C., c. 24, s. 7. 9. The said annuities and sums shall be a charge upon the Howto be paid consolidated Revealed shall be paid and and accounted for.

S. The Governor in Council, in consideration of the transfer The same. of the said lands situate at Penetanguishene, Amherstburg and of the said lands situate at Penetanguishene, Amherstburg and Fort Erie, may authorize the payment of a like annuity out and said fund to cool of the payment of a like annuity out of the said fund to each of the pensioners located thereon, is and further such further such the pensioners located thereon, and of said fund to each of the pensioners located thereon, is entitled to accord; the pensioners of his location, such is entitled to according to the conditions of his location, such land to according to the conditions of his location, such land to accord the conditions of his location, such annuity and sum to be in lieu of all his claims upon such erec.; provided the conditions of mensioners does not land; provided the number of such pensioners does not signal two hundred and that the sum naid to any such pen-

exceeding four pounds sterling, per annum, to each pensioner located upon the Ordnance Lands mentioned in the schedule side Act. situate of the Act to this Act, situate at Toronto, London and Niagara, in con-line attorn of the transformed in the scheme and in the scheme at Toronto, London and Niagara, in consideration of the transfer of the said lands to Canada, and in the of all cloimers of the transfer of the said lands to Canada, and in lien of all claims of the said pensioners thereon,—provided C.S.C., c. 24. s. 6

The Governor in Council may authorize the payment Annuities to certain the Consolidated Day of a life annuity not pensioners.

C. S. C., c. 24, s. 1, part ;-40 V., c. 8, s. 5;-42 V., c. 33, s. 5. 6. The moneys arising from the sale or lease of any of the Application and shall be noted from the sale or lease of Finance and of proceeds. said lands shall be paid over to the Minister of Finance and of proceeds. Receiver General and the line of the Consolidated Receiver General, and shall form part of the Consolidated Revenue Fund of Canada; and a separate account shall be kept thereof. C. S. C., c. 24, s. 5;-40 V., c. 8, s. 6;-42 V.,

8. Provided always, that when any portions of the said Proviso: ads are in the solution that when any portions with the as to land on which ⁵. Provided always, that when any portions of the said Proviso: assent of the actual occupation of any person with the as to lands made, such improvements thereon have been improvements before the improvements of the provid for at a fair valuation are made. nade, such improvements and improvements thereon have been improvem before exposing the limit is shall be paid for at a fair valuation are made. before exposing the land to competition; or the Crown may, the person in possession without resorting to public auction. the person in possession without resorting to public auction.

of a Province for provincial purposes; but no such sale shall prejudice the right prejudice for provincial purposes,

2. Lands in class two may be sold, leased or otherwise How to be seed as the Government of the time to time, thinks dealt with used as the Governor in Council, from time to time, thinks dealt with. meet, and shall, as respects sales, registration of assignments, be and shall, as respects sales, registration of assignment administered in accordance with the provisions of "The in the provisions of "The Dominion Lands Act" so far as the same are applicable: Pro- Proviso: and always, that such color shall only be made at public sales to b vided always, that such sales shall only be made at public sales to be of a Province for province of lands sold to the Government

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out of the Governor in Council may authorize the payment Annuttee exceeding four pounds at the Fund, of a life annuity not pensioners.

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SCHEDULE.

MILITARY PROPERTIES in Canada transferred to the Government of the late Province of Canada.

			_	
Situation.	Qua	roxim ntity and.		Description of Buildings or Military Works.
Temiscouata	A.	R. 2	P.	Stockaded Barrack.
Three-Rivers	3	$\tilde{2}$	10	Barrack and Fuel 1 and other
Borel	45,220			Seigneurie, Domain
Montreal				Stockaded Barrack. Barrack and Fuel Yard. Seigneurie, Domain and other appurter ances. Old Barracks.—Parcel of land for imper- pont at Longueuil. Barracks for Cavalry, Artillery Infantry. Infantry. Berracks and Old Fort. Junfantry Barracks perfere- arry, itself
Laprairie	42	1	8	Barracks for Cavairy, Barracks for Cavairy, Infantry. Infantry Barracks and Old Fort- Infantry Barracks for Barrack Fort Lennox and Reserve. Fort Lennox and Reserve.
- 		j		Barracks for Card Old Fort Infantry. Infantry Barracks and Old Fort. Fort Lennox and Reserve. Old Fort, Barracks for Cavalry, Mester Old Fort, Barracks for Barrack and Infantry, with Barrack House, &c. Blockhouse.
St. Johns Isle-aux-Noix and Sorel River	176 295			Fort Lennox and Reser Cavalry, Mast
Chambly	157	1 1	22	Old Fort, Barracks for Barrach
,	101	1		and Infantry,
				house, &c.
Chateauguay Cascades	5		1	and Infancy, house, &c. Blockhouse. Wood Yard, Common and Canal. Storehouse and Wharf.
Cedars	9 	1 2	12	Wood Yard, Commo- Storehouse and Wharf.
Coteau-du-Lac	15		20	Fort
Cornwall	1			Theal Vord
Prescott Grant's Island, Brockville	74			Fort Wellington. Blockhouse. Horchmer Farm. 24.
Grant's Island, brockvine	180	23	32	Blockhouse. Lot 23 or Herchmer Farm' 24. Gore between lots 23 and 24.
1	11	2		
1	11	1	31] c lot 24
1	15		•••	Parts of lot - Place d'Aria 10th
	6	$\frac{2}{2}$	8	Parts of lot 24. Lots 19, 21 and 22, Place d'Armet. Lots 23, 24 and 25, do. Lots 23, 24 and 25, do. Commandant's Quarter, and lots
Kingston	····	$\frac{2}{2}$	16	Lots 23, 24 and 25, Quart's
Angston	4		8	Parts of lot 24. Lots 19, 21 and 22, Place d'Armes. Lots 23, 24 and 25, do. Late Commandant's Quarter, and 10 ^{ts} 286, 382 and 413.
	3	,		280, 304
İ	44	1	17	Ferguson Florid.
	110			Ferguson Front Stand. Horse Shoe Island. Snake Island. Kingston Mills Reserve, &C. Reserve.
				Snake Isling Reser
Cape Vesey, Prince Edward County.	100 1260		•••	Reserve.
Green Point, Bay of Quinte	100	 		
•				Kingston Mills - Reserve. Do. Old Fort, New Barrack ⁵ . Barrack ⁵ . Hospital, Bathurst Street. Commissariat Quarter ⁵ , Square. Guard house and Heights. Guard house and Heights.
Toronto	502	2	1	Commissariat Qual Victoria
	Ì	•		Guard house and Height to
Hamilton	178			Do. Old Fort, New Barlares Stores. Hospital, Bathurst Strees fores. Commissariat Quarters, Square. Guard house and Victoria Square. Reserve, Burlington Heights. Lots 5 and 6 Con. Pelham, sold too Reserve, Barracks and Hospital. sold too Reserve, Barracks and that Hamilton
Short Hills Farm	200		•••	Lots 5 and Derracks ant the
Niagara Queenston	444		4	Reserve. All, exers of
	130		•••	Guard house and Vieghts. Guard house and Heights. Reserve, Burlington Heights. Lots 5 and 6 Con. Pelham. Reserve, Barracks and Hospital sold iton Reserve. — All, except the the Purchasers of the Estate.
Lyons Creek	3	1		
Chippawa	19		27	Barrack and Dev
Chippawa Navy Island Fort Erie				
Port Maitland			•••	Do. Parracks.
Turkey Point	426 592		•••	Do. Infantry Da.
London	74			Artillery and harack.
Chatham	11	3	8	Do. Do. Do. Artillery and Infantry Barracks. Infantry Barrack. Deserve.
Rond Eau	500	l;	•••	Reserve.

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MILITARY PRO	809	
I I ROPER	809 IES in Canada transferred to the Government of the late Province of Canada.	•

Pigiting Island	SITUATION.	Appro Quan L	oxim ntity and.	ate of	Description of Buildings or Military Works.
	Nottawasaga Bay Penetanguishene St. Joseph	523 1200 4 … 51 66 5396 450 170	···· ··· ··· ··· ··· ···	···· ··· 15	Reserve. Infantry Barrack. Reserve.—Except land sold to Con- tractors for the Grand Trunk Rail- way. Reserve. Do. Reserve and Barracks.—Except that under license of occupation to Major Ingall. Reserve. Do.

Chap. 53.

WAR DEPARTMENT prope	810 rty transferred to the Govern minion of Canada.			
Local Name of the Property, &c.	Origin of the Title.	Co (11	nten arly	/
Niagara.		۸.	R.	P
	Partly by Crown reservation in 1784 or 1796, and partly by exchange with Mr. Crooks	66	2	14
KINGSTON.		142	1	31 13
Land at the Little Cataraqui Murney Tower and Redoubt, land, &c	Purchased by Imperial Government in 1812 Crown reservation and partly by deed of exchange	6	3	39
Market Battery and enclosure	exchange Crown reservation and partly by deed of	1	8	16
Shoal Tower and submerged land in front of Market Battery	Granted by Order in Council, 18th Nov., 1845 and 26th Lune 1846, but no letters	$\left\{ \begin{array}{c} 11 \\ 12 \\ 12 \\ 12 \end{array} \right.$	1 0 3	10 9 31
Fête de Pont Barracks, stables, &c	1845, and 26th June, 1846, but no in the patent issued By right of conquest, and military appropriation; the site of Fort Frontenac and works attached	4	3	31
Fuel yards, Nos. 1, 2, barrack office and lot 19, Place d'Armes, on site of works of old Fort Frontenac	By patent—Provincial Government in exchange for other lots, 28th January, 1861	1	8	14
Fuel yard, No. 3, on site of advanced work of old Fort Frontenac		0	3	
	Crown reservation as delineated on a plan of Kingston in the Crown Lands Department, signed by Alex. Aitken, D.P.S., but no date	5	3	25
The water lot, being a portion of Cataraqui Bay, north-east of the city	By letters patent from the Crown to the Hon. Board of Ordnance, on condition	71	0	0
Military Burial Ground, Section G, in Cataraqui Cemetery	the navigation of the rights of private be obstructed, nor the rights of privated individuals be interfered with, dated 22nd Nov., 1845 Deed of Donation from the Trustees to the War Department, dated 31st January, 1865	71 2	0	14
Point Frederick Naval Reserve, dock- yard, &c	1865 Crown Reserve, set apart by letters dated May, 11th September, 1783, and 22nd May, 1785, by General Haldimand and Lieut. Governor Hamilton	57	0	0

^{Dha} p. 52.				
AVAL RESERVE	811			
SAVE transferre	811. d to the Government of the L Canada.	Domin	ıion	(
Local Name of u				
Local Name of the Property, &c.	Origin of the Title.		ntent arly)	
Kingston.—Continued.				
Belon Hear		A.	R.	1
ingston; to wit: So much of out Frederick, in the township roatenac, in the possession of the with Authorities at King of the				
val Ap, in the the County of				
859 and of Decent Kingston of				
a the state of the	1			1
of bould by a line of the state of the	1			
White the stand we will be will be				
on the erating it of the North				
design Point of Point the Tower			Í	
				l
and also Peinty of Point Frederick, Hamilton Cove. Nort Frederick—Glacis and land at- Port Henry and ed-	Crown Reserve as above quoted			
Ben Ben Frederick				
Fort Henry and advanced battery, pital and accessories, &c. Known Pital stand are to be	orown Reserve as above quoted	8	2	
Pital and accessories, buildings, hos- cessories, buildings, hos- cessories, &c. Known Pittsburgh, Wearton and Glassie No. 20 p. Wearton				
Piter lala onerd Common Mnown				
all and an and an	do dated 11th	556	0	
No argh	do do do	23	Ŏ	
Pitteburgh, western addition of lot No. 21, Barriefield	A contra 1 a	125	2	
Pitteburgh, western addition, front Cataraqui, north of Barriefield	and Harriet his wife, by deed of ev-			
aqui, north of p. the p:-	change, 20th March, 1840	102	0	ļ
barriefield	 Acquired from Robert David Cartwright, and Harriet his wife, by deed of ex- change, 20th March, 1840 Purchased by the Admiralty from Richard O'Connor, Captain, R.N., represented by his Attorney, J. B. Marks, R.N., 23rd August 1910 			
	O'Connor Cantain D N from Richard			
	by his Attorney, J. B. Marks, R.N., 23rd August, 1819		i	

WAR DEPARTMENT property Domi	812 transferred to the Govern ^m inion of Canada.	Ch ent	ap. of	5 9 thi
Local Name of the Property, &c.	Origin of the Title.		atent arly)	\$
·		A.	Ŗ.	p.
QUEBEC CITY AND DISTRICT.		71	3	1
Exercising Ground, Plains of Abra- ham	asehold from the Ursuline Nun ^{5,} 99 years from 1st May, 1802	11		.9
No. 3, Tower Field, N.W. of the Grand Allée, Plains of AbrahamLe	aschold from the Nuns of the Hoter 1790; Dieu, 99 years from 1st May, Tower is freehold.	37	0	13 34
No. 4, Tower Field, N.W. of St. John's	space covered by the lower and the Hotel asehold from the Nuns of the Hotel Dieu; 99 years from 1st May, 170, in- cluding a freehold strip of 0a. 1r. 04p	18	1	3+3
Land surrounding Nos. 1 & 2, Towers, S.E. side of the Grand Allée, Plains of Abraham	equired by purchase from the Ursuline Nuns, 15th June, 1811, Joseph Planté, N.P., Quebec	7	8	90
Land S.E. of the Grand Allée to the Cime du Cap and between Nos. 1 & 2 Towers property, and counter- scarp of the Citadel and Works adjacent	te greater part acquired by purchase from various individuals, and partly by conquest of the old French Works, &c., an annual ground rent of $\pounds 11$ is od. is payable on part of this land to the Fief de Villeray	100	0	0 55
cricketfield, ditches, ravelin, &c., in front, lying between St. Louis and St. John's Gates	equired partly by conquest and partly by purchase from various individuals (Cricketfield, 5a. 3r. 22p.)	34	2	
Citadel—Glacis and Town Works, as far as St. Louis Gate, Engineer	is for hy right of conquest and military	45	0	
Town Works, Artillery Barracks, Glacis, &c., between St. John's Gate, Palace Gate and St. Valier Street	hiefly by conquest and military appro- priation. Lots in St. Valier Street, purchased in 1846-7	13	3	8
Mount Carmel, a commanding emi- nence, and site of the Windmill	1780.	0	8	0
Officers' Barracks, Garrison Hospital, &c., fronting on St. Louis Street, and in rear by St. Géneviève Street By Commisseriet Premises opposite old	Quired by purchase, 25th NOUS J. Pinguêt, N.P	1	9	30
Commissariat Premises, opposite old Court House, on St. Louis Street, and in rear by Mount Carmel St Ac Jesuit Barracks, with other buildings	equired by purchase, 11th August, 1815.	0		
and land attached fronting on St	v right of conquest and military appro- priation, occupied as Infantry Barracks, &c	5	1	10
1	&c		- 1. 1. 1.	

proporty . 317 . - \mathbf{T}

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P. 02.				
WAR D	813 y transferred to the Governme vinion of Canada.			
-4 DEPARTMENT				
The propert	y transferred to the Governme	ent of	f th	e
Dom	inion of Canada.			
Local Name of the Property, &c.				
of the Property, &c		Cont	ents	
	Origin of the Title.	(near	-	
0m				
QUEERC CITY AND DISTRICT Con. The Town Works, along in the Cape (C)		<u>-</u>		
The Town Works, along the top of the King's Bastion of the Cap), between includit Scott Content of the Cap			- I	п
the Cape (Cime du Cap), between including state, Monry the Citadel		A.	R.	Р.
include Bastion of the detween				
the King's Bastion of the top of and prescott Gate, Mountain Hill, Louis, Governor's Garda Fort St.				
Garden Fort St.			Ì	
168.	Part of the Crown Domain by conquest and military appropriation, with small portions at either end acquired by pur-	1		
George's Batton	and military appropriation, with small portions at either end acquired by pur-			
	chase in 1781, and about 1827-29	5	1	0
George's Street, Magazine F. and Vidnance Stores, & Communication Magazine E., Hottar			1	
Jance Stores, Magazine F. and Jagazine E., Hotel Dieu, on Rampart Gates	Portions at either end acquired by pur- chase in 1781, and about 1827-29 By right of conquest and military appro- priation			
The state of the s	priation	0	0	12
	By right of conquest and military appro- priation Acquired by purchase, 17th June, 1809			
	-required by purchase, 17th June, 1809	0	1	22
(opper Town) Gate and Palace Bat-				
lact: Gate	D			
	By right of conquest and military appro- priation, including Remnart Street and			
Citad and Cap (top so land to	priation, including Rampart Street and cliff underneath, (contents never given)			
Citadel Plane, Wharf and land to on Champlain Street, S.E. of the Citadel				
Queen's Wharf premises, and small lot opposite, on Cul de Sac Street.	Acquire 1			
opposite premises	Acquired by purchase, 24th Sept., 1781, afterwards used in connection with the Citada			
Land at the foot of the Cliff in La Ganoteric and St. Charles Streets, Works	Citadel	2	2	0
augto to toot	a part of the defences of Quebec.			
Wort Glacia St. Charliff in L	site of a battery. Acquired by right of conquest	1	3	8
Control of the streets,				Ŭ
Commissariat Fuel Yard, &c., on Sacutory or	Acquired by purchase in 1846-7, to pre- vent buildings against the defences			
darbor of Yard	vent build: purchase in 1846-7, to pre-			
SEIGHIOP	Post of buildings against the defences	2	3	0
New New York	held i threadant's Palace property,	4	3	28
A trong defensive position, on the Cartier, about thirty mile acques	s souquest	4	ľ	1
Cartiensive Position]	
right bank of the River Jacques Quebec			l	
above				
8 KIG.	Acquise		1	1
Point I. LAUZON	26th June, 1818	38	0	3
Diory of Forte				
strict of Open, Cons. 1, 2, 3, Soin	R. J. J.		i	
Point Levis; Forts Nos. 1, 2, 3, Seig District of Quebec	- Freehold.		1	
District of Quebec	Lands acquired 1			1
	1867 and 1868, under the provisions of Consolidated Statutos of Consolidated	ŕ		
	Chanter 26 T C Ntatutes of Canada	,	1	
	Quebec J. Greaves Clapham, N.P.	' 1252	2	37
	•			

WAR DEPARTMENT proper Do	' 814 rty transferred to the Governm minion of Canada.	uent	of 1	. 5 2 (he
Local Name of the Property, &c.	Origin of the Title.	C0 (10	nten! arly	,
SEIGNIORY OF LAUZON, POINT LEVIS-Con.		A.	R	P.
Point Levis; Forts Nos. 1, 2, 3, Seig- niory of Lauzon, County of Levis, District of Quebec, to prevent erec- tion of buildings near the rear line or covered way, between Nos. 2 and 3 forts	Copyhold.	69	1	35
Quebec Gate and Artillery Barracks, cavalry stables, fuel yard, commis- sariat store buildings, and the beach in front—all on Water street.	Principally by right of conquest and military appropriation; a few perches	8	0	9 6
Garrison hospital, surgeons' head- quarters, land and other buildings attached	Acquired by purchase in 1834, and by deed of exchange, 19th September, 1870	1	0 0	96 95
North-west side of Dalhousie Square, building lots, side of Old Citadel Hill Champ de Mars or parade ground for the troops	By deed of purchase, 25th May, 1838 Held since the conquest in 1760, as a part of the old fortifications, fronting on	4	1	95 94 90
Military burial ground on the Papineau Road St. Helen's Island Ile Ronde Ile aux Fraises		$\left\{ \begin{matrix} 123\\28\\1 \end{matrix} \right.$	319	10

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Admiralty La

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the D	Reserves transferred to the Go Dominion of Canada.	verni	nent	t of
Local Name of the Property, &c.	Origin of the Title.		ntent early)	
ONTARIO. County of Haldimand	Naval Reserves.	А.	R.	P.
~mcoe	Grand River Barbet Point Mohawk Bay	219 48 20	0 2 0	0 32 0
	east side Penetanguishene Harbor Reserve, east branch of Holland River, in town plot at Gwillimbury lots 49, 50.	389	0	0
Lake Huron	Reserve Lot 13, in the Township of Ves- pra, 11th concession	200	0 0	0
	Lot 1, in 1st and 2nd concessions of the Island St. Joseph with broken point to	3000	0	0
	south of same. South-half lot 6, in the 9th concession in Milford Haven.	500 106	0 0	0

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LANDS, &c., of the War Department, transferred to the Government of Local Name of the Property, &c. Contents Origin of the Title. (nearly). QUEBEC. The Hochelaga Barracks and Military Prison..... Logan's Farm..... Parm at Longueuil...... Naval Reserves. A. R. Ρ. 8] 12 14 $\begin{array}{c}2\\121\end{array}$ 3 3 0 ••••••• Government Farm and Cottage east of the Bichelieu, being lots 26, 27, April, 1867; seyof Hayden, P.L.S., containing....... •••••• 190 "116 English Acres=137¹/₂ Arpents, 30¹/₂ Perches, French. 116* 0 0

LANDS, &C., of the War Department, transferred to the Government of the Dominion of G Contents (nearly). Origin of the Title. Local Name of the Property, &c. p. Ŗ. A. QUEBEC. -- Continued. Naval Reserves. Sorel. The Military Reserve or Domain, south-east of the Town of Sorel, and lying between the town and lot 25. Quantity unknown. Part under lease and part patented. Shown on plan signed W. Hamil-ton Colonal Commanding Boyal ton, Colonel, Commanding Royal Engineers, 2nd August, 1870. (Colored pink)..... The Barracks and divers lots of land, being a Military Reserve at the mouth of the Richelieu, on the eastern shore, held on lease, as shown in pink on plan signed Ha-milton, Col. C.R.E., 2nd August, 1870. Quantity unknown. Called also Reserve South of Victoria Street by said plan Land lying on the west shore of the River Richelieu, on the point at its mouth, bounded on the south by the Chemin de Ligne à la Grand Riv-ière, and round its front and sides ière, and round its front and sides by the Richelieu and St. Lawrence Rivers, from the eastern to the western extremities of the said "Chemin de Ligne" as shown on plan by Hayden, P.L.S., April, 1867; and in pink on plan by W. Hamilton, Col. C.R.E., 2nd August, 1870. Quantities not given...... Isle aux Cochons and part of Isle St. Ignace. Contents not given. Shown in pink on plan by Hamilton, Col. C.R.E., 2nd August, 1870...... ٥ Isle RondeRiver St. Lawrence 20 Isle de Grace. do Isle aux Corbeaux..... do St. Luc, County of St. John's

40 V., c. 8, Schedule.

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817 LANDS, &C., of the War Department, transferred to the Government of the Dominion of Canada.

NEW BRUNSWICK.

	M DRUNSWICK.			
Local Name of the Property, &c.	Origin of the Title.		tents arly).	
ST. JOHN AND VICINITY. Fort Howe, Portland, and land at- tached		А.	R.	Р.
Carleton, Martello Tower and Old Block Honse properties, and the site of Old Fort Point	Acquired by deed of exchange, 9th June, 1789 (place of deposit of the deed un- known). Registry Office, Book B., page 170, No. 317 Acquired partly by purchase in 1827 and partly by undisputed military occupa- tion. Act of Provincial Legislature,	(Re 16	vised. 0),
Carleton, Reserve Z	partly by undisputed military occupa- tion. Act of Provincial Legislature,	5	oxim 3 giver	37
Red Head Battery, east side of en- trance into harbor	Government, 15th December, 1864, under certificate of the Solicitor General of New Brunswick	7	0	28
Partridge Island Battery, barracks, &c., with Queen's Wharf and right of way to battery, &c	in 1864 and made over to the Imperial Government, 15th December, 1864, un-	8	1	3
ST. JOHN. "Lower Cove Grounds," Dorchester, and other Batteries, Infantry and Artillery Barracks, with accessories, 	Works of defence erected by virtue of a reservation in the City charter. The free use of a landing place and roadway were also conceded to the War Depart- ment, 19th July, 1859, by the Board of Health	0	2	8
FREDERICTON CITY. Property Known as the "Stone Bar stacked (Infantry) and accessorie Barracks, &c., between Queen Co and River St. John Co Queen Co	 Acservation in City Charter, the Crown had the right to erect barracks, works of defence, &c., commencing about 1794, vide also agreement with the Corpora- tion of St. John, dated 16th January, 1858, original in Common Clerk's Office 	-	0	25
Artillery Park Barracks, and severa other buildings accessories thereto County York	Originally a military reserve, and under certain deeds of exchange between the War Department and the City Corpora tion, 1866. See also Provincial Acts 9 Vic., c. 73, and 28 Vic., c. 61	. 8	0	3
02	No record furnished how this propert came into possession of the War Depart ment	1	2	26

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Chap. 52.

Local Name of the Property, &c.	Origin of the Title.	Col (ne	nteni arly	t3).
		A.	R.	P.
ST. ANDREWS AND VICINITY.				3
West Battery Block-house, &c., &c., County Charlotte	eserved for military purposes in the Campbell grant, 11th October, 1823	2	0	0
Joe's Point Block-house, near River	in the	21	0	
Simpson Reserve on River Ste. Croix, County Charlotte	eserved for military purposes 1823 Campbell grant, 11th October, 1823 o record of title furnished by Imperial Government	22	1	18
Fort Tipperary, Barracks and acces- sories. Tompkin's Hill, County Charlotte	cquired by exchange and deed of con- veyance, 11th March, 1815, and Legisla- tive Act, 7th March, 1814	9	1	34
OROMOCTO OR THREE TREE CREEK			0	0
County SunburyRe	eserved for military purposes. No date furnished as to the precise time	200		
BEAVER HARBOR.			0	0
East of L'Etang, County Charlotte, near St. Andrew'sRear	eserved for military purposes in 1784	8		
(Reserve) Pomeroy Bridge.				
Magaguadavic River, County Char- lotteRe	eserved or acquired for military purposes. Title dated 14th July, 1837. Place of deposit unknown	6	3	o
Paperer (Oniminal Desard)				
River St. John, County Charlotte Re	eserved for military purposes, in Wakefield grant, 20th June, 1809. Lieut. Governor's warrant of survey, dated 22nd Oct., 1827, in the Provincial Sur- veyor General's Office	676	0	0 che-
GRAND FALLS.		i F ^{otal} d	by ^s ule:	0
River St. John, County of Victoria or CarletonRe	eserved for military purposes, as shown on plan in the Surveyor-General's Office since 1800. Provincial grant to the Ordnance dated 23rd April, 1845.	1,548 1,548 10tal 1571	by to	مل ه
LITTLE FALLS.			ar ve)	lis.
Madawaska River, County of Mada- waska	for site of Block-house, sc. By deed of sale from Joseph Hébert, to the Ord- nance, dated 22nd August, 1843. No. 9,549, Louis Panet, N.P., Quebec	By 5 20 By 51 By 51	8 10 83	d.

LANDS, &C., of the War Department, transferred to the Government of the Dominion of Canada.

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LANDS O	819				
LANDS, &C., of the War De	epartment, tran Dominion of Co	nsferred to the G anada.	overn	ment	t of
NEW BR	UNSWICK	Concluded.			
Local Name of the Property, &c.	Origin of the Title.		Contents (nearly).		
DALHOUSIE. Bay Chaleurs, County Restigouche (Reserve) FORT CUMBERLAND. N. E. Shore, Bay of Fundy, County Westmoreland				R. 0	Р. 0
Site of a defensive post, captured from French in June, 1755, known at that time as "Fort Beauséjour"			$\frac{1}{2,658}$	0	0 2]
Shelburne tr	NOVA SCOTIA	۲.			
Shelburne Harbor, Navy and Com- missary Islands 42 V., c. 33, schedule.			ei	R.	Р. 0
Proposed to be Consolidated. Consolidated. Con. Stat. Can., The 23 °C 24.	Left To be for Repeal. Consolidated elsewhere.		To be Consolidated with.		
Con. Stat. Can., 23 V. The whole, exc 404.3 Part of s. 2. 40 V. c. 8	ept Part of s. 2. ept Section 7(repeal- ing clause.) ept Section 7(repeal- ing clause.)	Remainder is Pro- vincial.			_

CHAPTER 53.

An Act respecting certain Public Lands in British

ER Majesty, by and with the advice and consent of the Senate and House of Constant of the enacts as follows:---

1. The lands granted to Her Majesty, represented by the overnment of Canada in the section Government of Canada, in pursuance of the eleventh section of the terms of Union by the of the terms of Union, by the Act of the Legislature of the Province of British Columbia Province of British Columbia, number eleven, of one thor sand eight hundred and civit sand eight hundred and eighty, intituled "An Act to author ize the grant of certain multiplication of the British ize the grant of certain public lands on the mainland of British Columbia, to the Government Columbia, to the Government of the Dominion of Canada, for Canadian Pacific Railman Canadian Pacific Railway purposes," as amended by the set of the said Legislature, number fourteen, passed in the set sion held in the vears one th sion held in the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty four, intituled "An Act relation four, intituled "An Act relating to the Island Railway, the Graving Dock and Railman I and the Island Railway, and the Island Graving Dock and Railway Lands of the Island Railway, be placed upon the market at the placed upon the market at the earliest date possible, and shall be offered for sale on liber date possible. shall be offered for sale on liberal terms to actual settlers : 2. The said lands shall be open for entry to bond fide set in ers in such lots and at such tlers in such lots and at such prices as the Governor in Council determines:

And open for sale.

Rights of squatters thereon.

Regulations by Order in Council.

portion of the Peace River district of British lying east of the Rocky Mountain of British West The State St lying east of the Rocky Mountains, and adjoining Majesty, as West Territories of Canada Lands in West Territories of Canada, granted to Her Majesty, Peace River district to be under Dominion Lands Act.

prior to the nineteenth day of December, one thousand eight hundred and eighty-three and in the said substantial hundred and eighty-three, and who has made substantial improvements thereon shall improvements thereon, shall have a prior right of purchase ing the lands so improved at the ing the lands so improved, at the rates charged to settlers generally: 4. The Governor in Council may, from time to time, regulations on the the manner in which and the from time conditions is late the manner in which, and the terms and conditions on which, the said lands shall be which, the said lands shall be surveyed, laid out, administered, dealt with and disposed tered, dealt with and disposed of; but regulations respecting the sale, leasing or other discussion of the sale, leasing or other discussion of the sale of the sa

3. Every person who squatted on any of the said lands ior to the nineteenth day of December of thousand eight

ing the sale, leasing or other disposition of such lands shall not come into force until there. not come into force until they are published in the Canada Gazette. 47 V., c. 6, s. 11 mont 2. The three and one-half million acres of lands.in that ortion of the Peace River divide the Columbia

820

Lands grant-ed by British

Columbia for

railway pur-poses to be

offered for

sale.

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represented by the Government of Canada, by the said Act, number fourteen, passed in the session held in the years one thousand circle in the session held in the years and thousand eight hundred and eighty-three and one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-three and one mouse to the Island D, and eighty-four, intituled "An Act relating and Bailway Lands to the Island Railway, the Graving Dock and Railway Lands in one rectangular block, shall be held to be Dominion 47 V., c. 6, s. 12

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
	Part of s. 11 and s. 12	Part of s. 11	Remainder is occasional and will not be consoli- dated,	

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CHAPTER 54.

An Act respecting the Census. HER Majesty, by and with the advice and consent of the Senate and House of Com Senate and House of Commons of Canada, enacts as 1. This Act may be cited as "*The Census Act.*" 42 V., c. ²¹, 40. follows :---Short title. 2. In this Act, unless the context otherwise requires, the correspondence of the development of the developm s. 40. expression "house" includes all ships, vessels, dwellings of places of abode of any kind Interpretation. places of abode of any kind. 42 V., c. 21, s. 26. **3.** A census shall be taken in the year one thousand eight indred and ninety-one and in hundred and ninety-one, and in every tenth year thereafter, at the beginning of the year one thousand eight hundred at the beginning of the year one thousand eight hundred and ninety-one, and at the beginning of the year one thousand eight tenth year thousand the beginning of the year one thousand eight tenth year Census, when and ninety-one, and at the beginning of every tenth year thereafter, respectively. 42 V to be taken. **4.** The details of information, the forms to be used, and the cocedure to be followed for the the forms to be used, and the procedure to be followed for the obtaining thereof, and the period at which, and the determined to which, are period at which, and the dates with reference to which, the census shall be taken.—wheth-Proclamation census shall be taken, —whether generally, or for any speci-fied localities, requiring to be by Governor in Council, fied localities, requiring to be exceptionally dealt with in any of these respects.—shall what it shall any of these respects,—shall be such as the Governor in Council, by proclamation direct regulate. Council, by proclamation, directs. 42 V., c. 21, s. 2. 5. Each census shall be so taken as to ascertain, with the most possible accuracy in the possibl utmost possible accuracy, in regard to the various the classification the country with the classification th divisions of the country,—their population and the classifier cation thereof, as regards are Census, how cation thereof, as regards age, sex, social condition, race, occupation and the houses and the houses and the houses and the houses and the houses and the houses are at the houses and the houses are at the house at th to be taken. education, race, occupation and otherwise, the houses and other buildings therein and the population as dwellings, Details required. other buildings therein, and their classification as dwellings inhabited, uninhabited under inhabited, uninhabited, under construction and otherwise, as there is a the occupied land therein and there is a there is the occupied land therein, and the condition and other other town, village, country. cultiveted and other wise - the town, village, country, cultivated, uncultivated and therein, ing, fishing wise,—the produce, state and resources of the agriculturing, fishing, lumbering, minima trading and other industries thereof,—the municipal, educational, charitable and other industries thereof,—the municipal, educational, charitable and other industries thereof. tional, charitable and other institutions thereof, and instruc-tions to her matters are specified to her and instrucsoever other matters are specified in the forms $42 V_{,,} c. 21$, s. 3 Other matters. 6. The Minister of Agriculture shall cause all forms, and so all instructions which he demonstrate in respect ... ine Minister of Agriculture shall cause all forms, and also all instructions which he deems requisite in respect Forms and instructions.

12. The census commissioner shall examine all such Duties of census commissioner shall examine all such Duties of missioner has missi has missioner has missi has missioner has missioner has missione records, and satisfy himself how far each enumerator has missioner. performed satisfy himself how far each enumerator in the sound set of the duties required of him, and shall note all apparent defects and inaccuracies in such records, and require enumerators of the several enumerators of thore with to assist him the several enumerators concerned therewith to assist him

structions issued to him is required. 42 V., c. 21, s. 9.

11. Every enumerator, by visiting every house and by Duties of the three in detail. with the careful personal inquiry, shall ascertain, in detail, with the enumerators. Which possible accuracy with ascertain in detail, with the enumerators. which he is required to y, all the statistical information with which he is required to deal, and no other, and shall make shall be cord thereof an exact record thereof, and attest the same under oath, and shall see that such attest the same under oath, and shall see that such attested record is duly delivered to the incensus commissioner under whose superintendence he is struction the whole in all and attest the same delivered to the placed, the whole, in all respects, as by the forms and in-

the duties required of them are to be performed, and use due diligence in the of them are to be performed, as use 42 V., c. 21, s. 8. due diligence in the performance thereof. 42 V., c. 21, s. 8.

10. The census officers and commissioners shall be in- Duty of centrusted, under direction and instruction of the Minister of sus officers the culture, with the culture of the Minister of sus officers and commis-Asticulture, with the superintendence of the work assigned to sioners. the enumerators, and shall see that all those under their superintendence thoroughly understand the manner in which

9. There shall be appointed, by or under the authority of Appointment Minister of Δm and subject to of enumerators. the Minister of Agriculture, in such manner and subject to of enumera-construles in that habits such rules in that behalf as are laid down by Order in Council, one or more enumerators for every census sub-dis-trict; and when the subtrict; and whenever more enumerators than one are appointed, the powers and duties of such enumerators shall whether territorially and of Agriculture assigns to each, whether territorially or otherwise. 42 V., c. 21, s. 7.

8. The Governor in Council shall appoint census officers, Appointment ensus commission council shall appoint census officers, appointment census commissioners, and other employees who are cers and com-necessary for the tol: necessary for the taking of each census, with such relative missioners. powers and duties and such emoluments as are laid down for each census by Order in Council. 42 V., c.

.census. 42 V., c. 21, s. 5.

The Governor in Council, by proclamation, shall divide Division of le country into into council, by proclamation, shall divide Division of country into council, by proclamation, shall divide Division of country into council, by proclamation, shall divide Division of country into council, by proclamation, shall divide Division of country into council, by proclamation, shall divide Division of country into council, by proclamation, shall divide Division of country into council, by proclamation, shall divide Division of country into council, by proclamation, shall divide Division of country into council, by proclamation, shall divide Division of country into council, by proclamation, shall divide Division of country into council, by proclamation, shall divide Division of country into council, by proclamation, shall divide Division of country into country the country into census districts, and each census district census dis-ticts by the country into census districts, and each census district census districts, by into sub-districts, to correspond respectively, as nearly as tricts, by may be with the correspond respectively. may be, with the electoral divisions and sub-divisions for the proclama-tion. time being, and in territories not so defined or so situated as to admit of adhering to circumscriptions already established, into special divisions and sub-divisions for the purpose of the

of each census, to be duly prepared, printed and issued, for use by the part of be duly prepared, printed and issued, for use by the persons is employed in the taking thereof. c. 21, s. 4

in respect thereof,—and with their assistance shall correct the same so far as is found their assistance shall noting the same so far as is found requisite and possible, noting always whether such correct always whether such corrections are concurred oath, of them or not, and shall make the them or not, and shall make return, attested under oath, of his doings in the premises his doings in the premises, and shall transmit the same, together with all the records together with all the premises, and shall transmit the same of Agriculture,—the whole in all the forms and instance to the forms and Agriculture,—the whole, in all respects, as by the forms and instructions issued to him is more in all respects. instructions issued to him is required. 42 V., c. 21, s. 10.

13. The Minister of Agriculture shall cause all inso turns and records to be available to facts or interreturns and records to be examined and any defects or as possible, curacies discoverable therein to be curacies discoverable therein to be corrected so far as possible, and shall obtain, so far as possible and shall obtain, so far as possible, by such ways and requires as are deemed convenient as are deemed convenient, any statistical information cannot site for the due completion site for the due completion of the census, which cannot be or is not obtained with the second accuracy be or is not obtained with the required fullness and accuracy by means of such returns and by means of such returns and records, and shall cause to be prepared, with all practicable prepared, with all practicable despatch, abstracts and tabular statements showing the results of the statements as fully and statements showing the results of the census as fully and accurately as possible. 42 V

14. Every officer, census commissioner, enumerator, and her person employed in the employed in the execution other person employed in the execution of this Act, before this Act to entering on his duties, shall take and subscribe an oath ing him to the faithful and exact duties of such duties, which cattle is which cattle is a such duties. or this Act to entering on his duties, shall take and subscribe an oath duties, take an oath ing him to the faithful and exact discharge of such person, which oath shall be in such f which oath shall be in such form, taken before such recorded in the Governor

and returned and recorded in such manner, as the Governor in Council prescribes. 49 W

15. Every officer, census commissioner, enumerator or other prison employed in the event. rect of duty a misdemeanor. Every officer, census commissioner, enumerator or outer misdemeanor. person employed in the execution of this Act, who makes wilful default in any matter and wilful the security of this Act, by this Act, wilful the security of the securety of the security of the security of the security of wilful default in any matter required of him by this Act, who makes wilfully makes any false doct wilfully makes any false declaration touching any such matter, is guilty of a misdow

16. Every person who has the custody or charge of any of Provincial, municipal or other public records or documents, or of any records or documents or of any records or documents of any corporation, from which information sought in respect of the information sought in respect of the census can be obtained, or which would aid in the or which would aid in the completion or correction meretor shall grant to any census of shall grant to any census officer, commissioner, minister of or other person deputed for the or other person deputed for that purpose by the obtaining of Agriculture, reasonable account is a such information of the such Agriculture, reasonable access thereto for the person ant wilfully such information therefrom; and every such person grant wilfully or without lawful or the person grant wilfully or without lawful excuse refuses or neglects of seeks such access, and every porter in hinders of seeks to prevent such access, and every person who wilfully hinders or seeks wilfully obst to prevent or obstruct such access, or otherwise in any years of seeks to all the event times or seeks to all the event times of seeks to all the event times event times of seeks to all the wilfully obstructs or seeks to obstruct any person who wilfully ninuciany way wilfully obstructs or seeks to obstruct any person employed in the execution of this Act is miller to misdemeanor. V., c. 21 a 14 in the execution of this Act, is guilty of a misdemeanor. V., c. 21, 3. 14. 17. Every person who wilfully, or without lawful excuse, fuses or neglects to fill up to the lawful excuse, his knowledge

refusal or **17.** Every person who wilfully, or without lawful excussion neglect to fill refuses or neglects to fill up, to the best of his knowledge

Duties of Minister of Agriculture.

Custodians of public records to grant access thereto.

Any letter purporting to be signed by the Minister of What shall be prima facie yany only the department of the Minister of Agriculture, or prima facie Agriculture, or by the deputy of the Minister of Agriculture, or prima facie council and person therewards anthonized by the Governor in appointmen therewards anthonized by the Governor in appointmen or removal. y any other person the deputy of the Minister of Agriculture, or evidence of a given in g forth anotifying any content or removal of, or set-or removal of, or set-or instruction or instruction or removal of instruction or remo (Conneil, and notifying any appointment or removal of, or set-any instructions to any porson employed in the exe-of conneil. ting forth any instructions to, any person employed in the exe-officers, &

to produce such documents and things as such officer, full investigation of such matter or ally or in visite to the Effect of such and things as such officer, for the person deems requisite to the Effect of such direction. 42 V., c. 21, s. 18. full investigation of such matter or matters. 42 V., c. 21, s. 18.

20. Whenever the Minister of Agriculture deems it con-Minister of Agriculture deems it con-Minister of Agriculture deems it con-Minister of any Agriculture may direct may direct may direct instruction, direct any Agriculture deems it is instruction. venient, he may, by special letter of Agriculture deems it con-Minister or execution as commissioner or other person employed in the inquiry to be made under officer, he may, by special letter of Agriculture user execution of this Act to make include person employed in the inquiry to be matter of this Act to make include person employed in the inquiry under oath. execution of this Act, to make inquiry under oath, as to any made under the associated with the tabian of the census, or matter connected with the taking of the census, or macon or connection of any supposed defect or inscore the ascertaining or correction of any supposed defect or or on the end of the census, or or other the state of any supposed defect or therein and the taking of the census commissioner in the person shall the taking of the come nower as is vested or other person shall then have the same power as is vested enformed to fination of any superin any person shall then have the same power as is vestore enforcing his attendance and of requiring and compelling writing, enforcing his attendance, and of requiring and compelling and to give evidence on orth whether orally or in writing, him to give evidence, of summoning and to give evidence, and of requiring and compension energy produce such door to whether orally or in writing, to the to the and to give evidence on oath, whether orally or in writing, census commissioner or other documents and things as such officer, full in commissioner or other documents and things as such officer, census commissioner or other documents and things as such officer, full in commissioner or other documents and things as such officer, census commissioner or other documents and things as such officer, full in commissioner or other documents and things as such officer, census commissioner or other documents and things as such officer, full in commissioner or other documents and things as such officer, census commissioner or other documents and things as such officer, full in commissioner or other documents and things as such officer, census commissioner or other documents and things as such officer, census commissioner or other documents and things as such officer, census commissioner or other documents and things as such officer, census commissioner or other documents and things as such officer, census commissioner or other documents and things as such officer, census cen

19. The penalties hereinbefore imposed may be recovered Recovery of lasummary manner at the fore imposed may be recovered Recovery of penalties. in a summary manner at the suit of any officer, census com-penalties. hissioner, enumerator or other person employed in the exe-intical of this Act before any instice of the peace having cution of this Act, before any justice of the peace having ted the place where the offence has been commit-Jurisdiction in the place where the offence has been commit-and on the oath of the place where the offence has been committed, on the oath of the prosecutor or of one credible witness; and a moiety thereof shall belong to the Crown for the public he has and a and the other than the prosecutor of the crown for the public uses of Canada, and the other moiety to the prosecutor, unless while been examined he has been examined as a witness to prove the offence, in afore the whole shall be the the crown for the uses which case the whole shall belong to the Crown for the uses 42 V = 21

hot exceeding twenty dollars and not less than five dollars.

18. Every person who, without lawful excuse, refuses or Penalty for man to answer who, without lawful excuse, refuses or Penalty for itelling answers falsely, any refusal or neglect to neglects to answer, or who without lawful excuse, refuses or Penalty to question requisite for obtaining any information sought in answer any been of the census of perturbation thereto, which has question, &c respect of the for obtaining any information sought in answer any been asked of him by any planet thereto, which has question, &c. been asked of him by any enumerator or other person employed in the execution of this Act, shall, for every such refusal or neglect or wilfully false answer, incur a penalty

and belief, any schedule which he has been required to up schedule, the up by any or the person employed in &c. fill up by any schedule which he has been required to up the execution of this A later of the execution of this A later of the execution of this A later of the execution of the second the execution of this Act, or refuses or neglects to sign and the same when and as redeliver up or otherwise return the same when and as required, or makes, signs, delivers or returns, or causes to be hade, signed, delivered or returned, any wilfully false answer or statement as to any matter specified in such schedule, shall incur a penalty not exceeding forty dollars and not less than one dollar. 42 V., c. 21, s. 15.

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cution of this Act,—and any letter signed by any officer, census commissioner or other person the commissioner or other person thereunto duly authorized, any fying any appointment or reserve authorized for any fying any appointment or removal of, or setting forth and instructions to any person so could be appointed by the superintende instructions to any person so employed under the superintend of the signer thereof - aball a ence of the signer thereof,—shall be, respectively, primificing and evidence of such appointment evidence of such appointment, removal or instructions, and that such letter was signed and and in the purports to that such letter was signed and addressed as it purports to be. 42 V., c. 21, s. 19 22. Any document or paper, written or printed, purport the g to be a form authorized to Any document or paper, written or printed, purpoint ing to be a form authorized for use in the taking thereto, census, or to set forth any instructions relative thereto, which is produced by any possible to a in the execution of this

Presumption which is produced by any person employed in the execution of this Act, as being such form as to documents pro-duced by a of this Act, as being such form, or as setting supplied me, the produced by any person employed in the execution of the sach instructions, shall be preserved in the setting supplied me, instructions, shall be presumed to have been supplied by the proper authority to the second state of the second person employed in the execution of this Act.

What shall be a sufficient requirement, as against occupant of house.

the proper authority to the person so producing the same, and shall be primâ facie evidence of the solutions therein and shall be *primâ facie* evidence of all instructions therein set forth. 42 V., c. 21. 8 20 **23.** The leaving, by an enumerator, at any house and to be issued by the instruction to be issued by the instruction to be issued by the instruction to be issued by the instruction to be issued by the instruction to be issued by the instruction to be issued by the instruction to be issued by the instruction to be issued by the instruction to be issued by the instruction to be issued by the instruction to be issued by the instruction to be issued by the instruction to be issued by the instruction to be instruction. part of a house, of any schedule purporting to be issued under this Act, and having the under this Act, and having thereon a notice requiring by the same be filled up and sime in a notice required delay are the same be filled up and signed within a stated delay by some of such house or within a stated delay of the by some the occupant of such house or part of a house, or in his absence by some other member of the occupant of a state of a house or against such by some other member of the family, shall, as against such occupant, be a sufficient requirement of the family, shall, as against such schedule the occupant, be a sufficient requirement so to fill up and sign such schedule, though such occupant is such in such notice, or personally schedule, though such occupant is not named in such notice, or personally served thereas

Remuneration of persons employed under this Act.

Maximum rate.

Allowances, &c., how and when to be paid.

And out of

to be paid.

24. The Minister of Agriculture shall cause to be prepared ne or more tables, setting forth in the shall cause to be prepared and munoret remuneration for the several census commissioners hich rates shall not enumeration for the several census commissioners hich enumerators employed in the execution of this Act, which rates shall not exceed, in the execution of this amount three dollars rates shall not exceed, in the aggregate, a total amount for three dollars for each day of metric for service for for enumerator three dollars for each day of proved effective service for enumerator, or of four dollars for any consult enumerator, or of four dollars for each day of proved effective service by any census commissioner and the common approved the former the Government any census commissioner; and the same, when approved effective service by the Governor in Council, shall be laid before next ensu-within the first fifteen days of the cossion then next ensu-ing. 42 V within the first fifteen days of the session then next ensuring. 42 V., c. 21, s. 22. 25. Such allowances or remuneration shall be paid to the veral persons entitled there is manner as be several persons entitled thereto, in such manuer as be Governor in Council director bet that be parame Governor in Council directs; but shall not be the same have been frides

until the services required of the person receiving 42 V., c. 21, s. 23. have been faithfully and entirely performed. **26.** Such allowances and remuneration, and all expenses curred in carrying this Automatic shall be paid it of such -v. Such allowances and remuneration, and all expense incurred in carrying this Act into effect, shall be for out of such moneys as are provided by Parliament that purpose ancurred in carrying this Act into effect, shall be part out of such moneys as are provided by Parliament that purpose. 42 V., c. 21 s of

what moneys

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821 shall not be subject to the statutory requirements affecting apply. the Civil Service. 42 V., c. 21, s. 27.

28. A full report of all things done under this Act, and Report to be thereof, shall moneys expended under the authority Parliament. Setting and the first fifteen days of the then next Asticulture within the first fifteen days of the Minister of time as all things of each session thereafter, until such

	mpleted. 4	ed to be dor 2 V., c. 21, s.	thereafter, 1e under th 25	until such is Act have
Proposed Consol be			1	

o to				
Consolidated.		Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
-	88. 1 to 27, both inclusive, and Section 40.		Remainder	Ss. 28 to 38, both inclu- sive, An Act respecting Statistics. Section 39, An Act respect- ing Criminal
				Statistics.

CHAPTER 55.

An Act respecting Statistics.

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

1. The Minister of Agriculture shall, from time to time, bject to the approval of the council, as as to under subject to the approval of the Governor in Council, make such rules and regulations such rules and regulations, and prescribe such forms as appear necessary and expedient for the governor in Council, man, abstracting appear necessary and expedient for the purpose of collecting, abstracting, tabulating and abstracting, tabulating and publishing vital, agriculture, regulations, criminal and cth commercial, criminal and other statistics; and such roles, regulations and forms, when regulations and forms, when assented to by the Government of the force of law. Council and published in the Canada Gazette, shall have the force of law. 42 V., c. 21 c. 22

2. The Minister of Agriculture shall, whenever the did rules, regulations and for the heen assented the heen and for the heen assented the -• the Minister of Agriculture shall, whenever the assented been and the have have and published in the forms have doesn't been and have and published in the Canada Gazette, Act are arrangements contemplated by section four of this Act sri been consummated, proceed to the said vital, and cultural com the consummated, proceed to collect the said vital, and cultural, commercial, criminal and other statistics, and ways and manner as are found to collect the said practicable said thereafter ways and manner as are found most practicable said thereafter, when and so offer minister that it as are found most practive the view minister that the statistics collected are of sufficient when and authenticity to render their and are of sufficient and shall cause the thereafter, when and so often as it seems to the sufficient of and authenticity to render their publication advantageous shall cause the same to be publication advantageous form and og. shall cause the same to be published in such form and 29. as the Governor in Council and in such form (c. 21, s. 29.

3. The Governor in Council, on a report of the Minister of appointed ay, from the difference of the appointed by the second to be appointed at the fitness of the second to be appointed at the second to be appointed Minister d. Agriculture as to the fitness of the persons to be appointed may, from time to time appointed officers, clerks this other employ Act; and such officers, clerks and completions shall hopen Act; and such officers, clerks and employees shall hold officers, during pleasure. The Government of the provide a state of the provide the state of the providet the providet the providet the providet the provi during pleasure. The Governor in Council may also as the temporary clerks or employees for the purpose of the period notice term of where temporary clerks or employees for an indefinite upon such given to the service shall encouncil and determine upon such term of whose service shall cease and determine when such portion of the Minister of the Minis given to them by the Minister of Agriculture, where so engaged, and f portion of the statistical labors for which they were and for which they more and for which they more approximated. Is terminated to the statistical labors for which is terminated to the statistical labors for which they more approximated to the statistical labors for which they more approximated to the statistical labors for which they more approximated to the statistical labors for which they more approximated to the statistical labors for which they more approximated to the statistical labors for which they more approximated to the statistical labors for which they more approximated to the statistical labors for which they more approximated to the statistical labors for which they more approximated to the statistical labors for which they more approximated to the statistical labors for which they more approximated to the statistical labors for engaged, and for which they were employed, is terminated. 42 V., c. 21, s. 30.

4. Whenever, in any Province or Territory, any system of tablished or any means evict of collecting vital, exter of ral, commercial • Whenever, in any Province or Territory, vital, any system of established or any means exist of collecting Minister of Agriculture matrix of ether statistics the Minister of Agriculture matrix of the statistics of the statistic collection of established or any means exist of collecting the Minister of statistics is in tural, commercial, criminal or other statistics, the Minister of Agriculture may be authorized by the Governor in Connection Agriculture may be authorized by the Governor in Connection

Minister of Agriculture to make rules &c., for collecting, &c., vital and other statistics.

Duty of Minister of Agriculture under such rules and section four.

Governor in Council may appoint necessary officials.

Tenure of office of persons appointed. 828

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The Minister of Agriculture shall cause all statistical Minister of Agriculture shall cause all statistical Minister of Agriculture shall cause all statistical Minister of Agriculture shall cause any omissions, Agriculture to correct any omissions, the correct areas to correct any omissions. the Minister of Agriculture shall cause all statistical Minister of a statistical defects or inaccuracies discoverable therein, to be supple- errors, &c. texted and corrected as far as practicable. 42 V., c. 21, s. 35. Every one who wilfully gives false information or prac- Penalty any deception in furnishing information provided for by giving f Every one who wilfully gives false information or prac- Penalty the Act, shall, on summary conviction before two justices information, dollar, be liable to a penalty not exceeding one hun-Act, shall, on summary conviction before two justices into the peace, be liable to a penalty not exceeding one hun-the second the peace, be liable to a point dollars. 42 V., c. 21, s. 36. the proceedings had under this Act shall be included in Minister the proceedings had under this Act shall be included in Minister of Agriculture. 42 V., c. Agriculture the proceedings of the rules and regulations made and regulations for an and regulations made **11.** The Minister of Agriculture shall cause the informa- Publication of a collected by virtue of this Act and under the rules and abstracts. tion collected by virtue of this Act, and under the rules and abstracts. and collected by virtue of Agriculture shall cause ... and the abstracts then made to be published at as As a structured by virtue of this Act, and under and tabut easy and the abstracts then made to be published at as hat the after the recention of the information as the and the abstracts then made to be published at as nature and magnitude of the work and the force of the staff native and magnitude of the work and the force of the staff

The Governor in Council may authorize the Minister Special stat-stand of the Governor in Council may authorize the Minister Special statistical investigations, as gations may of Agriculture to cause special statistical investigations, as istical investi-tegards subjects, localities of otherwise to be made in the be made.

Agriculture to cause special statistical investigations, as gations n honor, and by the many preserviced in such authoriza-

The Minister of Agriculture may cause to be abstracted Information material in a consistence of Agriculture may cause to be abstracted in a consistence of Agriculture may cause to be abstracted and tabulated in a consistence of Agriculture may cause to be abstracted in a cons

The Minister of Agriculture may cause to be abstracted Information formation on various form, for easy reference, such in-stracted and sented 1 on various subjects in constible of being repre-tabulated. formation on various subjects susceptible of being repré-tabulated.

Anation on Various subjects susceptible of being repro-ted by figures, as is contained in the departmental 49 V., c. 21, s. 33.

tion of the Governor in Council. 42 V., c. 21, s. 34.

or other public reports and documents. 42 V., c. 21, s. 33.

⁶. The Minister of Agriculture may, in collecting statis- Minister of and all public officers to furnish to him copies of papers public officers be power of such officers to furnish to him copies of papers public officers matrice of such officers to furnish with or without comthe power of such officers to furnish to firm the respectively in the power of such officers to furnish, with or without compensation for so doing, as is regulated, from time to the Government of the Governme time, by the Governor in Council. 42 V., c. 21, s. 32.

arrange with the Lieuten ant Governor in Council of such Province or Territory, or with the organization so possessed of such system, for the collection of such information system, for the collection and transmission of such information Agriculture and schedules prepared by the Minister of Agriculture, and approved by the Governor in Council, for inspocuring of approved by the Governor in Council, crimthe procuring of such vital, agricultural, commercial, criminal and other statistics. 42 V., c. 21, s. 31. The Minister of Agriculture may, in collecting statis- Minister of Agriculture may, in collecting any may call upon any

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Wards subjects, localities or otherwise, to be made in the **formula for the Governor in Connection** of the Governor in Connection 42 V ≈ 21 , s. 34.

Proportions and ratios.

Salaries, &c., how to be fixed, and out of what moneys to be paid.

deductions as are drawn from the information obtained by virtue of this Act. 42 V 12. The respective salaries of officers, clerks and other nployees, appointed by winter of officers, the fees or ided employees, appointed by virtue of this Act, the fees or orded pensations to be paid for obtain pensations to be paid for obtaining information as provided by sections four and fine of the section as provided of the section as four and fine of the section as the office of the section as the office of the section as the office of the section as the section as the office of the section as the section pensations to be paid for obtaining information as provided by sections four and five of this Act, and the office of other contingent expenses necessary for the purposes this Act, shall be fixed by the Governor in Council, and that be paid out of any moneys provided by Parliament for the purpose. be paid out of any moneys provided by Parliament for the purpose: 42 V., c. 21, 8, 38 ____

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	1 1 20 200
to be Consolidated.		Left for Repeal.	Remainder	se. 1 to 11, in clusive, ad c clusive, ad s c i ion at As cias consus Consus Consus Consus As cires a cirestal in S cirestal Statistica

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CHAPTER 56.

An Act respecting Criminal Statistics.

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

1. In this Act, unless the context otherwise requires, the Interpretaexpression "In this Act, unless the context otherwise requires, the inc. diary or other Magistal any Recorder, District, Stipen-tion. diary or other Magistrate or other functionary presiding over any court or tribunal administering criminal justice. 39 V.,

2. The clerk, and if there is no clerk, the officer per-Schedules of such officer, the criminal statistics to be forming like duties, and if there is no clerk, the officer per-Schedules ... Judge of every const clark if there is no such officer, the criminal ward of every const clark if there is no such officer, and the furnished Judge of every court administering criminal justice, and the furnished of every court administering criminal justice, and the furnished warden of every court administering criminal justice, and the furnisneu of every penitentiary or reformatory, and the sheriff by certain functionaries. of every penitentiary or reformatory, and the successful and transmit to the end of October in each year, fill up and transmit to the Minister of Agriculture,—or in case the branch of the subject of statistics and the registration thereof to which this Act relates is, by the Governor in Council, such schedules for the day of such schedules for the year ending the thirtieth day of court, and in the cases of the using the thereff, to the prisoners court, and in the cases of the warden or sheriff, to the prisoners committed to the penitentiary, reformatory or gaol, as he to the penitentiary, reformatory or gaol, as he sold minister. 39 V., receives, from time to time, from the said minister. 39 V.,

b. Every person required to transmit any such schedules, Records the network day to thall, from day to day, make and keep entries and records of to be keept. c. 13 a constraint in such schedules. 39 V., the particulars to be comprised in such schedules.

4. The Minister of Agriculture, or such other minister Remuneration which as a shall cause to be as a out of any moneys to persons furnishing to itstice. as aforesaid, shall cause to be paid out of any moneys to persons which are provided by Parliament for that purpose, to any statistics. which are provided by Parliament for that purpose, to any statistics. and the warden of a statistic or sheriff, filling up clerk, officer, warden of a reformatory or sheriff, filling up the canenitting and transmitting and the sum of one dollar, and and transmitting such schedules, the sum of one dollar, and schedules the further sum of further such as a comprised in such

the further sum of five cents for each case comprised in such

b Every officer required by the "Act respecting summary Certain inister S before Justices of the Dance" to transmit to the returns to the returns to the returns to the returns to the returns to the transmit The Every officer required by the "Act respecting summary Certain timister of Finance and Decimer Concerl true copies of re-transmitted. Minister of Finance and Receiver General true copies of re-transmitters of the peace," to transmit to the returns to be by justices of the peace," to transmit to the returns to be transmitted. tuns made by justices of the Peace, to the copies of the peace and Receiver General true copies of the peace under the said Act, shall,

before the end of October in each year, transmit to the true ister of Agriculture, or such at a foresaid, toth ister of Agriculture, or such other minister as aforesaid, true copies of all such returns for the thirtieth copies of all such returns for the year ending the thirtieth day of September next precediments of the three s. 2. day of September next preceding. 39 V., c. 13, s. 2.

Payment for such returns.

6. The Minister of Agriculture, or such other minister as oresaid, shall cause to be minister or such other moneys which aforesaid, shall cause to be paid out of any moneys officer are provided by Parliament f are provided by Parliament for that purpose, to any preceding transmitting the returns near that purpose, and the preceding transmitting the returns required under the next preceding section of this Act, the sum section of this Act, the sum of one dollar. 39 V., c. 18, 5.4, part.

As to Provincial gaols and reformatories.

Payment in such case.

7. Whenever in any Province a system of collecting atistics relative to the prices in the provin statistics relative to the prisoners committed to Governor in cial gaols or reformatories cial gaols or reformatories is established, the Governor in Council may arrange with the t Council may arrange with the Lieutenant Governor in Council of such Province for the cil of such Province for the collection and transmission through such Lieutenant Grant of the inis through such Province for the collection and transmission through such Lieutenant Governor of any part of the this mation to be embraced in the collection of any part of under mimation to be embraced in the schedules authorized under the Act; and in case of such and a schedules authorized and a schedules authorized authorized and a schedules authorized authorized and a schedules author Act; and in case of such arrangements, the Minister of be culture, or such other minister culture, or such other minister as aforesaid, may by Parlia paid out of any money paid out of any moneys which are provided by Parlier ment for that purpose to the ment for that purpose, to the treasurer of such responses as and such as a s instead of to the sheriffs, wardens or other officers as another said, such sum as is acread said, such sum as is agreed on, not exceeding the survives, to 18, which would otherwise be which would otherwise be payable, for like services, 39 V., c. 18, sheriffs, wardens or other off.

8. Every one who neglects or refuses to fill up and transfit any schedule, or to transfit and transfit and the second sec . Every one who neglects or refuses to fill up and traue mit any schedule, or to transmit any return required sche this Act, or wilfully makes a false and train or incorrect sche dule or notice mit any schedule, or to transmit any return required sche with this Act, this Act, or wilfully makes a false, partial or incorrect sche dule or return, shall incur a market of cighty dollars, and coverable, with costs, by any person who sues for the such rout in any court of record in the Description who sues for the such rout in any court of record in the Province in which such record in the Province in Which such record in the Province in Which such record in the Province in Which such received of Canade any court of record in the Province in which such returns, should have been made or is made, or in the Exchequer sung, of Canada,—a moiety whereof should be the person soirer and the other of Canada,—a moiety whereof shall be paid to the person solver and the other moiety to the Minister of Tringnee and Receiver General and the other moiety to the Minister of Finance and 39 V, c. General, to and for the public consideration of Finance and 39 V, c. 13, s. 5

9. The Secretary of State shall, before the end of the each year, cause to be filled transmitted to asside inister of A to be filled -• Ine Secretary of State shall, before the end of to the in each year, cause to be filled up and transmitted to such schedul Minister of Agriculture, or such other minister as aforesid September work such schedules for the year ending the thirtieth which september next preceding, relative to the cases he, as he or such the prerogative of mercy has been overcised, as he or such the prerogative of mercy has been exercised, as he, or such the ministration of the mi prerogative of time to time, receives from the Minister of Agriculture, or such other minister as aforesaid **10.** All schedules transmitted under this Act by the cording to forms, from time All schedules transmitted under this Act by the according to forms, from time to time, approved by

Forms of schedules.

Statistics of exercise of

mercy.

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Governor in Council, and published in the Canada Gazette.

11. The statistics collected by the Minister of Agriculture, Statistics to abstracted and minister as aforesaid, under this Act, shall be and printed. abstracted and registered, and the results thereof shall be printed and public stored, and the results thereof shall be printed and registered, and the results thereoi summer as a summer and published in an annual report. 39 V., c. 13,

12. This Act shall remain in force and effect until the same Duration of the Act. is declared to be no longer in force by a proclamation of the Act. Governor in Council, stating that provision has been made for the collection of the stating that provision has been made for the collection of criminal statistics in accordance with the contents of the collection of criminal statistics in accordance with the statistics." and from and

requirements of the "Act respecting Statistics," and from and after the issue of such proclamation, this Act shall cease to have force and effect. 42 V., c. 21, s. 39, part.

Proposed				
oonsolidated.	-aated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
39 ¥., c. 13 42 ¥., c. 21	The whole. Section 39, part.	s. 39, part	Remainder	An Act re-
				specting the Census. An Act re- specting
-				Statistics.

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CHAPTER 57.

An Act respecting Patents of Invention. HER Majesty, by and with the advice and consent of the Senate and House of Classical consent of as Senate and House of Commons of Canada, enacts as follows :---SHORT TITLE. 35 V. C. I. This Act may be cited as "The Patent Act." 35 V. C. S, s. 53. Short title. 26, s. 53. 2. In this Act, unless the context otherwise requires (a) The expression "the Minister" means the Minister of griculture ; Interpretation. (b) The expression "Commissioner" means the Commis-oner of Patents, and the transformer" "Dornty Commis-"Minister." (b) The expression "Commissioner" means the Commis-"DeputyCom. sioner of Patents, and the expression "Deputy missioner." sioner" means the Deputy Commission of Patents; Agriculture ; (c) The expression "invention" means any new and new lart, machine, manufacture of means any new hipe. ful art, machine, manufacture or composition art. machine, manufacture or composition art. machine, any new and useful improvement in any art, machine, manufacture or composition of matter, any art, machine, "Invention." (d) The expression "legal representatives" other legal presentatives of other legal presentatives. (a) The expression "legal representatives", incluar heirs, executors, administrators and assigns or other legal representatives. " Legal representatives. PATENT OFFICE AND APPOINTMENT OF OFFICERS. **3.** There shall be attached to the Department of Agriculture, as a branch thereof an off the ball be called interaction of the shall be called interaction. New. •• I here shall be attached to the Department of Agricute ture, as a branch thereof, an office which shall be the time Patent Office; and the Minister of Agriculture for the so-being shall be the so-Patent Office; and the Minister of Agriculture 35 V. c. being shall be the Commission of Agriculture 35 V. c. Patent Office constituted. 4. The commissioner shall receive all applications, fees, documents and models for and shall perform and do all act • The commissioner shall receive all applications, form papers, documents and models for patents, and shall per and and do all acts and things more than granting are issuing of pate and do all acts and things requisite for the granting and ustody of the and models for patents, and snaming and issuing of patents of invention; and he shall have models, machine and custody of the books records models, machine and other this Duties of the and custody of the books, records, papers, models, 35 V, c and other things belonging to the Detont Office. Commissioner.

5. The deputy of the Minister of Agriculture shall be the Deputy and the Governor in officers. Deputy Commissioner of Patents, and the Governor in officers. Council may, from time to time, appoint such officers and the covering the to time, appoint such officers and the clerks under the to time, appoint such officers and the clerks under the to time to time, appoint such officers and the clerks under the to time, appendix the to time, append clerks under the Deputy Commissioner as are necessary for the purposes of this Act, and such officers and clerks shall office during the purposes of this Act, and such officers and clerks shall

bold office during pleasure. 35 V., c. 26, s. 4, part.

The commissioner shall cause a seal to be made for the Seal. Purposes of this Act, and may cause to be sealed therewith the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be made for the commissioner shall cause a seal to be seal to be made for the commissioner shall cause a seal to every patent and other instrument and copy thereof issuing from the Patent Office. 35 V., c. 26, s. 2, part.

APPLICATIONS FOR PATENTS.

APPLICATIONS FOR PATENTS. Hachine, mannford who has invented any new and useful art, Who may ob-ha fraction of any new tain patents. hachine, manufacture or composition of matter, or any new tain patents. and useful improvement in any art, machine, manufacture or composition of matter, which was not known or used by any other person before his invention thereof, and which bas not been in public use or on sale with the consent or allowance of the inventor thereof, for more than one year previa petition to the inventor for patent therefor in Canada, may, on a petition to his application for patent therefor in Canada, may, on on compliance that effect, presented to the commissioner, and all compliance the effect. the other requirements of this Act, bein a patent granting to such person an exclusive pro-

2. No Patent invention: licit object in view of an invention which has an What may not but object in view of a second for an invention which has an What may not No Nicit object in shall issue for an invention which has an What may no obstract in view, or for any mere scientific principle or be patented. **abstract** theorem. 35 V., c. 26, s. 6, part.

No inventor shall be entitled to a patent for his inven- As to inven-tion if a patent the shall be entitled to a patent for his inven- As to inven-tions for which foreign tion if a patent of therefor, in any other country, has been in which foreign which foreign the in such country for then twelve months patents have which a patent or shall be entitled to a patent and ristence in such country in any other country, has been in which foreign which the application for more than twelve months patents have thanks such twelve months out. and to the application for such patent in Canada; and in an under twelve months, any person has commenced to the such patent in Canada in the have handlacture in Canada the invention for which such patent the end of the invention for which such patent the tight to manufacture in Canada the invention for which such parent in the tight to manufacture in the such person shall continue to have the tight to manufacture in the such person shall continue to have foreign the right to manufacture and sell such article, notwithstand-batent in batent in the such person shall continue to nave batent in the such part of the such article in the such batent in the such article in the such batent in the such batent in the such article in the such batent in the such baten ine right to manufacture and sell such article, notwithstand-tent patent; and under any circumstances, if a foreign patent in such patent exists, the Country of patent in such tent exists, the Country of the cases. Notion expires 25 W 100 Foreign patent for the same

wention expires. 35 V., c. 26, s. 7.

Any patented invention who has invented any improvement on Improvements may be patented invention and their a patent for such im- may be patented. hypatented invention, may obtain a patent for such im-patented invention, may obtain a patent for such im-patented in the shall be thereby obtain the right of by patented invention, may obtain a patent for such im- may be reading or using the shall not thereby obtain the right of reading or using the original invention, nor shall the

Adding or using the original invention, nor shall use or using the original invention, nor shall use or using the original invention confer the right of vend-35 V., c. 26, s. 9. ing or using the original invention, or using the patented improvement. 35 V., c. 26, s. 9. **10** Every inventor shall, before a patent can be obtained, Oath to be 581 by or, when optical by law to make an affir inventor.

Whe Every inventor shall, before a patent can be obtained, made by 581, or, when entitled by law to make an affir-inventor.

mation instead of an oath, shall make an affirmation, that he verily believes that he is the he verily believes that he is the inventor of the invention for which the patent is asked for which the patent is asked, and that the several allegation in the petition contained tions in the petition contained are respectively true and correct: 2. In the event of the inventor being dead, such oath or firmation shall be made by the state of at here of the state of t affirmation shall be made by the applicant, and shall state that he verily believes that it that he verily believes that the person whose assigned in the inventor being deau, and shall start the person whose assigned in the inventor believes that the person whose assigned in the inventor being a start the person whose assigned in the inventor being assigned by the inventor being a start the person whose assigned by the inventor being as a start the person whose assigned by the inventor being as a start the person whose assigned by the inventor being as a start the person whose assigned by the inventor being as a start the person whose as a start Or by the aplegal representative he is, was the inventor of the patent is solicit. plicant if the for which the patent is solicited, and that the several alleger tions in the petition contained inventor is tions in the petition contained are respectively true and correct: dead. 3. Such oath or affirmation may be made before the stice of the peace in Canada and the inventor of the justice of the peace in Canada; but if the inventor of applicant is not at the time in C applicant is not at the time in Canada; but if the inventor of afting, tion may be made before and, the oath or afting, applicant is not at the time in Canada; but if the invert affirm, tion may be made before any Minister plenipotengen, charge d'affaires, consul, vice-consul or tof the Unite holding commission under the consul or tof the Unite Before whom oath may be made. holding commission under the Government of the public Kingdom, or before any judge the Kingdom, or before any judge of a court of record of any, the borough of the mayor or other when the the state of any, the notary, or the mayor or other chief magistrate of any the borough or town corporate in the magistrate in which ion, about y judge of a court of record of any the borough or town corporate in the country in which applicant is at the time he makes the or affirmation, 35 V o 26 applicant is at the time he makes such oath or affirmation, 35 V., c. 26, s. 11;-36 V **11.** The applicant for a patent shall, for the purposed in the specific act in C The applicant for a patent shall, for the purpose field this Act, elect his domicile at some known and specified place in Canada and shall montion the name in his petition for a patent ans Act, elect his domicile at some known and specified place in Canada and shall mention the same in his petition for a patent. 35 V., c. 26×10^{-10} Domicile. 12. The applicant shall, in his petition for a partition shall, the set the title or name of the set of the se the petition, send in a specification in duplicate of invention. 35 V., c. 26 s 19 Particulars **13.** The specification shall correctly and fully describe the mode or modes of operation of the specific state by the The specification shall correctly and fully content the mode or modes of operating the invention, as is incly plated by the inventor : and shall state clearly and distinct the contrine the contrivances and things which he claims as new property and property privilege. What the the use of which he claims an exclusive property and privilege: shall show. 2. Such specification shall bear the name of the place here, and the date when it is not shall be signed and the inventor is in the second shall be signed and the second shall be signed and shall be signed 2. Such specification shall bear the name of the by where, and the date when it is made, and shall be signed and the inventor, if he is alive and the application appliwhere, and the date when it is made, and shall be signed and the inventor, if he is alive, and if not, by the applicant point by two witnesses to such signed to the inventor of appli-cant: by two witnesses to such signature of the inventor or applicant; Place and date. 3. In the case of a machine the specification shall it is plain the principle and the specification which it is tended to any o. In the case of a machine the specification which it is explain the principle and the several modes in which it is intended to apply and work out the several In the case of a machine.

required in application.

specification

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4. In the case of a machine, or in any other case in which Drawings to be invention admit a machine, or in any other case in which Drawings be furnished be means of drawings, in certain the invention admits of illustration by means of drawings, in certain incertain shell at the she the applicant shall also, with his application, send in draw- cases. ings in duplicate shall also, with his application, send in and each drawing clearly all parts of the inventor, if and each drawing shall bear the signature of the inventor, if he is alive and is he is alive, and if not of the applicant, or of the attorney of such inventor or of the applicant, or of the attorney of such inventor or applicant, and shall have written references corresponding with the specification, but the commissioner hay require further drawings or dispense with any of them,

The words it : ^{tio}, of the Department of Agriculture.

5. One duplicate of the specification and of the drawings, Drawings, historie are drawings, Drawings, bistories are drawings, drawings, bistories are drawings, drawings, drawings, bistories are drawings, dr if there are duplicate of the specification and of the drawings, Drawings, which it shall form as, shall be annexed to the patent, of of of the other dupliwhich it shall form an essential part, and the other dupli-

cate shall form an essential part, and the cate shall remain deposited in the Patent Office :

6. The commissioner may, in his discretion, dispense with Certain mat-cause copies of the specification and drawing, and in lieu thereof dispensed otherm: cause copies of the specification and drawing, in print or with. otherwise, to be attached to the patent, of which they shall form an essential part of the patent, of which they shall

form an essential part. 35 V., c. 26, s. 14; -36 V., c. 44, s. 4. 14. The applicant shall deliver to the commissioner, unless Working be same is specially different to the commissioner, unless model to delivered.

the same is specially dispensed with for some good reason, a delivered. et in the model of his specially dispensed with for some good reason, a delivered. heat working model of his invention, on a convenient scale, exhibiting model of his invention, on a convenient scale, invention admite of parts in due proportion, whenever the invention admits of such model; and shall deliver to the Orspeciments of the invention admits of the invention shall deliver to the orspeciments. commissioner admits of such model; and shall deliver to the Or specimens position of matter specimens of the ingredients, and of the com-ethics: Position of matter, sufficient in quantity for the purpose of matter, when we have the second erpériment, whenever the invention is a composition of an hatter, if such ingredients and composition are not of an the character of the invention is a composition are not of an the sive character of the invention is a composition are not of an explosive character or otherwise dangerous, in which case they shall be furnished only when specially required by the section and the section of the secti

commissioner, and then with such precautions as are prescribed in the requisition therefor. 35 V., c. 26, s. 15. **15.** In the case of withdrawal of any application for a Case of with-lace : a fresh application for a Case of with-

patent, a fresh application, as if no proceeding had taken V in the matter shall be revive the claim. place in the matter, shall be necessary to revive the claim.

16. REFUSAL TO GRANT PATENTS. by of the following correct in commissioner may object to grant a patent in Commis-ject to grant a patent in commis-vatent in any of the following cases :sioner may ob-

(a) When he is of opinion that the alleged invention is not tain cases. Patentable in law; ject to grant a (b) When it appears to him that the invention is already patent in cerin the possession of the public, with the consent or allow-

(c) When it appears to him that there is no novelty in the vention ; invention :

(d) When it appears to him that the invention has been the scribed in a book or other with the invention before of described in a book or other printed publication possession of date of the application, or is ather the publication possession of date of the application, or is otherwise in the possession of the public;

invention already been patented in Canada or elsewhere, if the the is one within the eighth matter of the the is one within the *eighth* section of this Act, unless the application commissioner has doubts as to whether the patentee or the applicant is the first inventor

Applicant to be notified.

Appeal to Governor in Council.

17. Whenever the commissioner objects to grant a patent aforesaid, he shall notify the use objects to that effect int as aforesaid, he shall notify the applicant to that effect effect shall state the ground or reason with sufficient to that sufficient detail to the sufficient to the sufficie shall state the ground or reason therefor, with sufficient tion of the detail to enable the applicant to answer, if he can, the object tion of the commissioner 18. Every applicant who has failed to obtain a patent by ason of the objection of the second to conform a second the second to be a second to reason of the objection of the commissioner, as aforesaid, here at any time within six months. It also the state of the st

at any time within six months after notice thereof has fibe commission of the second addressed to him or his agent, appeal from the decision of 25, 42 s. 42.

19. In case of conflicting applications for any patent per me shall be submitted to the activity three skilled per as two of the second states and the second states are shall be submitted to the second states are shall be shall be submitted to the second states are shall be submitted and the submitted to the arbitration of three skilled by each, and the submitted be chosen by the arbitration of three skilled by some snall be submitted to the arbitration of three skilled by sons, two of whom shall be chosen by the applicants, one mis each, and the third of whom shall be chosen by the applicants of the constant each, and the third of whom shall be chosen by the applicants, one is sioner or by the deputy constrained by the person acon, and the third of whom shall be chosen by the applicance common sioner or by the deputy commissioner or by the perform the dutter officer; and then decision on the dutter of the officer; apputy commissioner or by and and decision or award of such arbitrators, or of any subscribed delivered to the commission of any subscribed by them delivered to the commissioner in writing, and subscribed by them or any two of them is and subscribed as far as conby them or any two of them, shall be final, as far as con-cerns the granting of the patent

Failure to appoint arbitrator.

2. If either of the applicants refuses or fails to choose and bitrator, when required so to do how the commissioner is not there are so h arbitrator, when required so to do by the commissioner, shall is used to the opposite to the o applicants refuses or fails to commissioner, and if there are only two such applicants, the patent shall is to to the opposing applicant. 3. If there are more than two conflicting applications three the persons applying do not all monitors the persons applying do not all monitors the persons applying do not all monitors applying the persons applying do not all monitors applying the persons applyi

In certain cases commissioner may appoint.

arbitrators, the commissioner or the deputy of that of the duty of the may appoint the three arbitrators for the nurposes aforesaid. may appoint the three arbitrators for the purposes aforesid:

Arbitration in case of conflicting applications.

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4. The arbitrators so named shall subscribe and take, before Arbitrators to judge of any cost in the be sworn. a judge of any court of record in Canada, an oath in the besworn. form following, that is to say :---

"I, the undersigned (A.B.), being duly appointed an arbi- Form of oath. "I, the undersigned (A.B.), being duly appointed an area "solemnly surface (A.B.), being duly appointed an area "solemnly surface (A.B.), being duly appointed an area "solemnly surface (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed an area (A.B.), being duly appointed area (A.B.), being duly (A.B.), be solemnly swear (or affirm, as the case may be), that I will ⁸⁰ well and truly perform the duty of such arbitrator on the conflicting of E(F) submitted to

"^{well} and truly perform the duty of such arbitrator on the me :" me :"

5. The arbitrators, or any one of them, when so sworn, Powers of the arbitrators. may summon before them any applicant or other person, and ing require him to size any applicant or other person, and may require him to give evidence on oath, orally or in writing (or on solemn affirmation, if such applicant or person is entitled to affirm affirmation, if such applicant or person documents and this civil cases), and to produce such documents and things as such arbitrators deem requisite to the full investigation of the second seco the full investigation of the matters into which they are appointed to examine, and they shall have the same power to enforce the attendance of such applicants and other persons, and to compel them to give evidence, as is vested in any nut of instice in them to give evidence in which the court of justice in civil cases, in the Province in which the arbitration is held: but no such applicant or person shall Proviso. be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecu-

6. The fees for the services of such arbitrators shall be a Their remu-⁹ The fees for the services of such arbitrators shall be a Their stands, and shall be point the arbitrators and the applicants, and shall be paid by the applicants who name them, respectively avoid the between the applicants who name them, respectively, except those of the arbitrator or arbitrators hamed by the commissioner, which shall be paid by the applicants jointly. 35 V., c. 26, s. 43, part.

GRANT AND DURATION OF PATENTS.

20. Every patent granted under this Act shall contain What the patent or name of the patent shall contain a reference to the patent shall contain a reference to the contain a contain a reference to the contain a co the title or name of the invention, with a reference to the patent shall contain and shall meeting and his legal confer. specification, and shall grant to the patentee and his legal confer. representatives, for the term therein mentioned, from the line invention with a state of the same the term therein mentioned, from the line to make a state of the same to be granting of the same, the exclusive right, privilege and vending to liberty of making, constructing and using, and vending to the need the seclusive right, privilege and the seclusive right others to be used, the said invention, subject to adjudica-dict: n respect thereof be used invention, subject to adjudication in respect thereof before any court of competent juris-

2. In cases of joint applications, the patents shall be Joint applica-by $p_{0, p_{0,re}}$ in the names of all the patents 25 V., c. 26, s. nons. stranted in the names of all the applicants. 25 V., c. 26 s. 10^{conveq} in the names of all the $a_{1'1'}$, $b_{1'}$, $b_{2'}$, b**21.** Every patent shall be issued under the seal of the Form of issue. atent Office and the simple of the commissioner or of Patent Office and the signature of the commissioner or of

some other member of the Queen's Privy Council for Canada, and acting for him, and when dotted acting for him, and when duly registered, shall be good, and shall avail the grantee and big him him is the shall avail the grantee and his legal representatives for the term mentioned in the patent.

Patent may be referred to the Minister of Justice.

2. The commissioner may require that any patent, before is signed by the commissioner it is signed by the commissioner may require that any patent, beind the Queen's Privy Council for G the Queen's Privy Council for Canada, acting for him, shall before the seal hereinbefore month before the seal hereinbefore mentioned is affixed to it, shall be examined by the Minister of T be examined by the Minister of Justice, and if such examined tion is so required, the Minister of Justice, and if such example, tion is so required, the Minister of Justice, and if such examines it, and if he finds it could be shall certify the examine it, and if he finds it conformable to law, he shall certify accordingly, and such patent accordingly, and such patent may then be signed, and seal affixed thereto. 35 V a 20 At the suggestion of the Department of Agriculture the provision as to original patent being examined by the Minister of Justice is changed as above, the original provision being found impracticable. 35 V., c. 26, s. 6, part, and s. 18.

Duration of patent.

22. The term limited for the duration of every patent of very patents; vention issued by the Potent of the duration of every patents. invention issued by the Patent Office shall be fifteen years; but at the time of the application of the shall be at the but at the time of the applicant to part the fill of the applicant to part the fill of the applicant to part the fill of the applicant to part the fill of the applicant to part the fill of the applicant to part the fill of option of the applicant to pay the full fee required for the term of fifteen years, or the particle for the term of first term of fifteen years, or the partial fee required for the term of five years, or the partial fee required for the ferm of the term of term of the term of of five years, or the partial fee required for the term of ten years: 2. If a partial fee only is paid, the proportion of the fee hall, ud shall be stated in the rest the proportion of the shall, be stated in the rest of the proportion of the state of the s

If partial fee only is paid.

paid shall be stated in the patent, and the patent shed, notwithstanding anything thereis notwithstanding anything therein or in this Act contained been not cease at the end of the term for which the partial fee the said term the hold. been paid, unless at or before the expiration of the further the holder of the patent pays the formation of the further the holder of the patent pays the fee required for the Patent term of five or ten vers term of five or ten years, and obtains from which he form the patent page of the patent is the paten Office a certificate of such payment in the form which be from time to time, adopted from time to time, adopted, which certificate shall be attached to and refer to the attached to and refer to the patent, and shall be under any signature of the commission signature of the commissioner, or the signature of the Queen's D. other member of the Queen's Privy Council for Canada acting for him:

Effect of second and of further payment.

3. If such second payment, together with the first pay ent, makes up only the feat first with ment, makes up only the fee required for ten years, in this patent shall, notwithstanding. patent shall, notwithstanding anything therein of the holder Act contained, cease at the end of the term of the holder unless at or before the expiration of moth term the info unless at or before the expiration of such term in the holder thereof pays the further fee recurring for the remaining the years. making thereof pays the further fee required for the remaining and obtains a like contic years, making up the full term of fifteen years, and obtains a like certificate in respect there is a solution of the remaining up the solution of the solutio a like certificate in respect thereof. 46 V., c. 19, s. 1, part.

In certain cases new patent or

23. Whenever any patent is deemed defective or inoperation, or ve by reason of insufficient -Whenever any patent is deemed defective or inoperor tive by reason of insufficient description or specification,

by reason of the patentee claiming more than he had a right amended to claim as now better claiming more than he had a right amended it appears that the specification is appears that the specification is appeared by the second to claim as new, but at the same time it appears that the specification may be issued. error arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention, the commissioner may, upon the surrender of such patent and the payment of the further for hurrender of such patent and the payment, in the further fee hereinafter provided, cause a new patent, in accordance with a surrender of such patent and the payment. accordance with an amended description and specification hade by such an amended description and specification nade by such patentee, to be issued to him for the same invention for any part or for the whole of the then unex-pired residue of the patent was, pired residue of the term for which the original patent was,

or might have been granted :

2. In the event of the death of the original patentee or of Death or shaving assigned the death of the original patentee in his assignment. his having assigned the death of the original patentee or of Death or assignee or his legal the patent, a like right shall vest in his assignment. assignee or his legal representatives:

3. Such new patent, and the amended description and Effect of new patent. specification, shall have the same effect in law, on the trial patent. of any action, shall have the same effect in law, on the quently accoming the commenced for any cause subsequently action thereafter commenced for any cause succession and a such corrected as if the same had been originally filed in such corrected form before the issue of the original

4. The commissioner may entertain separate applica- Separate patents for a cause patents to be received for distinct and separ- separate s tions, and cause patents to be issued for distinct and separ- separate patents for separate of the invention. ate parts of the invention patented, upon payment of the fee of invention. for a re-issue for each of such re-issued patents. 35 V., c. 26,

24. DISCLAIMERS. ad Whenever, by any mistake, accident or inadvertence, Patentee may able: Without any mile i mistake, accident or mislead the thing inand Whenever, by any mistake, accident or inadvertence, Patentee may public, a patentee bar intent to defraud or mislead the thing in-the bar intent to be broad, cluded in papublic, a patentee has made his specification too broad, cluded in pa-when when the there is a made his specification too broad, cluded in pa-the person through the take. claiming more than that of which he or the person through take. whom he claims was the first inventor, or has, in the second through the person through the person through specification, claims was the first inventor, or has, in whom he claims was that he or the person through whom he claimed that he or the person through substantial part of the first inventor of any material or substantial part of the invention patented, of which he was the first inventor of any materia. not the first inventor, and to which he had no lawful right the first inventor, and to which he had no lawful right vided, make disclaiment of the fee hereinafter pro-

vided, make disclaimer of such parts as he does not claim to hold by virtue of the such parts as he does not claim to hold by virtue of the patent or the assignment thereof:

2. Such disclaimer shall be in writing, and in duplicate, Form and at-trees be attested in the be in writing of the prescribed disclaimer. 4. Such disclaimer shall be in writing, and in duplicate, Form and a shall be attested in the manner hereinbefore prescribed disclaimer. shall be to f an application for the copy whereof in respect of an application for a patent, one copy whereof and be filed and recorded in the commissioner, shall be filed and application for a patent, one copy Whencer and the other copy with the office of the commissioner, and the other copy whereof shall be attached to the patent, shall add such disclaimer and made a part thereof shall be attached to the part shall thereafter be tole by reference, and such disclaimer origination of the state of the sta shall thereafter be taken and considered as part of the

Not to affect pending suits

3. Such disclaimer shall not affect any action pending at e time of its being made or the states to the the time of its being made, except in so far as relates to question of unreasonable normality in the second question of unreasonable neglect or delay in making it:

In case of death of patentee.

Effect of

disclaimer.

4. In case of the death of the original patentee, or of his wing assigned the patent of his having assigned the patent, a like right shall vest in his legal representatives. any of legal representatives, any of whom may make disclaimer.

5. The patent shall thereafter be deemed good and ralid r so much of the invention of the for so much of the invention as is truly the invention of and is not disclaimant, and is not disclaim disclaimant, and is not disclaimed, if it is a material substantial part of the invention o substantial part of the invention, and is definitely distin-guished from other parts closer is definitely and it guished from other parts claimed without right; and suit disclaimant shall be entitled to disclaimant shall be entitled to maintain an action or suit in respect of such part according to the second

the patent.

25. The patent may be granted to any person to whom he inventor, entitled under this A the inventor, entitled under this Act to obtain a patent, or assigned or bequeathed the night of the same of the s assigned or bequeathed the right of obtaining the same of in default of such assignment in default of such assignment or bequest, to the legal repre-sentatives of the deceased inventor and the legal repre-35 V., c. 26, s. 8; 36 V., c. 44, s. 2.

26. Every patent issued for an invention shall be assign to any part of the assignment of the set able in law, either as to the whole interest or as to any part thereof, by any instrument in whole interest or as to assignment thereof, by any instrument in writing; but such assignment and every grant and conveyers of a such assignment make and and every grant and conveyance of any exclusive right and make and use and to grapt to all make and use and to grant to others the right to make ada use the invention patented with use the invention patented, within and throughout Office or any part thereof, shall be within and throughout Consistence in the matching of the patent office or any part thereof, shall be registered in the patent of the signed of in the manner, from time to time, prescribed by the commis-sioner for such registration. sioner for such registration; and every assignment affecting subsequent a patent for invention shall be null and void against are subsequent assignee, unless subsequent assignee, unless such instrument is registered as hereinbefore prescribed have as hereinbefore prescribed, before the registration claims 35 V a 32instrument under which such subsequent assignee claims. 35 V., c. 26, s. 22. IMPEACHMENT AND OTHER LEGAL PROCEEDINGS IN RESPECT

Assignment in case of joint applicaion, &c.

27. In cases of joint applications or grants, every assignt to the ent from one or more of the second in her or other. --- in cases of joint applications or grants, every assigned in ment from one or more of the applicants or patentees to in other or others, or to any other applicants or patentees and like manner other or others, or to any other person, shall be registered in like manner as other assignments like manner as other assignments. 35 V., c. 26. s.

28. A patent shall be void if any material allegation if hereinbefore hereinbefor void in certain **6.** A patent shall be void if any material allegation for cases, or valid the petition or declaration of the applicant herein if the only for part. mentioned in respect of such metric untrue, or than is specification cases, or valid the petition or declaration of the applicant herein if the only for part. mentioned in respect of such patent is untrue, or less than is specifications and drawinger specifications and drawings contain more or less than is

When representatives may obtain

Patents to be assignable.

Registration.

Assignment null if not registered.

B2. Whenever the plaintiff, in any such action, fails to Court may race his action because his made. 30 V., C. 20, sustain his action, because his specification and claim em-discriminate brace more than that of which he was the first inventor, cases. brace more than that of which he was the first inventor, cases.

to the same court or juage sees ..., court in which the order in the same circumstances, and which the order in the same circumstances, and 25 V. c. 26, s. 24, part. court in which the order is made. 35 V., c. 26, s. 24, part.

31. In any action for the infringement of a patent, the Injunction the infringement of a patent, the Injunction may issue. court, if sitting, or any judge thereof if the court is not may issue. respect: sitting, if sitting, or any judge thereof if the court is not the espectively, make such and the espectation of the plaintiff or defendant respectively, make such order for an injunction, restraining the opposite party from further use, manufacture or sale of the subject matter of the such order for his punishment in the subject matter of the patent, and for his punishment in acceleration of disobod: the event of disobedience of such order, or for inspection or the respective time to the patent of the patent of the patent of the patent of the patent of the patent of the proceedings in account, and respecting the same and the proceedings in order the action, as the court the same and the proceedings in and the action, as the court or judge sees fit ;-but, from such Appeal. to the appeal shall 1; order, an appeal shall lie under the same circumstances, and const same court or judge sees fit; —but, from such

brought in any court of record having jurisdiction to the infringement of patent and the damages claimed in the Drovince in which the amount of the damages claimed in the Province in which the infringement is alleged to have taken place, and which is also that one of the action also that one of the said courts which holds its sittings nearest to the place of residence or of business of the defendant; and such court shall decide the case and determine

30. Any action for the infringement of a patent may be Action for my shift in any court of a infringement of a patent may be action for the infringement.

29. Every person who, without the consent in writing Remedy for infringement in practice any of patent. of the patentee, makes, constructs or puts in practice any of patent. invention for which a patent has been obtained under this Act or any previous Act, or who procures such invention from any person not antherit, or who procures such invention from any person not authorized by the patentee or his legal representatives to make or use it, and who uses it, shall be liable to the patentee or big lower it, and who uses it, shall be liable and the patentee or his legal representatives in an action of damages for so doing ; and the judgment shall be recoverable the damages and costs that are adjudged shall be recoverable in like manner as in other cases in the court in which the action is brought. 35 V., c. 26, s. 23.

be made, when and the end for which they purport to be made, when such omission or addition is wilfully made for the purpose of misleading; but if it appears to the court that such omission is will use involuntary error, that such omission or addition was an involuntary error, and if it is proved that the patentee is entitled to the remain-der of his patent der of his patent pro tanto, the court shall render a judg-ment in accordant pro tanto, the court shall determine as ment in accordance with the facts, and shall determine as to costs. and there with the facts and shall determine as to costs, and the patent shall be held valid for such part of the invention doesn't shall be held valid for such part of the invention described, as the patentee is so found entitled to, and two office to, and two office copies of such judgment shall be furnished Copies of judgment shall be furnished be sent to the Patent Office to the patent office which shall be be sent to to the Patent Office copies of such judgment shall be furnished Copies of registered and remain the patentee, one of which shall be be sent to registered and remain of record in the office, and the other Patent Office. of which shall be attached to the patent, and made a part of it by a reference the stacked to the patent and made a part of it by a reference thereto. 35 V., c. 26, s. 27.

infringement

and it appears that the defendant used or infringed any part of the invention instipart of the invention, justly and truly specified and claimed as new, the court may discuss as new, the court may discriminate, and the judgment may be rendered accordingly

33. The defendant, in any such action, may plead spe-ally as matter of dotation, and which, by cially as matter of defence, any fact or default which, by this Act, or by law, renders that the court this Act, or by law, renders the patent void; and the court shall take cognizance of that shall take cognizance of that special pleading and of the facts connected therewith and the unit of the case according to the case according the case according the case according the case according the case according to the case according the case according to the facts connected therewith, and shall decide the case accordingly. 35 V., c. 26, s. 26

34. Any person who desires to impeach any patent issued ider this Act, may obtain a stand copy a under this Act, may obtain a sealed and certified copy and the patent and of the petition and certified copy and the patent and of the petition, affidavit, specification filed drawings thereunto relating and drawings thereunto relating, and may have the same rior in the office of the prothonoton in the office of the prothonotary or clerk of the divisions Court for Lower Canada, in Quebec, or of any of the Supreme of the High Court of Justice for Court of any of the Supreme of the High Court of Justice for Ontario, or of the Bruns Court in Nova Scotia. or of the Street Court in Nova Scotia, or of the Supreme Court in New Brune wick, or of the Supreme Court in Prince in wick, or of the Supreme Court of Judicature in *Prince Ed*. ward Island, or of the Supreme Court of Judicature in *Columbia*, ward Island, or of the Supreme Court in British or of the Court of Queen's B or of the Court of Queen's Bench in Manitoba, according to the domicile elected by the to the domicile elected by the patentee, as aforesaid, which courts, respectively, shall adjud. courts, respectively, shall adjudicate on the matter and decide as to costs; and if the dominities on the matter and in the patentee is as to costs; and if the domicile elected by the patentee is in the North-West Territories in the North-West Territories or the District of Keewation the Court of Queen's Bench of M the Court of Queen's Bench of Manitoba shall have jurisdio tion until there is a Superior (District, after which such Superior Court shall have juris-diction :

2. The patent and documents aforesaid shall then be held of record in such courts ... The patent and documents aforesaid shall then be priof as of record in such courts respectively, so that a writch scire fucias, under the seal of the scire facias, under the seal of the court, grounded upon such aforesaid in record, may issue for the repeal of the patent, for cause aforesaid, if, upon proceedings have been been aforesaid. aforesaid, if, upon proceedings had upon the writ in adjudged ance with the meaning of the state ance with the meaning of this Act, the patent, is adjudged to be void. 35 V., c. 26 e 20 35 V., c. 26, s. 29; -37 V., c. 44, s. 1; -38 The provision specifying the courts in Manitoba, British Columbia and North est Territories and Keewatin is new. c. 14, s. 8.

35. A certificate of the judgment avoiding any patent in the request of any the second in the request of any the second in the request of any the second in the request of any the second in the se A certificate of the judgment avoiding any patter shall, at the request of any person filing it to make the record in the Patent Office be out to margin of tent record in the Patent Office, be entered on the margin of the patent in the Datent of the patent in the Datent of the patent in the Datent of the patent in the Datent of the patent in the Datent of the patent in the Datent of the patent in the Datent of the patent in the Datent of the patent in the Datent of the patent in the Datent of the patent in the Datent of the patent of t enrolment of the patent of the patent in the Patent Office, be entered on the margin of the shall thereupon be and be hold to be patent of the shall thereupon be and be held to have been void and herein after provider effect, unless the judgment is reversed on appeal as herein after provided. 35 V c 26 c 20 **36.** The judgment declaring or refusing to declare having to the subject to court having to court having the subject to court have been used as a subject to c patent void shall be subject to appeal to any court having

Defence in actions for infringement.

Proceedings for impeachment of patent.

Scire facias may issue.

Judgment voiding patent to be filed in Patent Office.

Appeal.

months before the expiry of the twelve months aforesaid,

3. The commissioner may grant to the patentee, or to his Term for im-gal representatives and grant to the patentee, or any part portation may the whole or any part be extended. legal representatives or assignee for the whole or any part be extended. of the patent, an extension for a further term not exceeding dm. year, beyond the term of a further term not exceeding one year, an extension for a further term not exceeding which he welve months limited by this section, during which he may import or cause to be imported into Canada the invention for which the patent is granted, if the matentee or his local for which the patent is granted of the patentee or his legal representatives, or assignee for the whole or his legal representatives, or assignee to the commission of the patent, show cause satisfactory to the commissioner to warrant the granting of such extension; made commissioner to the patent, show cause but but no extension to warrant the granting of such extension; made to the commissioner at some time within three made to the commissioner at some time within three months before the commissioner at some time within three and the total the

from complying with the above condition :

2. Whenever a patentee has been unable to carry on the Term for manufact construction or manufacture of his invention within the two in Canada time hereinbefore monthing of his invention within the two in Canada events hereinbefore monthing of his invention within the two in Canada events hereinbefore monthing of his invention within the two in Canada years hereinbefore mentioned, the commissioner may, at any may be that how more than the second descent the expiration of time not more than three months before the expiration of the term that term, grant to the patentee an extension of the commisof two years on his proving to the satisfaction of the commissioner that he was, for reasons beyond his control, prevented

for him at a reasonable price, at some manufactory or establishment for malestablishment for making or constructing it, in Canada, part of his interest in the patent, imports, or causes to be im-ported into Causal in the patent, imports, or causes to be imported into Canada, the invention for which the patent is granted; and if granted; and if any dispute arises as to whether a patent this section such dispute and under the provisions of Decision of decided by the minister disputes. this section, such dispute shall be decided by the minister disputes. or the deputy of the Minister of Agriculture, whose decision

87. Every patent granted under this Act shall be subject Patent con-d be expressed in a condition that such ditional as to manufacture and be expressed to be subject to the condition that such ditional as to manufacture thereas and all the minute thereas we condition that such ditional as to manufacture thereas we condititi patent and all the rights and privileges thereby granted shall in Canada. cease and determine, and that the patent shall be null and void, at the order of, unless void, at the end of two years from the date thereof, unless the patentee of two years from the date thereof, unless the patentee or his legal representatives within that period, commence, and after such commencement, continu-ously carry on it. and after such commencement, continuously carry on in Canada the construction or manufacture of the invention of the invention patented, in such manner that any person desiring to use it may obtain it, or cause it to be made for him at a state obtain it, or cause it to be made and that such patent shall be void if, after the expiration of Importation twelve months from the thereof the patentee, or prohibited after twelve twelve months from the granting thereof, the patentee, or prohibited his legal representation of after twelve for the whole or a months. his legal representatives, or his assignee for the whole or a months.

FORFEITURE OF PATENTS.

^{appellate jurisdiction in other cases decided by the court by which the jurisdiction in other cases decided by the court by} which the judgment declaring or refusing to declare such patent void, was rendered. 35 V., c. 26, s. 31. The appeal provision is extended so as to apply to judgments refusing to avoid patents.

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Chap. 57.

35 V., c. 26, s. 28; -38 V., c. or of any extension thereof. 14, s. 2;-45 V., c. 22, s. 1.

Intending applicant for patent may file a caveat.

38. Any intending applicant for a patent who has not the perfected his invention and is in the thermodes points the thermodes of the second despoints the second despoints of the second despoints o yet perfected his invention and is in fear of being despoiled of his idea, may file, in the Potent of the intion of his of his idea, may file, in the Patent Office, a description of il; invention so far, with or with invention so far, with or without plans, at his own act and the commissioner. on power plans, at his own in this to and the commissioner, on payment of the fee in this be prescribed, shall cause the said prescribed, shall cause the said document, which shall be called a *caveat*, to be preserved in the state of dollars. called a *caveat*, to be preserved in secrecy, with the exception of delivering copies of the some secrecy, with the exception of delivering copies of the same whenever required by of said applicant or by any individual said applicant or by any judicial tribunal—but the secrecy at the secrecy of the same whenever required by the secrecy of the document shall cease with the document shall be at the document shall cease with the document shall be at the document shall the document shall cease when the applicant of his invention.

2. If application is made by any other person for a patent r any invention with which and the person and respect - application is made by any other person for a parent for any invention with which such caveat may in any respect interfere, the commissioner shall a caveat may in notice, sh sent to person interfere, the commissioner shall forthwith give filed such filing caveat. mail, of such application to the mail, of such application, to the person who has after of data of caveat, and such person shall, within three months after of date of mailing the notice if date of mailing the notice, if he wishes to avail himself of the caveat, file his petition and the steps necession the caveat, file his petition and take the other steps not of sary on an application for a patient of the caveat. sary on an application for a patent, and if, in the opinion like pro-the commissioner, the application the commissioner, the applications are conflicting, like pro-ceedings may be had in all some ceedings may be had in all respects as are by this Act Provided in the case of conflictions

Duration of caveat.

3. Unless the person filing a caveat makes application it in one year from the filter of the filter within one year from the filing a caveat makes application of commissioner shall be relieved thereof for a patent of a phigation all commissioner shall be relieved from the obligation giving notice, and the commission of the commission giving notice, and the *caveat* shall then remain as a simple matter of proof as to novelty. matter of proof as to novelty or priority of invention if required. 35 V., c. 26. s. 30

PATENT FEES.	an applicat
PATENT FEES. Tariff of fees. 39. The following fees shall be payable before tion for any of the purposes herein mention received by the Commissioner, that is to say :-	
Full fee for 15 yearsPartial fee for 10 yearsPartial fee for 5 yearsPartial fee for 5 yearsFee for further term of 10 yearsOn lodging a caveatOn asking to register a judgment pro tantoOn asking to register an assignmentOn asking to attach a disclaimer to a patent	$\begin{array}{c} 40 & 00 \\ 20 & 00 \\ 40 & 00 \\ 20 & 00 \\ 5 & 00 \\ 4 & 00 \\ 2 & 00 \\ 2 & 00 \end{array}$

Chap. 57.

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And in every such case the commissioner ma fee paid less the sum of ten dollars. 35 V., c. 26,	ι vv 11 .
we sum of ten die commissioner ma	v return the
35 V., c. 26.	s. 38.
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Government may use patented invention.

44. The Government of Canada may, at any time, use any the the sum as the s patented invention, paying to the patentee such sum as for commissioner reports to be a superstant of the superstant of commissioner reports to be a reasonable compensation for the use thereof. $35 \text{ V}_{\pm} = 26$

As to use of patented invention in foreign vessels.

Patent not to affect a previous purchaser.

Inspection by the public.

As to clerical errors.

••• Clerical errors which occur in the framing of or of be ing of any instrument in the Patent Office shall not be construed as invalidating the error discovered they may be construed as invalidating the same, but when discovered they may be corrected under the contract of the commis-sioner. 25 V they may be corrected under the authority of the commis-sioner. 35 V., c. 26, s. 45 **49.** If any patent is destroyed or lost, another patent of the real in lieu to real in lieu t the like tenor, date and effect may be issued in lieu herein upon the person who applies therein the fees herein before preserie upon the person who applies therefor paying the fees V, c. before prescribed for office conjugates. 35 V, c. 26, s. 46

Destroyed patent may be replaced.

Seal of Patent Office to be evidence.

50. Every court, judge and person whomsoever shall the patient of the seal of the Patient Occupied shall receiver appression of the patient be the seal of the Patent Office and shall receive the impressions thereof in evidence in the seal of the seal of the seal of the seal of the Patent Office and shall receive as the in seal signal signal signal is the seal of the seal impressions thereof in evidence, in like manner as the and shall receive and shall receive and shall so take not sions of the Great Seal are received in evidence, and there are the avidence of and received in evidence of the the seal are received in evidence. also take notice of and receive in evidence, without further

45. No patent shall extend to prevent the use of any vention in any foreign ship or the use invention in the invention in t invention in any foreign ship or vessel, if such invention not so used for the manufacture not so used for the manufacture of any goods to be vended within or exported from Canada 25 V 2 26 5. 47. within or exported from Canada. 35 V., c. 26, s. 47.

46. Every person who, before the issuing of a patent, has urchased, constructed or according to the second of a patent for which a patent is the second of a patent is the s purchased, constructed or acquired any invention for while a patent is afterwards obtained in this Act, sife a patent is afterwards obtained under this the specific have the right of using and - a the specific the specific have the right of using and vending to others the specific article, machine, manufacture article, machine, manufacture or composition before patented and so purchased patented and so purchased, constructed or acquired before the issue of the patent therefore the issue of the patent therefor, without being liable to the patentee or his legal represent to the line is but he Proviso: as to patentee or his legal representatives for so doing: build invalid by other persons. patent shall not, as regards at other persons. patent shall not, as regards other persons, be held invalue reason of such purchase country of the persons, be held invalue other persons. Datent shall not, as regards other persons, be held invalue reason of such purchase country of the persons reason of such purchase, construction or acquisition, by those d, when he is a second by the person of the invention by the person of the invention by the person of the p of the invention by the person first aforesaid, or by those d, whom he has sold the same and in the purchased, whom he has sold the same, unless the same was purchased constructed, acquired or used with the same was purchased be constructed, acquired or used, with the consent or allow per of the inventor thereof, for a low of the inventor thereof, for a longer period than one year fore the application for a petert of the inventor the inventor thereof, a petert of the inventor thereof, a petert of the inventor the invent fore the application for a patent therefor—making nublic use. 35 V = 20 tion one which had become public and in public 35 V., c. 26, s. 48. 47. All specifications, drawings, models, disclaimers, judgments and other papers, except caveats, shall be open such the inspection of the public at the Detect Office. under such regulations the inspection of the public at the Patent Office, under such regulations as are adopted in that be to be the such as a set of the such as a set of the such as a set of the set

casts, carves, engraves, stamps or otherwise marks upon as patented, a spatented, a misdemeanor. anything made or sold by him, and for the sole making or misdemeanor. selling of which he is not the patentee, the name or any initation of the name of any patentee for the sole making

on each patentee under this Act shall stamp or engrave Patentee and year of the date of the sold or offered for sale by him the cles to be stamped or the date of the stamped or such article, marked. year of the date of the patent applying to such article, marked. thus: "Patented, 1886," or as the case may be; or when, from the nature of the article, this cannot be done, then by affixing to it, or to every package wherein one or more of such and les is or are analy package wherein the like notice; articles is or are enclosed, a label marked with a like notice; and any such patentee selling or offering for sale any such penalty for so mathematicale not so mathematical and so mathematicale not so mathematicale and s patented article not so marked, or not enclosed in a package default. so marked article not so marked, or not enclosed in a packing on the hundred dollars and the back of the payment of such hundred, shall be liable to a penalty not exceeding on penalty, to imprison the fault of the payment of such penalty, to imprisonment for a term not exceeding two

for distribution or sale. 35 V., c. 26, s. 5;-36 V., c. 44, s. 1. OFFENCES AND PENALTIES. **54.** Every patentee under this Act shall stamp or engrave Patented article ar

53. The commissioner shall cause a report to be prepared Annual report and laid have shall cause a report to be proceedings for Parliaannually and laid before Parliament of the proceedings for Parlia-once, this Act, and the Parliament of the proceedings for Parlia-time and at least under this Act, and shall, from time to time, and at least once in each year, publish a list of all patents granted, and may, with the analysis of all patents granted, and may, with the approval of the Governor in Council, cause such specifications and of the Governor in Council, cause such specifications and drawings as are deemed of interest, from time to time, for distribution \mathbb{C}^{n} and \mathbb{C}^{n} to be printed, from time to time,

accepted by the commissioner, shall be held valid, so far as relates to proceeding with the same accepted by the commissioner and the second s relates to proceedings in the Patent Office. 35 V., c. 26, s. 3.

52. The commissioner may, from time to time, subject Regulations the approval of the Gran may, from time to time, subject Regulations and forms to the approval of the Governor in Council, make such rules and forms and regulations and regulations and regulations and forms as appear to prescribed. and regulations, and prescribe such forms, as appear to prescribed. him necessary and prescribe such forms, as appear and notice the expedient for the purposes of this Act, and notice thereof shall be given in the Canada Gazette; and all documents, executed in conformity with the same and accepted by the same and in conformity with the same and

employee, as aforesaid, shall be null and void, but this pro-vision shall not vision shall not apply to any original inventor, or to any acquisition by bequest. 35 V., c. 26, s. 4, part.

51. No officer or employee of the Patent Office shall buy, Officers of Patent Office shall buy, Officers of not to dea sell or acquire, or traffic in any invention or patent, or in any not to deal in any invention or patent, and patents. right to a patent; and every such purchase and sale, and patents. every assignment; and every such purchase and saw, -employee as accepted or transfer thereof by or to any officer or

proof and without production of the originals, all copies or extracts corriged extracts certified under the seal of the Patent Office to be copies of or extracts from documents deposited in such office.

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or selling of such thing, without the consent of such patentee, or who, without the patentee—or who, without the consent of the patentee, writes, paints, prints, mouldance of the patentee, stamps writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon another or otherwise marks upon anything not purchased from 's patentee, the words. "patente", "Queen's patentee, the words, "patent," "letters patent," "Queen's patent," "patented," or any word or words of like stamp, with the intent of counterfaither with the intent of counterfeiting or imitating the public mark, or device of the patomter mark, or device of the patentee, or of deceiving in question and inducing them to believe the deceiving in question and inducing them to believe that the thing patentee was made or sold by or with was made or sold by or with the consent of the patentee or his legal representatives. or his legal representatives; or who offers for sale as parent decoint ed any article not patented in Canada, for the purpose of deceiving the public, is gnilter - 6 deceiving the public, is guilty of a misdemeanor, and liable to a fine not exceeding two hundred in Canada, for the purpose to for a tax a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding theory of a model and the state of t for a term not exceeding three months, or to both. c. 26. s. 50 c. 26, s. 50.

Punishment.

56. Every person who wilfully makes or causes false ade any false entry in any makes or any sol made any false entry in any register or book, or any false or altered copy of any document of the nurposes of made any false entry in any register or book, or any false copies, a mis- or altered copy of any document relating to the purposes this Act, or who produces or touch document. this Act, or who produces or tenders any such false or altered document in evidence. knowing of the such false of document in evidence, knowing the same to be punished by fine and all guilty of a misdemeanor, and shall be liable to be such so by fine and imprisonment according to be solved.

Certain existing patents to remain in force.

57. Every patent issued under any Act of the Parliament Canada, or of the Leoislature of the Inte Province anada on of the Leoislature of Canada, or of the Legislature of the late province of Canada, or of the Legislature of the late province and part of Current Canada, or of the Legislature of the late now forming Canada, or of the Legislature of the late Province now forming Canada, or of the Legislature of any Province now forming part of Canada, shall remain in a province now term hich part of Canada, shall remain in force for the same extent of termiter for the same extent of territory as if the Acts under to the provisions of the territory as if the Acts under to the they were issued had not been repealed, but subject to the provisions of this Act in so for the are applicable provisions of this Act in so far as the same are applicable to them :

Extension of such patent.

2. The commissioner may, upon the application of the inventor of the tentee named in any such a such as the inventor the -. Ine commissioner may, upon the application of the patentee named in any such patent, who is the inventor of the the subject matter of the patent if the embiant matter, the patent has not patentee named in any such patent, who is the application of the the subject matter of the patent, if the subject matter of the patent has not been known on the subject not, with the consent of the patent has not been known or used, and has not, whether of the cos in Provinces of G Consent of the patentee, been on sale in any of the fees in Provinces of Canada, issue on the sale in any proper fees in that behalf Provinces of Canada, issue, on payment of the proper provinces that behalf, a patent under this hot at a sing such for the patent of the patent and the proper provinces are the patent under this hot at a sing such for the patent are the patent are the patent of the patent are the patent of the patent are the patent of the patent are the patent of the patent of the patent are the patent of th that behalf, a patent under this Act, extending such are the term many of the such as a such as cial patent over the whole of Canada, for the remainder of the term mentioned in the Provincial patent.

Duration of certain patents.

58. Every patent heretofore issued by the Patent of any respect of which the fee received by the whole or for any respired work. Every patent heretofore issued by the Patent or any in respect of which the fee required for the whole or for any unexpired portion of the term of the paid according in respect of which the fee required by the the whole or for any unexpired portion of the term of fifteen years, has been such paid according to the provisions of the low under which is patent was in paid according to the provisions of the law under whole been such patent was issued in that behalf the beau and shall patent was issued in that behalf, has been and shall Chap. 57.

deemed to have been issued for the term of fifteen years, subject, in case the second paid, to its ceasing subject, in case a partial fee only has been paid, to its ceasing on the same condition of the same condition on the same conditions on which patents hereafter issued are to cease under the operation of this Act. 46 V., c. 19, *part*.

59. Every patent issued prior to the eighth day of April, Extension to he thousand eight have a prior to the eighth day of April, Extension to Prince Ed-under the Acts ward Island. one thousand eight hundred and seventy-five, under the Acts ward Island. respecting patents then in force in Canada, shall extend over the Province of Difference in Canada, shall extend over the Province of Prince Edward Island for the remainder of the term mentioned it. the term mentioned therein. 38 V., c. 14, s. 4, part.

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, c. 19	ss. 5, 7 and 9.	ss. 5, 7 and 9.		
45 V 46 V', C 22 7, C. 19	ne whole.			

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CHAPTER 58.

NOTE -- The original Act is chaptered 88 of the Statutes of 1875, although there is another Act passed in the same year also chaptered as An Act respecting Copyright. ER Majesty, by and with the advice and consent of the - Senate and House of Consent Consent of the Senate and House of Commons of Canada, enacts as we senate and House of Commons of Canada, enacts as we senate the senate of the follows :---**1.** This Act may be cited as "*The Copyright Act.*" ³⁸ , c. 88, s. 31. Short title. V., c. 88, s. 31. 2. In this Act, unless the context otherwise requires. (a) The expression "the Minister" means the Minister Agriculture; Interpretation. (b) The expression "the Department" means the ^{Depart}ent of Agriculture ; " Minister." of Agriculture; (c) The expression "legal representatives" other legal representatives of other legal presentations of the second " Department.'' , inclue heirs, executors, administrators and assigns, or other New "Legal representatives. New. st ' **3.** The Minister of Agriculture shall cause to be led to be called to "Registers of copyrights" in which we do not a state of the second secon "Registers of copyrights," in which proprietors may have this same register Agriculture, books to be of literally scientific and artistic works or compositions, may have this same registered in accordance with the provisions of Act. 38 V Minister of same registered in accordance with the provisions of Act. 38 V., c. 88, s. 1. Agriculture to keep registers of copyrights. SUBJECTS OF COPYRIGHT AND CONDITIONS TO BE COMPLETE 4. Any person domiciled in Canada or in any part of has ritish possessions, or any citizen of any matry which has Internation Any person domiciled in Canada or in any part of has British possessions, or any citizen of any country Kingdom an International copyright treater in the United Kingdom who is the and an International copyright treaty with the United King on who is the author of any book and b who is the author of any book, map, chart or musical status, sculpture of any country Kingdow. Who may "no is the author of any book, map, chart or musical courses position, or of any original painting, drawing, etches, sculpture or photograph, or who invents, designs, on his engraves or causes to be engraved or made from his obtain copyrights. engraves or causes to be engraved, etched or made from bis

7. Any literary work, intended to be published in pam- Registration ticles : book form but which is first published in separate published in separate published in separate published in separate phlet or book form, but intended to be published in pam-Registration aticles in a newspaper or periodical, may be registered separate Act, while it is so proliminarily published, if the **Under this** Act, while it is so preliminarily published, if the

2. If to its publication in the United Kingdom, any person who ported before registers ously to the date of output of such work upon the copyright is obtained in has, previously to the United Kingdom, any person who ported before registers of copyright is nearly foreign reprints, may obtained in dispass of copyright imported any foreign reprints, may obtained in the registers of copyright, imported any foreign reprints, may Canada. dispose of copyright, imported any foreign reprints, may builden of such reprints by sale or otherwise; but the the the of proof of establishing the extent and regularity of person. buden of proof of establishing the extent and regularity of 38 v upon such person.

be held to prohibit the importation from the United King-dom of copies of an analysis of the importation from the United Kingdom of copies of any such work lawfully printed there:

6. Every work of which the copyright has been granted Copyright in factors in the truth of the copyright has been granted Copyright in British copyright between and copyright British copyright works and is subsisting in the United Kingdom, and copyright British copy-det and is not sooned. Canada, under any right worksof which is subsisting in the United Kingdom, and copyright British copy-Act of the Parliament of Subsisting in Canada, under any right works-late n the Parliament of C Act of the Parliament of Canada, or of the Legislature of any of the tainable. late Province of Canada, or of the Legislature of the ditions of Provinces forming part of Canada, or of the Legislature of any of the tainable. Province of Canada, or of the Legislature of any of the ball when printed and the ball of canada, be entitled in Canada, be entitled in the ball published forming part of Canada, shall, when printed and to copyright under this Act shall. to copyright under this Act; but nothing in this Act shall Proviso.

2. No immoral, licentious, irreligious, or treasonable or Exception as ditious literary sciences, irreligious, or treasonable or Exception as work shall be the works, &c. ⁴ No immoral, licentious, irreligious, or treasonable of legitimate subject of molecular tion or copyright. 38 V., legitimate subject of such registration or copyright.

5. The condition for obtaining such copyright shall be Condition for betaining such copyright shall be condition for obtaining copyright. that the condition for obtaining such copyright shall be condition printed and publicat, scientific or artistic works shall be copyright. printed said literary, scientific or artistic works show Canada, or in the show or reprinted and republished in Canada, or in the case of works of art that they shall be produced or reproduced in Canada, whether they are so pubhighed or reproduced in Canada, whether they are so put with or produced for the first time, or contemporaneously production elsewith or produced for the first time, or contemporance where: but in nearly to publication or production elsewhere: subsequently to publication or production else-and liberty in Canada shall the said sole and exclusive right Proviso. and liberty in Canada continue to exist after it has expired

own design, any print or engraving, and the legal representatives of such person or citizen, shall have the sole and exclusive right person or citizen, shall have the sole and erclusive right and liberty of printing, reprinting, publish-ing, reproducing difference of printing in the second secon ing, reproducing and liberty of printing, reprinting, public or artistic works and vending such literary, scientific or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, Translations. of such literary works from one language into other languages, for the term of twenty-eight years, from the time Term of copy-as the manner hereinof recording the copyright thereof in the manner hereinafter directed. 38 V., c. 88, s. 4, part.

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articles in a periodical.

title of the manuscript and a short analysis of the work are deposited at the department of a short analysis of the article so deposited at the department, and if every separate article so published is preceded by the published is preceded by the words "Registered in accord-ance with the Copyright Act" ance with the Copyright Act," but the work, when pub-lished in book or pamphlat form lished in book or pamphlet form, shall be subject, also, to the other requirements of this Act. 38 V., c. 88, s. 10, part. 8. If a book is published anonymously, it shall be sufficient to enter it in the name of the sufficient thereof. cient to enter it in the name of the first publisher of such either on behalf of the upper of the first publisher of such

9. No person shall be entitled to the benefit of this of a state of the second state o

unless he has deposited at the department two copies hotograph, such book, map, chart must such book, map, chart, musical composition, photograph, print, cut or engraving and in the department two copies in an in a state of the state of th

print, cut or engraving, and in the case of paintings, writer description

either on behalf of the un-named author or on behalf of such first publisher, as the case and author or on behalf of 25. Anonymous books may be entered in the name of first publisher.

Deposit of copies, &c., with the department.

Record of copyright.

Copies to be sent to the Library of Parliament.

As to second and subsequent editions.

Notice of copyright to appear on the work.

Form.

Exception.

ings, statuary and sculpture, unless he has furnished a written description of such works cause the copyright of the same to be recorded for that in a book to be kept for that in a book to be kept for that purpose, in the manner adopted by him, or prescribed by the by him, or prescribed by the rules and forms made, from time to time, as herein provided and forms 7. 10. The minister shall cause one of such two copies h, ch book, map, chart. musical such book, map, chart, musical composition, photograph, print, cut or engraving to be print, cut or engraving, to be deposited in the Library of the Parliament of Canada **11.** It shall not be requisite to deliver any printed up the second or of any subset of the second or of any subsequent edition of any book un less the same contains very interview. less the same contains very important alterations or additions 38 V., c. 88, s. 26.

12. No person shall be entitled to the benefit of this secured, less he gives information of the being secured. unless he gives information of the copyright being secured by causing to be inserted in the copyright being of every by causing to be inserted in the several copies of the title part edition published during the t edition published during the term secured, on the page immediately fill or on the page immediately following, if it is a map, chart, musical commentation in the term secured on the page interview. it is a map, chart, musical composition, print, cut, engrapher or photograph, by causing to a print or the face the or or photograph, by causing to be impressed on the face of of, or if it is a volume of man of, or if it is a volume of maps, charts, music, engraving the photographs, upon the title-page of the photographs, upon the title-page or frontispiece diagonal according y and the following words, that is to say: "Entered according y and "of the Parliament of Come?" "at the Department of Agriculture;" but as regards Pathe ings, drawings, statuary and conjution the signature into artist shall b at the Department of Agriculture;" but as regards pathe ings, drawings, statuary and sculptures, the signature of proprietor artist shall be deemed a sufficient artist shall be deemed a sufficient notice of such proprietor ship. 38 V., c. 88, s. 9

13. The author of any literary, scientific or artistic more publication of publication of any literary scientific of artistic article and the publication of any scientific of the publication of any science of the publication of the publicati or his legal representatives, may, pending the publication interim copy. ootainable, or his legal representatives, may, pending the publication copy and its effect. republication thereof in Canada, obtain an interim

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the title or a doy depositing at the department a copy of the title, or a designation of such work intended for publi-cation or republic to the designation of such work intended for publication or republication of such work intended for particular shall be main in Canada, — which title or designation shall be registered in an interim copyright register at the said department in an interim copyright register at the said department, to secure to such author aforesaid or his legal represent. to secure to such author aforesaid by his legal representatives, the exclusive rights recognized by Act provident in the exclusive rights recognized by this legal representatives, the exclusive rights recognized by (anada, previous to publication or republication in more than one month from the date of the original publica-right. nore than one month from the date of the original publica- right. tion elsewhere, within which period the work shall be

printed or reprinted and published in Canada: 2. In every case of interim registration under this Act Notice to be here anthor or his level interim registration cause notice of given. the author or his legal representatives shall cause notice of given. 38 v registration to be representatives shall cause notice of given. such registration to be inserted once in the Canada Gazette.

14. The application for the registration of an interim Application for registracopyright application for the registration of an interim Application be made in the morary copyright and of a copyright, may tion may be sented in the name of bis legal repre-made in agent. be made in the name of the author or of his legal repre- made through ant. be the agent of such an agent. sentatives, by any person purporting to be the agent of such a gent. frand, or legal representation of the sentence of oretend author or legal representatives; and any damage caused by a Punishment, shan, lent or an or legal representatives and any damage caused by a Punishment, shan, lent or an or legal representatives and any damage caused by a Punishment of such authority of pretended agents. frandulent or an erroneous assumption of such authority agents.

thall be recoverable in any court of competent jurisdiction.

ASSIGNMENTS AND RENEWALS.

15. The right of an author of a literary, scientific or Copyright btain work, to obtain a author of a literary, scientific or Copyright when obtain it to artistic work, to obtain a copyright, and the copyright when obtain it to be assignable. obtained, shall be assignable in law, either as to the whole assignable. additional to the state of the stat interest or any part thereof, by an instrument in writing, denoised of any part thereof, by an instrument in writing, ade in duplicate, and which shall be registered at the

department on production of both duplicates and payment

2. One of the duplicates shall be retained at the depart- Duplicates, lent, and the duplicates shall be retained at the depart- Duplicates, existence: the other shall be retained at the depart of of. ^{2.} One of the duplicates shall be retained at the depart- Duplicates, registration, to the percent depart with a certificate of of. 20 V C. 88, s. 18. registration, to the person depositing it. 38 V., c. 88, s. 18.

Is, Person depositing it. and the subject author of a literary, scientific or Copyright to assignee of author. anistic Whenever the author of a literary, scientific or Copyright of copyright, or composition which may be the subject assignee of has sold the subject author. of copyright, has executed the same for another person or such a sold the same to math the same for another person or the same to math the same for due consideration, has sold the same to another person for due consideration, but how shall not be extended to obtain or to retain the but the same to another person for due consideration, which author shall not be entitled to obtain or to retain the said of such author shall not be entitled to obtain or to retain the such author shall not be entitled to obtain or to retain the such author shall all such authors are such authors and all such authors are such as a such a suc proprietorship of such copyright, which is, by the said purchased to the purchased and such a indication, virtually transferred to the purchaser, and such purchaser may avail himself. The purchaser and such privilege, unless a there or Purchaser may avail transferred to the purchaser, and sumartist : of the privilege is made by the author or reschaser may avail transferred to the purchaser may avail himself of such privilege, unless artist in a deed d_{nl_V} are specially made by the author or $\frac{90}{20}$ V c 88, s. 16. artist in a deed duly executed. 38 V., c. 88, s. 16.

Renewal of copyright, for what term and on what conditions.

Title to be again registered, &c.

17. If at the expiration of the said term of twenty eight ears the author, or any of the said term of the work has years the author, or any of the authors (when the work one been originally composed and the work of the said term of twenty one person is a said term of the authors (when the work one has been originally composed and the said term of term of term years the author, or any of the authors (when the work one been originally composed and made by more person), is still living, or if such author is dead and has and a widow or a child. or children the same sole ach a widow or a child, or children living, the same sole and exclusive right and liberty children living, the same to such an anthor exclusive right and liberty shall be continued then for author, or to such authors still be continued then for author, or to such authors still living, or if dead, then for such widow and child or ability such widow and child or children, as the case may be, for the further term of fourteen within one year after the expiration of such term of twenty eight years, the title of the work eight years, the title of the work secured shall be a second time registered, and all other required be time registered, and all other regulations herein required by be observed in regard to private the shall so be observed in regard to original copyrights complied with in respect to complied with in respect to such renewed copyright. V., c. 88, s. 5.

18. In all cases of renewal of copyright under this Active author or proprietor shall and the from the from the standard the of south and the standard the standa 18. In all cases of renewal of copyright under from the f date of such renewal, cause notice of such registration the state of such renewal, cause notice of such registration the state of such registration and sta s. 6.

CONFLICTING CLAIMS TO COPYRIGHT.

Cases of conflicting claims in respect of copyright to be settled before a comnetent court.

19. In case of any person making application to register work is own, the copyright of a literature application artistic was register of his own, the copyright of a literary, scientific or artistic cose already registered in the newsor already registered in the name of another person, or application of an application of an application of an application of an application of an application model. of simultaneous conflicting applications, or of an entered side propriotor tion made by any person other than the person the side copyright in proprietor of a registered copyright, the person so applications, notified by any minister that the person applications, or of an entered in the person of a registered copyright, to cancel the minister that the person so applications applications applications applications of the person of a registered copyright, the person so applications ap rappietor of a registered copyright, to cancel by it copyright, the person so applying shall be notified by minister that the question is one for the decision of a chall of competent minister that the question is one for the decision of a shall be had on tak of competent jurisdiction, and no further proceedings applying the applying of the applying shall be notified to a shall of taken by the minister of the application be had or taken by the minister concerning cancelling otherwise doctation is produced until a judgment is produced maintaining, cancelling of otherwise deciding the matter.

Action on decision.

2. Such registration, cancellation or adjustment of accordance in accord \therefore such registration, cancellation or adjustment of said right shall then be made by the minister in accordance with such decision. 38 V \rightarrow 20

20. Every person who, without the consent of the anthon of wful proprietor thereof first obtain the or publicat pre-Every person who, without the consent of the author of lawful proprietor thereof first obtained, prints or publisher causes to be printed or published and prints of the viously print of the published and prints of the prints of the prints of the published and prints of the published and prints of the published and prints of the published and prints of the published and prints of the published and prints of the published and publishe ing Mss., lawful proprietor thereof first obtained, prints or publishes, without own- causes to be printed or published, any manuscript liable to the viously printed in Canada or elecentron shall be liable hy such author viously printed in Canada or elsewhere, shall be liable such publication or proprietor for all domains of provide the publication of proprietor for all domains of the publication of th viously printed in Canada or elsewhere, shall be liable such author or proprietor for all damages occasioned by court publication, and the same shall be recoverable of competent jurisdiction. 38 V 200 8.

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LICENSES TO RE-PUBLISH.

21. If a work copyrighted in Canada becomes out of Provision for the case of a minister, who on the followed by any person with the copyrighted to his satisfac- work being out of print. minister, who, on the fact being ascertained to his satisfac- work being bins, shall notify it tion, shall notify the owner of the copyright of the complaint and of the fact; and if, within a reasonable time, no License to remedy is applied; and if, within a reasonable time apprint it, &c remedy is applied by such owner, the minister may grant a print it, &c. license to any person to publish a new edition or to import the work, specifying the number of copies and the royalty to be paid on each to the owner of the copyright. 38 V.,

FEES.

22. The following fees shall be paid to the minister Fees payable under this under this formation for the state of the management of the m before an application for any of the purposes herein men-Act. tioned is received, that is to say :---

On registerin

On registering a copyright $\$1 00$
On registering an interim convergent 0.50
On registering a copyright
For Secting an again
on repister copy of registration 0.50
Justice any decision of
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r copies.
For every at the made :-

very single or first folio, certified copy..... 0 50 or evenue of first folio, certifica 0 50 For every subsequent hundred words (fractions under or not exceeding fifty, hot being counted, and over fifty being

counted for one hundred)...... 0 25

2. The said fees shall be in full of all services performed Fees to be in y him Act by the minister of all services mension employed services. under this Act by the minister or by any person employed services.

3. All fees received under this Act shall be paid over to To form part frm better of Finance or L.D. Comparel and shall of Con. Rev. the Minister of Finance and Receiver General, and shall Fund. form part of Finance and Receiver General, and -4. No Person shall be exempt from the payment of any No exemption ader the payable in account of the payment of from payment fee or charge payable in respect of any services performed of fees.

under this Act for such person, and no fee paid shall be to the person with a start it as V., c. 88, s. 28. returned to the person who paid it. 38 V., c. 88, s. 28.

Proviso; as to scenery, &c.

23. Nothing herein contained shall prejudice the right any person to represent and prejudice notwith of any person to represent any scene or object, notwith standing that there may be car standing that there may be copyright in some other repre-sentation of such scene or object. 14. sentation of such scene or object. 38 V., c. 88, s. 14.

24. Newspapers and magazines published in foreignal ountries, and which contain to all foreign original countries, and which contain, together with foreign original matter, portions of British matter, portions of British copyright works republished with the consent of the anthor with the consent of the author or his legal representatives, or under the law of the country and under the law of the country where such copyright and the copyright may be imported into Canada

25. Clerical errors which occur in the framing or copying any instrument drawn by of any instrument drawn by any officer or employee in or the department shall not be any instrument shall not be any officer or employee in or of the department shall not be any officer or employee in the department shall not be an the department shall not be construed as invalidating such instrument, but when discourt in the invalidation of the corrected

instrument, but when discovered they may be corrected under the authority of the minister. 38 V., c. 88, s. 20.

26. All copies or extracts certified, from the department, tall be received in evidence shall be received in evidence, without further proof and without production of the original. without production of the originals. 38 V., c. 88, s. 21.

27. The minister may, from time to time, subject to and poporal of the Governor in Grand to the such rules and subject to the approval of the Governor in Council, make such rules him regulations, and prescribe such a concerned of the such rules him necessarily and prescribe such a concerned of the such rules and regulations, and prescribe such forms, as appear to and such recessary and expedient for the necessary and expedient for the purposes of this Act; and such regulations and forms are int for the age such regulations and forms, circulated in print for the purposes of this Act; and of the public, shall be deemed to it is the purpose of this Act. of the public, shall be deemed to be correct for the purposes of the public, shall be deemed to be correct for the purpose of the minimized accepted at the minimized accepted at the minimized accepted at the minimized accepted at the minimized accepted at the minimized accepted at the minimized accepted at the minimized accepted at the minimized accepted at the minimized accepted at the minimized accepted at the minimized at th of this Act; and all documents, executed and accepted by the minister shall be held walking a contract for the purposed the minister shall be held valid, so far as relates to all official proceedings under this Act

28. Every person who wilfully makes or causes herein ade any false entry in any false or books herein made any false entry in any of the registry books herein before mentioned of the minist before mentioned of the minister, or who wilfully produces or causes to be tendered in and or causes to be tendered in evidence, any paper which falsely purports to be a copy of an entered in evidence any paper which for the said books is guilty of purports to be a copy of an entry in any of the said accordingly and the munished accordingly and the said accordingly as w is guilty of a misdemeanor, and shall be punished accordingly. 38 V., c. 88, s. 24.

29. Every person who fraudulently assumes authority for it as agent of the author or of him is appresentation of act as agent of the author or of his legal representation of a temporary and interim all be right, or a static of a temporary and a temporary and a static of the static o act as agent of the author or of his legal representative prise in the registration of a temporary copyright, an interim shall be right, or a copyright is smilled and shall be right. right, or a copyright, is guilty of a misdemeanor and shall be punished accordingly. 38 V **30.** Every person who, after the interim registration of the term the of any book according to the the term are within the term. title of any book according to this Act, and within the term

Penalty for the infringe-

As to newspapers, &c., containing portions of British copy-

right works.

Clerical errors, how corrected.

Certified copies and extracts.their effect.

Minister to make rules, forms, &c.

Their effect.

Making false entries, &c., to be a misdemeanor.

herein limited, or after the copyright is secured and during ment of copy-net term or terms of the copyright is secured and during ment of copy-based of the copyright of a publishes, or re-book. the term or terms of its duration, prints, publishes, or re-points or republiched of its duration, prints, publishes, or re-book. prints or terms of its duration, prints, publishes, published or imports, or imports, or causes to be so printed, translation of such published or imported, any copy or any translation of such the without the conductive lawfully entitled to book without the consent of the person lawfully entitled to the copyright thereof, first had and obtained by assign-Ment, or who, knowing the same to be so printed or imported, publishes, soll Publishes, sells or exposes for sale, or causes to be published, sold or exposed for sale, any copy of such book to the person consent, shall forfeit every copy of such book without then lawfully out the every copy of such book to the person forfeit and pay for every such copy which is found in his possession, either being printed or printed, published, im-ten such sum not acception to the provisions of this Act, such sum, not exceeding one dollar and not less than Recovery and be cents, as the court of the provisions of this be cents, as the court of the cents of the court of the cents of the court of the cents of th ten cents, as the court determines; which forfeiture shall application. be enforceable or recoverable in any court of competent Majesty for the mojety of such sum shall belong to Her Majesty for the public uses of Canada, and the other Mojety shall belong to the lawful owner of such copyright.

81. Every person who, after the registering of any paint- Penalty for the infringement of copy within the term the infringement of copy of a statute of a statu ing, drawing, statue or other work of art, and within the term ment of copy-range limited by this and work of art, and within the term ment of copy-right of a pointing, &c. or terms limited by this Act, reproduces in any manner, or right of a any manner, or right of a solution of the reproduced and the reproduced in the term ment of the reproduced and the reproduces in the reproduced and the reproduced and the reproduces in the reproduced and the reproduced and the reproduces in the reproduced and the reproduced and the reproduces in the reproduced and the reproduced and the reproduces in the reproduced and the reproduced and the reproduces in the reproduced and the reproduces in the reproduced and the reproduced and the reproduced and the reproduced and the reproduced and the reproduces in the reproduced and the reprodu causes to be reproduced, made or sold, in whole or in part, painting, &c. any copy of any such work of art, without the consent of the proprietor, shall forfeit the plate or plates on which such reproduction has been under and every sheet thereof such reproduction has been made, and every sheet thereof; and to reproduction has been made, and every sheet thereof; and shall also forfait for the proprietor of the copyright thereof; and shall also forfeit for every sheet of such reproduction published in posed for sale contract of such reproduction published ing one dollar and not less than ten cents, as the court deter-in solution of the state of the mines, which forfeiture shall be enforceable or recoverable Recovery and such any court of component in the state of a moiety of in any court of competent jurisdiction; and a moiety of application. Canada shall belong to Hor Meiertr for the public uses of any court of competent jurisdiction; and a molely of Canada, and the other to Her Majesty for the public uses of own to the other state that belong to the lawful

Canada, and the other moiety shall belong to the lawful as a such copyright. 38 V., c. 88, s. 12.

B2. Every person who, after the registering of any print, Penalty for the infringe-raph and the infringe-map chart print, composition or photo- ment of copy right of a cut or engraving, map, chart, musical composition or photo- ment of coy-the to the total composition or photo- ment of coy-the total composition or photo- ment of coy-right of a print, chart, musical composition or photo- ment of a print, chart, photo-Rhaph, according, map, chart, musical composition or photo- ment or cu works and terms limited by this Act, and within right of a works and terms limited by this Act, and within right of a compraves, etches or music, photo-response of the provisions of this Act, and within right of a compraves, etches or music, photo-response of the provision the term or terms limited by this Act, engraves, etches or music, photo-to or dimited or sold, either account of a sold or graph, &c. copied, made or copies, or causes to be engraved, etcned of or diminishing the etcher as a whole or by varying, adding law, or diminishing the main design, with intent to evage anses to be so printed or reprints or imports for sale, or imported for sale, or imported for sale, or or imported for sale, or or imported for sale, or imported for sale, or imported for sale, or imported for sale, or or imported for sale, or importe causes to be so prints, or reprints or imports for sale, or engraving, or any part thereof without the consent of the promise of the consent engraving, or any part thereof, without the consent of the converse of the con proprietor of the copyright thereof, first obtained as aforesaid, who, knowing the copyright thereof, first obtained as aforesaid, or who, knowing the same to be so reprinted, printed or

imported without such consent, publishes, sells or exposes for sale, or in any manner dient, publishes, sells or exposes for sale, or in any manner disposes of any such map, chart, musical composition. enormation of print, musical composition, engraving, cut, photograph or print, without such consent as a foregoid and the plate or without such consent as aforesaid, shall forfeit the plate of plates on which such man plates on which such map, chart, musical composition, engraving, cut, photograph or main the plates of the plates engraving, cut, photograph or print has been copied, and also every sheet thereof so control has been aforesaid, also every sheet thereof, so copied or printed as aforesaid, to the proprietor of the copyright of printed as hall also for foit for to the proprietor of the copyright thereof; and shall also for feit, for every sheet of such and shall also for printing the such as a shall also for the copyright thereof; and shall also for the copyright thereof is a such as a shall also for the copyright thereof is a such as a such feit, for every sheet of such map, musical composition, print, cut or engraving found in him cut or engraving found in his possession, printed or sum lished or exposed for sale card lished or exposed for sale, contrary to this Act, such such not exceeding one dollar and not exceeding one dollar and not less than ten cents, as for court determines, which for the stand of the sta Recovery and court determines, which forfeiture shall be enforceable and a recoverable in any court of recoverable in any court of competent jurisdiction; and not less than ven vereable and a recoverable in any court of competent jurisdiction; and the moiety of such sum shall belong to Her Majesty for the public uses of Canada, and the other shall belong the lawful public uses of Canada, and the other moiety shall belong to the lawful owner of such account of the such a

Penalty for falsely pretending to have copyright.

33. Every person who has not lawfully acquired the copy shows of a literary, scientification of a literary scientification o right of a literary, scientific or artistic work, and who inserts in any copy thereof printed and a science of a science o ed, or who impresses on any such copy, that the same to asset entered according to this Act entered according to this Act, or words purporting thereto, the existence of a Canadian the existence of a Canadian copyright in relation dollars: shall incur a penalty not or control of the existence of a canadian copyright in relation dollars: shall incur a penalty not exceeding three hundred and in relation there.

2. Every person who causes any work to be inserted and e register of interim constraint work to be print interime the register of interim copyright and fails to print time publish, or reprint and reprint time right without publish, or reprint and republish the same within the time publishing. prescribed, shall incur a normality of the same within the ded prescribed, shall incur a penalty not exceeding one hundred dollars :

3. Every penalty incurred under this section shall be coverable in any court of section, and a blic section shall a section shall a section shall a molecular this section and a molecular the public for the publi moiety thereof shall belong to Her Majesty for the polong to the uses of Canada, and the other uses of Canada, and the other moiety shall belong person who sues for the same and

Limitation of actions.

34. No action or prosecution for the recovery of any more than two enalty under this Act shall be penalty under this Act, shall be commenced more than two years after the cause of setter

Proposed to be	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
Consolidated.				
38 V., c. 88	The whole except ss. 29 and 30.	ss. 29 and 30.		

Recovery and application of penalties.

CHAPTER 59.

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An Act respecting Trade Marks and Industrial Designs. HER Majesty, by and with the advice and consent of the Senatory, by and with the advice and consent of the

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SHORT TITLE. sign Act." Act may be cited as "The Trade Mark and De-Short title. 42 V a 22 a 40

APPLICATION OF ACT. Pply only to to twenty-one of this Act, both inclusive, Application of Act. apply Sections three to twenty-one of this Act, both inclusive, Apple thirty only to trade marks, and sections twenty-two to of Act. 2 y eight both inclusive, Apple of Act. **With only to trade marks, and sections** *twenty-two* **42 V**, c. 25 both inclusive, apply only to industrial designs.

TRADE MARKS. business devices, manes, brands, labels, packages or other What shall be in his trade, business, which are adopted for use by any person trade marks. of devices which are adopted for the purpose in his trade, business, occupation or calling, for the purpose distinguistic product or article of any of distinguishing any manufacture, product or article of any description manufactured, produced, compounded, packed ein for call 1 and in any manner whatever, or offered for sale by him—applied in any manner whatever, either to such manufacture, product or article, or to any den age, barcol manufacture, product or article, or to any backage, parcel, case, box or other vessel or receptacle of any description whatsoever containing the same, shall, for the purposes of this Act, be considered and known as trade harks, and may be registered for the exclusive use of the and remistering the manual transmission remistering the manual transmission remistering the manual transmission to the transmission remistering the manual transmission remistering transmission remistering transmission remistering the manual transmission remistering the manual transmission remistering transmission remistering transmission remistering transmission remistering transmission remistering transmission remistering transmission remistering transmission remistering transmission remistering transmission remistering transmission remistering transmission remistering transmi Person registering the same in the manner herein provided; and hereafter such person shall have the exclusive right to Exclusive him the same to be a solution of We thereafter such person shall have the exclusive right to Exclusive in the same to designate articles manufactured or sold by right.

² Timber or lumber of any kind upon which labor has As to timber tion or calling shall for the automatic of this Act be deemed tion or calling, shall for the purposes of this Act be deemed a manufacture, product or article. 42 V., c. 22, s. 8.

4. A trade mark may be general or specific, according to Classification. Which it is a product of the produ the use to which it is applied or intended to be applied by

(a) A general trade mark is one used in connection with General trade bis trade, business connection which the proprietor deals in mark. his trade, business, occupation or calling generally:

Specific trade mark.

(b) A specific trade mark is one used in connection with e sale of a class of merubar line and the description. the sale of a class of merchandise of a particular description. 42 V., c. 22, s. 9

Register to be kept.

5. A register of trade marks shall be kept at the de of a artment of Agriculture in the de artment of Agriculture in the de artment of Agriculture in the ar partment of Agriculture, in which any proprietor with trade mark may have the same reaction of a same proprietor with trade mark may have the same registered, on complying with the provisions of this Act. 42 V 6. The Minister of Agriculture may, from time to make subject to the approval of the Governor in Council, make rules and regulations and adapt

rules and regulations and adopt forms for the purposes of this Act, as respects trade months

this Act, as respects trade marks; and such rules, regulations and forms circulated in print for the public, shall be door

and forms circulated in print for the use of the public, and be deemed to be correct for the

be deemed to be correct for the purposes of this Act; and all documents executed according all documents executed according to the same and accepted by the minister, shall be documents in a far as relates by the minister, shall be deemed to be valid so far as relates to official proceedings under the to official proceedings under this Act. 42 V., c. 22, s. 2.

7. The Minister of Agriculture may cause a seal to be ade for the purposes of the day cause a seal to be made for the purposes of this Act, and may cause a seal to be sealed therewith trade marks and the instruments, sing

Minister may make rules and adopt forms.

Seal and its use.

How registration may be effected.

Nature of trade mark to be specified.

Tariff of fees.

sealed therewith trade marks and other instruments, and from his of such trade marks and other instruments, and such trade marks and other instruments or source s. copies of such trade marks and other instruments, proceeding from his office in relation to define the struments of the strum 8. The proprietor of a trade mark may have it registered with forwarding to the Minister of the mark may have it registered with on forwarding to the Minister of Agriculture, together in duplicate the fee hereinafter mentioned, a drawing and description in duplicate of such trade mark in duplicate of such trade mark, and a declaration person same was not in use to his bury other person than him. same was not in use to his knowledge by any other person than himself at the time of his than himself at the time of his adoption thereof. 22, s. 6.

9. Every proprietor of a trade mark who applies for its gistration shall state in him who hother the said ••• Every proprietor of a trade mark who applies for sid registration shall state in his application whether the mark trade mark is intended to have trade mark is intended to be used as a general trade mark to we have the same or as a specific trade mark to we have the mark **10.** Before any action is taken in relation to an application for registering a trade to the relation to an application to an application of the rest be paid to the Minister of Accession to the start is to say: be paid to the Minister of Agriculture, that is to say

On every application to register a general trade mark, including mark, including certificate...... 25 00 On every application to register a specific trade mark, including

- On every application for the renewal of the registration of a second sec 20 ⁰⁰ tration of a specific trade mark, including 1 00 For copy of each certificate of registration, separate from the return 2 00 from the return of the duplicate..... For the recording of an assignment.....

For office copies of documents, not above mentioned, for a fraction thereof. For each copy of any drawing or emblematic trade mark in the second seco for every hundred words or for a fraction thereof. \$0 50 mark, the reasonable expenses of preparing the And such fees shall be paid over by the Minister of Application. Agriculture to the Minister of Finance and Receiver 2. If the Minister of Agriculture refuses to register the Return of fee the Minister of Agriculture refuses to register the Return of the mark for which application is made, the fee shall be is refused. returned to the applicant or his agent, less the sum of the dollars in applicant or his agent, less the sum of the applicant or his agent, less the sum of the dollars is a compensation for the dollars, which shall be retained as compensation for Ce expenses. 42 V., c. 22, s. 12. **1.** If any person makes application to register, as his Decision of makes application already registered, doubtful doubtful cases. Wh, any person makes application to register, as his Decision and the Minister of Which has been already registered, cases. and the Minister of Agriculture is not satisfied that such person is undoubtedly entitled to the exclusive use of such in the mark the inde mark, the minister shall cause all persons interested in the mark, the minister shall cause all persons interested thomas atter to be notified to appear, in person or by the matter to be notified to appear, for the purpose the matter to be notified to appear, in person of a stablishing with their witnesses, for the purpose of establishing which is the rightful owner of such trade withesses, the minister shall order such entry or cancelwitnesses, the minister shall order such entry or cancelatter having heard the such entry or cancer absence of the minister shall order such entry or cancer Agriculture may been ad as he deems just; and in the back of the minister, the deputy of the Minister of the may been added at the case and make Agrication of the minister, the deputy of the Minister of the minister, the deputy of the Minister of the entry of the may hear and determine the case and make the entry or cancellation or both, as he deems just : 2. Enformed of confliction of both, as ne uccurs junction of spect of confliction ⁴. Enrors in registering trade marks and oversignus, in conflicting registrations of trade marks, may be download in a similar decomposition of trade marks, may be corrected in a similar manner. 42 V., c. 22, s. 15. Ny trade mark in the following correct to register When minis-ter may object to register a trade mark in the following correct to register a trade mark. (a) If the trade mark proposed for registration is identical resembles at the proposed for registered; with or resembles a trade mark already registered; (b) If it appears that the trade mark is calculated to deceive or mislead the public; (c) If the trade mark contains any immorality or scandalous figure; \mathbf{x}_{a} If the so called trade mark does not contain the essentiation of the trade mark does not contain the essentiation of the trade mark, properly speaking. **13.** On compliance with the requirements of this Act Mode of registration and the rules hereinbefore provided for, the Minister of certificate thereof.

Chap. 59.

Agriculture shall register the trade mark of the proprietor so applying, and shall return to the mark of the proprietor one copy •so applying, and shall return to the said proprietor one opp of the drawing and description of the drawing and escription with a certificate signed by the minister or the deputy of the side of Agriculture the minister or the deputy of the Minister of Agriculture to the effect that the said trade to the effect that the said trade mark has been duly registered the month in accordance with the provisions of this Act; and the in the month and year of the antimonth and year of the entry of the trade mark in the register shall also be set forth Certificate to register shall also be set forth in such certificate; and every be evidence. Such certificate, purporting to the such certificate is and every for the trade of the such certificate is and every for the such certificate is and every for the such certificate is and every for the trade of the such certificate is and every for the such certificate is and every for the such certificate is and every for the trade of the such certificate is and every for the trade of the such certificate is and every for the trade of the such certificate is and every for the trade of the such certificate is and every for the trade of the trade such certificate, purporting to be so signed, shall be received in all courts in Canada as a signed, shall be received of the facts in all courts in Canada, as primâ facie evidence of 42 V, c. therein alleged without proof of the signature. 22. s. 7 14. A general trade mark once registered and destined be the sign in trade of the second shall ender 22, s. 7. general trade to be the sign in trade of the proprietor thereof shall endure mark. without limitation. 2. A specific trade mark, when registered, shall endure r the term of twenty-five version is the remewed before - A specific trade mark, when registered, shall before for the term of twenty-five years, but may be renewed before the expiration of the said terms, but may be renewed before by his la the expiration of the said term by the proprietor twenty all by his legal representative by his legal representative, for another term of twenty and shall be And of speciyears, and so on from time to time; but every such renews shall be registered before the court of twenty to of twenty to fic trade mark. shall be registered before the expiration of the current term of twenty-five years. 42 V Any person who has registered a trade Minister of petition for the cancellation of the same, and the Minister of Agriculture may, on receiving the same cause the same Agriculture may, on receiving such petition, cause fresh trade mark to be so cancelled , and the small, after such trade mark to be so cancelled; and the same shall, after such cancellation, be considered or if it is been registered under the r naue mark to be so cancelled; and the same shall, after such cancellation, be considered as if it had never been registered under the name of the said such as if it had never 22. s. 13. 16. Every trade mark registered in the office of the hir signment is in the office of the new and on the ••• Every trade mark registered in the office of the the ister of Agriculture, shall be assignable in law, and on pre-assignment being produced and the boreinbefore the assignment being produced, and the fee hereinbefore of the assignee with paid, the ministration of the ministration of the assignee with the ministration of the scribed being paid, the ministration of the m scribed being paid, the minister shall cause the name other assignee, with the date of the date of the assignee, with the date of the assignment and such of the register of the sees fit, to be contract to the margin of the register of the set of details as he sees fit, to be entered on the margin of trade marks on the fill register of trade marks on the folio where such trade mark is registered. $42 V_{..} c. 22 c. 14$ **17.** Every person, other than the person who article of any article of the trade mark, who more could or any article of any article of the trade mark, who more could of any article of any article of the trade mark. ••• Every person, other than the person who has registered tered the trade mark, who marks any goods or any registered any description whatsoever with sure trade mark reg such under the proany description whatsoever, with any trade mark of any under the provisions of this Act any trade mark of any trade mark any any description whatsoever, with any goods or any mark registered under the provisions of this Act, or with any mark of any trade mark, whether by applying such trade mark of thing part thereof to the article itself or to any package of thing naue mark, whether by applying such trade mark of this part thereof to the article itself, or to any package of such so marked part thereof to the article itself, or to any package of such containing such article, or by using any package of such so marked which has been used by the proprietor sale part trade mark, or who knowingly colle or offers for sale part article marked trade marked which has been used by the proprietor sale part article marked with such trade of with any package of such article marked with such trade of with any package of such thereof. with

article marked with such trade mark, or with new person to the propriet of the person anucle marked with such trade mark, or with any person to thereof, with intent to deceive and to induce any person

Cancellation of trade marks.

Trade marks may be assigned.

Penalty for unlawful use of trade mark.

Chap. 59.

believe that such article was manufactured, produced, combuilded, packed or sold by the proprietor of such trade the proprietor of such article was me of a guilty of a misdemeanor, and liable, for each here, to a first one hundred dollars and office, is guilty of a misdemeanor, and liable, 101 current less than the not exceeding one hundred dollars and high fine shall be paid to the hopietor of the not exceeding one hundred aonars and hopietor of the dollars, which fine shall be paid to the

No Prietor of such trade mark, together with the costs inwheter of such trade mark, together

& Every complaint under this section shall be made by Complaint to be proprietor of an under this section shall be made by the made by the prothe proprietor of such trade mark, or by some one acting on the pro-behalf and the probehalf and thereunto duly authorized. 42 V., c. 22, s. 16. prietor.

to An action or suit may be maintained by any proprie- Suit may be trade most may be maintained by any proprie- Suit may be who uses his regis- proprietor. tor of a trade mark against any person who uses his regis-proprietor. Who sells any or any fraudulent imitation thereof, or include la trade mark, or any fraudulent imitation thereof, or or purho sells any article bearing such trade mark or any such wo sells mark, or any traudurent initation thereof, or contained in any package being or pur-to be to be be and the provisions of this Act.

Portion thereof, or contained in any package being or pure to be his, contrary to the provisions of this Act.

No person shall institute any proceeding to prevent No suit unless have infingement of the proceeding to prevent No suit unless have infingement of the proceeding to prevent is trade mark is registered. the infringement of any trade mark, unless such trade mark registered. Registered in purchase of this Act. 42 V., c. 22, s. 4, part. in registered in pursuance of this Act. 42 V., c. 22, s. 4, part. Any person may be allowed to inspect the register Register may be inspected.

that Any person may be allowed to inspect the register opies or representation of Agriculture may cause the applicant for the fee or fees hereinbe-When or representations of trade marks to be delivered, on the applicant for the same paying the fee or fees hereinbe-

The prescribed. 42 V., c. 22, s. 18.

Querical errors which occur in the drawing up or Clerical errors not invalidate the preceding sections of errors not invalidate and the preceding sections of errors not invalidate the preceding sections of errors not errors and and the preceding sections of errors not errors and the preceding sections of errors not errors and the preceding sections of errors not errors and the preceding sections of errors not errors and the preceding sections of errors not errors and errors are errors and errors and errors are errors and errors are errors and errors are e ⁴¹. Clerical errors which occur in the drawing up or Clerical the Act, shall not be construment, under the preceding sections of invalidate. White of any instrument, under the preceding sections of the Act, shall not be construed as invalidating the same, and the discovered the construed as invalidating the same, and When discovered they may be corrected under the authority 49 V. c. 22, s. 19. Withe Minister of Agriculture. 42 V., c. 22, s. 19.

INDUSTRIAL DESIGNS. Which are called "The Register of Industrial Designs," in industrial de-signs to be called "The Register of Industrial Designs," in signs to be red any proprietor of a design may have the same regis- kept. which any proprietor of a design may have the same regis- kept. the any proprietor of a design may have the same regard the depositing with the minister a drawing and the design, together with a browledge deciption in duplicate of such design, together with a distribution that the minister in use to his knowledge is adopthe large of such design, together with the minister by any other name was not in use to his knowledge the same was not in use to his adopto the reof: and the same was not in use to his knowledge the thereof: and the same was not in use to his adopthe thereof; and the minister, on receipt of the fee herein- Registration. thereof; and the minister, on receipt of the fee nerom the provided, shall cause such design to be examined there any other design already Wer provided, and the minister, on receipt of bacertain whether it resembles any other design already with red; and if he finds that such design is not identical there design whether it resembles any other design already with, or ; and if he finds that such design is not identical already does not an already resemble any other design it he shall with, or does not if he finds that such design is not identicated with registered so closely resemble any other design with registered at the confounded therewith, he shall the addy registered as to be confounded therewith, he shall **Sister the same**, and shall return to the proprietor thereof

one copy of the drawing and description, with a certificate signed by the minister or the discription, with Minister of Agricult and its effect. one copy of the drawing and description, with a certification of signed by the minister or the deputy of the Minister duly Agriculture, to the affirst the deputy of the has been det Agriculture, to the effect that such design has been duly registered in accordance with and registered in accordance with the provisions of this and and such certificate shall also at a provision of the month are and such certificate shall also set forth the day, month and year of the entry thereof in the year of the entry thereof in the provisions, month ary such certificate shall also set forth the day, month ary such certificate purporting to a such certificate purporting to be so signed shall without proof of the signature be read and signed shall canada, proof of the signature be received in all courts in the proper register as primâ facie evidence of the first as primâ facie evidence eviden as primâ facie evidence of the facts therein alleged. c. 22, s. 20.

Minister may make rules and adopt forms.

23. The Minister of Agriculture may, from time to make bject to the approval of the G subject to the approval of the Governor in Council, make rules and regulations and of the Governor in be purposed rules and regulations and adopt forms for the purposes of this Act, as respects industrial a number of the purposes for the lations and adopt forms for the purposes for the purposes for the purposes for the purpose for the this Act, as respects industrial designs, and such rules, reputies and forms circulated lations and forms circulated in print for the urposes of this public, shall be deemed to be public, shall be deemed to be correct for the purposes of and Act; and all documents excepted Act; and all documents executed according to the salid so Y, as related by the minister shall a accepted by the minister, shall be deemed to be valid so y, and to official proceed. as relates to official proceedings under this Act. c. 22, s. 21.

24. Every design in order to be protected, shall be regis of red before publication : and a second to be protected. ---- Every design in order to be protected, shall be registration the name of the proprietor, who shall be a shall appear upon the Use of design. the proprietor, who shall be a resident of Canada, shall appear upon the article to which he resident of Canada, if the model of the the transformer of the model of the mod upon the article to which his design applies, if the ment facture is a woven fabric by his his design applies, and and a shall appro-thereof to the state of the his design applies, and the state of t apon the article to which his design applies, if the manufacture is a woven fabric, by being marked upon manufacture is any other substance, the letters "Rd.;" and if the manufacture is any other substance, the letters "Rd.;" and if the dge of upon facture is any other substance, the letters any convenient. year of the registration, shall be marked at the edge or upon any convenient part thereof 2. The mark may be put upon the manufacture a aking it on the material itents . The mark may be put upon the manufacture making it on the material itself, or by attaching 22. s. 23. label containing the proper sector of the sector of

How mark shall be applied.

Who shall be deemed the proprietor.

25. The author of the design shall be considered another into the reson for an ase, The author of the design shall be considered another prietor thereof, unless he has executed the design for a case, person, for a good or valuable person, for a good or valuable consideration—in which and such other person shall be consideration—in writer, the shall along d Person, for a good or valuable consideration—in which and such other person shall be considered the proprietor, the shall alone be entitled to register it; but his right property shall only be co-extensive with the right property shall only be co-extensive with the right to the has acquired. 42 V. c. 22 - 24 **26.** Before any action is taken in relation to an application following is to all be paid.

Tariff of fees.

----- Before any action is taken in relation to an industrial design, the following is to shall be paid to the Minister of Action lture, that is to say :--shall be paid to the Minister of Agriculture,

On every application to register a design, including costie including certificate...... of time, On every application for an extension of such including costic 2 00 including certificate, for each year of such extension.....

if the registration of the same as aforesaid shall be value be expiration of the same as aforesaid shall be value repiration of the soil torm of five years, for a further indication of the soil torm of five years, for a further the term of five years, but may be renewed at or better beind of five years, but may be renewed at or better beind of five years, for a further being of five years and term of five years, for a further better of five years are been as a second to be the fee herein-cation of the fee hereinexpiration of the years, but may be remained of five years, for a further the prescribed so as that the whole duration of the exclutend of five years or less, on payment of the fee herein ive right shall not present ton wears in all. 42 V., c. 22, s. 22. ive prescribed, so as that the whole duration of the excita-instant shall not exceed ten years in all. 42 V., c. 22, s. 22. **b** Every design shall be assignable in law, either as to Design to be 551 interest or any multivided part thereof, by an in-assignable. Whole interest or any undivided part thereof, by an in-

The exclusive right acquired for an industrial design Duration of the registration of the company of a foresaid shall be valid right. by the registration of the same as aforesaid shall be valid right. the term of five wave but may be renewed at or before Renew for there.

the shall be given size 1 be the Minister of Agriculture be given and its effect. ticate shall be given, signed by the Minister of Agriculture, showing that the deputy of the Minister of Agriculture, showing that the design has been supported by the date of registration, the the deputy of the Minister of Agriculture, showing the design has been registered, the date of registration, the number the registered bis address, the number the esign has been registered, the date of registration, and the registered proprietor, his address, the number of the sign and the proprietor, his address, the number of the sign and the proprietor, his address, the sign and the sis a sign and the sign and the sign and the sign and the sig of such design, and the number or letter employed to denote in the registered proprietor, his address, the number of letter employed to denote in the spond to the number or letter employed to denote the absence of the registration—which said certificate, of the solution of the the registration of the sufficient the absence of proof to the contrary, shall be sufficient build the design of the proprietor, of the proprietor, of the proprietor, of the proprietor. the absence of proof to the registration—which be design, of the name of the proprietor, of the the design, of the name of the proprietor, of the the of the design, of the name of the proprietor, of the the design of the name of the proprietor, of the the berson named of the contrary, berson named of the proprietor, of the proprietor, of the proprietor, of the proprietor, of the proprietor, of the proprietor, of the pro-Bistration, of the easign, of the name of the pro-right berson named as proprietor being proprietor, of the best of this Act. and for compliance with the pro-ridence of this act. and concrelly the writing purporting arridence of the fact shall be received as primâ facie evidence of dence. to be so fithis Act; and generally the writing purporting To be the facts shall be received as primâ facie evidence of dence. V c. 22, s. 32

And the Minister of Agriculture may refuse to register When Minis-visions of this Act or appear to him to be within the pro-ter may refuse to register. the designs as do not appear to him to be within the public morality on any design which is contrary to public morality on any design which is contrary to public appeal to the Governor in **is norality or order**—subject to appeal to the Governor in

industrial design in respect of which application is made, is refused. the fee shall be returned to the applicant or his agent, less the shall be returned to the applicant or his agent, Pensation for two dollars, which shall be retained as com-Pensation for office expenses. 42 V., c. 22, s. 36.

^{and such fees shall be paid over by the Minister of 2.2 2 ro} 2. If the Minister of Finance and necessary dustrial design in the Agriculture refuses to register the Return of fee the strial design in the finance and necessary and the string design in the string application is made, is refused.

And such fees shall be paid over by the Minister of Agri- Application.

tioned, for every hundred words or for a fraction thereof..... For each copy of any drawn copy of an indus-trial a provide any drawn copy of an industrial design, the reasonable expense of pre-Paring the same :

For a copy of each certificate of registration, separate from the return of the duplicate... For the recording of an assignment..... For office copies of documents, not above men-\$1 00 2 00

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strument in writing, which shall be recorded in the office of the Minister of Agriculture of the Minister of Agriculture, on payment of the fees may inbefore provided ; and every License to use inbefore provided; and every proprietor of a design grant and convey an eveluaity proprietor of a copyright grant and convey an exclusive right, under any copyright to to make, use and vend, and to make the right and to to make, use and vend, and to grant to others through its make, use and vend, and to grant to others the right make, use and vend such design, within and term of its Canada, or any part thereof Canada, or any part thereof, for the unexpired term of and duration, or any part thereof. duration, or any part thereof, for the unexpired term and conveyance shall be called a literation of the recorded conveyance shall be called a license, and shall be recorded in the same manner and within the same manner and within the in the same manner and within the same delay as assignments. 42 V., c. 22. 8 25 **31.** During the existence of the exclusive right (whether is of the entire or partial and no person it is of the entire or partial use of such design), no person shall, without the license in a such design, no person

prietor, or of his assignee, as the case may be, apply and design, or a fraudulent imitation of the president in the second seco

design, or a fraudulent imitation thereof, to the the which ing of any article of manufacture

ing of any article of manufacture, or other article to with an industrial design may be an industrial design may be applied or attached, for sale or purposes of sale, or shall public. purposes of sale, or shall publish, sell or expose for sale or ise any such article as atomic to reach design or fraudulation remposes of sale, or shall publish, sell or expose design or use any such article as aforesaid, to which such design of fraudulent imitation thereof fraudulent imitation thereof has been applied; section the forfait one who violates the provisions of this section dol-forfeit a sum not exceeding forfeit a sum not exceeding one hundred and twenty of lars, and not less than twenty doing the proprietor of the design lars, and not less than twenty dollars, to the proprietors of this second twenty dollars, to the proprietors and the design, which shall be recorrectly with costs, on second the design of the shall be recorrectly with costs, on second the design of the shall be recorrectly with costs, on second the design of the shall be recorrectly with costs, on second the design of the shall be recorrectly and the shall

the design, which shall be recoverable, with costs, assignee. 42 V costsmary conviction by the registered proprietor or his assigned. 42 V., c. 22, s. 26.

Exclusive right to use design.

Penalty for violation.

Penalty for falsely representing article as bearing registered design.

32. Every person who places the word "registered be the letters "Rd.," upon any action of the book of the second the letters "Rd.," upon any article for which no design of which been registered, or upon any article for the design of which the converse. the letters "Rd.," upon any article for which no design of which been registered, or upon any article for the design of set the copyright has expired on which is the same for set as a registered. the copyright has expired, or who advertises the same of which no work as a registered article or who advertises the same been as a registered article. or who advertises the same been as a registered article. as a registered article, or unlawfully sells, publishes of been poses for sale such article income to have been fraudulentia fraudulently marked, or that the copyright therefor is liable to a reach offence pired, shall, for each offence, on summary conviction be liable to a penalty not exceeding thirty dollars and costs than four dollars, which shall be received by with costs of any not than four dollars, which shall be recoverable, with costs of any person who sues for the coverable of such that alty shall be any person who sues for the same; and a moiety of such part alty shall belong to the present; and a moiety of such part Her Majort alty shall belong to the prosecutor, and the other motion of the public area of the same is and a more than the same is a set of the sa

Proceedings. in case of wrongful registration.

33. If any person, who is not the lawful proprietor of esign, is registered as proprietor the rightful of proprietor of a vinstitute. design, is registered as proprietor thereof, the rightful and the vince of Car may institute an action in any superior court in any the North-West T wince of Canada, or before a stipendiary magistrate or if it or if North-West Territories, as the case may be; and the in may appears that it or magistrate having cognizance of such suit negled a wrong person appears that the design has been registered in to be cancelled a wrong person, either direct the reministration to be cancelled or that the next. "Prears that the design has been registered in the name of a wrong person, either direct the registration to be substi-or that the name of the lawford registration shall be wrong person, either direct the registration to be subeti-or that the name of the lawful proprietor shall be

shall, without the license in writing of the registered such design, or of his assignee as the design be apply and

Proposed to be Consolidated.				
2	solidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
	The whole except ss. 38 and 39 and part of s.	ss. 38 and 39 and part of s. 4.		

discovered, they man be an invalidating the same, but, when discovered, they may be corrected under the authority of the discovered, they may be corrected under the authority of the Minister of Agriculture. 42 V., c. 22, s. 35.

by Clerical errors which occur in the drawing up or Clerical errors m industrial design, errors m industrial design, corrected the construed an industrial design, corrected.

Any person may be allowed to inspect the register Register may any designed to inspect the register Register may any of Agriculture may and copies of a designed to the second se of industrial designs; and the Minister of Agriculture may be examined delive copies or represent the Minister of Agriculture may be examined and copies of the designs to be designs ob-tained. Audustrial designs; and the Minister of Agriculture may and copies delivered, on the copies of industrial designs to be designs ob-the come paying the fee delivered, on the applicant for the same paying the fee tained. which is deemed sufficient for the purpose of having the copied or the sufficient for the purpose of having the **under is deemed sufficient for the purpose above the purpose of**

t, All proceedings under the preceding sections of this Time for suits well be brought within limited. Act, respecting industrial designs, shall be brought within limited. twelve months from the commission of the said sections apply to motion of the provisions of the said sections apply to motion of the provisions of the said sections apply to motion does not belong to a motion does not belong thall apply to protect any design which does not belong to a period resident which is not applied person resident within Canada, and which is not applied a subject mattern of the provision **io a** resident within Canada, and which is not approved a subject matter manufactured in Canada. 42 V., c. 22,

esign for the damper maintained by the proprietor of any Suit may be rise for the damper maintained by the application the prodesign for the damages he has sustained by the proprietor of any Suit may be maintained by the proprietor of any Suit may be maintained by the application $\frac{1}{1000}$ the prowith for the damages he has sustained by the application of the design, for the purpose of sale, against prietor. Any person of the design, for the purpose of sale, again proprietor of the design if the offender was aware that the april: proprietor of the design had not given his consent to such Application. 42 V., c. 22, s. 28.

industrial designs as is directed by the order made under the next preceding section. 42 V., c. 22, s. 30.

Eq. The Minister of Agriculture shall, after due service Consequent alteration of Agriculture shall, after due provided, register. of such order and payment of the fee hereinbefore provided, alteration of induced such alteration of the fee hereinbefore provided, register. cause such alteration to be made in the register respecting

tated for the name in the register, with costs, in its or his discretion; and on application by the plaintiff, supported by affidavit, any such court or magistrate may, pending such action or proceeding to bis discretion, issue an order timeted to the document, in its or his discretion, issue an order Order of pro-bilities the use of such design, directed to the defendant, prohibiting the use of such design, pending such action or proceedings, under penalty of being held in contact of proceedings, under penalty of being held in contempt of such court or magistrate. 42 V., c. 22,

An Act respecting the Marking of Timber.

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

Persons engaged in lumbering to select, register and use proper marks.

1. Every person engaged in the business of lumbering the same on t getting out timber, and floating or rafting the same of Onlario, inland waters of Canada and the same of Onlario. inland waters of Canada, within the Provinces of Onterin, and Quebec, shall within one within the Provinces therein, and Quebec, shall within one month after he engages therein, select a mark or marks and h select a mark or marks, and having caused such marked, marks to be registered in the marks and having caused such provided marks to be registered in the manner hereinafter provided shall put the same in a constishall put the same in a conspicuous place on each log of piece of timber so floated on the same in a second state of the same so floated on the same second 2. Every one who violates the provisions of this section all incur a penalty of fifty doll It is suggested that the words "within the Provinces of Ontario and One and Deceder of the whole of Contario and Contario

Penalty for violation.

Minister of Agriculture to register marks, and grant certificates on certain conditions.

should be omitted so as to make the provision apply to the whole of the solution of the soluti 2. The Minister of Agriculture shall keep at the Department of Agriculture a book to ' Deposite ment of Agriculture a book to be called the business bis Register," in which any porter Register," in which any person engaged in the business his lumbering or getting out time. Lumbering or getting out timber as aforesaid, may minister a drawing timber mark registered by depositing with the minister a drawing or impression and a drawing or impression and a drawing and a drawing are such timber as a drawi a drawing or impression and description in that the same such timber mark, together with such timber mark, together with a declaration that by sof; is not and was not in the soft other ports is not and was not in use, to his knowledge, thereof, and the set of the set other person than himself at the time of his adoption thereinafter it or yided at it. and the minister, on receipt of the fee hereinance is a scertain and the said time to be examined to be the said time to be examined. vided, shall cause the said timber mark to be examined ascertain whether it recembly ascertain whether it resembles any other mark is not identical with. or doc registered; and if he finds that such mark is not imber mark with, or does not so closely mean his other timber shall Sistered; and if he finds that such mark is not identicated with, or does not so closely resemble any other timber shall already registered as to be confirmed at homewith, he shall register the already registered as to be confounded therewith, thereof register the same, and shall return to proprietor the shall register the same, and shall return to the proprietor tificate signed by the register the same, and shall return to the proprietor tifeste one copy of the drawing and description, with a certificate signed by the minister or the deputy of the Minister of Agri-culture, to the effect that the sold work has been dut; and tered in accord signed by the minister or the deputy of the Minister of Asic culture, to the effect that the said mark has been duly and tered in accordance with the Certificates to tered in accordance with the provisions of this day, month ever such certificate shall further to the day, month ever such certificate shall further set forth the day, mond very such certificate shall further set forth the day, and every such certificate shall further set forth the day, and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every such certificate shall further set forth the day and every set for the day and every such certificate shall further set forth the day, month as year of the entry thereof, in the proper register; Canada so such certificate shall be received in all courts in proof of the evidence of the facts therein allowed without proof of the signature 22. W evidence of the facts therein alleged, without proof of the signature. 33 V., c. 36. s 2

tered the same, who marks any timber of any description with using another person's with a registered and the person of this Act, or mark. with any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person before any part of such marks any timber of any description with person with any part of such marks any timber of any description with person and the person a With any part of such marks any timber of any by fore two justices of the mark, shall, on summary conviction in here two justices of the mark, shall, on summary conviction the any part of such mark, shall, on summary conviction benalty not even direct the peace, be liable, for each offence, to then benalty not even direct dollars and not less id to the Yore two justices of the mark, shall, on summer the peak of the peace, be liable, for each ottence, when twenty dollars one hundred dollars and not less penalty not exceeding one hundred dollars and not two movietor of such an any which amount shall be paid to the entry dollars, which amount shall be paid to the Montwenty dollars, which amount shall be paid to the spin of such mark, together with the costs incurred in provided always, that Autor of such mark, together with the costs incurred in try complaint under the same : Provided always, that Provise. First complaint under the same : ball be made by the proworcing and recovering the same : Provided always, the pretor of such time this section shall be made by the prowe complaint under this section shall be made by the pro-behalf, and thereunto duly authorized. 33 V., c. 36, s. 8. The following fees shall be payable, that is to say: — Table of fees. O_{n} and O_{n} On every application to register a timber For each certificate of registration not already For each copy of any drawing,—the reason-ahle of any drawing the same. For recording any assignment..... 0 50 and such fees shall be paid over by the Minister of Agri- How applied. to the Minister of Briter and Receiver General, culture to the Minister of Finance and Receiver General,

tinber mark which is already registered, the minister used. when the provide of the first process who may then timber mark which is already registered, the mark select some other to such person, who may then a the same for registration. select some other mark and forward the same for registration. ted the same who much than the person who has regis- Penalty for using another than the person who has regis- Penalty for using another the same who much the person's person'

tered. 33 V by timber mark marks application to register, as his own, Different marks to mark marks to used.

Every timber mark registered at the Department of Registered marks assignment the production of the pr Agriculture shall be assignable in law; and on the produc-the assignment of the fee herein- how. then the assignment and the payment of the fee herein- how. the nemtioned, the minister shall cause the name of the data and such other details as he can find the date of the assignment and such other details as he sees fit, to be entered on the margin of the reg-

whice the same shall, after such cancellation, be wonsidered; and the same shall, after such cancellation, a of the said power been registered under the name of the said person. 33 V., c. 36, s. 5.

4. Any person who has registered a timber mark may Marks may be cancelled. Petition for the cancellation of the same, and the minister cancelled. which for the cancellation of the same, and the mines on receiving such petition, cause the said mark to be

thereafter have the exclusive right to use the same, to registered as mark. designate the timber got out by him and floated or rafted as mark. aforesaid. 33 V., c. 36, s. 4.

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812 and shall form part of the Consolidated Revenue Fund of Canada. 33 V., c. 36. s 9 9. The minister may, from time to time, subject to and proval of the Governor in G to the rules act. approval of the Governor in Council, make rules Act. regulations and adopt forms for the purposes of this act. 33 V., c. 36, s. 3. Minister may make rules and adopt forms. To be Consolidsted With. To be Consolidated Proposed Part Left elsewhere. to be Consolidated. for Repeal. Consolidated.

33 V., c. 36..... The whole.

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CHAPTER 61.

An Act respecting Immigration and Immigrants. FR Majesty, by and with the advice and consent of the Senate Canada, enacts as Senate and House of Commons of Canada, enacts as follows:___

This Act may be cited as "The Immigration Act." 32- Short title. ³³ V., c. 10, s. 33; -35 V., c. 28, s. 17.

2. In this Act, unless the context otherwise requires :- Interpreta-tion.

(a) The expression "immigration agent" includes any sub-"Immigration sent in Europe or in G agent in Europe or in Canada;

(b) The expression "ship" includes every description of 'Ship." vessel used in navigation, not propelled by oars;

(c) The expression "vessel" includes all ships, vessels or 'Vessel." craft of any kind carrying passengers;

(d) The expression "master" means any person in com- 'Master." mand of a vessel;

(e) The expression "passengers" applies to all passengers "Passen-well as to immimute passengers" applies to all passengers "Passen-nd as to immimute passengers" applies to all passengers "Passenas well as to immigrants usually and commonly known and gers." understood as such, but not to troops or military pensioners

and their families, who are carried in transports or at the expense of the Group who are carried in transports or at the transport of the Group who are carried in transports or at the transport of the Group who are carried in transports or at the transport of the Group who are carried in transports or at the transport of the Group who are carried in transports or at the transport of the Group who are carried in transports or at the transport of the Group who are carried in transports or at the transport of the Group who are carried in transports or at the transport of the Group who are carried in transports or at the transport of the Group who are carried in transports or at the transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transports or at the transport of the Group who are carried in transports or at the transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried in transport of the Group who are carried who are carried in transport of the Group who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are carried who are erpense of the Government of the United Kingdom :

2. Every person recognized by the Minister of Agriculture Who shall be as a Dominion recognized by the Minister of Agriculture Who snam vincial immigration agent or sub-agent or Pro- deemed im-done immigration gent or sub-agent or any act agents. vincial immigration agent or sub-agent or 110 migration done or to be done agent shall, with reference to any act agents. done or to be done under this Act, and without formal agent appointment be done under this Act, and without formal agent appointment, be deemed to be a Dominion immigration agent. 32-³⁸ V, c. 10, s. 31; -35 V., c. 28, s. 16; -38 V., c. 15, s. 1.

B. Immigration offices shall be maintained at London, in Where im-ingland, and elsowith the maintained at London, in Where im-the maintained at London, in Where im-migration offices shall be maintained at London, in Where im-ingle and elsowith the maintained at London in the migration be maintained at London in the migration offices shall be maintained at London in the migration offices shall be maintained at London in the migration offices shall be maintained at London in the migration offices shall be maintained at London in the migration offices shall be maintained at London in the migration of the migra England, and elsewhere in the United Kingdom, as to the offices shall be maintained at London, in Where un-Governor in Council from time to time seems proper, and be maintain-ed. Governor in Council, from time to time, seems proper, and be maintained ed.

Hamilton, Ottawa, Halifax, Saint John, N.B., and elsewhere in Canada, as to the Governor in Committee in Canada, as to the Governor in Council, from time to time, seems proper; and an immigration proper; and an immigration agency or as many time to time, so time to time, so the forward of the formation agency of the form tion agencies as to the Governor in Council, from time time, seems proper. shall be to the Council, from the Continent time, seems proper, shall be maintained on the Continent of Europe; and quarantine stati of Europe; and quarantine stations shall be maintained at Halifax, St. John, N.B. and Compared at

Quarantine stations.

2. Canadian immigration agents shall use, as directed, any oneys granted to them by any moneys granted to them by any local government for the purpose of procuring either food while the purpose of procuring either food while the process of the proces of the process of the process of the p pose of procuring either food, clothing, transport or other help for immigrants intending help for immigrants intending to settle within the Province which furnished such monour and the province 1. which furnished such moneys. 32-33 V., c. 10, s. 1.

IMMIGRANTS-DUTY PAYABLE ON THEM.

4. Whenever a vessel carrying emigrants, not cleared under the sanction of the Imperial (the sanction of the Imperial Commissioners of Emigration, arrives at her port of destinct. arrives at her port of destination in Canada, not carrying s surgeon, and on board of which surge are not surgeon, and on board of which proper measures for during taken. servation of the health of the servation of the health of the servation of the health of the servation of the health of the servation of the health of the servation of the health of the servation of the health of the servation of the health of the servation of the servation of the health of the servation of the serva servation of the health of the passengers and crew during the voyage have not been observation of the start officer shall the voyage have not been observed, the medical officer shall report the fact to the collector of two dollers f report the fact to the collector of customs, and a duty of of one dollars, for each passenger or investigation of the age of one dollars, for each passenger or immigrant above the age of one year, shall be paid by the most of one the the collector year, shall be paid by the master of the vessel to the admitted of customs at the port. and the of customs at the port, and the vessel shall not be admitted to entry until such duty is paid

2. The said duty shall be paid by the master of such sel, or by some person on him by the master of collector of -. The said duty shall be paid by the master of sur of vessel, or by some person on his behalf, to the collector of customs at the port in Canad customs at the port in Canada at which such vessel is first entered, and at the time of malentered, and at the port in Canada at which such vessel is which shall contain on the face of it is used first entry, which actually a state of the such first entry of passengers shall contain on the face of it the number of passengers actually embarked on board the actually embarked on board the vessel; and no such what shall be deemed validly made shall be deemed validly made or have any legal effect whild soever, unless such rates or divide any legal of the under the soever, unless such rates or duties are so paid; no under the age of one vear shall. under the age of one year shall be reckoned among the num-ber of passengers:

Commissariat drafts to be accepted in payment of duty.

3. Any draft, order or other document made or signed by y person in the United Kingel any person in the United Kingdom aforesaid, duly empower ed to that effect by Her Meiert i and directed to Her Meiert i and directed ed to that effect by Her Majesty's Government, and directed to Her Majesty's Commission of the sariat of the saria to Her Majesty's Commissary General or other commis sariat officer in Canada and and and the navment officer in Canada and and and the navment officer in Canada and and the navment officer in Canada and and the navment officer in Canada and the navment officer in Canada and the navment officer in Canada and the navment officer in Canada and the navment of the navm sariat officer in Canada, and authorizing the payment would other which would collector of customs aforesaid, of the duty which want otherwise be payable by the master of any vessel for accept number of immigrants on board such vessel shall be accept ed by the cult number of immigrants on board such vessel, shall be accepted by the collector as payment with the such vessel, shall be accepted by the collector as payment with the such vessel, shall be accepted by the collector as payment with the such vessel and the such vessel ed by the collector as payment of the duty payable on shall immigrants; and the sum montioned in order and thereafter be immigrants; and the sum mentioned in such order and thereafter be received by such call strand over the applied in the thereafter be received by such collector and paid over the authority of the applied in the same manner as other money raised under the authority of this Act:

Duty payable by master of

How such duty shall be paid.

ENFORCEMENT OF CONTRACTS. emigrant before loss for Canada, to repay in bonds given enigrant before leaving Europe for Canada, to repay in bonds given

the Provinces forming the Dominion of Canada; and operation after the period specified in the proclamation the Proclamation that he provinces forming the Dominion of Canada; and that he period specified in the proclamation the Proclamation from time to the suspended, or they time. cheration of the period specified in the proclamation the Proclamation in the revived and sections shall be suspended, or they time. that he revived and again have effect, as the case may be, and Province on D. again the proclamation; in the province of D. again the proclamation; in the revived and sections shall be revived and again have effect, as the case may $C_{a,c}$ every such a province specified in the proclamation; and every such provinces specified in the proclamation, and Gazetto provinces specified in the published in the Canada Gazette. 38 V., c. 15, s. 4.

ween fully maid so transformed validly made or have any legal effect whatsoer and been fully maid so transformed valid and such duty has The two sections next preceding shall take effect upon, When two next preceding shall take or Provinces, ing sections hall take from and after the day, and in the Province or Provinces, ing sections field in the amount of days the limit aforesaid) speci-shall take Order effect. and for the amount of duty (within the limit aforesaid) speci- shall take of the proclamation in the tracket issued under an Order And for the amount of duty (within the limit aforesaid) speci- shan of the governor in that behalf issued under an Order (structure) of the Governor in Council, and not before; and the structure for the general many formation to time, by proclamation Governor in that bename is the Governor in Council, and not before; and the the second issued under an Order in Council, and not the said sections and order in Council, suspend the operation of the sections and the sections and the section of the section of the sections and the section of the section o the said sections, and may, in like manner, from time to time, all the them to be and may, in like manner, from time to time, all the them to be a section of the section o declare them to be again in force in any one or more, or in the Dominion of Canada; and

6. The said duty shall be paid by the master of the ship, How such duty shall be paid by the master of customs paid. and a port in Canada at the post in Canada at the post in Canada at the post in Canada at the paid wessel is first entered, at the port in Canada at which such vessel is first entered, the time of the t and at the time of making such first entry, which shall contain on the time of making such first entry, which sname enhanced on heard of it the number of passengers actually in a shall the number to be landed enharked on board the ship, and the number to be landed be anada and the ship, and the number to be landed

32-33 V., c. 10, s. 2. There shall be raised, levied and collected a duty, pay-Additional the master of duty to the master of duty to the imposed able in the manner hereinafter prescribed by the master of duty to that every ship arriving the manner hereinafter prescribed by the master of duty to that by arriving the master of the section form. every ship arriving at any port in Canada from any port in section four. Burope with passengers or emigrants therefrom, at any time when this and the second se when this and the next following section of this Act are in force the network of the next following section of the next following section of the next following section of the next following to any duty payable by as hereinafter provided, in addition to any duty payable by the master provided, in addition to any duty payante ceding section of the hip under the provisions of the next preceding section of this Act; and such duty shall be such sum, not Amount of the duty. exceeding two dollars for every passenger or immigrant above duty. proof one War law the duty shall be such sum, not any duty. the age of one year landed in Canada, as is specified in the mation year landed in Canada, as is specified in the Proclamation year landed in Canada, as is specified in the section of this data in the effect to this and the next following in the Province tection of this Act, in force for the time being in the Province which such x_{i} and n which such port is situate. 38 V., c. 15, s. 2.

in Canada on board the ship, and the number to be tangent be deemed valid, and no such entry, made at any such time, shall be deemed valid. be deemed; and no such entry, made at any such time, such unless such much or have any legal effect whatsoever, here such much duty has

all the provinces forming the Dominion of Canada; and may in the provinces forming the Dominion of Canada; and after the provided in the proclamation the

been fully paid. 38 V., c. 15, s. 3.

4. Nothing in this section shall be construed to authorize As to pasthe raising, levying or collecting, or to require the payment landed in this section shall be construed to authorize As to pass-of any rate on the section of the payment landed in the payment landed in the payment landed in the section of the payment section. of any rate or duty in respect of any passenger or immi- Canada. Bominion other if any vessel entered at any port in the Joninion board of any vessel entered at any port in 32.33 V. c 10 - Chan such as are to be landed in Canada.

Сћар. 61.

875

by immigrants.

And enforcement of undertaking to work.

Penalty for violation.

Canada any sum of money advanced to him for or towards defraying his passage money defraying his passage money, or towards defraying any other expense attending his emigration expense attending his emigration, such sum shall be recover able from the immigrant in G able from the immigrant in Canada, according to the terms of such instrument, by suit in of such instrument, by suit in any court of competent indiction in Canada; and event diction in Canada; and every emigrant who, in consideration of money advanced as aforecast of money advanced as aforesaid, so engages and binds his self to enter the service of and on the angle of angle self to enter the service of any employer in Canada on his arrival there, in any capacity and in the serve such arrival there. arrival there, in any capacity, and to work for and serve such employer in such capacity during the such time. Not exemployer in such capacity, and to work for and serve such ceeding six months, and at an art of wages, to ceeding six months, and at any named rate of wages, and afterwards refuses or neglect afterwards refuses or neglects on his arrival in Canada con-perform such engagement challed his arrival in mary conperform such engagement, shall be liable, on summary con-viction, to a penalty not excert viction, to a penalty not exceeding twenty dollars and costs and to imprisonment until and a costs are paid. and to imprisonment until such penalty and costs are paid. 35 V., c. 28, s. 4.

IMMIGRANTS-PROPORTION OF PASSENGERS TO SIZE OF

Definition of "adult."

And to tonnage.

Penalty for violation.

9. For the purposes of this section, each person of or above the age of fourteen years shall be a section of the adult and correctly and the section of the the age of fourteen years shall be deemed an adult, and four persons above the age of one to be deemed an adult and four persons above the age of one year and under the age of four teen years shall be reckoned and under the adult: teen years shall be reckoned and taken as one adult:

2. If any vessel from any port or place on the Continent Europe, or from any other Passengers to 2. If any vessel from any port or place on the Continent area of lower of Europe, or from any other port or place out Canada deck. Majesty's Dominions. coment with the limits of Canada having Majesty's Dominions, comes within the limits of Canada having on board or having but having on board or having had on board, at any time adult her voyage, any greater number of passentiated in the state of t her voyage, any greater number of passengers than one adver passenger for every twelve also passenger for every twelve clear superficial feet on the use of or platform deck of such vocal or platform deck of such vessel, appropriated to the gods such passengers and uncommitted to the register such passengers and unoccupied by stores or other grads not being the personal luggers. or have not being the personal luggage of such passengers, or having on board or having had on the passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, or having the personal luggage of such passengers, personal lug on board or having had on board at any time the master voyage a greater number of voyage a greater number of persons (including in the part and crew and the cabin passengers, if any), than in the pro-portion of one person for every two tors of the tonnage such vessel portion of one person for every two tons of the tonnage for ascertaining the tonnage of tonnage of tonnage o such vessel, calculated in the manner used for ascertained the tonnage of British shipe the the tonnage of British ships, the master of such vessel and not ing incur a penalty not exceeding to the start of such vessel and not ing incur a penalty not exceeding twenty dollars and stituting than eight dollars for each percent constituting

than eight dollars for each pasenger or person constituting such excess. 32-33 V o 10 IMMIGRANTS-OBLIGATIONS OF MASTERS OF VESSELS BRING.

10. No master of any vessel arriving at any port in the has tall permit any passenger to livered to the Canada Shall permit any passenger to leave the vessel until he has delivered, to the collector of construct to point, a certified and correct oe delivered shall permit any passenger to leave the vessel until he he before passengers leave and correct report in the form of the Schedule A, to the the vessel. Act and before pas-sengers leave and correct report in the form of the Schedule A to the the vessel. Act, and a certified copy or duplicate of such report to the

Dominion immigration agent at the port of landing, nor util such manipration agent at the port of landing, nor util such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such report has been certified to be correct and a certificate of such reports and the certificat ficate of such report has been certified to be correct and a passengers to correctness and a permission to allow his passengers to leave the vessel, and a receipt for the duties payable hyperbolic hyperbolic duties and a receipt for the duties Payable by him under the provisions of this Act, have been given to him under the provisions of this Aci, have a of a vessel when the collector of customs; and every master of a vessel who violates the provisions of this section, shall here dollars and not incur a penalty not exceeding one hundred dollars and not Penalty for less than twonter a penalty not exceeding one hundred dollars and not Penalty for wolation. less than twenty dollars for every passenger leaving the violation. ame, contrary to the provisions of this Act. 32-33 V., c. 10. 8.5, part; 35 V., c. 28, s. 14.

11. The master of any vessel sailing from a port in Her Penalty for ajesty's. Dominication any vessel sailing from a port in the carrying passengers after the sengers not Majesty's Dominions, who embarks passengers after the sengers not such port of department of department dece not deliver reports of list. at the port of departure and who does not deliver *reports* of list. the same on the passengers to some officer to whom by law the same ought to be delivered shall, for every passenger hot included in the list of passengers delivered to the col-bettor of customs at the passengers delivered to the port lector of customs at the port of departure, or at the port where such additional passenger was embarked, or at the port at which such vessel touched after the embarkation of enstores at the port such passenger, pay to the collector of customs at the port in Canada at which the said vessel is first entered, the sum of eight dollars for each passenger so embarked as aforesaid and not included in one of the said lists, in addition to the duty payable as aforesaid, and at the same time and under the same penalties. 32-33 V., c. 10, s. 4.

12. Nothing in this Act shall prevent the master of any Passenger ressel from permitting Act shall prevent the vessel at vessel before the vessel at vessel before the vessel at vessel before the vessel at vessel from permitting any passenger to leave the vessel at vessel at period before at her permitting any passenger to leave the vessel at period before at her period before at her period before at her period before at her period before any passenger to leave the vessel at period before at her period before any passenger to leave the vessel at period before at her period before any passenger to leave the vessel at period before at her period before any passenger to leave the vessel at period before any passenger to leave the vessel at period before any period before any passenger to leave the vessel at period before at her period before any passenger to leave the vessel at period before any period before the request of such passenger before the arrival of the vessel at vessel before at her final port of destination; but in every such case, the tion. manic of the bassenger arrival be entered in the have final port of destination; but in every such case, and manifest on the list so leaving shall be entered in the of the list of the lis manifest on the passenger so leaving shall be entered in the the clearing of the vocal form the Twited Kingdom or other in such case the clearing of the vessel from the United Kingdom or other in such case. part of Europe as aforesaid, and shall be certified under the the vessel; and if is of Europe as aforesaid, and shall be certified under the humber of the passenger so leaving the vessel; and if the number of the passenger so leaving the vessel; and the number of passengers remaining on board on the arrival box 2 vessel at how could be determined to destination does not corresting of the vessel at her final port of destination does not corres- Penalty for the number of passengers remaining on board on the arrival the number of passengers remaining on the number of the number of the number of the number of the number of the number of the number of the number of the number of the number of the number of the number of the number of the number of the number of the number pond with that her final port of destination does not corres- Penalty is the number who have a final port of destination does not corres- Penalty is shall in the mentioned in such manifest, after deducting violation. the number who have so left the vessel, the master thereof how a number who have so left the vessel, the master thereof how a negative dollars for each passenger shall incur a penalty of twenty dollars for each passenger left in the manifest as having

hot found on board or entered on the manifest as having left the vessel as afformation of the second left the vessel as aforesaid. 32-33 V., c. 10, s. 6.

13. Every pilot who has had charge of any vessel having Pilot to re-een pers on heard and have that any passenger has vention of been gers on board, and knows that any passenger has vention of this A vention of the A ven been gers on board, and knows that any passenger has venue of this Act, and who do not the vessel contrary to the provisions Act. of this Act, and who does not within twenty-four hours after

Penalty for neglect.

the arrival of such vessel in the harbor to which he engaged to pilot her, inform the collect to pilot her, inform the collector of customs thereat, that a passenger or passengers has a passenger or passengers has a passenger or passengers has a passenger or passengers has a passenger or passengers has a passenger or passenger based of the passenger or passenger based of the passenger o passenger or passengers has or have been so permitted for leave the vessel, shall incur leave the vessel, shall incur a penalty not exceeding has dollars for every passenger with dollars for every passenger with regard to whom he has wilfully neglected to give much wilfully neglected to give such information. 32-33 V., c. 10, s. 7.

REPORT BY THE MASTER.

Report to be delivered by master within twenty-four hours.

Penalty in default.

Penalty for contravertion.

Entry as to passengers who have died.

Disposal of property.

14. The master of every passenger vessel shall, within venty-four hours after such and passenger vessel shall, is twenty-four hours after such vessel arrives at her final port of destination, and before of destination, and before any entry of such the port has allowed, deliver to the collection of the port has a such the port h allowed, deliver to the collector of customs at the port at which such vessel is to be such a custom of the port o which such vessel is to be entered, a correct report, in on form of the Schedule A to the form of the Schedule A to this Act, of all the passengers of board such vessel at the time of the passengers of the passengers at the time of the passengers board such vessel at the time of her departure from the true or place whence she cleared or place whence she cleared or sailed for Canada, and a said statement of the other matting for the the said statement of the other particulars mentioned in the said form, and such master shall in the said statement of the shall in the said statement of the shall in the said statement of the shall in the said statement of the shall in the said statement of the shall in the said statement of t form, and such master shall incur a penalty of twenty dollars for each day during which here a penalty of twenty dollars for each day during which he neglects so to deliver and list, after the expiration of the sublist, after the expiration of the said twenty-four hours, and of eight dollars for each passed of eight dollars for each passenger whose name is omitted in such report. 32-33 V. c. 10

15. In addition to the particulars hereinbefore required the report to be delivered and by the master by the maste culars to be entered in re-port. of any vessel carrying passon at any real of any the in Canad of any vessel carrying passengers and arriving h port, and master ab. in Canada to the collector of customs at such port, master shall report in unit. master shall report in writing to the collector the name on age of all passengers embanded age of all passengers embarked on board of such vessel of such voyage, who are lunction of such vessel of dumb, thy such voyage, who are lunatic, idiotic, deaf and dumb, by relatives and also whether the accompanied by or infirm, stating also whether they are accompanied by relatives able to support them.

2. If any master of any such vessel omits to report in the particulars herein specified -. 11 any master of any such vessel omits to report in the particulars herein specified, or makes any false reported any such particulars. he shall any such vessel omits reported any such particulars herein specified, or makes any false report ing one hundred dollars and with the twenty dollars for every ing one hundred dollars and not less than twenty homis for every such passenger in regard to whom any such which sion has occurred or any such false and to the such and the such that the penalty the sion has occurred or any such false report is made, for which penalty the owner or owners of the state of the penalty the owner or owners of the vessel shall also be light jointly and severally. 32-32 W **16.** The said report shall further contain the name died ad last place of residence of who has been used as the second s jointly and severally. 32-33 V., c. 10, s. 9.

and last place of residence of any person who has the during the passage of the vessel and hall energy we person who has the such passen during the passage of the vessel, and shall specify who has accompanied by a statistic or other who such passenger was accompanied by a statistic or other who such passenger was accompanied by relatives or other persons, and the names of such relatives or other persons, left sons, and the names of such relatives or other persons, left were entitled to take charge of the sons and effects of by such persons were entitled to take charge of the moneys and relatives of by such passenger; and if theen entitled to take charge of the moneys and effects or by such passenger; and if there were no such relatives other persons entitled to take a ~y such passenger; and if there were no such relatives the other persons entitled to take charge of the same, then the propert shall fully designate the quantity and description of the property, whether money or otherwise, left by such passenger. A whether money or otherwise and fully passenger; and the said master shall pay over and fully account for the same to the collector of customs for the Port at which the vessel is entered:

2. The collector of customs shall thereupon grant to such Collector of customs to firsts so placed in his customs to give receipt. haster a receipt for all moneys or effects so placed in his give receipt. hands by the master, which receipt shall contain a full description of the nature or amount thereof; and if any haster of a vessel neglects or refuses to make such report Penalty for an or to pay over and in the such report Penalty for an or to pay over and in the such report Penalty for to make such report Penalty for make report p or to pay over and account for any such moneys or effects, make report. as required by this section, he shall incur a penalty not exceeding one thousand dollars and not less than twenty dollars, for every such case of neglect or refusal. 32-33 V.,

SPECIAL DUTY OF QUARANTINE OFFICERS.

17. The medical superintendent of every quarantine Duty of medical superintendent of the passengers erintend station shall examine into the condition of the passengers erintendent. carried on any vessel forthwith after the anchoring at such station of such vessel forthwith after the anchoring at our of any Act. Order is a compliance with the requirements

of any Act, Order in Council or regulation respecting quarantine then in force; and for that purpose the said medical pointed, may construct of the competent person thereunto appointed, may go on board and through any such vessel and inspect the list of board and through any such vessel and inspect the list of passengers, and the bill of health, mani-tat, log book or other competence is a second and the bill of health, manifest, log book or other papers of the vessel, and, if necessary,

2. If, on examination, there is found among such pas- Presence of error any lunation, there is found among such pas- presence of lunatic, &c., ² If, on examination, there is found among such pas-Presence of person, not belonging to deaf and dumb, blind or infirm to be reported. person, not belonging to any immigrant family, and such likely is, in the content, the medical superintendent, person not belonging to any immigrant family, and belonging to any immigrant family, and become spinion of the medical superintendent, Person is, in the opinion of the medical superintenuent, the perintendent shall for the medical superintenuent, the intendent shall for the medical superintenuent, the intendent shall for the same officially to perintendent shall for the same officially to the collector of method is the method is the method is the same officially to be a second permanently a public charge, the method is the collector of method is the same officially to be a second sec the collector of customs at the port at which the vessel is to Subsequent is here: entered whether in the cases in which it proceedings be first entered, who shall (except in the cases in which it proceedings. is hereinafter provided that such bond may be dispensed with require the most of the vessel, in addition to the Wereinafter Provided that such bond may be dispensed with require the master of the vessel, in addition to the and payable for the master of the vessel, in addition to the Main require provided that such bond may be the several payable for the passengers generally, to execute, jointly Bond to be Main with two more than a bond to Her given. and severally with two sufficient sureties, a bond to Her given. Majesty, in the sum of the hundred dollars for every such and ger so specially with two sufficient sureties, a bond to more and ger so specially and conditioned to indemnify for Propassenger so specially reported, conditioned to indemnify vince the harmlass the conditioned to any Prowide seven and specially reported, conditioned to indemning, vince in Canada and Government of Canada and of any Province in Canada and every municipality, municipal corpora-with: ilage. city to every municipality, municipal institution tion, village, city, town, county and charitable institution within the same from any arrows or charge incurred within maintenwithin the same, from any expense or charge incurred within the same, from the same of the bond, for the maintenthe same, from any expense or charge incurred within the same, from any expense or charge incurred within the execution of the bond, for the maintenance and support of any such passenger :

Nature of sureties.

3. Each of the said sureties shall justify before and to the tisfaction of the said collect satisfaction of the said collector, by oath or affirmation (which such collector may administrated that he is a resident (which such collector may administer), that he is a resident of Canada and worth in real and of Canada and worth, in real and personal estate, double the amount of the penalty of such as a personal estate, above the amount of the penalty of such bond over and above the

4. It shall be optional with the master of such versel ther to enter into such hand stead of giv. either to enter into such bond jointly and severally of ing security. sufficient sureties, as aforesaid suead of giv. either to enter into such bond jointly and severally wind ing security. sufficient sureties, as aforesaid, or to pay to the collector such customs, who might otherway customs, who might otherwise require such bond, such such such as has been fixed in that had not been fixed in that had not been fixed in that had not been fixed in that had not been fixed in that had not been fixed in the balance of the from the first had not been fixed in the balance of the balance of the balan as has been fixed in that behalf by any interesting and reasons and and and the formation of Constant from the Government of Canada, as being just and reasonable and sufficient to indemnify Constant to Provinces and and sufficient to indemnify Canada, and the Provinces and every municipality, municipal every municipality, municipal corporation, village, city, the county, or charitable institution county, or charitable institution within Canada, against of risk of expense for the correction of the risk of expense for the care, support and maintenance of such passenger or passengers de the care, support and maintenance institution within the care and the ca such passenger or passengers during the then next ensning three years :

When the bond may be dispensed with.

Arrangement for sending

back such

person.

5. The collector of customs may dispense with cer ond, or money in lieu there are by the ar bond, or money in lieu thereof, if it appears by the origination of the medical superimentation is the proper origination of the medical superimentation of the medical superimentation of the proper origination of the proper of the proper origination of the proper of the prop tificate of the medical superintendent at the proper guar antine station (which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which continue to an antine station) which continue to an antine station (which conti antine station (which certificate the said medical superint intendent may give) that the said medical superintendent may give that the said medical superintendent may give that the said medical medical superintendent may give that the said medical superintendent may give that the said medical superintendent medical superintendent medical superintendent medical superintendent at the said medical superintendent medical superintendent at the said medical superintendent medical superintendent at the said medical superintendent at the said medical superintendent medical superintendent at the said medical supe intendent may give) that the passenger with respective whom such bond or money is become lungity whom such bond or money is required has become cause the idiotic, deaf and dumb blind idiotic, deaf and dumb, blind or infirm, from some cause the existing or discernible at the time. existing or discernible at the time of the departure of the ship from the port where such ship from the port where such passenger embarked. V., c. 10, s. 11;-35 V c. 29

18. The proper immigration agent may, with the consent the Minister of Agriculture of the Minister of Agriculture, make arrangements with in and in a star, owner or charterer of the arrangements with idiotic door master, owner or charterer of the vessel carrying the respect idiotic, deaf and dumb. blind arriver with respect to whom a idiotic, deaf and dumb, blind or infirm person with in the thereof or with the been with the person with the thereof or with the been with the person with the to whom a bond has been given, or money paid any from thereof, or with the master owner or charterer of any from thereof, or with the master, owner or charterer of any from vessel, for the reconveyance of such person to the port which he was carried to Canada

Money paid in lieu of bond may be ap-plied to such re-conveyance.

Evidence of re-conveyance.

2. Money paid in lieu of or on breach of the condition of and in any such case. or so much the track of is necessary be applied. ... money paid in lieu of or on breach of the conditions bond in any such case, or so much thereof as is the per-may be applied to pay for the permay be applied to pay for such reconveyance of when such when it been a such as the person because the such as the with respect to whom it has been paid; and when so reconveyed the band so given in the second the band so given in the second so given in the second so given in the second so given in the band so gi person has been so reconveyed, the bond so given in the may be cancelled, or the money paid in lieu thereof the receipt and passage money if any) may be not used on the receipt and the said in ransage money if any) may be returned, on the receipt and the said immigration agent of a certificate, under the port of the chief emigration agent of a certificate consul at the from which passage money if any) may be returned, on under the said immigration accurate of the chief emigration agent of a certificate, under the the from which he was brought of the safe arrival of a lunatic, idiotic from which he was brought, of the safe arrival or infirm Person in a such port or unatic, idiotic, deaf and dumb, blind or infirm migratic such port, or on proof satisfield such port, or on proof satisfactory to such immigration

Which having invicting in circle and support of any passes to the amount for a support of a support of a support of any passes to the amount for a support of any passes to the amount for a support of Consider was given as aforesaid, may the construction in Her Majesty's name, in any court in which such such shit or information in civil cases to the amount for information is brought. 32-33 V., c. Which having jurisdiction in civil cases to the amount 10, 8, 15, suit or information is brought. 32-33 V., c.

8. The said penalty, or so much thereof as is suffi-Penalty to be main time to time to the avpense incurred for cient, from time to time, to defray the expense incurred for sued for. the maintenance and support of any passenger for whom Canad. Information in Hor Majosty's name, in any court in Second Was given as aforesaid, may be recovered by Majosty's name, in any court in Canad.

2. For the purpose of ascertaining the necessity of such Necessity for lade the purpose of ascertaining the necessity of such Necessity for bade to the purpose of ascertaining the necessity of such Necessity for enforcing bond, how as which which immigration agent, upon representation bond, how aswhich he performs his determined to the right and claim which he performs his duties, ascertain the right and claim the mainty for the support of any such b indemnity, for the maintenance and support of any such the only reported provide the same to the Governor the Governor General, through the Minister of Agriculture; hatter, and shall be final and conclusive in the hatter, and shall be evidence of the facts therein stated :

Penalty therein mentioned (if incurred) has been enforced :

21. After any such bond as aforesaid has been executed, How such bond shall bining lector of customer of the bed dispose the After any such bond as aforesaid has been executed, How such Minister of customs shall transmit the same to the bond shall kent of Finance and the transmit the same to the bond shall transmit the same to the bond shall be disposed. Winister of customs shall transmit the same to the be the and held during and Receiver General, to be by him of the and held during and Receiver General, to be the same to the be the same held during and receiver General, to be by him of the the execution of the said period of three years from the execution of the said bond, or until the payment of t

20. If the master of any vessel, on board which such Penalty for any ger specially for for any vessel, on board which such Penalty for neglect or response to exercise the special spe passenger specially reported as aforesaid has been carried, neglect or re-sum ets or refuser to re hegiects or refuses to execute the said bond, or to pay the cute bond. with after the said pay instead of giving such bond, for the collector with after the said ship has been reported to the collector of customs, such master shall incur a penalty of four handred dollars has been reported to the concernent hundred dollars; such master shall incur a penalty of the return works and the said vessel shall not be cleared on the said vessel shall not be cleared or the said vessel shall not be cleared be said vessel shall not be cleared or the said vessel shall not be cleared or the said vessel shall not be cleared be said vessel shall not be cleared be said vessel shall n her return voyage until the said bond has been executed or being sid sum paid until the said bond has been executed or bing sid sum paid with all costs in an until the said penalty has been paid with all costs incurred on any prosecution for the recovery thereof. 32-33 V., c. 10, s. 14.

in respect of such bond. 32-33 V., c. 10, s. 13.

19. If any passenger, in respect to whom any bond has Proceedings been given a passenger, in respect to whom any bond has Proceedings becomes a been given as aforesaid, becomes at any time within three if such person becomes a any time within three if such person becomes a any time within three if such person becomes a becomes a becomes a becomes a becomes a becomes a becomes a becomes a becomes a becomes a become years from the execution thereof, chargeable upon Canada, charge. or upon any Province, municipality, municipal corporation, in sec. city to any province, municipality, any charitable instivillage, city, town or county, or upon any charitable instithion within Canada, the payment of such charge or manual for the payment of such charge or the such charge expense, incurred for the maintenance and support of such passenger, shall be provided for out of the moneys collected in respect of such provided for out of the moneys collected

agent of his having died during the voyage without any such vessel and the owner, master or any of the crew of such vessel. 32-33 V., c. 10, s. 12.

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Medical superintendent may make regulations.

Publication.

22. The medical superintendent at Grosse Isle may, from me to time, with the concert time to time, with the consent and approval of the Minister of Agriculture, make such necessary for enforcing order and insuring the health when comfort of immigrants there is a suring multiple of the sure of the comfort of immigrants there; and such regulations, and and published in the Canada Carrier and such regulations, and and published in the Canada Carrier and such regulations. published in the *Canada Gazette*, shall be in force; and such regulations, way violation thereof shall be down violation thereof shall be deemed a violation of this Act, and shall be punishable by such shall be punishable by such penalty not exceeding forty do. lars as is assigned by such penalty not exceeding case. lars as is assigned by such regulations in each case. c. 28, s. 9. The amount of the penalty should be limited. See s. 41, sub-s. 3.

23. The Governor General may, by proclamation, when or or the deems it necessary prohibit the londing of pauge, migrants may ever he deems it necessary, prohibit the landing of paned, be prohibited. destitute immigrants in all destitute immigrants in all ports or any port in cansary in until such sums of money until such sums of money as are found necessary dian provided and paid into the hands of one of the Canarying immigration agents by the immigration agents, by the master of the vessel carrying such immigrants, for their target of the transport such immigrants, for their temporary support and transport to their place of destination and the support and transport and transport and transport and transport and the support and transport and the support their place of destination ; and during such time as any such pauper immigrants would in have to any pauper immigrants would, in consequence of such orders, have to remain on board such have to remain on board such vessel, the Governor in council may provide for proper another may provide for proper anchorage grounds being assigned to such vessel, and for such vessel, the Governor in Conner such vessel, and for such vessel, and supering tended between the such vessel and supering such vessel, and for such vessel being visited and supering tended by the medical supering visited and supering the tended by the medical superintendent or any inspecting physician of the port or any inspecting and for any inspecting physician of the port or any inspecting and for any inspectice. physician of the port or quarantine station, and for spread necessary measures being to be the station of discourse being to be a station of the port of the station of the station of discourse being to be a station of discourse being to be a station of discourse being to be a station of discourse being to be a station of discourse being to be a station of discourse being to be a station of discourse being to be a station of discourse being to be a station of discourse being to be a station of discourse being to be a station of discourse being to be a station of discourse being to be a station of discourse being to be a station of the station of the station of discourse being to be a station of the stat necessary measures being taken to prevent the rise or spread of diseases amongst the passant in such vessel in such vessel and 32-33 V., c. 10, s. 16.

24. The Governor General may, by proclamation, when ter he deems it necessary probability the londing in Canadis any original The Governor General may, by proclamation, canada ever he deems it necessary, prohibit the landing in Ganada of any criminal, or other restriction of immigration migrants may ever he deems it necessary, prohibit the landing in Ganaries be prohibited of any criminal, or other vicious class of indication designated in such proclamations of such or in tions for the such proclamation of the such proclamation any criminal, or other vicious class of such conditions for insuring their not the except upon the play. so tions for insuring their re-transportation to be delay, as Europe whence they came with the least possible delaying the Government of the least possible delaying Europe whence they came with the least possible delay, as the Governor in Council procession of the conditions may, if the G the Governor in Council decessary, assible the immediat may, if the Governor in Council prescribes; and such conditioned the immediate return. or the action of the least possible delay. of the the immediate return, or the return with the least portion delay, of the vessel and such includes in the said portion of the probilities and such in the said portion of the said portion delay, of the vessel and such immigrants to the said until such return of th such prohibited immigrants remaining on board until such return of the vessel. 35 V c 22 PROVISIONS FOR THE PROTECTION OF PASSENCE IS

Passengers are entitled to remain on board 48 hours after arrival.

25. Every passenger on board any vessel arriving the of or chartered to the vessel Fivery passenger on board any vessel arriving is the port or harbor to which the master, owner or chattled to such vessel engaged to conver him shall be entitled and be remain and keep his luggage on heard such vessel karbor, remain and keep his luggage on board such versel harbor, forty-eight hours after her aminut in such port or harbor forty-eight hours after her arrival in such port or harbor

the place so appointed, and at reasonable hours, not earned, and the vessel shall for the forenoon nor later than six in the afternoon, the vessel shall for the management of landing such passenand six in the forenoon nor later than six in the atternoon, gets and their burgers of landing such passen-place and their burgers with the purpose of landing such passensets and their luggage, either be moored at the wharf at the blace appointed for mole landing or enchored in the port; Mace appointed for such landing, or anchored in the port; the masters of such vessels, so anchored, shall duly land,

2. The master of every vessel arriving at any port in Canada Provision as ach aving on hourd at vessel arriving at any port in Whom any to the landing of passengers ² The master of every vessel arriving at any port in Canada Provision as such having on board the same any passengers to whom any of passengers. that land such passengers and then in force applies than six is so appointed and at reasonable hours, not earlier at the place so appointed, and at reasonable hours, not earlier and it the formation as atoresato there is a solution of the s

deemed a violation of any regulation therein contained, shall be deemed a violation of this Act:

aniving at any port in Canada, other than such as are pecially excepted in such proclamation, shall be landed,— tim may, in and be such proclamation, make such regulaand may, in and by such proclamation, shall be famula, blas as he thinks and by such proclamation, make such regulations as he thinks proper, for the government of the immigrants place so appointed, and for the protection of the immigrants and appointed, and for the protection of the immigration least twice in the Grad proclamation, when published at least twice in the Canada Gazette, with an interval of at of 1. six days between the force least twice in the Canada Gazette, with an interval of a claw, and shall be in the canada Gazette, with an interval of a claw, and shall be in the publication, shall have the force in the shall be in the canada claw. of law, and shall be in force until suspended by a later pro-clamation for the lither force until suspended is a foresaid; and clamation, and shall be in force until suspended by a later pro-at the place so appoint the like purpose, published as aforesaid; and at the place so appointed the Governor in Council may cause his be place in a proper shelter and the Governor in Council may cause for the place so appointed the Governor in Council may cause proper shelter and accommodation to be provided for im-timates until the commodation to be provided for imhistants until they can be forwarded to their place of desthation; and any violation to their place of the stores and any violation of any such proclamation as

such wharf as is appointed for that purpose by the author-ities of the post o ities of the port. 32-33 V., c. 10, s. 18;-35 V., c. 28, s. 2, part. The Governor General may, by proclamation, from Governormay rist time appoint land-meto time appoint landtime to time, appoint the place at which all passengers ing places.

26. The master of any vessel having passengers on board, Passengers and luggag shall land his passengers and their luggage, free of expense to be landed to the said passengers and their luggage, free of expense to be landed the basengers and their luggage. to the said passengers and their luggage, free of expense to be issue the port of armined at the usual public landing places at free of ex-formed at the usual public landing places at free of exthe said passengers and their hugging, from the anthonities of arrival, according to orders which he receives how the anthonities of the subscription of the subscript from the authorities of the said port, and at reasonable hours hot earlier than six of the clock in the forenoon; and the vessel later than six of the clock in the forenoon, and shall, for the clock in the afternoon; and the vessel shall, for the purpose of landing passengers and luggage, be anchored in such convenient and safe place, or moored at its wharf or in convenient and safe place, or moored at

and every such master who compels any passenger to leave Penalty for vessel back master who compels any passenger to forty- contraven-tion. his vessel before the expiration of the said term of forty- tion. eight hours shall incur a penalty not exceeding twenty dollars for every passenger he so compels to leave his vessel; and the master of the vessel shall not, before the expiration Berths not to the said for of the master of the vessel shall not, before the expiration Bertins not hodation used to the vessel shall not, before the expiration Bertins not contact on used to the vessel shall not be removed. **nodation** used by his passengers, under a like penalty, except with the written permission of the medical superin-tendent at the proper quarantine station. 32-33 V., c. 10,

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within the hours aforesaid, by steam tug or other proper tender, their passengers at and not tender, their passengers at such wharf as aforesaid and not elsewhere:

Penalty for contravention.

3. Every one who violates any of the provisions of this ottom or of the next preceding with the provision of section or of the next preceding section, shall incur a penalty of forty dollars for each offer a section, shall incur a penalty V a 22 32-33 V., c. 10, s. 19; -35 V., c. 28, s. 2, part.

Penalty for breach of law or contract with respect to foreign immigrants.

28. If, during the voyage of any vessel carrying to any ors from any port not within the transformed Kingdom to anch gers from any port not within the United Kingdom to any port in Canada, the master of port in Canada, the master or any one of the laws in force vessel is guilty of any violetics. vessel is guilty of any violation of any of the laws in force in the country in which such f in the country in which such foreign port is situate, regarding the duties of such meeter ing the duties of such master or crew towards the passengers in such vessel,—or if the master or crew towards the passel during in such vessel,—or if the master of any such vessel during such voyage commits any be such voyage commits any breach whatsoever of the contract for the passage made with for the passage made with any passenger by such master or by the owner or charterer of such vessel, such master or such one of the crew shall a or such one of the crew shall, for every such violation one breach of contract, be liable to breach of contract, be liable to a penalty not exceeding net hundred dollars and not loss it hundred dollars and not less than twenty dollars, independently of any remedy which it dently of any remedy which the passenger complaining otherwise has by law. 39-29 W

Proof in such case.

29. Proof under this Act of the law of a foreign country ay be made by the testiment of the law of a foreign the country for may be made by the testimony of any consul for the of the try from which the vessel of any consul proof of any try from which the vessel sailed; and the proof in the contract for his passage mode by contract for his passage made by any such passenger in the such vessel sailing from any by any such passenger in the United V such vessel sailing from any European port not wither evidence United Kingdom, may be made United Kingdom, may be made in all cases by the evidence of either of the parties to such as the such of either of the parties to such contract. 32-33 V., c. 10, s. and **30.** No.

30. No person shall, at any port or place within conducts r hire, reward or gain or the point of the reof, conducts **30.** No person shall, at any port or place within conducts or not to be soli-cited, except for hire, reward or gain, or the expectation thereof, dbill or by licensed solicit or recommend with a persons. solicit or recommend, either orally, or by handbill or on placard, or in any other many placard, or in any other manner, any immigrant, or to easy behalf of any steamboat owner. behalf of any railway compared or charterer, or by man, or of any lodging here. behalf of any steamboat owner or charterer, or to of any lodging house-keeper or taxon behalf of any other person, lodging house-keeper or tavern-keeper, or any or arrange for any purpose connected with the ments of for any purpose connected with the preparations final place ments of such immigrant for his final place any purpose connected with the preparations of an any purpose connected with the preparations final place of destination in Canada or in the Traited States of America or the territer of destination in Canada or in the United States of to give to such immigrant for the United States of to give to such immigrate the such and the United States of the such immigrated the such immigration of the such immigr or the territories of either of them; or give or pretend of the such immigrant any information or give or pretend of the such immigrant any information of give or printed or in any wise. or according to the such immigrant any information of give or give or printed or in any wise. to such immigrant any information, oral, printed or in any way exercise to him to his said place of destination, or in any wise, or assist him to his said place of destination, or their way exercise the vocation of heading reason or the said place of destination or the said place of destination of the said place of dest way exercise the vocation of booking passengers of their money for their inland fare or for the transportation of their luggage we money for their inland fare or for the transportation a license nici-luggage, unless such person has for the transport a license nici-the mayor of the luggage, unless such person has first obtained a license inci-the mayor of the city or town inggage, unless such person has first obtained a license number the mayor of the city or town or chief officer of the substrained pality in Canada within which pality in Canada within which such person so acting rizing him to act in such constitution of the such person so rizing him to act in such capacity; and any person so

eity, or in any town will are a place to which the Gov- to be dis-played. tity, or in any town, village or place to which the Gov- to be displayed.

Solution Solution Solut A ticket or order for the passage of such immigrant, or the an advance, which it is lugarant of his lugarant of the passage of such immigrant, or the an advance, which it is lugarant of his lugarant of his higher rate than that for the passage of such immigrant that the passage of the bigher rate than that for the passage of the bigher rate than that for the passage of the bigher rate than that for the passage of the bigher rate than that for the passage of the bigher rate than that for the passage of the bigher rate than that for the passage of the bigher rate than that for the passage of the bigher rate than that for the passage of the bigher rate than that for the passage of the bigher rate than that for the passage of the bigher rate than that for the passage of the bigher pass Which it could be purchased directly from the company Which it could be purchased directly from the company chance of his luggage, at a higher rate than that the chance of his luggage, at a higher rate than that the chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate than the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher rate the company chance of his luggage, at a higher r And it could be purchased directly from the company ensees any such conveyance, — and every person who pur-immigrant for less than its chases any such conveyance,—and every person who pur inch. or gives him in orcher to for it one of less value, shall **value**, or gives him in exchange for it one of less value, shall Penalty. **b** $\mathbf{V}_{\mathbf{x}}$ **b** $\mathbf{v}_{\mathbf{x}}$ **b** $\mathbf{$ **inchr**, or gives him in exchange for it one of less value, sname by V, c. 28, s. 7 of twenty dollars for each such offence.

2. No such vessel shall be admitted to entry until the im- Agent to visit be admitted to entry until the im- Agent to visit be admitted to entry until the im- Agent to visit histation agent at the port has visited her, and has notified entry. the collector of customs that he has done so: and any such vessel arriving in port at the part such signal as is detervessel activity at the port has visited in the port has visited in the port has visited in the port, and any successed arriving in port, shall hoist such signal as is deter-communicate it, through the superintendent or other proper hoisted, hall so the pilots for the next the pilot of the vessel with unicate it, immigration agent at the indicer, to the pilots for the port; and the pilot of the vessel light see that such simplified and kept up during dayhall see that such signal is hoisted and kept up during day**use** that such signal is hoisted and kept up during usy **v**, **c**, 28, **s**. 5.

indiged from such vessel, before the first of the foregoing so to do; and every one who violates any first foregoing so to do; and every one who violates any first section, shall incur a of the foregoing provisions of this section, shall incur a

31. No licensed immigrant runner or agent or person Runners not ting on behalf of immigrant runner or agent or person Runners not vessels befor acting on behalf of any steamboat company, railway com- to board bean, forwarding any steamboat company, railway com- to board team boarding-house passengers are landed. hany, forwarding company, or hotel or boarding-house passengers are landed. Assenger by such vessel before the immigrant passengers are landed by such vessel, before the immigrant passenger innigration such vessel, unless he is authorized by the of distation account of vessel, unless he is authorized by the

2. Such mayor or chief officer may grant such license on License how the person production from the immi- obtained, duration and when person producing a recommendation from the immi- obtained, ed to agent person broducing a recommendation from the immi- duration and duration agent. Ration agent nearest to the place where the license is grant- cost. icense, and on his to the place where the license is grand license, and on his giving a satisfactory bond to the mayor or chief officer, with two sufficient sureties in the penal sum of three officer, with two sufficient sureties in the penal sureties in the penal such license dollars, as security for his good behavior; and such license shall not be for any period longer than line year from its and the person shall pay for such one year from its date; and such person shall pay for such icense to the proper officer of such city, town or municipal-such such sum proper officer of such city, town or municipality such the proper officer of such city, town or muno-pro-council of such and exceeding one hundred dollars, as the 88 V., c. 10, s. 22.

Without having first obtained such license, shall incur a Penalty for penalty of not located and the license, shall incur a Penalty for contraven-tion. Penalty of not less than fifty dollars:

Chap. 61.

ernor General, by proclamation published in the Canada Gazette, declares that this south Gazette, declares that this section shall extend, who receives into his house, as a bound into his house, as a boarder or lodger, any immigrant within three months from his within three months from his arrival in Canada, shall canse to be kept conspicuously next in Canada, rooms and to be kept conspicuously posted in the public rooms and passages of his house and mind in the public cards, a passages of his house and printed upon business cards, a list of the prices which will be determined upon business cards he passages of his house and printed upon business caruer per list of the prices which will be charged to immigrants the day and week for board or her her and also the day and week for board or lodging, or both, and also the prices for separate meals which prices for separate meals, which card shall also contain the name of the keeper of such h name of the keeper of such house together with the name of the street in which it is sit of the street in which it is situated, and its number in such street :

Penalty for contravention.

2. Every keeper of such tavern, hotel or boarding to keep ho neglects or refuses to board or to or to or to who neglects or refuses to post a list of prices, or to to business cards, or who charts business cards, or who charges or receives, or lodging, suffers to be charged or receives or receives or lodging, suffers to be charged or received for boarding or lodgings or for meals in his house, any sum in excess of the prices so posted and printed on such her and or who ones posted and printed on such business cards, or who as mean boarder or lodger for the print any interview is to be any sum in excess of the print any interview is to be a such any interview in the such any interview is to be a such any interview interview in the such any interview is to be a such any interview interview in the such any interview is to be a such any interview interview in the such any interview is a such any interview interview is a such any interview interview is a such any interview interview interview interview is a such any interview interview interview interview interview interview is a such any interview interview interview interview is a such any interview boarder or lodger for the purpose of taking such printed therein, to deliver to such in therein, to deliver to such immigrant one of such any inter-business cards, shall. upon business cards, shall, upon conviction of any of analty not exceeding. offences, be deprived of his license and incur a penalty exceeding twenty dollars and exceeding twenty dollars and not less than five dollars

No lien on immigrant's goods beyond five dollars.

3. No such boarding-house keeper, hotel keeper shall have one heeper, the effects of su tavern keeper shall have any lien on the effects of such immigrant for any amount claimed of heard or lodging, immigrant for any amount claimed for such board or person for any sum exceeding five dall for any sum exceeding five dollars; and every such person who detains the effects of another to there he has as is who detains the effects of any immigrant after he has as is actually detained sum of five dellars; and every such permits actually detained sum of five dellars and loss sum ally tendered the said sum of five dollars or such less sum as penalty actually due for board or leave to be the sum as penalty actually due for board or lodging, shall incur a penalty not exceeding twenty dollars and not less than five dollars over and above the value of the effect. To detained, if the are not incur at over and above the value of the effects so detained, may be issued for the stored for stored for the stored for the stored for are not immediately restored; and a search warrant may be issued for the same. 32-32 V

Inquiry into complaints.

Compensation.

34. If any complaint is made to the Minister of Agriculture against any railway company of ture against any complaint is made to the Minister of Agricuit company, for any offence or violation of this Act of the Acts of the company, for any offence or violation of this passes, and the Acts of the United Kingdom h the Acts of the United Kingdom known as "The Passenger" or of any offence or violation of this Act, 1855," and "The Passenger" Act, 1855," and "The Passengers' Act, amendment Act, and the immigration of any other law in any model." or of any other law in any matter relating to immigration, the said minister relating such such in as he thinks to immigration, the said minister may cause such the case, as he thinks proper to be model. If facts of the case, as he thinks proper to be made into the facts of the class or may bring the matter before the Granning in Council to the end that or may bring the matter before the Governor in the under the apon the end that such inquiry many bring the matter before the Governor in the under the apon the end that such inquiry many bring the under the matter before the Governor II the upon respecting inquiries concerning Public Matters"; and the such inquiry it appears to the section of the point minister or of the section of the sect such inquiry it appears to the satisfaction of the sate that the comparison of the Governor in Constitution of the case minister, or of the Governor in Council, as the violation, that the company has been that the company has been guilty of such violation,

2. Every master or commander who, while such vessel is Penalty on master per-manan waters as a formation of the permits any officer or master per-mitting suc in Such waters as aforesaid, directs or permits any officer or master per-mitting such vessel, to visit or contraven-tion. such waters as aforesaid, directs or permits any officer or mitting such the person on board of such vessel, to visit or contraven-tion. thequent any or other person on board of such vessel, to visit or com-tione ners, except for the research of doing or performing tone necessary act or duty as an officer, seaman or person

Wasses for the voyage during which the said offence has been

Vessel No officer, seaman or other person on board of any Prevention of such vessel is in such Canada, shall, while intercourse or administrate passengers to Canada, shall, while between crew between crew immigrants. the verse of the seaman or other person on the seaman or other person on the seaman or other person on the seaman of the seama of the or admit any female immigrant passengers to Canada, succe, hent, or except by the direction passenger into his apart-immigrants. hent any female immigrant passenger into his apart of such vessel first the direction or permission of the master from the second purpose, visit or the second secon the net vessel first made or given for such purpose, Visit of Stant any part of such vessel assigned to female immi-Stant passengers; and every officer, seaman or other person Penalty for this do board of such violates the provisions contraven-tion. wages rection shall incomplete could in amount to his of this section shall incur a penalty equal in amount to his

employed on board of any vessel, while such vessel is in against seduc-tion of female within the vessel, while such vessel is in tion of female tion of female immigrants. any waters or other officer, seaman Canada, which is any vessel, while such vessel is in tion of temain the exercise of his anthonise of marriage, or by threats, or by of pia. the exercise of his authority, or by solicitation, or the making and the or prosents authority, or by solicitation, or the making and box illicit connection with of exercise of his authority, or by solicitation, or the manner any female presents, seduces and has illicit connection with the misdemeanor, and any female passenger, is guilty of a misdemeanor, and hall be liable to a penalty not exceeding four hundred dol-Jars of to imprisonment for a term not exceeding of the persons of the persons of the persons end, that the art for a term not exceeding of the persons prior terms arriage of the persons Novided, that the subsequent intermarriage of the persons Proviso. teducing and seduced, may be pleaded in bar of conviction.

B Every master or other officer, seaman or other person Provision against set on board of the other officer, seaman or other person Provision against set to such vessel is in tion of fer

S5. If both the immigrant parents, or the last surviving Astoproperty them in any vessel hand to Conside dies on the voyage dying. them in any vessel bound to Canada, dies on the voyage dying. at Grosse Laborate Dound to Canada, dies on the voyage dying. where in Canada, Lawlor's Island, Partridge Island, or elsewhere in Canada, While yet under the care of any immigra-day agent the art while yet under the care of any immigration agent, the Minister of Agriculture, or such officer as he deputes for the Minister of Agriculture, or such officer as and the purpose, may cause the effects of such child tents of parent to be disposed of for the benefit of such child dim big of the purpose, may cause the effects of such child dim big parent to be disposed of for the benefit of such child dim big power, or, in his the best advantage in his power, or, in his discretion, to be delivered over to any institution or person the delivered over to any institution or person by r. c. 28 . o

hinister or the Governor in Council may call upon the com-Party to make such compensation to the person aggrieved, by to do such compensation to the person aggrieved, or to make such compensation to the person aggine, or may do such other thing as is just and reasonable, or in adopt manual for the proceedings to be hay adopt measures for causing such proceedings to be instituted against the company as the case requires.

employed on board of such vessel, shall incur a penalty of twenty-five dollars for each control to the so directs twenty-five dollars for each occasion on which he so directs or permits the provisions of the or permits the provisions of this section to be violated by any officer, seaman or other person officer, seaman or other person employed on board of such vessel: Provided always that it vessel: Provided always, that the provisions of this section shall not apply to cabin port shall not apply to cabin passengers, or to any part of the vessel assigned to their use

38. The master of every vessel bringing immigrant canar in such Canada shall while it rouce of fore-going provis- sengers to Canada shall, while the vessel is in such notice posted up. dian waters as aforesaid dian waters as aforesaid, post a written or printed notice in the English, French and G in the English, French and German languages, containing the provisions of the next the provisions of the next preceding section of this Act, in a conspicuous place on the f a conspicuous place on the forecastle and in massengers, parts of the said vessel assisting in the several nassengers. parts of the said vessel assigned to immigrant passen the and keep the same so posted and keep the same so posted during the remainder of shall voyage; and for every violation. he shall is. voyage; and for every violation of this section, he shall incur a penalty not exceeding the section of this section.

RECOVERY OF DUTIES AND PENALTIES.

39. Every duty or penalty imposed under the authority this Act, shall be a special 1: of this Act, shall be a special lien upon the vessel in respect whereof it has become payable upon the vessel of whereof and whereof it has become payable and the master whereof and become liable in such percent. become liable in such penalty, and may be enforced and collected by the seizure and collected to the tackle, collected by the seizure and sale of the vessel, her to the apparel and furniture. under the process of the pro apparel and furniture, under the warrant or process of shall justices or court before when the warrant or process of shall be prof. justices or court before whom it has been sued for, and except be preferred to all other line be preferred to all other liens or hypothecations except mariners' wages. 32-33 V c 10 - 24

40. Every prosecution for a penalty under section the the ree of this Act, may be instituted and the section that the section the section the section the section of the when prose-cutions under section 33 may be offender then is, before any training of the place where in the place of the place where in the place where in the place where in the place where in the place where is brought. offender then is, before any justice of the peace having indiction in such place at the place of the peace having indiction area the place at the place at the place having indiction in such place at the place of the peace having indiction area the place at the plac diction in such place, at the suit of any Dominion recovered under the suit of any Dominion recovered to the place in Canada. penalties recovered under the said section shall be paid into the hands of the Minister of Finance and Receiver Control and form part of the Consolid Minister of Finance and Receiver General, and form part of the Consolidated Revenue Even of the form part of

2. The justice of the peace may award costs against and fender as in ordinary cases of 2. The justice of the peace may award costs against and offender as in ordinary cases of summary proceedings, ing may also award imprisonment of three month case of non- offender as in ordinary cases of summary proceedings, in payment, &c. may also award imprisonment for a term not exceeding three months, to terminate for a term of any penalty in curred three months, to terminate on payment of any penalty in his discretion award award section. curred under the said section; and may, in his discretion aggrieved. award any part of the penalty, when recovered, of. 32-33 Vr c. 10. s 25 aggrieved by the violation of law complained of. 32-33 V. **41.** All penalties, other than those referred to in the gala-ecceding section, imposed by this hat or by any regions on made by the under other sections, how preceding section, imposed by this Act, or by any regions recovered. tion made by the Governor in Conneil under the provisions

tion made by the Governor in Council under the provisions

Proviso

Penalty for default.

Duties and penalties to be a lien on the vessel.

A If forthwith upon such order the moneys thereby If moneys are may be baid another the same may be levied, not paid, the same may be levied, same may be ordered forthwith upon such order the moneys thereby If moneys are with the costs of the distress and sale by distress and sale levied by dis-tress. with the costs of the distress and sale, by distress and sale levied by dis-state goods and chattele of the person ordered to pay such tress. the costs of the distress and sale, by distress and sale levies sods and chattels of the person ordered to pay such tress.

2. Either upon the appearance or default to appear of the Proceedings ance or default to appear of the Proceedings and th ketton complained against, any two or more justices may upon appear-ance or default to appear of the Proceedings to mat: summarily sitt or without any written in- fault. with a property of the appearance or allowing interesting and and any two or more justices may ance of the analysis in the second summarily, either with or without any written in-fault. inceed summarily against, any two of an any written and by confession of the offence or complaint, either with or without any written against, or upon the offence or complaint, by confession of the person complained against, or upon the the is at least one of the person complained against, or upon the such contest on the person complained against or upon the such contest of the person complained against or upon the such contest of the person complained against or upon the such contest of the person complained against or upon the such contest of the person complained against or upon the such contest of the person complained against or upon the such contest of the person complained against or upon the such contest of the person complained against or upon the such contest of the person complained against or upon the such contest of the person complained against or upon the such con-¹ confession of the person complained against, or upon the the justices may correctible witness other than the prosecutor, victor and, upon such conth of at least one credible witness other than the prosecutor, richard or any convict the offender, and, upon such con-ton, order the offender, and, upon such conviction, order the offender or person complained against by the penalty imposed by this Act, or by any such iction, wes may convict the offender, and, and by the penalty imposed by this Act, or by any such rence, and also to pay the costs attending the prosecution we complaint imposed by this Act, according to the nature of the complaint.

and place named in such summons; and every such summons shall be against. when place named against to appear on a single shall be served on the person complained against, be left of the served on the person complained against, in the served on the person complained against, in the served on the person complained against of the served on the person complained against of the served on the person complained against of the served on the person complained against of the served on the person complained against of the served on the person complained against of the served on the person complained against of the served on the person complained against of the served on the served withous shall be served on the person complained agames, board any vessel to place of residence or business, or on board any vessel to which he belongs:

the Upon complaint being made before any one justice Summons to the peace in any one justices have juris- be issued. of the peace, in any case over which two justices have juris-be issued. diction as aforesaid, he shall issue a summons requiring the base on a day and at an hour here as aforesaid, he shall issue a summons requiring and place named against to appear on a day and at an hour the place named against to appear on a day and at an hour the place named against to appear on a day and at an hour the place named against to appear on a day and at an hour the place named against to appear on a day and at an hour the place named against to appear on a day and at an hour the place named against to appear on a day and at an hour the place named against to appear on a day and at an hour the place named against to appear on a day and at an hour the place named against to appear on a day and at an hour the place named against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour against to appear on a day and at an hour again

It is suggested that the amount of fine and term of imprisonment should be

8. Every offence against the provisions of this Act or any When penalty exceeds forty dollars, made ⁹ Every offence against the provisions of this Act or any When penalty exceeds the sum of forty dollars, is a misdemeanor and shall offence a mis-demeanor. be punishable by fine or imprisonment, or both, in the discre-define the court by fine or imprisonment, or both, in the discreton of the by fine or imprisonment, or both, in the users, is a sume the court before which the offender is convicted.

deted Revenue Fund of Canada; and the other moiety shall belong to the prosecutor :

etidence, in any court of competent jurisdiction : 2. A moiety of every such penalty shall belong to Her Application of the bands of the Minister of penalties. A moiety of every such penalty shall belong to Her Application binance and shall be paid into the hands of the Minister of penalties. Alesty, and shall be paid into the hands of the Minister dated Receiver General and form part of the Consoli-hild Revenue T

of this Act, and not exceeding eighty dollars in amount, be and control in the second constants or by a Dominion shall be sued for by a collector of customs, or by a Dominion migration acceleration with costs on the oath of the be sued for by a collector of customs, or by a Doment one gration agent, and recovered with costs on the oath of the prosecutor, in a summary the credible witness other than the prosecutor, in a summary **Under** before any two justices of the peace,—and such **Natices** may commit the offender to the common gaol Justices may commit the offender to the common gaol be exceeding the offender to the common such the exceeding the and costs are paid; and all such penalby sivel action is the sum of eighty dollars may be recovered action is action in the sum of eighty dollars may be recovered action is action in the sum of eighty dollars may be recovered action is action in the sum of eighty dollars may be recovered action is action in the sum of eighty dollars may be recovered action in the sum of eighty dollars by civil action by any such officer as aforesaid, on like

Chap. 61.

moneys,—the surplus, if any, to be returned to him apon demand; and such instices much be returned to him accord demand; and such justices may issue their warrant action and ingly, and may also order and ingly, and may also order such person to be detained and kept in safe custody until notion to be detained and it is a such a such person to be detained and it is a such a kept in safe custody until return can conveniently be made to such warrant of distress to such warrant of distress, unless such person gives security to the satisfaction of such justice of person gives before the satisfaction of such justice of the security be many security to the satisfaction of such justices for his appearance before them on the day appointed for them on the day appointed for such return, f taking such being more than three days being more than three days from the time of taking such security :

Proceedings when there is no sufficient distress.

4. If it appears to such justices, by the admission of such had person, or otherwise, that no sufficient distress can be they whereon to levy the monom whereon to levy the moneys so adjudged to be warrant ad may, if they think fit, refrain from issuing a warrant of distress in the case, or if such distress in the case, or if such warrant has been issued, is upon the return thereof such upon the return thereof such insufficiency as aforesaid by made to appear to the justice insufficiency as shall and made to appear to the justices, then such justices shall, by warrant, cause the person and then such justices and costs and warrant, cause the person ordered to pay such moneys and costs as aforesaid to be committed to pay such more to remain without bolls costs as aforesaid to be committed to gaol, there to remain without bail for any term not without bail for any term not exceeding three months, unless such moneys and costs ordered to gaol, there to remote such costs of distance such moneys and costs ordered to be paid, and such costs of distress and sale as aforesoid distress and sale as aforesaid, are sooner paid and such costs but such imprisonment of a sooner paid and shall not but such imprisonment of a master of any vessel shall not discharge the vessel from the line of any vessel shall not discharge the vessel from the lien or liability attached thereto by the provisions of this Act

43. No conviction or proceeding under the four sections ext preceding shall be created in the four of form, or of next preceding shall be quashed for want of form, of removed by appeal or certification into any it. not to be next preceding shall be quashed for want of form, or of guestioned for removed by appeal or *certiorari*, or otherwise, into any it want of form, Her Majesty's superior counter of the present of commit of the present of t Her Majesty's superior courts; and no warrant of compro-ment shall be held void burners. ment shall be held void by reason of any defect therein, convicted and thereby alleged the transformation of the solution of t vided it is thereby alleged that the person has been to sustain victed, and there is a good and the person to sustain victed, and there is a good and valid conviction to sustain the same. 32-33 V., c. 10 - 20

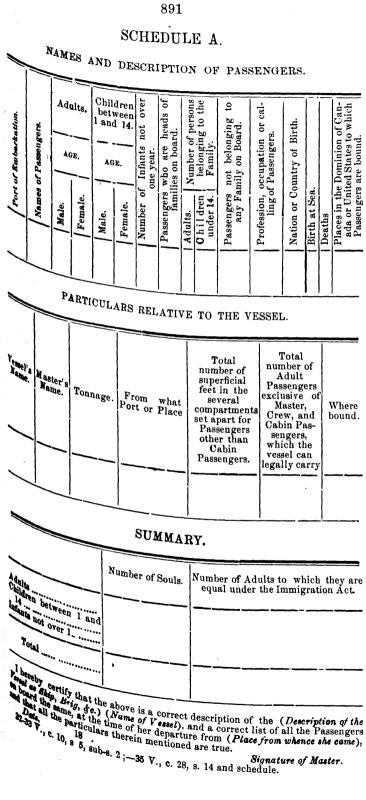
Payment of expenses under this Act.

44. All expenses incurred in carrying the provisions time, all be with of this Act into effect, or under the provisions to time, shall be paid out of any monomial from time to and by Parlian shall be paid out of any moneys granted, from time help and by Parliament for that purpose of fording help time advice to it. by Parliament for that purpose and for affording visiting advice to immigrants, aiding dentities in the subadvice to immigrants, aiding destitute immigrants, other and relieving them, procuring destitute immigrants and one and relieving them, procuring medical assistance and determined wise attending to the object of investigation as determined wise attending to the object of immigration, as determined by the Parliamentary grants and immigration of the Governor in Council f wise attending to the object of immigration, as determined by the Parliamentary grants, and by Orders of the Governor in Council for the management of the same s. 29.

Application of moneys collected.

45. The moneys levied under this Act shall be paid by e collector of customs by where there are received **Gen**. The moneys levied under this Act shall be paid into the collector of customs by whom they are received gon the hands of the Minister of Diversional Receiver and of eral, and shall the hands of the Minister of Finance and Received and Canada 22.00 for part of the Computer Revenue Fund and shall form part of the Consolidated Revenue Fund Canada. 32-33 V., c. 10 × 20

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Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
	cept s. 32. The whole, ex- cept part of s. 1 and s. 15.	s. 32 (repealing clause.) Part of s. 1 and s. 15.		

CHAPTER 62.

An Act respecting Immigration Aid Societies.

HER Majesty, by and with the advice and consent of the Senate and the senate and the senate of Canada, enacts as Senate and House of Commons of Canada, enacts as $\mathbf{w}_{\mathbf{s}}$: follows :--

(a) The expression "Minister of Agriculture" includes any "Minister of Agriculture" Agriculture."

deputy or officer authorized to perform the duty or exercise Agriculture."

(b) The expression "immigration," or "immigrant," in-"Immigra-cludes "emigration," or "emigrant," when it refers to the "Immigrant." Canada eaving. or to a prove about to leave, Europe for act of leaving, or to a person about to leave, Europe for

(c) The expression "Society" means the immigration aid "Society." ^{society} The expression "Society" means the sum; which the context indicates or refers to;

(d) Any negotiable or other instrument authorized by this As to instru-ct may be drawn in other instrument authorized by this As to instru-y the second se Act may be drawn in any European language understood the person examines in the drawn of money mentioned by the person executing it, and sums of money mentioned compared to the person of the person executing it. therein may be expressed in any currency used in the equivalent amounts of canada. 35 V., equivalent amounts expressed in any currency of Canada. 35 V.,

2. The Minister of Agriculture shall, from time to time, Immigration districts, agents and offices. for the Minister of Agriculture shall, from time to time, districts, vinces of Canada into: Act, divide each of the several Pro- agents and bict in the canada into: Act, divide each of the several Pro- agents and in each dis- offices. vinces purposes of this Act, divide each of the several l'ro- agents thict there shall be an immigration districts; and in each dis- offices. thict there shall be an immigration office and an immigration

2. Notice of such division, and of any alteration thereof, Notice to be strict a given in the Court Courts and each such shall be given in the Canada Gazette, and each such given. place with all be known on the immigration district of the district shall be known as the immigration district of the "b where the immigration of kept. 35 V., c. 29, s. 1. Place where the known as the immigration district of the purposes of the purpo

""Where the immigration office is kept. 35 V., C. 20, ... Africulture, purposes of this Act" added at the suggestion of the Department of

eties, may be formed in society, or immigration aid so- Formation of the societies, and their purpose cieties, may be formed aid society, or immigration aid so-Formation of purpose of assisting immigration district for the societies, and and of and to obtain employment on their arrival in Canada, And of enabling porcess in Consider in want of laborers, income and in every immigration. and of enabling immigrants to reactive in Canada, artisans or servants to alter them by such immigration: artisans or servants, to obtain them by such immigration:

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Subscriptions and capital.

2. Every such society shall consist of at least twenty-five ersons, who may or more than the immipersons, who may or may not be residents of the immi-gration district, and who have gration district, and who have agreed to form such society, nors of the society, 1-2 least five hundred dollars, in shares of twenty sub-each, one-half of which at scribing the declaration of membership hereinafter their tioned, into the hands of tioned, into the hands of a person agreed upon as fire, secretary-treasurer by such as secretary-treasurer by such persons, not less than twenty form as are present at the meeting as are present at the meeting at which it is agreed to form such society. 35 V. e. 20

Formalities to be complied with for the purpose of such formation.

4. The persons who agree to form such society shall elect agree upon a president mine - I ne persons who agree to form such society shall ever, or agree upon a president, vice-president, secretary treasurer, and board of management, composed of at least shall members, including the officers there resultioned, and ically adopt members, including the officers above mentioned, and shall adopt a constitution and k-1 adopt a constitution and by-laws, and shall respectively sign a declaration in the formed in the days of the state of the sign a declaration in the form in the schedule to this action

Constitution and by-laws of society.

2. There shall be attached to the said declaration the the the itution and by-laws of the . Incre shall be attached to the said declaration the the stitution and by-laws of the society, which shall declare pre-objects of the society to be the society of the next of the next of the society to be the society of the next of the next of the next of the society of the society to be the society of the next of objects of the society to be those mentioned in the next sit ceding section, and such other ceding section, and such other special objects, if any, is necessary to enumerate.

What the constitution and by-laws shall set forth.

3. The constitution and by-laws shall set forth the names the first president, vice-president o. The constitution and by-laws shall set forth the name of the first president, vice-president, secretary-treasurer, the members of the board of management, the place where where office of the members of the board of management; the place when its met ings will be it to be situated by the situated by t office of the society is to be situate; the time when its of the society is to be situate; the time when its office stock of the ings will be held; the manner in which the remainder of the society shall be remainder of the society shall stock of the society shall be paid up; the annual subscript advisables of the members of the remainder of the remainder of the stock of the society shall be paid up; the annual subscript advisables of the members of the theorem. tion to be paid by members, if such subscription is deemed advisable; the manner of advisition members; members; advisable; the manner of admitting new members, if duties and powers of the board of members advisable the time down duties and powers of the board of management and bers inter the time during which the office of the board of management and bers inter the board of management and bers inter the board of management and bers inter the board of management and bers inter the board of management and bers inter the board of management and bers inter the board of management and bers inter the board of the time during which the officers and other members in the board of management shells and other members and place for the board of management and other members in the board of management shall remain in office; the meet and place for and the manuaction of the regular using ings of the and place for and the manner of holding the regular holding special most and place for and the manner of holding the regular holding ings of the society, and the mode of calling and holding the special meetings, and the quorum, and mode of voting officers and members. meetings; the mode of filling vacancies among the manner and members of the board of and members of the board of management, or the during in which their duties shall be the during the management of the board of management of the shall be the during the during the management of the shall be the during th and members of the board of management, or the during in which their duties shall be performed by others all con-their absence; the period for which the society shall such tinue, and the mode of dividing its courte at the end of such period, or its tinue, and the mode of dividing its assets at the end period, or its profits, from time to it. mue, and the mode of dividing its assets at the end of surprise period, or its profits, from time to time, during such provisions and generally such provisions and generally such provisions as are deemed necessary and the strain ment of the chi expedient for the well-working of the society and the attain ment of the objects for which it is formed. 4. The signatures of the members shall be attached to the sclaration, and in columns opposite the state the amounts of 4. The signatures of the members shall be attached to the declaration, and in columns opposite thereto, the amounts of

Attestation of delaration.

wid, When the declaration is approved and certified as afore- On appro-corporate, by shall be a corporation, or body politic and become a the note, by the paractely corporation, including corporation the society shall be a corporation, or body politic and become a have able given it better the name taken in the declaration, including corporation. the number given it by the immigration agent, and shall we all the nowwere sights and immunities assigned to have all the powers, rights and immunities assigned to hot to have a composite cost if it thinks fit; but it shall hight to have a corporate seal, if it thinks fit; but it shall Corporate seal. to have a corporate seal, if it thinks fit; but it sname of the document is and to make it the act or deed to any document in order to make it the act or deed that corporation is order to make it the act or deed of the document in order to make it the act or used that the document is but it shall be sufficient for that purpose connected occument is a secretary-treasurer, and the corporation, but it shall be sufficient for that purpose countersigned by the secretary-treasurer, and social by the secretary-treasurer, and countersigned by the president or vice-president of the body, as such or by the president or persons acting prowatersigned by the secret in their stead and the authority or capacity of any tempore in their stead, and the authority or capacity of any signature, shall not be "if not so Person in their stead, and the authority or capacity of any called who signs the same, or his signature, shall not be question by the same, or his signature, shall not so used in question by any but the corporation, and if not so any doned, shall be address or widence without proof; and questioned, shall be admitted in evidence without proof; and Evidence of duplicate copy of the duplicate copy of the duplicate copy of the duplicate copy of the duplicate. declaration signed by the properties of the duplicate copy of the declaration signed by the proper immigration agent, shall be

the declarations, and shall fill in the blank in each with its proper number 2000 is a stall fill in the blank in each with its proper number, according to such order. 35 V., c. 29, s. 5. 7. When the declaration is approved and certified as afore- On approval, or body politic and become a body politic and become a

6. If there is no other immigration aid society in his Agent to give a number to the immigration of the immigration of the society as the society. district, the immigration and society in his a number of the immigration agent shall treat the society as the society. for the one, and shall fill the blank left in the declaration humber one, and shall fill the blank left in the declaration that Durpose will fill the blank left in the declaration for that purpose with that number; but if otherwise he bencharations and shall fill the order in which he certifies be blank in each with its

5. The declaration shall be made in duplicate, and the Duplicate of treasurer to the immigration agent of the district, who shall district agent for approval and certification to the declaration agent of the district is in accordexaminer to the immigration agent of the district, who shall district agent ance with this Act in and ascertain whether it is in accord- and certifi-the with this Act in and ascertain whether it is in accord- and certifiance with this Act, and with the instructions given him on cate. the subject by the Minister of Agriculture; and if the immi-Station agent has any doubt as to its being conformable to the may forward it to the this Act and to such instructions, he may forward it to the histor for historic instructions, he may forward it to the hinister for his opinion; and if it is not found so conformable, he immigration the immigration agent shall return both duplicates to the secretary-treased agent shall return both duplicates to the secretary-treasurer, informing him of the fact and of the objection to which the declaration is open; but if it is found to be to which the declaration is open; but if it is found to both duplicates he shall certify the fact under his hand on and duplicates of them in his office, both duplicates, he shall certify the fact under his name and shall retain one of them in his office, so shall retain the shall retain one of them in his office, so shall retain the shall retain one of them in his office, so shall retain the shall retain one of them in his office, so shall retain the shall retain one of them in his office, so shall retain the shall retain one of them in his office, so shall retain the shall retain one of them in his office, so shall retain the shall retain one of them in his office, so shall retain the shall retain one of them in his office, so shall retain the shall retain one of them in his office, so shall retain the shall r and shall retain one of them in his oncor, c. 29, s. 4.

stock for which they respectively subscribe, and the amounts paid up shall be stated; and the declaration shall then be dated and attested by the signatures of the president or vice-president and of the signatures of the president or vice-net and of the signatures of the president or vice-net and of the signatures of the president or vice-net and of the signatures of the president or vice-net and of the signatures of the president or vice-net and of the signatures of the president or vice-net and of the signatures of the president or vice-ter signatures of the president or vice-net and of the signatures of the president or vice-net and of the signatures of the president or vice-ter signatures of the president or vice-ter signatures of the president or vice-ter signatures of the president or vice-ter signatures of the president or vice-ter signatures of the president or vice-ter signatures of the president or vice-ter signatures of the president or vice-ter signatures of the president or vice-ter signatures of the president or vice-ter signatures of the president or vice-ter signatures of the president or vice-ter signatures of the president of the president or vice-ter signatures of the president of the pr president and of the secretary-treasurer. 35 V., c. 29, s. 3,

admitted as evidence of the facts stated therein, without proof of his signature unloss it. proof of his signature, unless it is called in question by himself, or by the Minister of A himself, or by the Minister of Agriculture, or by his author ity. 35 V., c. 29, s. 6.

8. The society may enter into agreements and contracts, for ther with its members other persons, and any purpose relating to immigration, and may for sill borrow money, and may take or give any security for bill same, and may become a part. same, and may become a party to any promissory note, ji of exchange, or other negotiable of exchange, or other negotiable security or instruments and the manner hereinbefore provided the manner hereinbefore provided as to other documents, and may receive assistance in man may receive assistance in money or otherwise from society cipal or other corporations cipal or other corporations, or from any institution, society or person, towards enabling or person, towards enabling it to attain the objects of this Act, on such terms and this Act, on such terms and conditions as are agreed law, and which are not inconsister. and which are not inconsistent with this Act or with shall but the total amount of the line with this cate society not never exceed the amount of its capital subscribed, and shall be paid up, and the members of the board of management shall be personally liable for shall be personally liable for any such excess. 35 V., c. 29, 6

9. The society may receive applications from laborers siring to obtain artisans desiring to obtain artisans, workmen, servants of Europe, and from the United Kingdom or from the United Kingdom or from the United Kingdom or from the United Kingdom or from the United Kingdom of from the Unit from the United Kingdom, or from any part of Europe, and may enter into any lawful contracts with such persons, may enter into any lawful contracts with such persons, to including the obligation of the such persons, to including the obligation, on the part of such persons to employ the immigrants referred to any including the obligation, on the part of such persons in any material in Causala, employ the immigrants referred to on their arrival in period, in any manner, at any rate of the part of such period, under such in any manner, at any rate of wages, and for any period, under such penalty as damagnet under such penalty as damages for non-performance in advance or or any performance of wages, and for any performance of stipulated in such contract and any performance of any performan sincer such penalty as damages for non-performance is all stipulated in such contract, and may receive in advance or or any part of the money to be arreaded by the society, nor may take society. or any part of the money to be expended by the society of may take security for the money to be expended by the society of thereof to the any part of the money to be expended by the society, and may receive in auxiety, and may receive in auxiety, and may receive in auxiety, and any part of the money to be expended by the society part any as is thereof to the society, by instalments or in one sum, as agreed upon. 35 V., c. 29 s^{-2} 10. The secretary-treasurer shall forthwith transmit every details, ch application, with the restort in and details, the immunity The secretary-treasurer shall forthwith transmit every such application, with the requisite information and among to the immigration agent of the district with the around the society d to the immigration agent of the district, with the definition and definition and amount the society has undertaken to the expenses

Applications to be forwarded to district agent, with report of society's action thereon.

Applications

the society has undertaken to advance towards the approximation in particular in the incurred in the expenses to be incurred in complying with the approximate the sage and other the particular the sage and other the same th tion, in paying or partly paying the cost of the emigrate sage and other necessary travelling the cost of the emigrate from their h sage and other necessary travelling expenses of the emigrate from their home in Europe to the constant in Canada from their home in Europe to the place in Canada where they are required. 35 V o 200 **11.** The immigration agent shall forth with transmit every the property in th The immigration agent shall forth with transmit event, such application and the money received by reason and to the proper immigration accent of Canada the United T to the proper immigration agent shall forth with trauser therein to the proper immigration agent or sub-agent of therein the United Kingdom or elecenter the shall, there to the take the proper the United Kingdom or elsewhere, who shall, ding in the proper place runds ad-the United Kingdom or elsewhere, who shall, there to the vanced: their take the necessary steps for procuring and forwarded in the proper place in Canada, such immigrants as are stated

Powers of society ; lend-ing and bor-rowing money.

Society may receive applications for the employment of immigrants and act upon them.

14. 35 V., c. 29, s. 13, part. ²cordingly, by (ivil anity be enforced by the society How such ob-by (ivil anity be enforced by the society How such ob-by by (ivil anity be enforced by the society How such ob-by by (ivil anity be enforced by the society How such ob-by (ivil anity be enforced by the society how such ob-by (ivil anity be enforced by the society how such ob-by (ivil anity be enforced by the society how such ob-by (ivil anity be enforced by the society how such ob-by (ivil anity be enforced by the society how such ob-by (ivil anity be enforced by the society how such ob-by (ivil anity by the society how Such instrument may be enforced by the society ligation may 57 by civil suit in any court of competent be enforced.

innigrant to it. 35 V., c. 29, s. 13, part.

18. Any emigrant who might make such instrument as Emigrant may bind himself to the an instrument, wit- may bind himself to the an instrument, wit- an open to the promote and the such as the promote and the such as the promote and the such as the promote and the such as the promote and the such as the promote and the such as the promote and the such as the promote and the such as the promote and the such as the promote and the such as aforesaid, may, in like manner, execute an instrument, wit-identical as above provided in the manner of the society of the s **Nessed** as above provided, binding himself or herself in con-serve nominee to account of the sum advanced by the society therein named, for the ideration of the sum advanced by the society therein named, of the society amount of accept employment of the society therein stated from any amount of advance. to accept employment of the kind therein stated from any amount of society person in the interview district in which the advance. hand eccept employment of the kind therein stated from any amount of the kind therein stated from any amount of the society is formed on the immigration district in which the advance. the society designation of the since the society designation district in which the society designation district when his arrival in such the society is formed, or with any person in such district whom district, at a rate of the immigrant on his arrival in such and the society designates to the immigrant on his arrival in such in the instrument, district, at a rate of wages to be named in the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the instrument, because the immigrant on his arrival in such that the immigrant on and for a term to be also therein named, and to serve such and faithfully is also therein named, and to serve such person faithfully in such employment during such term, Deduction for or period wages to be named in the interview of the also therein named, and to serve such or period would be also therein named, and to serve such or period advance. and to allow such person to deduct from his wages, at a period advance. or beinds to be designated in such instrument, such sum sums as are also the designated in such instrument, such sum same to the society, on account of any money due by the

execution of sub-agent of immigration who witnesses in the instrument shall give notice of the amount in the instrument shall give notice of the amount mention of the instrument shall give notice of the amount individual and to the instrument to such society, institution or 35 V., c. 29, s. 11. individual and to the Canadian society. 35 V., c. 29, s. 11.

2. If any sum of money has been advanced to the emigrant Sums ad-r like purposes the institution or individual emigrant sums adfor like purposes, by any society, or institution or individual emigrants by emigrants with the consent of a society in United Kingin the purposes, by any society, or institution or individual emigrants such society institution, such sum may, with the consent of a society in amore society institution, such sum may, with the consent of a society in the united Kingdom, such sum may, with the consent of a society in the united Kingdom and the united king dom may be such society, institution or individual, be included in the United King-tecore for which such a product of a society in the united King-recore for which such a product of a society in the united King-tecore for which such a product of a society in the united King-tecore for which such a product of a society in the united King-tecore for which such a society in the united King-dom may be included. amount for which such instrument is given, and may be included. recovered by the Canadian society aforesaid, and being so recovered by the Canadian society aforesaid, and using institution or individual to the was advanced, and the society of the s institution or individual by whom it was advanced, and era sent or subarrant by whom it was advanced and the agent or individual by whom it was advanced, and execution of the agent of immigration who witnesses the

12. If it is the intention of the society, or of the applicant, Agents in Europe to that the whole or part of the money advanced towards take security before the whole or part of the money advanced towards take security in the or part of the money shall be repaid by the from emi-grants for redefraying the expenses of immigration, shall be repaid by the from emi-grant either in the expenses of immigration immigration is the immi-payment of the money advanced towards take security is the expenses of immigration is the immi-payment of the money advanced towards take security is the expenses of immigration is the immi-payment of the money advanced towards take security is the expenses of immigration is the immigrat station agent or such a set of the money at a set of the from emi-station agent or such a such as the set of Station agent or sub-agent of Canada in Europe who makes the advances. anangements for the passage of the intending emigrant to Canada, shall take from such emigrant an instrument in writin one sum or be in the passage of the society in Canada in one sum or by instalments, at certain periods, and with interest or without interest, according to the instruction siven by the secretary-treasurer to the district immigration agent, and communicated through the Minister of Agriculhe shall with and the shall with a state of the shall with a state of the shall with a state of the shall with a state of the shall with a state of the shall with a state of the shall with a state of the shall with a state of the state of the shall with a state of the shall with a state of the shall with a state of the state of he shall witness the execution of such instrument:

application; and the immigration agent shall, from time to mation and detail the minister of Agriculture with such infornation and details respecting such applications as the minister requires. 35 V., c. 29, s. 10.

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jurisdiction against the immigrant; and any refusal of neglect on the part of the second perform any ch neglect on the part of the immigrant; and any refusar of the other obligations under the immigrant to perform any instruction of the immigrant to perform any of her in such the other obligations undertaken by him or her in such instrument, shall be an office of her in the before are instrument, shall be an offence cognizable summer br one justice of the peace, under the "Act respecting summary proceedings before Justices of the peace of the p proceedings before Justices of the Peace," and punishable by a penalty not exceeding twenty dellars and costs, and and imprison a penalty not exceeding twenty dollars and costs, and imprisonment until such nor it imprisonment until such penalty and costs are paid; paid the penalty, if paid, shall belt the penalty, if paid, shall belong to the society, and be the over to it by the conviction over to it by the convicting justice of the peace; but civil payment of such penalty shall payment of such penalty shall not prevent or affect any c. 29, remedy of the society under the society index of th s. 13, part.

SCHEDULE.

We, the undersigned, hereby associate ourselves together "The Immigration Aid Series associate ourselves the ind ourselves to observe and obey all the requirements of Act respecting Immigration Act respecting Immigration Aid Societies," and to pay the spectively, into the band amount of stock set opposite our respective names, one the on subscribing this declaration spectively, into the hands of the secretary-treasurer, amount of stock set opposit on subscribing this declaration, and the provided interinstalments and in the manner hereinafter provided it we further bind ourselves to observe and obey the consti-tion and by-laws of the society, which are as follow 35 V., c. 29, s. 3, part.

				Tolidated
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidsted elsewhere.	WILL
35 V., c. 29	The whole except ss. 12 and 15.	ss. 12 and 15.		

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CHAPTER 63.

An Act respecting Chinese Immigration. Ren Majesty, by and with the advice and consent of Germons of Canada, enacts I follows :the Senate and House of Commons of Canada, enacts \log_{10} $4c_{t_1}$, This Act may be cited as "The Chinese Immigration Short title. 48-49 V as 1 The Chinese Immigration Short title. (a) The expression "controller" means any officer "Controller." en arged With the duty of carrying the provisions of this Act (b) The expression "master" means any person in com-"Master." hand of any vessel; (c) The expression "Chinese Immigrant" means any "Chinese Im-^(c) The expression "Chinese Immigrant" means any "Chinese to the privilege of origin. entering Canada and not entitled ^{migrant}. "this fivelege of origin." entering Canada and not entitled ^{migrant}. the privilege of exemption provided for by section eight (d) The expression "vessel" means any sea-going craft "Vessel." way kind or description capable of carrying passengers; (e) The expression "tonnage" means tonnage according "Tonnage." be parlied to the set of (e) The expression "tonnage" means tonnage according the Parliament fixed by the Merchants' Shipping Acts of Harliament of the IT-it of Wingdom, 48-49 V., c. 71, s. 1. Whe measurement fixed by the Merchants' Shipping Acts of Parliament of the United Kingdom. 48-49 V., c. 71, s. 1. * The Governor in Council may,— (a) Appoint one or more persons to carry the provisions Appointments. Powers of Governor In (b) Assign any duty in connection therewith to any officer Present of Canada; ^(b) Assign any duty in connection there with to any con-berson in the employ of the Government of Canada; ^(c) Define employ of the Government of Carry Person; and prescribe the duty or duties of such officer Duties. Fix the salary or remuneration to be allowed to such Remunera-tion. (e) Engage and pay an interpreter skilled in the English Chines interpreter. (e) Engage and pay an interpreter skilled in the English stand chinese languages, at a salary of not more than three stand dollars a way who shall reside in the Province the Chinese and Pay an interpreter skillen in the stand dollars a year, who shall reside in the Province

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of British Columbia, and perform such duties as are assigned to him by the Governor in C 48-49 V., C. 71, 88. 4. All appointments made under this Act shall be ublished in the Canada Court of the Act shall be and 21.

published in the Canada Gazette.

5. No vessel carrying Chinese immigrants to any port Canada, shall carry more the

in Canada, shall carry more than one such immigrants of any such every fifty tons of its tonnarrow of any such

every fifty tons of its tonnage; and the owner of any such allowed

vessel, who carries any number in excess of the fifty and allowed by this section about

allowed by this section, shall incur a penalty of section number in excess of section allowed by this section.

lars for each Chinese immigrant so carried in excess of such number. 48-49 V., c. 71 ° [±]

6. No master of any vessel carrying Chinese immigrants all land any passenger of the seconger to the where the the the transformed and the transformed to the transformed t from such vessel, until a permit so to do, stating that and provisions of this Act have been complied with, has and granted to the master of such marked by the controller statis

granted to the master of such vessel by the controllers. section shall incur a penalty of one hundred dollars.

7. No controller at any port shall grant a permit allowing binese immigrants to land multiple officer instanted a killer bine officer instanted a killer bine officer instanted as killer binese in the second secon

Publication of appointments.

Number of Chinese immigrants in any vessel.

No passenger to land until permit is obtained.

Penalty.

section shall incur a penalty of one hundred dollars. V., c. 71, s. 8. • No controller at any port shall grant a permit allowing Chinese immigrants to land, until the quarantine officer has granted a bill of health and have the difference of the due examples granted a bill of health and has certified, after due esses and among there. tion, that no leprosy or infectious or contagious disease and among them, on board such a suc Bill of health among them, on board such vessel; and no permit there are an or shall be granted to any Chinese in two is suffering from leprose to be obtained.

No permit in certain cases.

Duty payable by Chinese immigrants.

shall be granted to any Chinese immigrant who is sufficient from leprosy or from any infaction of the sufficiency of the suffic from leprosy or from any infectious or contagious disease, of 48-49 V to any Chinese immigrant who is known to be a prostitute. 48-49 V., c. 71, s. 9. 8. Every person of Chinese origin shall pay into the Const lidated Revenue Fund of Claude and a copt e port or of the constant solidated Revenue Fund of Canada, on entering dollars, h pay the port or other place of entering dollars, h pay the following the port or other place of entry, a duty of fifty dollars, except ment, that is the following persons who shall be exempt from such pay ment, that is to say:---(a) The members of the Diplomatic Corps, or other servants and nment representatives their servants and their servants and (") The members of the Diplomatic Corps, or other sand ernment representatives, their suite and their servants and consuls and consular agents."

(b) Tourists, merchants, men of science and students, other e bearers of certificates of identity and their other on and their

(1) Tourists, merchants, men of science and students, where are bearers of certificates of identity, specifying their of other tion and their object in coming into Canada, or ment of similar documents. tion and their object in coming into Canada, or of at a similar documents issued by the Chinese Government

Exceptions.

Certificate proving exemption. similar documents issued by the Chinese Government whose subject there are: 2. Every such certificate or other document shall be in and aglish or French language and chall be examined 2. Every such certificate or other document shall be in and English or French language, and shall be examined

11. The controller shall keep a register of all persons to Register of 71 certificates of anti-the certificates. whom certificates of entry have been granted. 48-49 V., certificates.

10. The controller shall deliver to each Chinese immi- Certificate to to immigrant who has been been been and in respect of the delivered to immigrant to the delivered to the d the duty has been permitted to land, and in respect of be delivered to immigrant the duty has been permitted to land, and in respect of to immigrant whom the duty has been permitted to land, and in respect of to immigrate the duty has been paid as hereinbefore provided, a permitted to the duty has been paid as hereinbefore provided, a permitted to the duty has been paid as hereinbefore provided, a permitted to the duty has been paid as hereinbefore provided, a permitted to the duty has been paid as hereinbefore provided, a permitted to the duty has been paid as hereinbefore provided, a permitted to the duty has been paid as hereinbefore provided, a permitted to the duty has been paid as hereinbefore provided, a permitted to the duty has been paid as hereinbefore provided. certificate containing a description of such individual, the land, and this arrival if a description of such individual, the land. date of his arrival, the name of the port of his landing and macknowled monthly in the name of the port of his landing and an acknowledgment that the duty has been duly paid; and Its effect, but the pertificate shall be used on the port of the right of tested. the person presenting of prima facie evidence of the right of tested. Certificate may be contested by Her Majesty, or by any if the charged with the same to enter Canada; but survey officer charged with the duty of carrying this Act into effect, there is reason to the validity or authenticity if there is reason to doubt the validity or authenticity end, or of any state doubt the validity or authenticity there is reason to doubt the validity or authenticity contestation shall be the validity or authenticity hand there is reason to doubt the validity or authenticity hand the validity or authenticity hand the validity of a summary contestation shall be heard and determined in a summary Canner by any index of any Province of Canner by any index of any Province of any Prov **Namer by any statement therein contained Canada where such a superior court of any Province of 48-49 V., c. 71**, Canada where such certificate is produced. 48-49 V., c. 71,

thall record the same in the register of certificates of entry Lept by him. 48-49 V., c. 71, s. 12.

• Every Chinese immigrant liable to pay the duty As to immiimposed by the next preceding section, who enters Canada ing otherwise than by the next preceding section, who enters canada ing otherwise ing otherwise than by the next preceding section and vessel, shall than by forthwith make declaration of his entry to the controller, or vessel. in the absence of such officer, to the Customs officer of the manual of the customs officer of the custom officer of hearest or most convenient place, and shall forthwith pay to by this Act and the duty of fifty dollars imposed by this Act, and the controller or officer shall grant a cerbin act, and the controller or officer shall grant a controller or officer shall grant a controller of such entry and payment, in conformity with the declaraprovisions of the next following section; and if the declara- Report to the is made to a formation of the next following section; and if the fact to controller such case. tion is made to a Customs officer he shall report the fact to such case. the controller at the principal sea port of the Province into high such Ch. which such Chinese immigrant has come, and the controller hall record the principal sea port of the Province in the sea of certificates of entry

Canada on the first day of January, one thousand eight resident at a date specified.

4 The entrance duty payable under this section shall not Duty not to ply to any Ohim or being within be levied on Chinese apply to any Chinese person residing or being within be levied on the first 1 are person residing or being within the section at a data specified to the section of the sec

⁸ Nothing in this Act shall be construed as embracing Term "mer-⁹ Nothing in this Act shall be construed as embracing Term " Pedler, or person here, or person beller, or person engaged in taking, drying or otherwise beserving show the state of the state o preserving shell or other fish for home consumption or

indorsed (visé) by a British Consul or Chargé d'Affaires or ther accredit, by a British Consul or Chargé d'Affaires or other accredited representative of Her Majesty, at the place where the same is granted, or at the port or place of depar-

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date specified.

Liability and duty of masters of vessels as to payment of ðuty.

12. Every master of any vessel bringing Chinese immi-to any port in Canada and Bringing Chinese in the second sec grants to any port in Canada, shall be personally liable to Her Majesty for the payment with the personal by the Her Majesty for the payment of the duty imposed by this Act in respect of any immini Act in respect of any immigrant carried by such vessel, and shall deliver, together with the shall deliver, together with the total amount of such and to the controller, immediately to the controller, immediately on his arrival in port and before any of his passenger before any of his passengers or crew disembark, a wing plete and accurate list of his plete and accurate list of his crew and passengers, showing their names in full, the construction of their birth their names in full, the country and place of their birth, and the occupation and last all of domicile of each and the occupation and last place of domicile of each passenger. 48-49 V. c. 71 13. Every Chinese person who wishes to leave notice of ith the intention of rational with the intention of returning thereto, shall give whence such intention to the control

with the intention of returning thereto, shall give notice whence and intending such intention to the controller at the port or place the said he proposes to sail or donate he proposes to sail or depart, and shall surrender to the said officer his certificate of entry officer his certificate of entry or his certificate of residence under "The Chinese Immirror his certificate," and that under "The Chinese Immigration Act, 1885, and dollar, receive in lieu thereof, on payment of a fee of one derson a certificate of leave to depart and receive and the person to when

Effect of such a certificate of leave to depart and return; and the person certificate. to whom such certificate to whom such certificate is granted shall be entitled, the presentation of the same on his

Provision if certificate is lost.

Statement for Provincial Secretary by

controller.

Application of dues, pen-

alties, &c.

such return and to have his original certificate of entry or residence returned to him. 2. In case of the loss of such return certificate, and the controller, has proof of such loss to the satisfaction of the controller, person to whom such control person to whom such certificate was granted, and who has paid the entrance duty imposed paid the entrance duty imposed by this Act a second duty returned shall be entitled to have him shall be entitled to have his second entrance duty or residence. to him, together with his first certificate of entry or residence. 48-49 V., c. 71 o 14

presentation of the same on his return, to receive from on controller the amount of the controller the amount of the entrance duty paid by him or such return and to have him

14. The controller shall, on the first day of January ince the year, send to the Provincial State of the Province herein each year, send to the Provincial Secretary of the Province wherein certificates of outer is a certified a certified wherein certificates of entry have been granted, a certificates have been list of all Chinese immigrants to whom such certificates have been granted during the such certificates V. c. 71 have been granted during the year next preceding. V., c. 71, s. 15

15. All duties, pecuniary penalties and other sources of venue under this Act shall be used form part the consolidation of the sources of the consolidation of the sources All duties, pecuniary penalties and other sources of revenue under this Act shall be paid into and form fourth the Consolidated Revenue Fund of Conside that one all st part of all out the Consolidated Revenue Fund of Canada; but one shall be paid into and form part in part of all entry dues paid by Clinic canada; but one shall be the end of the end of every fiscal year, be paid out of such fund to 71, Province wherein the same transmitted 48-49 V., 0 8, 20 Province wherein the same were collected. 48-49 V., o 71, s. 20.

Penalty for landing any Chinese before duty is paid, &c.

16. Every master of any vessel who lands or allows to be nded off or from any vessel and this can immigrant id. or e duty to be duty to be a set of the anded off or from any vessel who lands or allows before the duty payable under this to be here here and duly paid, or the duty payable under this Act has been duly paid, or

By Byery person who violates any provision of this Act, Penalty for which no special multiple to berein provided, is other contra ding ventions. for which no special punishment is herein provided, is other contra-tive hunda misdemeanor and liable to a fine not exceeding ventions. which no special punishment is herein provided, is other con-ing twelve dollars or immission point for a term not exceeded. Kilt voi no special punishment is herein ive hundred dollars, or imprisonment for a term not exceed-months or to both 48-49 V., c. 71, s. 19. ing twelve months, or to both. 48-49 V., c. 71, s. 19.

^(a)**Prisonment** is guilty of a misdemeanor, **(a)** fine not for a term not exceeding twelve months, ... **(b) (a) (c) *

Every person who molests, persecutes or hinders any Penalty for the person appointed to come the provisions of this molesting the to officers. the Every person who molests, persecutes or hinders any Penalty of the provisions of this molesting of the provisions of this molesting of the provision of the Act into effect is guilty of a misdemeanor, and liable to officers. the reason appointed to carry the pro-topiconment for a guilty of a misdemeanor, and habie to the fine not exceeding twelve months, or the start of

tibunal, or assistation evidence before any such court or tribunal, or who gives evidence before any such courter aler, or assists in carrying into effect any decision or bind of a state o decree, or order of any such court or tribunal, is guilty of a side meanor and light the tribunal for any term not Wisee, or order of any such court or tribunal, is guilty of exceeding twelve months is fine not exceeding five exceeding twelve months, or to a fine not exceeding five be and dollars or to be the particular of the section shall Acceeding twelve months, or to a fine not exceeding five be construed dollars, or to both: but nothing in this section shall Proviso; as to arbitrations. arbitrations. be construed dollars, or to both : but nothing in this section shall Proviso; as to be any differences or dimensional arbitrations. the submission is not a the laws in force in the the submission is not contrary to the laws in force in the submission is not contrary to the laws in force in the submission is made. 48-49 V., c. Province in which such submission is made. 48-49 V., c.

1.

honths, or to a fine not exceeding five hundred dollars, or of any sort of court or tribunal, composed of Chinese taking part to or tribunal, composed of Chinese taking part commits for the hearing and determination of any offence unlawful court, as to

17. Every Chinese person who wilfully evades or Penalty on the pts to evado an evado and the manister of this Act as Chinese for evading this thempts to evade any of the provisions of this Act as Chinese for individual, or who milterly by personating any other Act. individual, or who wilfully makes use of any forged or haudulent certificate to evade the provisions of this Act, and every person who wilfully aids or abets any such And for of these person is who wilfully aids or abets any such And for aiding is every person in the who wilfully aids or abets any such and for a set of the person is a set of Chinese person who wilfully aids or abets any such And for of the person in any evasion or attempt at evasion of any evasion. and here of a misdemeanor, of the person in any evasion or attempt at evasion or and and liable to imprise this Act, is guilty of a misdemeanor, and liable to imprisonment for a term not exceeding twelve to the or to a first for a term hundred dollars, or

by any officer charged with the duty of carrying this Act ato effect and harged with the duty of carrying this Act into effect, and dealt with accordingly. 48-49 V., c. 71, s. 7.

who wilfully makes any false statement respecting the humber of persons on board his vessel, shall, in addition to the amount of the duty payable under the foregoing pro-visions of this Act duty payable under the foregoing one visions of this Act, be liable to a penalty not exceeding one thousand dollars and not less than five hundred dollars for every such of the second dollars and not less than five hundred dollars for every such offence, and in default of payment to imprisonhent for a term not less than hy and in default of payment to imprison-vessel shall be forfeit a term not exceeding twelve months; and such Forfeiture of by and shall be seized vessel. vessel shall be forfeited to Her Majesty, and shall be seized vessel.

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any sort of court or tribunal, composed of Chinese in organic committeed by a Chinese and determination of any offences unlawful to the hearing and determination of any offences of the court, as committed by a Chinese person, or in carrying on any offence unlawful redings, or who gives evidence before any such court or

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Before whom suits may be brought.

21. All suits or actions for the recovery of duties of ences enalties under this Act, and all prosecutions for be misder under this Act which are not under this Act which are not herein declared to be misder meanors, shall be tried before meanors, shall be tried before one or more justices of stipen peace, or before the recorder meanors, shall be tried before one or more justices of stipen-peace, or before the recorder, police magistrate, or stipen-diary magistrate having installed in the cause of peace, or before the recorder, police magistrate, or stipen diary magistrate having jurisdiction where the cause of action arose or where the offence was committed. 48-49 v. c. 71, s. 22.

				Totated
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To he Consolidated elsewhere.	Consoliu.
48-49 V., c. 71	The whole, ex- cepts. 13, part, and s. 23.	s. 13, part, and s. 23.		

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CHAPTER 64.

An Act respecting Quarantine.

HER Majesty, by and with the advice and consent of the South, by and with the advice and consent of the Senate and House of Commons of Canada, enacts $llow_8$ as follows :--

1. In this Act, unless the context otherwise requires :---Interpreta-

(a) The expression "master" includes every person in com- "Master." mand of a vessel;

(b) The expression "vessel" includes all ships, vessels or "Vessel." craft of any kind carrying passengers;

(c) The expression "passengers" includes all passengers "Passen-well as immigrant passengers" includes all passengers "Passenas well as immigrants usually and commonly known and gers." understood as such, but not troops or military pensioners and their families, who are carried in transports or at the ex-

pense of the Government of the United Kingdom;

(d) The expression "Quarantine station" includes Grosse "Quarantine le, Lawlor's Island "Quarantine station" includes Grosse "Quarantine station." Isle, Lawlor's Island and Partridge Island, or any other place station." at which quarantine is directed to be performed. 35 V., c.

2. The Governor in Council may, from time to time, make Governor in council may, from time to time, make Governor in make quarter autoring compli- make quarter autoring complisuch regulations as he thinks proper for enforcing compli-the contract of the regulations as he thinks proper for enforcing compli-make quere-gulations. ance with all the requirements of this Act, and concerning rantine re-nlagentry or departure of this Act, and concerning rantine re-gulations. the entry or departure of vessels at the different ports or gulations. places in Canada, and concerning the landing of passengers or cargoes from such vessels, or the receiving of passengers or cargoes from such vessels, or the receiving of passenger calculated to present of the same, as is thought best calculated to preserve the public health,—and for insuring the due to preserve the public health, and for insure vessels, passen mance of quarantine, by and in respect of this arriving at or in the vessels, passengers, goods or things arriving at or in the heighborhood of any port or place within Canada, to which the thinks it right for the public health he thinks it right for the preservation of the public health that such reconnections and for the thorough that such regulations should apply,—and for the thorough cleansing and disinfecting of such vessels, passengers, goods or things and disinfecting of such vessels, passengers, good any place in Concerning the arrival at or departure from way place in Concerning the arrival at or things conwings, or concerning of such votes of departure not veyed by land and fany persons, goods or things conveyed by land, and for insuring the due performance of this by and in the by and in th quarantine by and for insuring the due performance -things at or in the respect of such persons, goods and while at or in the respect of such persons, goods and things at or in the neighborhood of any place in Canada to which he thinks it with a construction of the public which he thinks it right for the preservation of the public bealth that such health that such regulations should apply,---and for the

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Publication of regulations.

Quarantine regulations to have the force of law. Punishment

coming to quarantine station.

Inspection of goods, and the cleansing thereof.

thorough cleansing and disinfecting of such persons, goods and things, so as to prevent the introduction of such persons, goods and things, so as to prevent, as far as possible, the and may tion into or dissemination tion into or dissemination of disease in Canada; necessary be appointed appoint or remove such officers as he deems necessary for so doing, and assign to the second powers as for so doing, and assign to them respectively such powers as he thinks requisite for he thinks requisite for carrying out the provisions and such regulations, and more in such regulations, and may impose penalties, forfeitures and punishments for the breach the punishments for the breach thereof : and such regulations shall be published by proclamations shall be published by proclamation inserted at least twice in the Canada Guzette 35 W

3. Such regulations shall have the force of law, and any product of a misde person disobeying any such regulation is guilty of a misdemeanor, and liable to fine meanor, and liable to fine or imprisonment or both, as the court directs; or such particulation is guilty of a mission of the penalties court directs; or such person may be sued for the penalties of persons dis-obeying them. contained in such regulation. **4.** The Governor in Council may, by such regulations. quire the master of even and the River Ja

4. The Governor in Council may, by such regulation St. be required to require the master of every vessel coming up the River Isle. perform quar- Lawrence from below the perform quar- Lawrence from below the quarantine station at Grosse port antine. or arriving by sea at or or arriving by sea at or in the neighborhood of any port or place in Canada (arcent or place in Canada (except such vessels as his vessel designated and referred to as excepted), to bring time station to anchor, at the anchorage at the proper quarantine station designated in the regulation Obligations of designated in the regulations, and report such vessels writing to the officer at and report such that par writing to the officer at such station designated for that pur pose in such regulations pose in such regulations, with all the particulars relative of the same, and to the vouce the same, and to the voyage, passengers and cargo author required by such regulations required by such regulations, or by any officer duly author ized under them to require the ized under them to require the same, and every part proper officer to visit and increases. proper officer to visit and inspect such vessel and the passengers and thereof and the passengers and crew and the truly and other articles on board the other articles on board the same, and to answer truly on questions asked of him touch questions asked of him touching the same, —and to answer truly on shore at such station and at the same, —and to answer to send by the affect. shore at such station and at the places there pointed out of the officer thereunto anthonion is any of all of the the officer thereunto authorized by such regulations, any of all of the passengers crossed by such regulations. all of the passengers, crew, cargo or other articles, on board such vessel, as such officer this such vessel, as such officer thinks necessary for preventing the introduction of conterior the introduction of contagious or infectious disease, and also allow such passengers areas allow such passengers, crew, cargo or other articles, and also the vessel itself, to remain and articles and at and the vessel itself, to remain so long at such station and at and places thereat respectively and the station and at such station and at such station and at such station and at such station and at such station and at such station and at such station and at such station and at such station and at such station and at such station and at such station at places thereat respectively, and to be so treated, cleansed pur purified, as such officer the performance of the pur purified, as such officer thinks necessary for may, of poses aforesaid; and the Governor in Council charge of such regulations, require the such regulations, require the owners or persons in Canada, goods or things conveyed by 1 and 1 a goods or things conveyed by land to any place in charsed and to any place in regulations of the proper officer the place such regulations to allow the proper officer the place such regulations the proper officer the place such regulations the place such regulations the place of the place such regulations the place su to allow the proper officer appointed under such regular tions to inspect and examine the tions to inspect and examine the same, and to answer the all questions asked of them be all questions asked of them by such officer concerning long same, and to allow such goods or things to remain so answed in the custody of such officer cond to be treated, cleansed and purified and purified, as such officer thinks necessary

5. The Governor in Council may, by such regulations, Powers of the several of Council may, by such regulations, Powers of duranting to the employed at officers at quaranting to be employed at guaranting to be employed a assign to the several officers and persons to be employed at guarantine for such quarantic officers and persons to be employed at the regulation, units and duties necessary station, units and duties necessary station, units and duties necessary station. any such quarantine station the powers and duties necessary station, under for carrying the set. for carrying the said regulations and this Act into effect, the regula-of L. may declare that and may declare that any such officer or person shall, by virtue of his office or employment, be a justice of the peace or a for the peace of the pe constable or employment, be a justice of the peace of for the space around for the space around the same described in such regulations; and such officer shall accordingly be such justice of the Peace or peace officer shall accordingly be such justice of monot, for the purpose of the criminal and other hot, for the purpose of carrying out the criminal and other aws of Canado is carrying out the criminal and other laws of Canada; and the Governor in Council may, by Penalties for hundred dollars in any case for any violation of the same, tions, and hundred dollars in any case, for any violation of the same, tions, and power to c and may provide that the offender shall be imprisoned penalty is not that no vessel until such penalty is paid—and may direct that no vessel shall such penalty is paid—and may direct that no , until all the rooming cleared at any custom house in Canada with all the requirements of such regulations are complied with and man are to find the regulations are complied with all the requirements of such regulations are compared who or which has direct that any person, vessel or thing, who or which has passed or departed or been removed from any quarantine station, before all the requirements of such regulations are complied with in respect of such person, vessel or thing, or without the written permission of the written permission of the transformer departure, officer empowered to authorize such passing or departure,

hav be compelled to authorize such passing or departure, and by force, if necessary 27×5 . and by force, if necessary. 35 V., c. 27, s. 5.

the Governor in Council may appoint one or more Medical officers of officers of principal harbors of principal harbors of principal harbors of principal harbors of principal harbors. hedical officers at each of the principal harbors of officers at harbors of the principal harbors. Canada officers at each of the principal harbors of principal harbor from sea and to be the principal harbors of principal such from sea and to be the principal harbors. harbor from sea, and to perform such other duties and have tions power as the Grand in Spect vessels arriving in such

such power as the Governor in Council by any regula-**7.** Every penalty imposed under the authority of this Penalties, where a special lies the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason ac, to be the vessel by reason acceleration accelerati

Act, shall be a special lien upon the vessel by reason &c., to be special lien upon the vessel by reason &c., to be special lien and the master whereof be upon vessels. whereof it became payable, and the master whereof be upon vessels. and formation is became became became be upon the vessel by reason special liens and formation be a special lien upon the vessel by reason special liens and formation be upon vessels. and formation be a special liens be upon vessels. and formation be upon vessels. and formatio lected by the seizure and sale of the vessel, her tackle, apparel or and furniture. under the and sale of the vessel, her tackle, apparel be preand furniture, under the warrant or process of the justices ferral to before whom it has a mode for, and shall be preor court before whom it has been sued for, and shall be pre-ways to all other light to be other light Retried to all other liens or hypothecations, except mariners'

Purposes of this Act: and the Governor in Council may, by Examination of persons ar such regulations, require all persons arriving by land at any of persons ar-examined by the result of allow themselves to be inspected and land. eramined by the proper officer appointed under such regu-lations, and to a proper officer appointed under such regulations, and to answer truly all questions asked of them by such officer, and to remain so long at such place and be so treated, cleansed and purified as such officer thinks necessary for the purposes of the purpo for the purposes of this Act. 35 V., c. 27, s. 4.

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infectious disease on board.

Vessels may, on certain conditions, put to sea instead of being quar-antined.

8. When any vessel not originally bound for any port in anada, arrives at any see parts of the contagious of arriving at ports to which Canada, arrives at any sea port of Canada with contagions or they were not infectious disease on board or of Canada with contagin in quart bounds with antine at or near such part if antine at or near such port, the master of such the sum of pay to the collector of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the sum of the such the such the such the sum of the such t pay to the collector of the customs at the port the said two dollars, head money for each the port the said two dollars, head money, for each person on board the said vessel at the time of her amined vessel at the time of her arrival; and the said sum shall be lien on the vessel and chill? lien on the vessel, and shall be paid before she shall be allowed to leave the port **9.** The master of any such vessel shall, before bulk is such vessel shall, before the such vessel shall the s

broken, have the right of putting to sea with such vessel, instead of allowing her to instead of allowing her to be quarantined, and if this right is exercised, and the vessel 1 is exercised, and the vessel has not arrived at her port of dectination, the bill of health at an tination, the bill of health shall be returned after the inspect ing physician has mentioned in the length aid ing physician has mentioned thereupon the length said circumstances of the detention circumstances of the detention and the condition of the said vessel on her putting to soot vessel on her putting to sea: Provided always, heressel the the exercise of such right here's and the condition of the before the exercise of such right here's the second the exercise of such right by the master of such vessel the inspecting physician shell active the sick of the inspecting physician shall satisfy himself that the sick of the vessel will be taken care of the taken care of taken vessel will be taken care of during the remainder of port voyage; and if any of the side o voyage; and if any of the sick prefer to remain at such port, the said physician shall to be the sick prefer to remain to $V_{0,5}$ V. c. 27, s.

Sums and penalties to form part of Con. Rev. Fund.

Penalty for disobeying

unrevoked regulations.

10. All sums and pecuniary penalties levied under the the the hands of rart authority of this Act shall be paid into the hands of pert Minister of Finance and Received of the Correct of the Correct of States and Received of the Correct of the Corr Minister of Finance and Receiver General, and shall form part of the Consolidated Revouver V. C. 20, 25 V., C. 21, 8, 10

11. Every one who disobeys any unrevoked regulation is ade by the Governor in Connect any unrevoked regulation is ulty of a set of the connect and the set of the set The Every one who disobeys any unrevoked regulation is made by the Governor in Council respecting quarantiment guilty of a misdemeanor and lighter to find or imprison may or both in the guilty of a misdemeanor and liable to fine or imprison may be sued for the or both, in the discretion of the court; or such person may be sued for the penalties present of the court; or such regulation. be sued for the penalties prescribed by such regulation. V., c. 27, s. 12, part. The Quarantine Act of Prince Edward Island, 2 W. 4 (P.E.I.), C. 13, is recom-

mended for repeal.

-				To be
Proposed to be Consolidated.	Part Consolidated.	101 100 -	To be Consolidated elsewhere.	Witnesses and Witnesses and evidence.
35 V., c. 27	The whole except ss. 2 (part), 11, 12 (part), 13, 14 and 15.	Section 11 (re- pealing clause.)	s. 2 (part), ss. 12 (part), 13, 14 and 15.	Witnesses evidences Interpreta Act

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CHAPTER 65.

An Act respecting Infectious or Contagious Diseases Benate and House of Commons of Canada, enacts as eases Act." Act may be cited as "The Animal Contagious Dis- Short title. 48-49 V., c. 70, s. 1. 2. In this Act, unless the context otherwise requires :--- Interpreta-tion. (a) The expression "cattle" means bulls, cows, oxen, heifers "Cattle." and calves; (b) The expression "animals" means cattle, sheep, horses, "Animals." only where expression "animals" means cattle, sheep, norse, animals of whether mentioned, swine, goats and all other (c) The expression "foreign animals" means animals not "Foreign animals." already introduced into Canadian territory; (d) The expression "contagious" means communicable by "Conta-gious." close contact or inoculation; (e) The expression "infectious" means communicable in "Infectious." any manner whatsoever;

(f) The expression "infectious or contagious disease" "Infectious disease" "Infectious disease" disease." includes, in addition to other diseases generally so designa-non-il anders, faron addition to other diseases generally so designa-disease." ted, glanders, in addition to other diseases generally so designed houth disease farcy, mange, pleuro-pneumonia, foot and the disease and the disease sector addition to other diseases generally so designed the disease and the disease sector addition to other diseases generally so designed the disease and the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed the disease sector addition to other diseases generally so designed to be diseases generally so designed to be diseases designed to be diseases designed to be diseases designed to be diseases designed to be diseases designed to be diseases designed to be diseases designed to be diseases designed to be diseases Nouth disease, farcy, mange, pleuro-pneumonia, toou and fever, scab, hog cholera, hydrophobia and variola ovina.

DUTIES OF OWNERS OF CATTLE.

buttles OF OWNERS OF CATILLE. or dealer in cattle or farm stock owner and every breeder of Notice of ance of animals into Canada, shall, on perceiving the appear-other and every one bringing disease of the appear-other and every one bringing disease of the appear-other and every one bringing disease of the appear-or contocious disease among the cattle or by breeders. ance of animals into Canada, shall, on perceiving the appear- Minister of other animals owned to be by breeders among the cattle or Agriculture by breeders. other animals into Canada, shall, on percent animals into Canada, shall, on percent animals owned by him or under his special care, give or dealers.

immediate notice to the Minister of Agriculture, at Ottawa, of the facts discovered by him s. 3.

Penalty for neglect.

concealment of disease.

4. Every owner of such diseased cattle or other animals who eglects to comply with the subneglects to comply with the provisions of the next preceding section shall forfeit his claim to section shall forfeit his claim to compensation for any cattle or other animals slaughtand or other animals slaughtered in accordance with the granted sions of this Act; and no such sions of this Act; and no such compensation shall be granted to him: and every person and person an to him: and every person who maliciously or fraudulently conceals the existence of inc. conceals the existence of infectious or contagious not among cattle or other animal disease penalty not Or fraudulent

among cattle or other animals, shall incur a penalty not exceeding two hundred dollars 5. Every person who turns out, keeps or grazes any animal to be in the proving under the proving such animal to be in the proving under the proving the proving under the proving the prov eased animals knowing such animal to be infected with or laboring posed in places not any infectious or contagions difference been exposed to infect in the infection of the infect of the been exposed.

to infection or contagion, in or upon any forest, wood, no or beach, marsh, common worth and forest, wood, no or

enclosed. Knowing such animal to be infected with or laboring under in places not any infectious or contagious disease, or to have been a moor, to infection or contagion is beach, marsh, common, waste-land, open field, roadside other undivided or unenclosed in the land, open field, for every norse

Penalty for bringing such animals to market, &c.

Penalty for

animals, &c.

other undivided or unenclosed land, shall, for every such offence, incur a penalty not offence, incur a penalty not exceeding two hundred dollars. 48-49 V., c. 70, s. 5. 6. Every person who brings or attempts to bring into any to be arket, fair or other place and how him to be the source by him to be into and market, fair or other place, any animal known by him ious infected with or laboring and disease infected with or laboring under any infectious or contaginations disease, shall, for every such disease, shall, for every such offence, incur a penalty net exceeding two hundred dollars 10 40 V c 70, s. 6.

•• Every person who sells or disposes of, or puts of offers or exposes for sale, or attempts to dispose of or pating any animal known by him to be to be to dispose of a laboring under any information of the second secon any animal known by him to be infected with or the meat, shy hide, how under any infectious or contagious disease, or the meat, skin, hide, horns, hoofs or other selling or put-ting off such hide, horns, hoofs or other parts of an animal known or him to be infected with or leb him to be infected with or laboring under any infectious disease at the time doubt doubt whether such the time of the dou contagious disease at the time of its death, whether skin, person is the owner of such and the meat, not, person is the owner of such animal, or of such animal, ading hide, horns, hoofs or other parts of mother animal, animal, ading hide, horns, hoofs or other parts of such an animal, or of such an shall, for every such offence, incur a penalty not exceeding two hundred dollars. 48-10 V

For throwing carcass into rivers, &c.

8. Every person who throws or places, or causes stream, rs to be thrown or placed into the only river, stream, nal, navia by fers to be thrown or placed, into or in any river, within canal, navigable or other water or in the sea, h has canal, navigable or other water, or into or in the sea, which has ten miles of the shore, the associated of disc. ten miles of the shore, the carcass of an animal diseased of suspected of disease, or which has been altered as diseased as died of disease, or which has been slaughtered as diseased of suspected of disease, shall for much offence, 70, penalty not exceeding two hundred dollars. 48-49 V., c. 70, s. 8. **9.** Every person who, without lawful authority or excuse, gs up or causes or allows to be descent the buried carcass of ••• Every person who, without lawful authority or excuss of digs up or causes or allows to be dug up the buried carcass of

For digging up any such carcass when buried.

Worted by the Governor in Council may, when the egligence or offence against the provisions of the preceding cases. Where a this Act order a compensation to be paid to the itoms of this Act: and animals slaughtered under the provisions of this affected was where of this Act, order a compensation to be by infections of animals slaughtered under the provisions of the third whenever the animal slaughtered was affected to third us or contarious discase the compensation shall be we is an imals slaughtered under the provisions by infectious or contagious disease, the compensation shall be Compensa-third of the value of the animal before it became so affected, the the value of the animal before it became so affected, the second before it became so affected. the third of the value of the animal before it became so affected, tion limited. but shall not in any such case exceed twenty dollars; in

12. The Governor in Council may, when the owners are Compensatilizen of A migniture not guilty of any tion to owner in certain and in cases. The Governor in Council may, when the owners are Compensa-exclinence or offence against the manipulations of the preceding cases.

with or close proximity to a diseased animal, or a_{1} 48-49 V a_{10} a_{10

SLAUGHTERING DISEASED CATTLE. The Governor in Council may, from time to time, Slaughtering diseased animals. ⁴⁴ The Governor in Council may, from time to time, diseased contagious disease and animals suffering from infectious or animals. where to be slaughtered animals suffering from infectious -what disease, and animals which are or have been in with or close president to a diseased animal, or an witagious disease, and animals suffering me-tained with or close proximity to a diseased animal, or an disease suspected of being fronted by infectious or contagious

It. The ad effect at all times sections of this Act shall have force Effect of foregoing sections. the preceding sections of this Act shall have force Effect of foregoing sections, whether an Order in Council or of the sections, sections, and the sections been made in respect

of any matter of Agriculture has or has not been made in respon-that such orders may be the state of the such orders when he is a such orders whe is a such orders when he that such orders may be made. 48-49 V., c. 70, s. 11.

Winister of Agriculture has or has not been made in respect that matter in rolet: The time by this Act, provided

^{8LAUGHTERING DISEASED CATTLE.}

10. If infections or contagious disease, is sold, disposed of, or put off, is brought or attempted to be brought for the purpose of ported to the mayor, &c. is brought or offered for sale in any place whatsoever, or seized and re-being exposed or attempted to be brought for the purpose of ported to the other exposed or attempted to be brought for the purpose of mayor, &c. wher open or offered for sale in any market, including exposed or offered for sale in any market, including exposed or public place where other animals are comthonly exposed for sale, any clerk or inspector, or other sources of such for sale, any clerk or inspector, or other or of such for sale, any clerk or inspector, or other officer of such fair or market, or any constable or policeman, by other the mayor or reeve, or by any other person authorized by the mayor or reeve, or or any justice of the authorized by the mayor or reeve, or in authorized by the mayor or reeve, or in the place, by any other person authorized by the mayor or reeve, of or any justice of the peace having jurisdiction in the place, have have soire the control by the Governor in may soire the seizure to the Connecil, may seize the same, and report the seizure to the diate or record to the same, and report the seizure to the diction in the place. Or to any justice of the peace having juris-ton and the place. The place of the peace having jurisdiction in the place; and such mayor, reeve or justice, or per-when the place; and such mayor, reeve or justice, may with thing with the place of t son in the place; and such mayor, reeve or justice, or per-with the place; and such mayor, reeve or justice, or per-litter the same together by the Governor in Council, may with things burdles, troughs, supposed intectious, t cause the same, together with any pens, hurdles, troughs, supposed start been infected there articles which he judges likely to be destroyed. there infected thereby, to be forthwith destroyed, or there disposed of interval as he deems proper, there is a set of the set of th where been infected thereby, to be forthwith destroyer, or as is disposed of, in such manner as he deems proper, in is directed as the this Act. 48-49 V., c. 70, **A as** is directed, as provided by this Act. 48-49 V., c. 70,

an animal which has died or is suspected of having died from infections or contagious disease, or which has been slaugh-tered as disease. I of disease, shall, for every tered as diseased or as suspected of disease, shall, for every and as diseased or as suspected of disease, shall, 101 0,000, dollars. 48.40 T dollars. 48-49 V., c. 70, s. 9.

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every other case the compensation shall be two-thirds of the value of the animal but about the two-thirds of grade value of the animal, but shall not in any case of thorough animals exceed forty dollars and in any case of thorough animals exceed forty dollars, and in any case of thorough bred pedigree animals two the bred pedigree animals two-thirds of the value of the all such not to exceed one hundred and the the value of in all such not to exceed one hundred and fifty dollars; and by the cases the value of the animal by the mined by the Minist cases the value of the animal shall be determined by the Minister of Agriculture on the shall be determined by the Minister of Agriculture or by some person appointed by him; but if such owners, or their representatives, is of been guilty of an offence account to the provision be been guilty of an offence against any of the provision shall be the preceding sections of the provision shall be the preceding sections of this Act, no valuation shall be made, and no compensation of this act, no valuation shall be V a 70 made, and no compensation shall be paid to them. V., c. 70. s. 13

14. The Minister of Agriculture may, notwithstanding hything in this Act. reserved anything in this Act, reserve for experimental treatment any animal ordered to be also also and any der this Act, by any animal ordered to be slaughtered under this Act, by may authorize any of his are Experimental may authorize any of his officers or persons employed in him to make post mortem or persons of animals we of treatment and him to make post mortem examinations of animals we of have died, or are supposed to a form infections als post mortem have died, or are supposed to have died, from infectious disease, and to different such animals examination. contagious disease, and to dig up carcasses of 50. s. 14. for the purpose of investigation

15. The Governor in Council may, from time to or rohibit the importation or the second may, from into Canada of prohibit the importation or the introduction into Canada, or any part thereof, or into any part any part thereof, or into any particular port or bides, for or horns on ctl of horses, cattle or other animals, or of flesh, hodder horns or other parts of animals. hourses, cattle or other animals, or of flesh, hides, hourses, cattle or other animals, or of flesh, hides, hourses, other articles, either generally of have or hourses and in the seneral sector of have or hourses. other animals, or of flesh, modeler of other articles, either generally or from any place he deens named in the Order in Council, for such period as he deens to be necessary for the purpose of protenting the introduction tion of any contract of protenting the introduction anied in the Order in Council, for such period as he deem to be necessary for the purpose of preventing the introduce tion of any contagious or infections. discuss among animals in Canada tion of any contagious or infectious disease among animals in Canada. 48-49 V. c. 70 c. 17 -unaua. 48-49 V., c. 70, s. 15. The word "horses" is inserted at the suggestion of the Department of Agrice. See also paragraph (a) of s. 27.

ture. See also paragraph (a) of s. 27.

Limits of ports, &c., and appointment of officers.

Duty of inspectors and officers on information received.

16. The Governor in Council may, from time tions for efine the limits of ports and of other sircumscriptions duer define the limits of ports, and of other circumscriptions and s. 16. officers when

INFECTED PLACES. 17. Inspectors or other officers appointed as aforesaid to ceiving information of the supposed existence of any add to bus or contact. -•• Inspectors or other officers appointed as aforesaid to receiving information of the supposed existence of any editor tious or contagious disease amount or mals, shall proceed to the place matrix tious or contagious disease among animals, shall precise speed, and and and the supposed existence of any animals, shall precise and discharge the speed with all precise speed. the place mentioned with all practicable speed, and exerved and discharge their duties purcease to the regulations aceived and discharge their duties pursuant to the regulations received under the authority of this Act and the instructions received under the authority of this Act and the instructions received by them. 48-49 V., c. 70. 8 17

Value to be determined by minister.

Proviso.

Governor in Council may prohibit importation of

animals and certain articles.

The area of an infected place may, in any case, be How area by reference to the place may, in any case, be How area may be described. The area of an infected place may, in any case, be How area rectified by reference to a map or plan deposited at some described. specified by reference to a map or plan deposited at some solution of the place, or by reference to townships, parishes, farms, 48.40 V 0.70×22

where infections or contagious disease is declared or windaries of the limits of an infected pro-bound to exist. 48-40 V ≈ 70 ≈ 21

elaration by the Minister of Agriculture, include any com- infected total stable, cowshed or other premises in which in- defined. with the stable, cowshed, or other premises in which in- defined. the stable, cowshed, or other premises in which in the state area as to the minister seems requisite; and by order, whong or stable, cowshed, or other premises in ... the an area as to the said Minister seems requisite; and Limits may thend ... Minister many to time, by order, be varied. the an area as to the said Minister seems requisite; and Limits may build area as to the said Minister seems requisite; and Limits may build or curtail the limits of an infacted place beyond the tend or curtail the said Minister seems boundaries of the limits of an infected place beyond the fold stable, cowshed, farm or bold stable, cowshed, farm or

wildings as if the same were actually within the limits of $\frac{1}{70} \approx \frac{20}{20}$ the infected place. 48-49 V., c. 70, s. 20.

Whenever, under this Act, an inspector makes a declara- Power of the constitutor and the constitution and tion Whenever, under this Act, an inspector makes a declara-Power or if the circumstances of the case an infected place, he may also, declaring a deliver to him so to require, place infected set to edit words in the edit words i which constitutes a place an infected place, he may also, declaring a deliver a notice under his hard of such declaration to the ed; extension of boundaries the circumstances a place an infected place, ne may deliver a notice under his hand of such declaration to the ed; extension of all lands and buildings adjoining thereto, any Where a notice under his hand of such declaration to the two hereof respectively is and buildings adjoining thereto, any both whereof respectively lies within one mile of the bound-the of the infacted all set of the direction, and thereupon the of the infected place in any direction, and thereupon the provisions of the infected place in any direction, and thereupon the provisions of this Act with respect to infected places bid apply to and have effect in respect of such lands and the inset as if the same many actually within the limits of

therein of Agriculture may so determine and declare, and therein of Agriculture may so determine and declare, and therein the place comprised in the inspector's declaration, the december of the place. Affected thereby, shall cease to be deemed an infected place.

to, Whenever an inspector makes such a declaration of the Report to half disease of infantion disease of animals, he Minister of Agricultu existence of infectious or contagious disease of animals, he Agriculture. that with all practicable speed, send a copy thereof to the Wall, with all practicable speed, send a copy thereof to the water of Agriculture; and if it appears that infectious or Power of Jinitions disease are independent by the inspector, the minister. Contagious of Agriculture; and if it appears that infectious or Power of Marineter of Agriculture and if it appears that infectious or Power of Marineter of Agriculture and declared by the inspector, the minister. Watagious agriculture; and if it appears linister of Agriculture may so determine and declare, and any prescribe the linit of the infected place; but if it infected place; but if it any prescribe the limits of the infected place; but if it bin: that it did not be the limits of the infected place by the inspector, the The preservice of A griculture may so determine and declare, and the place of A griculture may so determine and declare, and the place of the place of the inspector's declaration, the place of the place of the inspector's declaration, in the place of place.

18. Whenever an inspector finds infectious or contagious Notice to disease of animals to exist within his district, he shall forth- owners of places when the make a dool. with make a declaration thereof under his hand, and shall disease is occur: a notice matter of the found. deliver a declaration thereof under his hand, and shall alse as the coupler of the ander his hand, of such declaration to the found. wer a notice, under his hand, of such declaration to the premises where it is not the common, field, stable, cowshed or other the common the co Premises of the common, field, stable, cowshed or other same, with all land, with the occupation of the disease is found; and thereupon the Consequence of the disease is found; and thereupon the Consequence of the occupation of and buildings contiguous thereto in the of notice. the same shall be ball be beened to be an infected place; and bit and shall be beened to be an infected place; and be same shall be beened to be an infected place of the beened to be an infected place of the beened place of th the same shall be held to be an infected place, which is and be held to be an infected place until the deterhination and declaration of the Minister of Agriculture to the there is a state of the state of relative and declaration of the Minister of Agricultures, 18, thereto in this Act provided for. 48-49 V., c. 70,

Declaring a place free from disease.

23. The Minister of Agriculture may, at any time, upon e report of an inspector by the set of any place to be free from infectious or contagious disease; and from the time specific the speci upon, and from the time specified in that behalf in the order, the place shall cease to be down the place shall cease to be deemed an infected place. V., c. 70, s. 23.

Order of the Minister to supersede any local order.

24. An order of the Minister of Agriculture relative to an fected place shall supersed --- An order of the Minister of Agriculture relative to it infected place shall supersede any order of a local authority inconsistent with it. 48-10 W 25. The provisions of this Act with respect to infected aces, shall not restrict the set with respect to animal or

The provisions of this Act with respect to infector fected places, shall not restrict the moving of any person, animal or thing by railway or other mode of the person high ways through thing by railway or other mode of transport on high thing through an infected place if any person, animal or thing is not det through an infected place, if such person, animal or trans-is not detained within the infected place if such person, aloss such transis not detained within the infected place, unless such trans-port is prohibited. 48-49 V

CLEANSING OF VESSELS AND VEHICLES. **26.** Every company and every person carrying for hire umals to or in Canada shall the planse and time of the shall the planse and time of the shall the planse and time of the shall the planse and time of the shall the planse and time of the shall the planse and the shall the planse and the

for una for una animals to or in Canada, shall thoroughly cleanse from news, to time dist fect, in such manner as the Governor in Council, from to time, directs, all steamshing to time, directs, all steamships, steamers, vessels, boats, con-carriages, trucks, horse-boxes and stilled used by such anor pany or part carriages, trucks, horse-boxes and vehicles used by such root pany or person for the carrying of the council pany or person for the carrying of animals; and the Governer, read at in Council may cause any such the steamer, read at boat, carried in Council may cause any such steamship, steamer, red at boat, carriage, truck, horse-boat steamship, to be detailed and boat, carriage, truck, horse-box or vehicle, to be detained and such place as to him seems most statistic so cleansed and disinfected. such place as to him seems meet, until it is so cleansed and disinfected :

2. If the company or person using such steamship, eamer, vessel, boat. carriers to be so to be so 4. If the company or person using such steams to be so steamer, vessel, boat, carriage, truck, horse-box or to be so for the carrying of animals for the same to not cleansed and for the carrying of animals, fails to cause the same period of the same of the cleansed and disinfected within such time after directs, the Minister mathematical states and the states and the states and the states and the states and the states and the states are directs, the states and the states are directs and the states are directs and the states are directed within such the states are directed to be the stat fied so to do as the Minister of Agriculture disinfector, Minister may cause the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and district to the same to be cleaned and distributed to the same to be cleaned and distributed to the same to be cleaned and distributed to the same to be cleaned and distributed to the same to be cleaned and distributed to the same to be cleaned and distributed to the same to be cleaned and distributed to the same to be cleaned and distributed to the same to be cleaned and distributed to the same to be cleaned and distributed to the same to be cleaned and distributed to the same to be cleaned and distributed to the same to the sam Minister may cause the same to be cleansed and 48-49 V., c. s. 26. **27.** The Governor in Council may, from time to avy of ake such regulations as to him some necessary for any of e following

Governor in Council may make regulations.

For subjecting animals to quarantine, åс.

The Governor in Council may, from time to any of make such regulations as to him seem necessary for any of the following purposes, that is to continue (a) For subjecting horses or other animals to quartitation for causing the same to be destroyed mon their arrivation nada, or for (a) For subjecting horses or other animals to quaritation or for causing the same to be destroyed upon folder on tagina Canada, or for destroying any her straw. fodder on tagina article wherebe Canada, or for destroying any hay, straw, fod or contagination of infection or contagination of the stray of Canada, or for destroying any hay, straw, fodder on taginal article whereby it appears to him that infection the importa-may be conveyed, and generally for complating an ucle whereby it appears to him that infection the importance may be conveyed, and generally for regulating

Vessels, vehi-cles, &c., to be cleansed and disinfected.

And may be detained for that purpose.

On default, Minister may cause the work to be done.

(c) For prohibiting or regulating the holding of markets, Prohibiting markets, &c. (h) For declaring any market, railway yard, cattle yard, Declaring market, rother vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel, railway car steamship to the vessel to the (A) Por declaring any market, railway yard, cattle yard, Declaring other other steamship, steam or other vessel, railway car steamship, we on vehicle on or in which animals are exposed for &c., infecte where vectaring any market, railway yard, cause where vehicle, on or in which animals are exposed for &c., infected. other vehicle, on or in which animals are exposed to the or are placed for the purpose of transit, to be infected, declaring the compate he no longer infected; the slaughtering of animals as provided for by Slaughtering animals. (1) For requiring proof of the fact that horses or other Proof as to a the imported into or passing through Canada have not, imported. In the proof of their embarkation been brought from any the imported into or passing through Canada have no., the time of their embarkation, been brought from any the time of their embarkation, been brought from any the time of their embarkation, been brought from any the said time in embarkation, been brought from any the said time in embarkation or infectious disease the said time, in existence; and, generally, (k) Any orders whatsoever which he thinks it expedient Power to make for the bettor and this Act. or for the pur- make order generally (k) Any orders whatsoever which he thinks it expedient Power to make for the better execution of this Act, or for the pur-generally

(e) For causing notices to be given of the appearance of Notice of disease among animal to be given of the appearance of disease. by disease among animals;

wed state, or directing how any animals uping with the provisions of this Act, are to be destroyed diseased animals, &c.

(d) For Purifying any yard, stable, outhouse or other place, Purification wagons contain of infected places, &c. (4) For purifying any yard, stable, outhouse or other place, Purification vessels, and for directing how any animals dying in a dis-ticed state, or any animals prosts of animals, or other things Disposal of diseased diseased week, and for directing how any animals dying in a dis-trived state, or any animals, parts of animals, or other things Disposal of work under the provision of this Act. are to be destroyed diseased animals, &c

(c) For segregating and confining animals within certain For segrega-bits, for establishing and confining animals or of quarantine, ting animals, &c. inite, for segregating and confining animals within certain For segrega-and for establishing districts of inspection or of quarantine, &c. back or prohibiting districts of inspection or of rom Districts of cuarantine. the for establishing districts of inspection or of quarantine, ac. Net prohibiting or regulating the removal to or from Districts of Net parts of or places in function of the designates in such quarantine. the prohibiting or regulating the removal to or from Districts of bidations, of or places in Canada, as he designates in such quarantine. but parts of or places in Canada, as he designates in such quantum but s, horns hore of other animals, or of meats, skins, Removal. the propagate infection; the horns, hoofs or other parts of any animals, or or may, folder or other articles likely to propagate infection;

bected of being so affected, and for the prevention of the discases :

(b) For the keeping separate, treatment and disposal of, For separa-tion of disea $\frac{(9)}{Md}$ For the keeping separate, treatment and disposal of, For separate contagions discussed animals affected with infectious diaminals. which have been seen or suspected of being so affected or sus-

tion or introduction into Canada of horses or other animals in such manner as to prevent the introduction of any infections or contagious disease into Canada;

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we among animals;

() For requiring notice of the appearance of any such dis- Requiring notice.

under this Act

pose of, in any manner, preventing the spreading of and for the extirpation of contagious the spreading disease among animals, whether any such orders are of the same kind as the kinds enumerated in this spatial. The words "horses or other" are inserted at the suggestion of the Department Agriculture. See also line 1, paragraph (2) of this section.

of Agriculture. See also line 1, paragraph (a), of this section.

28. The Minister of Agriculture may, from time to time, ake such regulations are to the such regulations are to the such regulations are to the such regulation of the such regilation of the such regilation animals, fod. make such regulations as to him seem necessary for hair, der, &c. venting the removal of line venting the removal of live animals, or the hide, skin, any offal of any animals, or any the carcass of the vention of the second secon offal of any animals, or any part thereof, the carcass of hay, remains of any animal any part thereof, the carcass of hay, remains of any animals, or any part thereof, the carcass of hay, straw, litter or other thiss straw, litter or other thing commonly used for or signed animals, out of an infected animals, out of an infected place, without a license signed by an inspector or other officers. by an inspector or other officer appointed as aforesaid. V., c. 70, s. 28.

29. Every regulation made under either of the two sections it it ext preceding shall have the line and effect as if it ad been next preceding shall have the like force and effect as if it had been embodied in this A Effect of such orders

Council, &c.

30. Every Order in Council prohibiting the importation the introduction of house or the introduction of horses or other animals into Canada, or establishing quarantines for difference in the slowed of the slow establishing quarantines for horses or other animals, market, ther the slaughtering of animal the slaughtering of animals, or declaring any market other way yard, cattle yard, parts the staughtering of animals, or declaring any market other vessel mill way yard, cattle yard, pen, wharf, steamship, steam of every order of the status of th way yard, cattle yard, pen, wharf, steamship, steam or other vessel, railway car or other vehicle to be infected, and place order of the Minister of Account of Accou order of the Minister of Agriculture, declaring Gazette. 48-49 V infected, shall be published twice in the Canada Gazette. 48-49 V. c. 70, s. 30 **31.** An order of the Governor in Council declaring ship, arket, railway yard cottle •••• An order of the Governor in Council declaring bip market, railway yard, cattle yard, pen, wharf, steamship steam or other vessel, railway and other vehicle place

Order in Council, &c., to be evidence.

Proof of orders or regulations.

32. Any order or regulation made or issued under this et any order of the Common in Council or of the Counci Act, or under any order of the Governor in Council or of the Minister of Agriculture more harvored by the lation the Minister of Agriculture, may be proved by the **number** or the contract or regulation are be and by the **number** of the Governor in **Council of a** printed or other contract and order or regulation. tion of a printed or other copy of such order or regulation, certified by the Minister of Agriculture; and order or regulation shall until the contrary is proved, or other copy of such order or any such order or regulation shall, until the contrary is proved,

conclusive evidence in all courts of justice and which the of the existence of disease and other matters to which the onclusive evidence in all courts of justice and elsew the of the existence of disease and other matters to which order or declaration relator

Publication of Orders in

steam or other vessel, railway car or other vehicle piece infected, or of the Minister of A car declaring a fite to be an infe infected, or of the Minister of Agriculture, declaration of de inspector to be an infected place, or a copy of the declaration of the inspector certified by him a metric which has been be livered and to be an infected place, or a copy of the declaration of de inspector certified by him, a notice of which has been be livered under the eighteenth section of this Act, shall be conclusive evidence in all counter of instice and elsewhere of the evict.

Presumption as to orders.

deemed to have been duly made and issued at the time at which it bears and issued at the time at 10 s 32. which it bears date. 48-49 V., c. 70, s. 32.

id, to the effect of an inspector or an officer, as afore- Inspector's an inspector of the effect of said, to the effect that an animal is affected with an in- certificate to Act, be primâ facie oridation disease shall, for the purposes of this evidence. Act, be primâ facie evidence in all courts of justice and else-where of the matter is all courts of justice and elsewhere of the matter certified. 48-49 V., c. 70, s. 33.

Any inspector or other officer appointed as aforesaid Power to any at any time for the officer appointed as aforesaid Power to enter and examine suspected hay, at any inspector or other officer appointed as aforesaid Power to of the provisions of the purpose of carrying into effect any enter and examine provisions of the purpose of carrying into effect any enter and becalities. of the provisions of the purpose of carrying into effect any examine cow shed or other of this Act, enter any common, field, stable, suspected have been or other states and the district. where he has localities. with shed or other premises within his district, where he has localities. With the provide the premises within his district, where he has localities. reasonable ground for supposing that any animal affected with infections of supposing that any animal affected With infectious or contagious disease is to be found, but shall, entry ured, state : if required, state in writing the grounds on which he has so

the Any inspector or any officer authorized to carry this Power of the team of effect. may of any officer authorized any steamship, inspect ve Actinto effect, may, at all times, enter on board any steamship, inspect ves-ground's vessel or host is not the has reasonable sels, &c., steamer, vessel or boat in respect whereof he has reasonable sels, &c., to one for supposing that the supposing th to comply with the second for the second for the second for supposing that any company or person has failed to comply with the requirements of any order respecting the disinfection of the states cleansing with the requirements of any order respecting used boats, pens. carrieron to be boxes or vehicles used boats, pens, carriages, trucks, horse-boxes or vehicles used by such company or person for the carriage of animals, and Or premises that a where he has a state of animals of supposing suspected. h such company or person for the carriage of animals, and Or premise that any pen, carriage of the carriage of supposing suspected. that any pen, carriage, car, vessel, truck, horse-box or vehicle, to fail the performance of any occasion in tespect whereof any company or person has on any occasion of ailed, is to be found to 40 W or 70 s. 35. **b** failed, is to be found. 48-49 V., c. 70, s. 35.

OFFENCES AND PENALTIES. inspector or other officer person who refuses admission to Penalty for refusing admission to refuse u inspector or other officer acting under the next preceding admission to versels, &c. ⁴ Inspector or other officer acting under the next preceding admission to exceeding one hundred dollars 42 40 V c. 70, s. 36. exceeding one hundred dollars. 48-49 V., c. 70, s. 36.

Bicer acting under this Act of moder regulations or orders regulations. **Green** acting under this Act, or under regulations or orders refusing admission under this Act, or under regulations or orders regulations. Ande in conformity with this Act, to any common, field, regulations. The block of other within his district where the in conformity with this Act, or under regulations with this Act, to any common, mean, in the inspector or other premises within his district where ground for suppos-Nuch inspector or other premises within his district when ins that any animal fronted with infectious or contagious incur a ing that any animal affected with infectious or contagious because is to be formal affected with infectious or contagious remain a state of the formal of the state of the sta

Sthat any animal affected with infectious or contagional **Phalty not exceeding the set of the se Penalty not exceeding fifty dollars**. 48-49 V., c. 70, s. 37. other officer acting in execution of this Act. or of any order sonsimpeding execution of this Act.

or other officer acting in execution of this Act, or of any order sons impeding regulation made by the Covernor in Council or the this Act. of other officer acting in execution of this Act, or of any order execution made by the Governor in Council or the this Act.

Minister of Agriculture thereunder, and every person who aids and assists him therein about and every person offence, incur a state of the state of aids and assists him therein, shall for every such offence, incur a penalty not exceeding incur a penalty not exceeding one hundred dollars; and the inspector or other officer man inspector or other officer may apprehend the offender hall with according to be dealt take him forthwith before a justice of the peace to be shall with according to law : but the better of the peace to be shall with according to law; but no person so apprehended in custody with be detained in custody, without the order of a justice, longer than twenty-four beautice to the transformed as a second s

39. If any horses, cattle or other animals are imported into troduced, or attempted to b introduced, or attempted to be imported or introduced into Canada, contrary to the previous in Council. in Co made in pursuance of this Act, the same shall be forthwith destroyed of as the same shall be forthwith destroyed of as the same shall be forthwith destroyed of as the same shall be the same shall be forthwith destroyed of as the same shall be the and may be forthwith destroyed or disposed of, as the hin in the behalf disposed of as the behalf disposed of as the behalf disposed by him in the behalf disposed by him the behalf disposed by ister of Agriculture or any person employed by introduces, behalf directs; and every behalf directs; and every person who imports or other and or into Courted by introduced r attempts to import or introduce, any horse or other adied into Canada, contrary to the providence of any such order of regulation. into Canada, contrary to the provisions of any such bundred regulation, shall incur a new time of any two bundred regulation, shall incur a penalty not exceeding two bindred dollars for every horse or other dollars for every horse or other animal so imported by introduced by 48-49 V duced, or attempted to be imported or introduced by see note: 88-49 V., c. 70, s. 39.

How to be dealt with.

Penalty for attempting importation.

Penalty for unlawful removal.

Penalty for entering where entrance is forbidden.

Penalty for neglect to cleanse vessels, &c.

Penalty for violation of regulations.

The Every person who moves, or causes or allows of a moved, any animal, hide, skin, hair, wool, horn, ho in in carcass, meat, dung, hav stream little or other thing forted carcass, meat, dung, hay, straw, litter or other thing information of the provisions of this Act with respect to information of the provisions of this Act with respect to information of the provisions of this Act with respect to its not places. lation of the provisions of this Act with respect to informate places, shall, for every such a strain a penalty action of the provisions of this Act with respect to inferent places, shall, for every such offence, incur a penalty not exceeding two hundred dollars. 48-49 V., c. 70, s. 40. **41.** Whenever a person having cattle in his possession of contagions sease evicts of district whenever is eastions of contagions. ••• Whenever a person having cattle in his possession is keeping within a district wherein infectious or or inclosed disease exists, affixes at the contract to building or inclosed place in which

disease exists, affixes at the entrance to a building forbidding per place in which such cattle are building forbidding role. place in which such cattle are kept, a notice for his per sons to enter into that building in the period of the pe sons to enter into that building or place without any person not have a notice for bid on the same. sion, then, if any person not having a right of entry since to the building or place without the building or place without the building or place building a right of entry since the building or place building a right of the building or place building a right of the building or place building a right of the building or place building a right of the building or place building a right of the building or place building a right of the building or place building a right of the building or place building a right of the building or place building a right of the building or place building a right of the building or place building a right of the building or place building a right of the building or place building a right of the building a right of the building or place building a right of the build into that building or place without ity or we into that building or place, knowingly enters into the shall for or any part thereof, in wield the motion he shall be every such or any part thereof, in violation of the notice, he street exceeding the delivery such offence, incur a novelte notice exceeding the street exceed the street exceed the street exceeding the street e any part thereof, in violation of the notice, he shall, it every such offence, incur a penalty not exceeding dollars. 48-49 V., c. 70 s 41 **42.** Every company or person who fails to comply with the cleans, quirements of any Order in Connecting the books of and dising

--- Every company or person who fails to comply with the requirements of any Order in Council, respecting the boots, ing and disinfecting of stormation of s requirements of any Order in Council, respecting by such ing and disinfecting of steamships, steamers, vessels, by for pens, carriages, trucks, horse-horse are thickes used hall, or company or and disinfecting of steamships, steamers, vessels, back pens, carriages, trucks, horse-boxes or vehicles used by har company or person for the corrigent of animals, and har every such off Pens, carriages, trucks, horse-boxes or vehicles used by sher company or person for the carriage of animals, two har every such offence incur a penalty not exceeding dred dollars. 48-49 V., c. 70 ~ 49 **43.** Every person who violates any provision of this Act, of any regulation made by the Covernor in Council of **±5**• Every person who violates any provision of this are or of any regulation made by the Governor in Council of

Consol be				
Coubled Coubled Coubled Coubled ted.	asolidated.	mepeal.	To be Consolidated elsewnere.	To be Consolidated with.

the Byery penalty imposed by this Act shall be recover- Recovery of penalties. Index that be having the power of two justices of the peace, or any with costs, before any two justices of the peace, or any the new first the powers of two justices of the peace, or any the new for the powers of two justices of the peace, or any the new for the powers of two justices of the peace, or any the new for the powers of two justices of the peace, or any the new for the powers of two justices of the peace, or any the new for the powers of two justices of the peace, or any the new for the peace of two justices of the peace, or any the new for the peace of two justices of the peace of the peace of the peace of two justices of two justices of two justices of two justices of the peace of two justices of tw the reace, "trespecting summary proceedings before Justices

45. Every offence against this Act, or against any order Where of-the Agriculture. shall for the Governor in Council or of the Minister be held to have been committed. Agriculture, shall, for the purposes of proceedings under have been committed to have been any such and any such a this Act, or of any such order or regulation, be deemed to have been committed, and order or regulation, be deemed to have the det, or of any such order or regulation, be deemed to many det, or any such order or regulation, be deemed to many any such order or regulation shall be deemed to have Act, or any such order or regulation, and act, or any such order or regulation, and arisen either in the same actually was where the same actually was the person when either in the place in which the same actually was thanged or arose, or in any place in which the person to complained arosing the place is which the person thanks a second the place in which in the place in which the point of arose, or in any place in which the point, s. 45. complained against happens to be. 48-49 V

winal or thing. 48-49 V., c. 70, s. 44.

exceeding two hundred dollars. 48-49 V., c. 70, s. 43. 44 Any constable may, without warrant, apprehend any Apprehension the found compatible may, without warrant, the provisions of persons the found compatible may against the provisions of this Person found committing an offence against the provisions of persons of this Act with respect to information places, and shall take against the control places and shall take against the provision of persons of persons in the found committing an offence against the provisions of persons in the found committing an offence against the provisions of persons in the found committing an offence against the provisions of persons in the found committing an offence against the provisions of persons in the found committing an offence against the provisions of persons in the found committing an offence against the provisions of persons in the found committing against the provision of persons of persons in the found committing against the provision of persons of persons in the found committing against the provision of persons of persons in the found committing against the provision of persons of persons of persons in the found committing against the provision of persons of pers of this found committing an offence against the provisions offending any person so are person so and the second state of the second so and shall take against this before a justice of the Act. this Act committing an offence again person so apprehended forthwith before a justice of the Act. person so apprehended forthwith before a justice of the person so apprehended forthwith according to law; and be examined and dealt with according to law; and person so apprehended, shall not be detained in custody y any so apprehended, shall not be detained in custors any constable without the order of a justice longer but twenty-forme without the order of a justice longer than twenty-four hours; and any constable may require Return of violation of the provisions of this Act be forthwith taken to infected that any animal or thing moved out of an infected place in removed animal, &c., violation of the provisions of this Act be forthwith taken to infected even within the limits of the place and may enforce and place. within the provisions of this Act be forthwith taken to make within the limits of that place, and may enforce and place. within the provisions of this face, and may enforce and animal or thing to the the expense of the owner of such

by the Minister of Agriculture, under the authority of this in respect of Agriculture, under the authority of this ict, in respect to which no penalty is hereinbefore pro-exceeding two hundred dollars 48-49 V., c. 70, s. 43.

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V.,	c.		

An Act respecting Lighthouses, Buoys and Beacons, and

ER Majesty, by and with the advice and consent of the - Senate and House of Consent of Consent of the Senate and House of Commons of Canada, enacts as ws :--

Lighthouses, **I.** All lighthouses, light ships, floating and other lights, and be under and land marks, acquired constructed repaired maintained. The Minister of improved and land marks, acquired, constructed, repaired, maintained, improved, erected, placed the control of improved, erected, placed or laid down, for Marine and security and facility of new the ornerse of art Fisheries. Province of any facility of new the security and facility of navigation, at the expense of part Province of the Dominion of G Province of the Dominion of Canada before it became a ther thereof, or at the expense of the Dominion of Canada before it became a together with all a second and before it became a secon thereof, or at the expense of the Dominion of Canada before it became a there with all buildings and other with all buildings and other works belonging Majesty, the in connection therewith, are vested in Her Majesty, the shall be under the direct control and management of Minister of Marine and Fisherics at V = 59, ss. 1, 2 and 3 := -33 V = -12 2. The Minister of Marine and Fisheries may direct the next ing and other both the section of all lighthere with the section of all lighthere 3;-33 V., c. 18, s. 2. -• 1 ne Minister of Marine and Fisheries may direct her construction of all lighthouses, light ships, floating and other lights, lanterns and other size heacons, and and lend

and landmarks, and of all buildings and other works to ing thereto and in connection is the boreafter works and in connection is the boreafter works to be

ing thereto and in connection therewith, hereafter so of constructed at the expense of Construct

constructed at the expense of Canada for the greater so of rity and facility of navigation

which is, by the Governor in the construction of and a for the direction of the direction o

the direction of the same minister, as well as the and the mainten nance and repair of all strike when constructed, and the works place mance and repair of the same when constructed, and ther maintenance and repair of all similar buildings ament by works placed under his direct and management to this Act. works placed under his direct control and managementy to this Act: but nothing in this Act. It is authorized and the the said this Act: but nothing in this Act shall give authority to sanctioned by Parliament 29 W 10 11

The Minister of Marine and Fisheries to direct construction of Lighthouses, kč.

Proviso.

3. The Governor in Council may, from time to time, and columnition, transfer from the Department of Marine truck ** The Governor in Council may, from time to time and proclamation, transfer from the Department of Marine Fisheries to the Department of Debut Works, the construc-tion and real construction, proclamation, transfer from the Department of Marine works, the construc-works. The public Works, the Department of Public Works, the construc-tion and repair of lighthouses to Works, the second s **4.** The Minister of Marine and Fisheries shall, on suthority the Governor in Council formation direct as many love, here Munister to direct placing of the Governor in Council, from time to time, direct about the cons, &c., and buoys, beacons and other marker regular versions was been been and about the placed in a placed in a placed in a placed in and about the placed in a pla or buoys, bear of the Governor in Council, from time to time, direct as man; cons, ac., and buoys, beacons and other marks, to be placed in and about him make regula- various lakes, rivers. have and burger in Canada, as to tions. cons, &c., and buoys, beacons and other marks, to be placed in and about im make regula-various lakes, rivers, bays and harbors in Canada, as to

lights, lanterns and other signals, buoys, beacons, belong and landmarks, and of all builts.

6. The superintendent, or the resident keeper, or any Persons found residing on the Deport of the officer of the superintendent, or the resident keeper, or any Persons iour acting of the Department of Marine, or any other person Sable Island Fisher under the acting of Marine and or St. Paul's Island may be cting under the Department of Marine, or any other person Sable Island Risheries, may anthority of the Minister of Marine and or St. Paul's in the set of the St. Paul's punished. Risheries, may apprehend any person who is found resid-sone Sable Island or St. Paul's Volume to the Sable Island or St. Paul's sone is sone is found resid- Island may be sone there for a st. Paul's Island, having voluntarily without a license from sone there for any purpose whatever, without a license from the minister describing such person and authorizing him to him there for any purpose whatever, without a license model him there are a such person and authorizing him to him there are and all property found in Reside thereon, and may bring him and all property found in his possession to TT in a bring him and all property found in the thereon and may bring him and all property found in the thereon and may bring him and all property found in the thereon and may bring him and all property found in the thereon and may bring him and all property found in the thereon and the transformation of the tr bis possession to Halifax; and any stipendiary magistrate, or that, magistrate and may bring him and stipendiary magistrate, or police magistrate or two justices of the peace, upon proof that he was so found two justices of the peace, upon proof that he was so found, may commit him to gaol for not more find the way so found, may commit him to gaol for not more than six months, and further, until he gives security for his than six months, and further, until he gives security for his the good helps in further in the security is found on the said islands but is and whatever property is found on As to on the said islands but is and whatever property is found on the said islands but is and whatever property is found on the said offender shall, by such offend the sold behavior; and further, until he gives security -ender of such magistratic property is found on As to applied such magistratic property of such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to any such offender shall, by such offenders applied belonging to applied belongin and even avior; and whatever property and such offenders applied islands belonging to any such offender shall, by such offenders applied to pay the encount of such offender applied to pay the expense of the removal of such offender; and soods, and the process of the removal of such offender; where to pay the expense of the removal of such ogram. the stand for the residue, if any, returned to the owner; stand of the islands from some wrecked or thene of vessel it should be and the proceeds, after paythanded vessel, it shall be sold, and the proceeds, after pay-other of the evolution of th then to the expenses, paid to the owner or his agent, or Generate be baid to the Minister of Finance and Receiver where of the expenses, paid to the owner or his agent, of General for the right. General for the paid to the Minister of Finance and Received Nor to the satisfield when discovered, who, upon 31 The satisfaction of a judge of the Supreme Court of the satisfaction of a judge of the satisfaction. 31

Nithe words in italics are inserted at the suggestion of the Parliamentary Com-

When vessels or goods are stranded on Sable Island Vessels or goods are stranded on Sable Island vessels or goods are stranded on Sable Island, goods straid and an are stranded on Sable Island on such as the bare or coasts thereof, ed on such or St. Paul's Island, or goods are stranded on Sable Island Vessels or by the vessels or goods are stranded on Sable Island Vessels or by the vessels or goods are stranded on Sable Island Vessels or the vessels or goods are stranded on Sable Island Vessels or the vessels or goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels or the vessels of goods are stranded on Sable Island Vessels of goods are the vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded on Sable Island Vessels of goods are stranded ind such vessels or goods are stranded on Basic by the superintendent or by other officer of the with. by the superintendent or by any other officer of the with. be a vessels or goods, or any part in ity artment of Marine, or by any other officer of the bell of the Minister of by any person under the author-the Minister of by any person under the authorof the Marine, or by any person under the auto-s or by any person under the auto-dent goods shall be the superin-dent goods shall be the superinin the direction of the minister, for the benefit of under or keeper and sent to Halifax, to be disposed of the direction of the minister, for the benefit winder after the direction of the minister of such salvage as the land or St. of the or keeper and sent to Halifax, to be uspon-the direction of the minister, for the benefit directs, after payment of such salvage as the Payment of salvage and salvage and or St. expenses.

The Governor in Council may appoint superinten- Appointment the keepers and in Council may appoint superinten- Appointment dents, keepers, and such other officers as are necessary for Rin Purposes of the Minister of Marine and the purposes of this Act, and the Minister of Marine and Fisheries may make contracts for supplies or purchase sup-plies, for the supplies of this Act, and the Minister of Marine of officers, &c. plies, for the use of lighthouses, beacons, light ships, floathave do all such the second signals, and generally by into effort hings as are necessary for carrying this Act fully into effect. 31 V., c. 59, s. 7, part ;---33 V., c. 18, s. 2.

appears necessary for the safety of the shipping and conrespectively of such lakes, rivers, bays and harbors respectively. 31 V., c. 59, s. 4, part.

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Paul's Island, as the case may be, and all other expenses the incurred with respect to and all other unless of incurred with respect to such vessels or goods, unless or intendent in minister gives contrary orders to the superintendent to be in keepers; and all goods contrary orders to the superintendent to be in keepers; and all goods so saved shall be held to be any the possession of the minist the possession of the minister, and shall not, on any pretence, be taken out of the pretence, be taken out of the custody of such superintendent or keepers, or persons employed or keepers, or persons employed by either of the minister, and such superintenue by order of the minister, and matting order of the minister, and until payment of the salvage and expenses; and such goods challenging duties of cus expenses; and such goods shall be liable to duties of cus-toms. 31 V., c. 59, s. 14

8. The superintendent, or resident keeper, shall have ad exercise in every respect power of a jus- and exercise in every respect upon the Sable Island and goods peace. Paul's Island, and in relation Paul's Island, and in relation to wrecks or wrecked goods there and elsewhere, the same power and authority as justice of the peace. R. S N S (2-1 Series) C. 23, S. S. justice of the peace. R. S. N. S. (3rd Series), c. 23, s. 3. The words "and exercise" The words "and exercise" are inserted at the suggestion of the Parliamentary ommittee.

Committee.

9. In all proceedings in any court, Sable Island shall be eld to be within the court, Sable Island Saint Paul's land to be held to be within the county of Halifax, and Saint Province Island to be within the county of Halifax, in the Proving held to be within the county of Halifax, and Saint Province Island to be within the county of Victoria, in the Province of Nova Scotia; and any of Victoria, with committing of Nova Scotia; and any person charged with committing any criminal offence committee charged with committee banks on the shores any criminal offence committed thereon, or on the shired banks or bars thereof. may h banks or bars thereof, may be proceeded against and such counties as if the islands were actually within the body of 5. counties respectively. R.S. N. S. (0.1 Series) c. 23, s. counties respectively. R. S. N. S. (3rd Series), c. 23, s. interim

10. The Governor in Council may, from time to time, ake regulations beacons, anchors Governor in Council may make regula-(") For the maintenance of buoys, beacons, beacons, anchoid and marks erected, placed or laid down at the expense any of the Provinces aforesaid (b) For 4 beacons, &c.

(b) For the proper lighting and keeping of lighthouses, the ships, floating and other is the lighting and other is and other is the start of the sta (ω) For the proper lighting and keeping of lighthouser light ships, floating and other lights, lanterns and other signals;

Government of the islands.

Lighthouses.

tions. Buoys,

> (c) For the government of Sable Island and St. keepers land, and for defining the dation of the resident keepers (c) For the government of Sable Island and St. Reepers Island, and for defining the duties of the resident persons thereon, for administering relief to chinwrecked percent thereon, for administering relief to shipwrecked wrecked property and and their removal, for preserving and removing ship wrecked by their Minister of 1 property, and preventing persons not authorized the Minister of Marine and Figure 10 authorized the residue residence thereon, and for the general management of said islands; And may prescribe penalties for any violation of the said gulations not exceeding two hundred and the said of the said part, 7. part

Penalties for contravention.

And may prescribe penalties for any violation of the ser-regulations not exceeding two hundred dollars. 31 V., c. 59, 55. 4, part, 7, part, and 13. "Two" c. , purt, 7, part, and 13. "Two" substituted for "four" at the suggestion of the Parliamentary

mittee.

Disposal of goods.

U. Such penalties may be recovered in the name of Her Provision for the by any of the Department of Marine and the summary recovery of Majesty, by any officer of the Department of Marine and the summary recovery of by the minister in penalties. respectively, by any officer of the Department of Marine and recovery, carrying this hot person employed by the minister in penalties. carrying this Act, or regulations made under it, into enal; or by any person employed by the minister. effect, or by any person aggrieved, on the evidence of one heible witness in the prosecutor himself (unless tedible witness, who may be the prosecutor himself (unless be is the person aggrieved, on stipendiary magishe is the person aggrieved, before any stipendiary magis-hete, or police aggrieved), before any stipendiary magisbate, or police magistrate, or judge of the sessions of the succession and the session of the se peace, or police magistrate, or judge of the sessions of the sessions of the peace, or two justices of the peace, under the "Act respecting def." or proceed: default of normality before Justices of the Peace"; and in default of payment of such penalty, such magistrate, judge or justices may commit the offender to gaol for any period het exceeding the offender to gaol for any period Not exceeding three months; and all such penalties shall be at work over to the Minimum of the state of the s Paid over to the Minister of Finance and Receiver General.

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Propos				
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
δ γ., c. 18	^{88.} 1, 4, 6, 7, 12, 13 and 14. 88. 1, 2 and 3	for Repeal. ss. 2, 3, 5, 10, 11, 15 and 16.		Department of Marine and Fisheries Acts.
	Part of s. 5. 88. 3 and 5		ss. 4, 5, 6, 7, 8 and 9.	S. 4, Criminal Law, ss. 5, 6 and 7, De- partment of Marine and Fisheries Acts; ss. 8 and 9, expro- priations for public pur- poses.
	1	s. 6.		•

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CHAPTER 67.

An Act respecting discipline on board of 'Canadian Government

HER Majesty, by and with the advice and consent of the Senate and House of Original Consent of the advice and consent of the advice and consent of the advice and consent of the advice and consent of the advice and consent of the advice and consent of the advice and consent of the advice and consent of the advice and consent of the advice and consent of the advice and consent of the advice and consent of the advice and consent of the advice and consent of the advice and consent of the advice advice and consent of the advice advice and consent of the advice Senate and House of Commons of Canada, enacts as vs:-follows:---

Short title.

1. This Act may be cited as "The Government Vessels iscipline Act." 33 V of the cited as "The Government Vessels Discipline Act." 33 V., c. 16, s. 1.

2. Every vessel employed by the Government of Canada, ther temporarily or portion to deemed while either temporarily or permanently, shall be deemed while so employed to belong to the Gauge for the purposes and with so employed to belong to the Government for the purposes and within the true intent and within the true intent and meaning of this Act. V., c. 16, s. 12.

"Master" to mean officer in command for the time being.

3. In this Act, except in the next following section, the expression "master" includes any person of any time being lawfully in commend on in charge of any such yoursel time being lawfully in command or in charge in the such vessel as aforesaid as the or in charge in the such vessel as aforesaid as the or in the bighest in the such vessel as aforesaid as the or in the bighest in the such vessel as a foresaid as the or in the bighest in the such vessel as a foresaid as the or in the bighest in the such vessel as a foresaid as the or in the bighest in the such vessel as a foresaid as the or in the bighest in the such vessel as a foresaid as the or in the bighest i such vessel as aforesaid, as the officer thereof highest such vessel and the ship's backet of such vessel and the ship's backet of such vessel and the ship's backet of the such vessel and the ship's backet of the such vessel and the ship's backet of the such vessel and the ship's backet of the such vessel and the ship's backet of the such vessel and the ship's backet of the such vessel and the ship's backet of the such vessel and the ship's backet of the such vessel and the ship's backet of the such vessel and the ship's backet of the such vessel and the ship's backet of the such vessel and the ship's backet of the such vessel and the ship's backet of the such vessel and the su then on board; and the ship's book of every such vessel as aforesaid, as the officer thereof highest in real shall be conclusive evidence of the real visit of every such vessel shall therein. be conclusive evidence of the relative rank of every was at therein named; and the fact it and the fact it and the fact it is and the fact it is a set of the relative rank of the relative rank of the fact it is any part in the fact it is a set of the relative rank of the relative rank of therein named; and the fact that any such of the verse any particular time in command of in other of the comany particular time in command or in charge of any such of in com-and the signature of any such of the respective rank of the respective mand or in charge of the comany particular time in command or in charge of in com-and the signature of any such officer, as being so except mand or in charge, shall not be called in question except mand or in charge, shall not be called in question except by the Crown. 33 V. c. 16

4. The master of every vessel belonging to the for ser ent of Canada shall course and a shall course and the series of the serie -• The master of every vessel belonging to the Government of Canada shall cause every person engaged to him, vice in such vessel, after having had this Act read intron and before d went of Uanada shall cause every person engaged to him, vice in such vessel, after having had this Act read duty on and before he enters upon the discharge of any column board of such and before he enters upon the discharge of any column board of such vessel, to sign his the proper column of a book to h Men engaged board of such vessel, to sign his name in the proper of solution c. 16. s 2 to have this Act read to of a book to be kept by the master for that purpose. them, and to sign ship's book. **5.** Such book shall contain a statement of the which the vessel, the name of the statement the vest for which is the shirt. of the vessel, the name of the master, and the year for which it is the ship's book of such and the year statements heen it is the ship's book of such vessel, —and also statement this Act has been the following effect, that is to active that this Act has been the following effect, that is to active that this Act has been the following effect. the following effect, that is to say: that this Act has been Conditions of engagement of men, and what the ship's book

Vessels employed by

Government.

shall show.

read to each person who has signed his name in the proper column, before he signed his name in the provisions he has thereby consented to submit himself to the provisions of this Act and the signed himself in an orderly, faithful, of this Act, and to conduct himself in an orderly, faithful, honest and sober manner, and to be at all times diligent in the discharge of manner, and to be at all times diligent in the discharge of his duty, and to be at all times durgent -----commands of the duty, and to be obedient to the lawful commands of his duty, and to be obedient to the law is and of other master of the said vessel for the time being and of the master of the said vessel for the time in boats, or on the bis superior officers, whether on board, in relating to the said vessel boats, or on shore, in everything relating to the said vessel and the stores thereof and to this Act, and that any embez-to will be store in everything relating to the same vous a tement, or will be and to this Act, and that any embezelement, or wilful or negligent destruction or loss of or injury to any part of the stores of the said vessel shall be made good if the ways of the stores of the said vessel shall be made good out of the stores of the said vessel shall be made goes if such person be the person guilty of the same, and that if such person has entered himself as qualified for a duty which person has entered himself as qualified ion a charged or his incompetent to perform, he may be discharged or his wages may be reduced at the discretion of

the master. 33 V., c. 16, s. 3, part.

Such book shall contain columns properly headed, as Columns for certain matters. follows, that is to say :-(a) A column for the names of the persons engaged, includ-g officers: ing officers;

(b) A column for the dates when engaged;

(c) A column for the capacity in which each person is to with the relative rank of the officers, indicated by

to serve;

(d) A column for the period during which each person is is to be Paid;

(e) A column for the rate of wages at which each person $\frac{1}{2}$ be paid: tare;

(f) A column for the names of the witnesses to each signa-(g) A column for the dates of signatures. 33 V., c. 16, s. 3,

7. The contents of the said book shall be read by the Agreement to hip on other officer of an about to be read over, be ach man about to be ach man haster or other officer of such vessel to each man about to be read over, book shall be read by the Agreement of book shall be read by the Agreement of book shall be read over, book shall be read over, book shall be read by the Agreement of book shall be read by the Agreement of book shall be read by the Agreement of book shall be read by the Agreement of book shall be read by the Agreement of book shall be read by the Agreement of book shall be read by the Agreement of book shall be read by the Agreement of be read over, be rea the shall then coforth the said book bing of the said book bing of the solution to the shall then coforth the shall then coforth the this Act for and during book shall thereof, and every person so signing any succe the period of his area to be subject to this Act for and during c. 16 therein mentioned. 33 V., the period of his engagement as therein mentioned.

of the following offences, he shall be liable to be punished their punishment.

appointed under the "Act respecting the Police of that is to or before any justice of the or before any justice of the peace, as follows, that is to say:-(a) For desertion he shall be liable to imprisonment for y term not exceeding formed any term not exceeding four weeks with or without hard labor, and also to forfeit all and the clothes and labor, and also to forfeit all or any part of the wages or emoly Desertion. effects he leaves on board, and all or any part of the wages or emoluments which he had (b) For neglecting or refusing, without reasonable cause, join his vessel, or to pressed a pressed or cruise in to join his vessel, or to proceed on any voyage or within his vessel, or for absence with his vessel, or to proceed on any voyage or cruise twenty-four hours of the second second any any port of for al Neglecting or twenty-four hours of the vessel's sailing from any port, or for absence at any time with the sailing from the sufficient to for absence at any time without leave and without sufficient reason, from his vessel or f reason, from his vessel or from his duty not amounting to desertion, he shall be lighted desertion, he shall be liable to imprisonment for any and not exceeding four weeks with any hard labor, for not exceeding four weeks with or without hard labor, for also at the discretion of the set of the s also at the discretion of the commissioner, or justice, to for feit out of his wages a sure feit out of his wages a sum not exceeding the amount of ten days' pay; (c) For quitting the vessel without leave after her arrival port at the close of the arrival and before and be without leave (c) For quitting the vessel without leave after her before before ship is in port at the close of the season of navigation, and before secured. she is placed in security she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding (d) For wilful disobedience to any lawful command, he all be liable to imprison to any lawful not exceed the shall be liable to imprisonment for any term not exceed the four weeks, with or with the state of also, at, of four weeks, with or without hard labor, and forfeit out of his way discretion of the commissioner or justice, to forfeit his wages a sum not exceeding to react any not (e) For continued wilful disobedience to lawful be ands, or continued wilful mands, or continued wilful disobedience to lawful come liable to imprisonment for weeks with without band labor and also, at the over tion of th willul neglect of auty, eeding will weeks, with or without hard labor, and also, at the every tion of the commissioner tion of the commissioner or justice, to forfeit for every twenty-four hours' continued to a disobedience twenty-four hours' continuance of such disobedience neglect, a sum not exceeding the disobedience (f) For assaulting any master or officer of any Canadian overnment vessel, he shall be to be to be imprisonment hard (1) For assaulting any master or officer of any Ganadiar Government vessel, he shall be liable to imprisonment hard any term not exceeding former built or without hard labor any master or officer of any ment was any term not exceeding four weeks, with or without hard labor; (g) For combining with any other or others of the crow to sobey lawful commands or to impede e navigati (g) For combining with any other or others of the impede disobey lawful commands, or to neglect duty, or to voyse the navigation of the vessel on the continue of the to imthe navigation of the vessel, or the progress of liable ... the or prisonment of or the continuance of the cruise, he shall be liable with or prisonment for any term not or the progress of the to have the progress of the to have the progress of the truise, he shall be liable with or prisonment for any term not exceeding four weeks, without hard labor;

refusing to join, or to proceed to Sea. Absence without leave.

Act of wilful disobedience.

Continued disobedience.

Assault on officers.

Combining to disobey.

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(h) For wilfully damaging the vessel, or embezzling or Wilfully damaging the vessel, be shall be liable to damage embezz wilfully damaging the vessel, or embezzling or wurm forfeit out of his warm of her stores, he shall be liable to damage or the stores is amount to the loss ment. forfeit out of his wages a sum equal in amount to the loss ment. thereby sustained, and also, at the discretion of the com-missioner or indicated and also, at the discretion of the commissioner or justice, to imprisonment for any term not exceeding four weeks, with or without hard labor.

b. Upon the commission of any of the offences enumerated Entry of the next precedimentation of any of the rection the made offence to made in the made of the made offence to made in the made of the made offence to made in the made offence to made in the made offence to made in the made offence to made in the made offence to made of the made offence to made in the made offence to made offence to made of the made offence to made of the made offence to made of the made offence to made offence to made offence to made offence to made offence to made offence to made offence to made offence to made offence to made of the made offence to made of the made offence to made of the made offence to made offence in the next preceding section, an entry thereof shall be made offence to be by a book and the log-book and t in the log book, and shall be signed by the master and also log-book, if the of the off and shall be signed by the master and the offender, and to be by one of the officers or one of the crew; and the offender, and to be of the vessel at any next marked by the time in port, given to the offender, are the time in port, given to the of the vessel, shall before the next subsequent arrival and a copy before her departure therefrom, be furnished with a copy of his reply, if audit, and have the read over distinctly and any to be also entered. such entry, and have the same read over distinctly and any, to be entry, and may thereupon make such reply thereto entry, and a statement that a copy of the said as he thinks fit; and a statement that a copy of the said entry has been so furnished, and that the same has been so furnished, and that the same has been so the same has b read over as aforesaid, and the reply, if any, made by the offender, shall likewise be entered and signed in manner aforesaid; and in any subsequent legal proceeding the entries hereinbefore required shall, if practicable, be produced and in default of, if practicable and proof, the proved, and in default of such production and proof, the commissioner or justice hearing the case may, in his dis-letter, refuse to react the offence. 33 V., c. Cretion, refuse to receive evidence of the offence. 33 V., c.

10. Whenever, either at the commencement or during the Master or ogress of any vover at the commencement subject to this officer may apprehence progress of any voyage or cruise, any person subject to this officer may apprehend apprehend are from, or refuses to deserters without Act neglects of any voyage or cruise, any person subject to this apprendic proceed on any voyage or cruise, any person subject to this apprendic the n on any voyage or cruise, any person subject to this apprendic the n on any voyage or cruise, any vessel belonging to without warrant. proceed on any voyage or cruise, any person or refuses to deserve the Government of Construction of the Government of Construction of the Government of Construction of the Government of Construction of the basis duly engaged to the Government of Canada in which he is duly engaged to with or is found otherwise handing himself therefrom without leave, the master or any officer of such vessel may, the place in Construction of the sistence of the in any place in Canada, with or without the assistance of such vessel may, small constable and with or without the assistance of the said "Act rethe police in Canada, with or without the assistance of specing the Police of Canada, with or without the said "Act respecting the Police of Canada, "who are hereby directed to curit the same if rooming the said "Act rooming the same if rooming the same of canada," who are hereby directed to and him without first progive the Police of Canada," who are hereby directed a warrant, and apprehend him without first prochring a warrant; and may thereupon in any case, and before the source of the source o thall in case he so requires and it is practicable, convey him said some commission of the source of before some commissioner of police appointed under the before some commissioner of police appointed under the before some in the peace to be dealt with said Act, or before some justice of the peace, to be dealt with him ing to law and it is practice. according to law; and may, for the purpose of conveying custod for such commission or justice, detain him in hours of him before such commissioner or justice, detain him in such y for a period not provide twenty-four hours or the does custody for a period not exceeding twenty-four hours or not shorter time of the exceeding twenty four hours or or may, if he does such y for a period not exceeding twenty-four hours of the shorter time as is necessary, or may, if he does is not the such commissioner or is there is no such commissioner or hoard; hot shorter time as is necessary, or may, if he uses hot is or near the place on the near the place convey him on board; Justice at or near the place, at once convey him on board; or inal such approximation of the place of the commissioner of the place of the commissioner of the commiss and if any such apprehension appears to the commissioner Penalty for made on the before whom the core is brought, to have been improper arrest. or justice before whom the case is brought, to have been improper made on improper or on insufficient grounds, the master or

nade on improper or on insufficient grounds, the master or

officer who makes the same or causes the same to be made, shall incur a penalty not are diverged dollars; shall incur a penalty not exceeding one hundred dollars; but such penalty, if inflicted with any action but such penalty, if inflicted, shall be a bar to any action for false imprisonment in a share a bar to any action for false imprisonment in respect of such apprehension. 33 V., c. 16, s. 7.

Deserters may be sent on board in lieu of being imprisoned.

11. Whenever a person subject to this Act is brought before any commissioner of police, or justice of the peace, on the ground of his baring on the ground of his having neglected or refused to join to proceed on any voyage or constitution of helonging to proceed on any voyage or cruise, in any vessel belonging to the Government of Canada in any vessel belonging to or of be the Government of Canada, in which he is engaged to serve, or of having deserted or other is and the serve of or of having deserted or otherwise absented himself there from without leave, such from without leave, such commissioner or justice may in the master or any officer theory in mitting the such commissioner of the such of comthe master or any officer thereof so requires, instead of con-mitting the offender to prices mitting the offender to prison, cause him to be conveyed or board for the purpose of proceeding to be conveyed or to be conveyed or to be conveyed or the purpose of proceeding to be conveyed or the purpose of proceeding to be conveyed or the purpose of proceeding to be conveyed or the purpose of proceeding to be conveyed or the purpose of proceeding to be conveyed or the purpose of proceeding to be conveyed or the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed on the purpose of proceeding to be conveyed to be board for the purpose of proceeding on the voyage or cruise, no or deliver him to the master or deliver him to the master or any officer of the vessel, the costs and be by them so conveyed, and may in such case order the costs and expenses properly costs and expenses properly incurred by or on behalf of the master, by reason of the offender, master, by reason of the offence, to be paid by which he and, if necessary, to be dodient of the paid by or on behalf or the start of t and, if necessary, to be deducted from any wages which be has then earned, or which by virtue of his then existing engagement he may afterwards are $\frac{22}{22}$ V c. 16, s. 8.

12. If any person subject to this Act is imprisoned on the round of his having neglected ground of his having neglected or refused to join or to pro-ceed on any voyage or cruice to refused to join or to pro-the Government of the course of the ceed on any voyage or cruise, in any vessel belonging the Government of Canada in any vessel programed to some the Government of Canada in which he is engaged to serve from with or of his having deserted or otherwise absented himself there from without leave. or of his having deserted or otherwise absented any ond from without leave, or of his having committed any and breach of discipline. and if d breach of discipline, and if during such imprisonment ind before his engagement is at before his engagement is at an end, his services are required on board his vessel, any justice of the magnetic may, at nch on board his vessel, any justice of the peace may, such request of the master or of the peace of cause and request of the master or of any officer, thereof, cause purperson to be conveyed on be person to be conveyed on board his said vessel for the delive pose of proceeding on the work of the person to be done on the board his said vessel for the delive proceeding on the work of the beat of the beat him pose of proceeding on the voyage or cruise, to be by he so conveyed on board his said vessel for the delivered to the master or any officer of the same, to be by hich he so conveyed, notwithstanding that the torm for which 16, so conveyed, notwithstanding that the term for which it, was sentenced to imprisonment be used as V., c. 16, s. 9. was sentenced to imprisonment has not expired. $33 V_{...,c.}$ if, s. 9.

13. Whenever a question arises, whether the wages of it person subject to this Act are the state for desertion to call be sufficient. whenever a question arises, whether the wages it any person subject to this Act are forfeited for desertion, the shall be sufficient for the porter in the forfeiter be shall be sufficient for the person insisting on the forfeither show that such person was dely and in. or the person belon god show that such person was duly engaged in, or to have belonged to the vessel from which he is alleged to mple. belonged to the vessel from which he is alleged completion of the deserted, and that he quitted such vessel before the entry of tion of the period of his encounter and that an entry of the deserted. tion of the period of his engagement, and that an object the desertion has been duly with the log-book arter the reupon the desertion has been duly with the desertion has been duly with the desertion has been duly with the dul the desertion has been duly made in the log-book forfei-thereupon the desertion shall as for a maletes to any forfei-ture of ward thereupon the desertion shall, as far as relates to any herein ture of wages or emoluments and the provisions herein before cont ture of wages or emoluments under the provisions the person before contained, be deemed to 1 before contained, be deemed to be proved, unless the person

Person imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.

Facilities for proving desertion so far as concerns forfeiture of wages.

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can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the commissioner of police $f_{\rm f}$ justice of the satisfaction of the commissioner of police that he had sufor justice of the satisfaction of the commissioner of point ficient reasons for peace, hearing the case, that he had sufficient reasons for leaving his vessel. 33 V., c. 16, s. 10.

14. Any justice of the peace for the county or district What justices for the vessel, on board shall have jurisdiction. in which is situated the peace for the county or district What justice of which is situated the port where the vessel, on board shall have after in the offence has been port where the vessel, touches next of which is situated the port where the vessel, on women after the offence has been committed, touches next after the time of its commission, shall have jurisdiction over an offence committed against the provisions of this Act, and any sentence committed against the provisions of this Act, and out in the committed imprisonment under this Act may be carried any sentence of the sentence of the sentence o

out in the common gaol of such county or district. Proposed to be Consolidated. Part Consolidated. To be To be Left Consolidated 23 V., c. 16 The whole. for Repeal. Consolidated elsewhere. with.

An Act respecting the Registration and Classification CHAPTER 68. ER Majesty, by and with the advice and consent of the Senate and House of Constant and House of Constant of Constant and House of Co Senate and House of Commons of Canada, enacts as follows :---1. In this Act, unless the context otherwise requires. (a) The expression "the Minister," means the Minister of arine and Fisheries : Interpretation. "Minister." (b) The expression "ship" includes every description of ssel used in navigation not Marine and Fisheries; "Ship." (c) The expression "ships belonging to Her Majesty, the ides ships the cost of which belonging to defeated out of the vessel used in navigation not propelled by oars; Her Majesty." cludes ships the cost of which has been defrayed out of the Consolidated Revenue Fund of the ships described Consolidated Revenue Fund of Canada, and ships described as the property of Canada be described as the property of Canada by the one hundred and eighth section of "The British North America Act, 1867;" (d) The expression (d) The expression "master" includes every person having mmand or charge of any chine contract 198 s. 4. command or charge of any ship. 36 V., c. 128, s. 4. " Master." 2. Nothing in this Act shall apply to ships belonging to er Majesty. 36 V., c 199 a f Exemption of H. M. ships. Her Majesty. 36 V., c. 128, s. 5. The first part, relating to the measurement and registration ships: Division of "And unseaworthy ships," omitted, as the sections relating thereto are transferred nother chapter. Act. Registration. The second part, relating to the licensing of small ships id other vessels : of ships : to another chapter. The third part, relating to security for advances on ships course of construction . Licensing of small ships. and other vessels : The fourth part, relating to the inspection and classification ships. 36 V., c. 128. s. 6 Advances. in course of construction : Inspection and classificaof ships. 36 V., c. 128, s. 6. tion. **4.** The following ships are exempt from the provisions of is part of this Act, that is to car. MEASUREMENT AND REGISTRATION OF SHIPS. Ships exempt from the pro- this part of this Act, that is to say :-

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ut a clearance, on proceed on a voyage as a pro-until such such certificate of customs may detain such such 14, part. certificate is produced to him. 36 V., c. 128, s. when it appears to the Lieutenant Governor of any Lieutenant is do of Canada that the Lieutenant Governor of any Lieutenant passes to Province of Canada, that by reason of special circumstances Governors stills a desirable that permission should be granted to any passes to British a band of special circumstances of special circumstances of the special Reverse the set of the ther Majesty's Dominions, such Lieutenant Governo. time and a pass accordingly, and such pass shall, for the within the limits therein mentioned, have the General, time and a pass accordingly, and such pass shall, for the effect as a pass fronted by the Governor General, the and within the limits therein mentioned, have uno 591 as a pass granted by the Governor General,

6. No officer of customs shall grant clearance to any ship No clearance to any ship No clearance to be registered as the provisions of the Act in unless certificate is prorequired to be registered under the provisions of the Act in unless certificate is pro-purposed in section manufactor of this Act, for the duced. bupose of enabling best to mentioned, or of this Act, for the duced. purpose of enabling her to proceed on a voyage, unless the to his of such ship mentioned so to do, produces haster of enabling her to proceed on a voyage, unless the bin at the proper continuence of registry: and if any such to him the proper certificate of registry; and if any such Ship in such of such ship. The proper certificate of registry and if any such Ship in such stopped. thip attempts to proceed on a voyage as a British ship, with-stopped. ont a clearance, any officer of customs may detain such ship, with life such certificate is not to him. 36 V., c. 128, s.

² No ship which was required to be registered by the said Disabilities of the was duly registered under the movie of the said Act, the was duly registered under the provisions of the said Act, Difference of the said Act, Difference of the said Act, Difference of the said Act, be recognized in Canada as a British ship. 36 V., c. 128, s. 8

in part by steam, of more than ten tons burthen and having Canada as be deemed a British ship shell upless she is duly registered bedeemed a British ship, shall, unless she is duly registered in the United V: in the United Kingdom, or in Canada, or some other British possession under "The Merchant Shipping Act, 1854," and A. Acts amond: the Acts amending the same or under the provisions of this Act, be recognized as a British ship, or be admitted to the privileges of a British ship, or be admitted to the was duly repistered as a British ship in Canada; but any ship which Case of vessels under c. 41 Was duly registered under the provisions of the "Act respect-one registration of a contact, and a superior chapter forty- of Con. Sta ing the registered under the provisions of the "Act respect- under c. 41 one of the Consolidated of the Consolidated of the late Province of vided for. one of the registration of inland vessels," forming chapter forty- of Con. Diamond the Consolidated Statutes of the late Province of vided for. Canada, need not be registered in pursuance of the provisions to this Act. Provide the registered in pursuance of the provisions of this Act, except for the purpose of enabling her to proceed

wholly or in part by steam, and not exceeding ten tons (b) Ships not propelled wholly or in part by steam, and hot having a whole or fixed deck, whatever their burthen. 5. No ship propelled either wholly or in part by steam, What ships only shall be recognized in the propelled wholly or recognized in the propelled wholly or recognized in the propelled wholly or recognized in the propelled wholly or recognized in the propelled wholly or recognized in the propelled wholly or recognized in the propelled wholly or recognized in the propelled wholly or recognized in the propelled wholly or recognized in the propelled wholly or recognized in the property of the whatever her tonnage, and no ship not propelled wholly or in part by steam, What ships in part by steam of recognized in a what by steam of the state burthen and having Canada as Rritish ships.

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(a) Ships having a whole or fixed deck, not propelled visions of this part of Act.

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or as a certificate of registry; and such Lieutenant Governor shall forward, without dalars to the Council, a shall forward, without delay, to the Governor in Council, a copy of each pass granted by the forward.

Governor in Council may appoint registrars of shipping.

Governor in

Council may

8. The Governor in Council may appoint at and for every ort at which he deems it appoint at the registry port at which he deems it expedient to authorize the registry of ships, the collector or other at and for every when the deems it expedient to authorize the registry of ships, the collector or other principal officer of customs, who shall be the registrar for all the purposes of "The Mer-chant Shipping Act. 1854" and the purposes of "the same, chant Shipping Act, 1854," and the Acts amending the same, and of this Act. 36 V or 199

9. The Governor in Council may appoint at every such ort, and at any other port in Council may appoint at every such tond () port, and at any other port in Canada, an officer to super intend the survey and measured and the survey and the sur intend the survey and measurement of ships in conformity with the said Acts and this with the said Acts and this Act; and the same person may be appointed both the residue be appointed both the registrar and surveyor at any such registry port. 36 V. c 199 also appoint

10. Such surveyor shall be entitled to such fees first time easurement of ships about to be a fees the first time measurement of ships about to be registered for the first ine under this Act, or requiring the first for the purpied under this Act, or requiring measurement for the purposed of registry, and to such transition of registry, and to such travelling expenses, when required to travel for the purpose of multito travel for the purpose of making any such measurement time, sees all as the Governor in Council, from time to time, sees shall to establish; and such for to establish; and such fees and travelling expenses his be paid to such surveyor be paid to such surveyor by the persons requiring his services; and any surveyor may, in any case, withhold is certificate of measurement certificate of measurement, or any other document there are paid required of him, until his fees and travelling expenses are paid; and such fees shall be in lieu of all solv and other remuneration whatsoerror for such services. and other remuneration whatsoever for such services.

11. No fees shall be charged in Canada for registering of the register of the register of the register act. vessels or recording transactions relating to the register of vessels under this Act or we do not be the register 12, 1854 " vessels or recording transactions relating to the registry *ich*, 1854," or the Acts amending the *Merchant Shipping* 12, *part* to be build

Council.

Uase of con-flicting claims ers or owners of any ship, or present the builder's carti-registry of a ficate to the registrar of shipping port in Canada the ship provided the set ficate to the registrar of shipping at any port in under schip provisions. registry of a ficate to the registrar of shipping at any port in under ship ship provided the purpose of obtaining registry for such ship ing fick, provisions of section forty of "The Marchant Shipping owner 1854." purpose of obtaining registry for such ship inder the same, such registrar may refuse to orant registry for such ship of the same, such registrar may refuse to orant registry for such ship of the same such ship and the same such of the same, such registrar may refuse to grant registry demand and have been such as summer of the same such ship, and may summer such as the summer of the same such as the summer of the same such as the summer of the same such as the summer of the same such as the summer of the same such as the summer of the same such as the summer of the same such as the same such as the same summer of the same such as the s such ship, and may summon witnesses, aridence relating to such ship. demand any books or papers and receive any evidence relating to such ship. 36 V., c. 198 c. 70 13. A copy of such evidence taken, and a report there of tall issue to the council in the tall issue to the council is to the council is the

A copy of such evidence taken, and a report therewild shall be submitted by him to the Governor in Council, who shall issue such direction shall issue such directions in the case as to the giving of Submission to Governor in

surveyors.

Surveyors to be entitled to fees and travelling expenses.

By whom paid.

Exception.

the forty-sixth section of "The Marchant Shipping Act, master by in the forty-sixth section of "The Merchant Shipping Act, master by

17. Subject to the provisions of this Act, collectors or other Collectors of shine officers of customs to indorse indo principal officers of customs in Canada, not being registrars customs to same oblight shall have the provision of this Act, collectors or other Collectors of same oblight shall have the changes of masters on masters on of shipping, shall have the same power and be under the changes of customs in Canada, not being registrars indorse chant or station as registered as the power and be under the changes of customs of the same power and be under the changes of customs of the same power and be under the changes of customs of the same power and be under the changes of customs of the same power and be under the changes of customs of the same power and be under the changes of customs of the same power and be under the changes of customs of the same power and be under the changes of customs of the same power and be under the changes of customs of the same power and be under the changes of customs of the same power and be under the changes of the same power and be under the changes of the same power and be under the changes of the same power and be under the changes of the same power and be under the changes of the same power and be under the changes of the same power and be under the changes of the same power and be under the changes of the same power and be under the changes of the same power and be under the changes of the same power and be under the changes of the same power and be under the changes of the same power and be under the changes of the same power and be under the changes of the same power and be under the same power and be under the changes of the same power and be under the same power an same obligation as registrars of shipping under "The Mer-the certificates. chant Shipping Act, 1854," to indorse, from time to time, on when the certificate of registrant for the any port in Canada the certificate of registry of any ship at any port in Canada place the said ship is a change of master which takes where the said ship is, any change of master which takes have determined. So V., c. 128, s. 18.

cents, have access to the register of any ship registered in registers of ships. Canada, have access to the register of any ship registered ... able time during the born of registry of such ship, at any reasonable time during the hours of official attendance of the during the hours of official attendance of the formation time to time, as registrar; and such fees shall, from time to time, directed by the Governor in Council, be paid by the regishave by the Governor in Council, be paid by the region Receiver General and about the Minister of Finance and the Minister of the Consolidated Receiver General, and shall form part of the Consolidated Revenue Fund of Constant 198 s 17. Revenue Fund of Canada. 36 V., c. 128, s. 17.

16. Every person may, upon payment of a fee of twenty Access to ana, have access to the payment of a fee of twenty Access to ship registered in registered in ships.

15. If any British or foreign registered ship is either Wrecked ship tually or constant. actually or constructively wrecked, and the register up to the thority of the tho proper officer and the certificate of registry is delivered up to the thority of the Governor in Council. proper officer and cancelled ; or, if any ship, sailing under a Governor in Council. page from the Governor General, or under a pass from a mentenant Covernor General, or under a pass from a Lieutenant Governor General, or under a pass nom -or constructively under this Act, is either actually or constructively wrecked on the voyage, and during the time and within the limits mentioned in such pass, the Governor in Council may direct that such ship may be resistered as a British ship in any port in Canada at and which there is a bip in any port in Canada at and for which there is a registrar of shipping, on proof being adduced to the satisfaction of the Governor in Council that and also that all the horoughly repaired and made seaworthy, and also that all the transactions connected with the wreck, condemnatian and sale of such ship were in good faith, and with all the requirements of such ship were in good faith, and with the requirements of the law have been complied with the requirements of the law have been complied with; but no registrar of shipping shall register any such Proviso. without the authority of the Governor in Council.

of "The Merchant Shipping Act, 1854," without proof on oath. oath that the certificate of registry of such ship has been lost, mislaid lost, mislaid or destroyed. 36 V., c. 128, s. 15.

14. No new certificate of registry of a ship registered in Proof of loss, anada shall be certificate of registry of a ship registered in Proof of loss, of certificate to be on Canada shall be granted in Canada, under section forty-eight &c., of certificate to be on of "The Merchant St." without proof on oath.

Recurity to the other claimant or claimants, or any other matter or this matter or thing, as he deems necessary; and registry shall be granted in pursuance of such directions and not otherwise.

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registrar or collector, on what proof to he made.

1854," if any registrar of shipping or collector or other principal officer of the custom principal officer of the customs at any port or place in Canada receives conflicting directions from the customs at any port of place in registrations from the custom to be any ship register. receives conflicting directions from owners of any ship regist tered in Canada as to a chart tered in Canada as to a change of the master of such may such registrar or collector such registrar or collector or other principal of master of master of master of the master of master on the section of the master of the master of the section of the secti refuse to indorse a memorandum of the change of master a the certificate of registry of the certificate of registry of such ship, until he receives a declaration, according to the change of master schedule declaration, according to the form in the first schedule to this Act, or as near the form in the metances per to this Act, or as near thereto as circumstances major mit, from the registered mit, from the registered owners representing a pointed ity of shares in such shirt ity of shares in such ship, or from their duly appointed in agents, setting forth the name of the f agents, setting forth the name of the person appointed in liea of the former master. who also have a such declaration of the former master, who shall be named in such declara-tion: 2. The said declaration shall be made and subscribed the the presence of the reminit -. The said declaration shall be made and subscribed the the presence of the registrar or collector of customs, if the declarant or declarants reside declarant or declarants reside within five miles of the orsen in house of the port of registrar or collector of customs, if the house of the port of registrar or collector of customs in the presence of the port of registrar of the orsen in the presence of the port of registrar of the port of t

Declaration. how made and subscribed.

Further evidence may be required.

3. In addition to such declaration, the registrar of ship is ng or collector of customer to the change is the chan ping or collector of customs at the port where the change is requested to be indorsed requested to be indorsed, may require to be produced a cert tified copy of the register or whether the dense as he deems necessary tified copy of the register, or such other evidence as he deems necessary, as proof of the original field of t necessary, as proof of the ownership of the ship: 4. If the ship is at or near such port, he shall, or the mand of a majority of the start prequire requires aster or or an demand of a majority of the owners thereof, the certific master or any other port. Bulp is at or demand of a majority of the owners thereof, he sum ire the certificate near such port, master or any other person in possession of the certificate of registry to produce and dollars the come to him, irered default for of registry to produce and deliver the same to him; ivered default of the same being forth with the same to him i

house of the port of registry, but if beyond that distance, in Majorter'

the presence of any registrar or collector of customs in Her Majesty's dominions. or of any registrar or collector of customs in Her

Majesty's dominions, or of any justice of the peace:

default of the same being forthwith produced and de her to proceed to same detain the same being and the same being forthwith produced and de her to proceed to same being for the same being and the same being and the same being for the same being and the same up to him, he may detain the ship, and not allow here up to him. up to him. he may detain the ship, and not allow hered proceed to sea until the same has been produced and delivered up to him :

Penalty for refusing to deliver up certificate.

5. Every person who has possession of the certificate of refuses of stry of a ship registered in G and who refuses of glects to gistry of a ship registered in Canada, and who registrate of the certificate of the refuses of neglects to produce and doliver the shipping of neglects to produce and deliver up the same to be this duced and deliver of energy of a shipping of collector of energy of a shipping of collector of energy of the same to be the same to shipping or collector of customs requiring the same to be this section shell. duced and delivered up to him, under the provisions of V, section, shall incur a penalty of for how dollars. c. 128. 8 10 section, shall incur a penalty of five hundred dollars. c. 128, s. 19.

19. Every registrar of shipping and every collector of a change indersement of a change master model. collectors to **19.** Every registrar of shipping and every collectors to the every collectors of a change indorsements of changes of master made by him on the cortificate of registry indorse and shall and shall a contribute of registry indorse of the cortificate f master made by him on the certificate of such the ship, and shall specify in such record the date of such the ship, ment, the r and shall specify in such record the date of such the ship the off in number of a mester, the port of the ship the off in number of a mester. ment, the name of the ship, the official number of the old mest the name of the ship, the official number of the old mest the name of the ship the ship the name of the ship t the port of registry of the ship, the official number of the **be** has a the name of the new master or not he new master or not he has a start of the new master or not he has a start of the new master or not he has a start of the new master or not he has a start of the new master or not he has a start of the new master or not he has a start of the new master or not he has a start of the new master or not he has a start of the new master or not he has a start of the new master the name of the new master, and whether or not he

(d) If a ship which has once been registered has ceased to be In new regis-registered no new horis ignorant of such try previous name to be with the second so registered, no person, unless he is ignorant of such try previous show registered is ignorant of such try previous show registered is ignorant of such try previous is in the second such the second such the second sec previous registry (proof of which shall lie on him), adhered to. shall apply to register, and no registrar shall knowingly register such ship, except by the name by which was previously be has the pershe was previously registered, unless he has the per**mission** of the Governor in Council:

the register book, in the ship's certificate of registry, and on her bows and stern accordingly;

(c) If in any case it is shown to the satisfaction of the Gov- Name ernor in Conneil that the satisfaction of any ship has been chang out au ernor in Council that the name of any ship has been changed with-changed without it the name of any ship has been out authority dimension be may to be restored. changed without his previous permission, he may to be restored. direct that her name be altered to that which she bore before such about the altered in the shell be altered in before such change, and the name shall be altered in the register bools of registry,

previous permission of the Governor in Council, the may be made. application for which shall be made in writing; if the hor in Council may entertain the same, and may thereupon require notice thereof to be published in such form and many thereof to be published upon such form and manner as he thinks fit; and upon such Permission being granted, the ship's name shall forth-with be alterna granted, the ship's name shall forthwith be altered in the register book, in the ship's certificate of free of the second stern; Certificate of registry, and on her bows and stern;

(a) A ship shall not be described by any name other than that How by which all of the described by any name other than that How described is the state of the sta by which she is for the time being registered; (b) No change shall be made in the name of a ship without the How change previous porceive of a ship without the How change

21. The following rules shall be observed with respect to Rules as to the names of shine are in the names of shine are in the names of shine.

ply with the requirements of this section shall incur a pen-alty not exceeding and the section shall incur a pen-36 V., c. 128, s. 21. alty not exceeding one hundred dollars.

20. Whenever the managing owner, or any of the manag- Change of gowners (if the managing owner or a ship registered in managing owner or ing owners (if there are more than one) of a ship registered in owner or Canada is changed are more than one) of a ship registered in owner or band to be a ship of the ship o Canada is changed, or, if there is no managing owner, when- ship's hus-ever the ship's to be a ship registered. ever the ship's husband is changed, the newly appointed band to be find a source of the ship's husband is changed, the newly appointed band to be find to be the ship's husband is changed, the newly appointed band to be managing owner or owners or ship's husband shall forthwith give notice of such change to the registrar of the ship's port of registry, who shall register the same accordingly; and where managing the same accordingly and the same accordingly and the same accordingly and the same accordingly and the same accordingly and the same accordingly and the same accordingly and the same accordingly and the same accordingly and the same accordingly and the same accordingly and the same accordingly and the same accordingly accordingly and the same accordingly accordingly and the same accordingly accordingly and the same accordingly accor every managing owner or ship's husband who fails to com-

the either of competency or a certificate of service, and, if he has either of competency or a certificate of service, and, and every such certificates, the number thereof; and every such record shall be kept in the office of the registrar of shipping or collector of customs making the same, or his successor as such, and shall, at all times during the usual office hours, be open to all persons for inspection, without fee or reward. 36 V., c. 128, s. 20.

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the names of

Penalty for contravention.

2. Every person who acts, or suffers any person under his ntrol to act in violation of the suffers any person under his control to act in violation of this section, or who omits to do, or suffers any person under his section, or who omits do anything or suffers any person under his control to omit to do anything required by this section, shall for required by this section, shall, for each offence, incur a pen-alty not exceeding four bundle in the section offence.

Ships may be detained.

3. Any registrar or principal officer of customs may detain ch ship until the provision such ship until the provisions of this section are complied with. 36 V., c. 128. s. 22

22. Whenever a shipping casualty happens anywhere in the limits of a ship registered in G the case of a ship registered in Canada, or within the master of Canada in the case of any of the case of any of the master is t of Canada in the case of any other British ship, the master, of if the master is dead, the other if the master is dead, the chief surviving officer, and also every such other person below every such other person belonging to the ship as the minis-ter, from time to time dimension to the ship as the menty of ter, from time to time, directs, shall, within handening at hours of his first landing in Canada after the happening at such casualty, attend and and and after the mination at such casualty, attend and submit himself for examination at the office of the principal office the office of the principal officer of customs residing and near the place where such and the such of the such and the such as the near the place where such casualty occurred, if the same occurred on or near the same occurred on or near the coasts of Canada, or any island of place adjacent thereto but at place adjacent thereto, but at or near the place of such he has ing, if the casualty occurred, or any island he has been near the casualty occurred, or any island he has ing, if the casualty occurred elsewhere, unless he of such and the place of such has been previously examined are an institution of the such and the place of the such as the place of the such as the been previously examined or excused from attending residing amination by any other price of the second from attending residing amination by any other principal officer of customs residered at or near either of such place at or near either of such places, or by any receiver of other in the United Kingdom . and is in the United Kingdom; and if any master, of this set tion he will be added and the provide the trace of the set person makes default in obeying the provisions of this source that incur a population of the two hundred dollars tion he shall incur a penalty not exceeding two hundred dollars. 36 V., c. 128. a 22

Notice of loss of ships registered in Canada to be given to the minister.

Registrar to make annual return to the minister.

23. Whenever the managing owner of any ship registered Canada has information that whenever the managing owner of any ship register on in Canada has information that such ship is lost, or in ap sequence of her non-arrival sequence of her non-arrival or otherwise has reason to prehend that she is lost here is lost be the set of a notice of a notic prehend that she is lost, he shall forthwith send shall, upon such loss or apprehended loss to the send shall, upon requisition h such loss or apprehended loss to the minister, and information as he is requisition by the minister, furnish to him such information as he is required and is able to formation respectively as the such information of the such and the such as the such respectively as the such respectively as the such as the such respectively as the such as the such respectively as the such respectively as the such as the such respectively as the such as the such respectively as the such a as he is required and is able to furnish respecting and persons of ship, and the loss thereof and the ship, and the loss thereof, and the property and persons of board; and if he makes default in the provisions the provisions of board; and the loss thereof, and the property and persons of this section he shall incur a new line provide two hand deduce this section he shall incur a penalty not exceeding two hundred dollars. 36 V., c. 198 a 24 24. Every registrar of shipping shall, on or before to ventieth day of January in coch and forward to e minister

---- Every registrar of shipping shall, on or before to twentieth day of January in each year, make and forward to the minister a return, in such forward containing such fall ticulars are in the minister a return, in such form and containing such rail existing al ticulars as the minister, from time to time, directs, gisty books. on the time to time, directs, gisty existing ships of which the registry remained in his registry books, on the thirty-first day of Director then last. books, on the thirty-first day of December then last. c. 128, s. 25.

Statement to

be made by the master of a British ship to which a casualty has happened.

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PART II.

LICENSING OF SMALL SHIPS AND OTHER VESSELS.

25. The master, owner or managing owner, or one of Ships not required to registered the managing owners, owner or managing owner, or one of Ships not sel not a ship within if there are more than one) of every ves- registered, not a ship within if there are more than one) of every ves- registered, of this Act which is em- and certain tel not a ship within the meaning of this Act, which is em- and certain ployed in or within the meaning of this Act, which is em- and certain ployed in or owned for the purpose of fishing, trading or other vessels to be Carrying loads of any kind in any of the waters of Canada, licensed. shall, within one month from the date of her being so employed or owned for such purpose by him, or of her being built or acquired for such purpose by him, or of her being built or acquired for such purpose by him, or of her such managing owners (if there managing owner or one of the managing owners (if there the more than and of avery ship exempted from are more than one), of every ship exempted from the provisions of the first part of this Act, shall take from the collector or other principal officer of the customs at some port or other principal officer of the customer be the duty of the place in Canada a license, which it shall be the duty of the collector or other principal officer of the collector or other principal officer of the Conside to furnish, without customs at every port or place in Canada to furnish, without fee or reward, to every person applying for the same at his the provisions of this cost in cost of such application; the provisions of this section in respect of such application ; and such license shall be in the form of and shall contain the Form of this provided for the form of and shall contain the license. particulars provided for in form B in the second schedule to this Act. 36 V., c. 128, s. 30.

or other principal officer of the customs the following pro- such license.

(a) The collector or principal officer of customs shall fur-Blank form to on : applicant control of the blank for a declaranish the collector or principal officer of customs shall in the applicant gratis with a printed blank for a declaration in the form A in the second schedule to this Act;

(b) The applicant shall fill up the said form with true How filled up. statements, in their proper places, of the length, breadth, has approximate to the ship or vessel, the depth and approximate tonnage of the ship or vessel, the hances of the owners thereof, and, if the property in the ship or vessel is divided :... or vessel is divided into shares, the number of shares held by each owner, and shall subscribe the same and return it to

(c) The officer shall then fill up a license with the parti-License to be colars stated in the declaration, adding thereto the name of filled up. the port and the declaration, adding thereto the name -secutive for each number of the license, which shall be con-hand the number of the license, which shall be conbecative for each port, and he shall sign such license and

hand the same to the applicant; (d) The officer shall record the particulars contained in Record to be to the license in a book to be the license for that purpose. 36 kept. the license in a book to be kept by him for that purpose. $36^{\text{kept.}}$

Name of port and number of license to be painted on ship or vessel.

27. Every ship or vessel so required to be licensed shall, all times, have the name of the licensed shall, at all times, have the name of the port or place at which she was last licensed, and the work was last licensed, and the number of her last license long on her bow or stern in letters on her bow or stern in letters not less than three inches shall of light color, on a dark of light color, on a dark ground, and such port or place shall be considered, for the time being and such port or place ge V. be considered, for the time being, her port of license. c. 128, s. 32.

On change of owner, new license to be taken out.

28. Whenever the property in a ship or vessel so required the master the mast to be licensed passes wholly into new hands, the master or the new owner or master of all or the new owner or managing owner, or one, shall, new managing owners if it new managing owners, if there are more than one shall, within one month after and a supership in within one month after such change of ownership in aforesaid, take out a new lice. aforesaid, take out a new license at some port or place the Canada, and upon receiving the Canada, and upon receiving the same shall deliver or other former license, if in his possiformer license, if in his possession, to the collector of 36 V. principal officer of the customs at such port or place. c. 128. s. 33 c. 128, s. 33.

29. Every master, owner or managing owner of any ship of essel so required to be licensed **29.** Every master, owner or managing owner of any ship obtain license. vessel so required to be licensed, who neglects, without reason able cause (the proof of which is a specific to apply to apply to apply to apply the proof of which is a specific to apply to apply the proof of which is a specific to apply to apply the proof of which is a specific to apply the p able cause (the proof of which shall lie upon him), to apply delay and take out a license for such that and take out a license for such ship or vessel within any keep allowed by this Act for that allowed by this Act for that purpose, or who neglects to fer the name of her last port of line and the number of her the name of her last port of license and the number of shell last license painted on her last license painted on her bow or stern as aforesaid, shall incur a penalty of twenty doll

annually.

30. Every officer of customs authorized by this part the us Act to license ships and **30.** Every officer of customs authorized by this per the sels licensed to be sent to be sent to the minister twentieth day of January in the sels. twentieth day of January in each year, make and forward of the minister a return in such for the the minister a return in such form and containing such particulars as the minister form and containing such particulars as the minister form and containing and directs, on ticulars as the minister, from time to time, directs, of ships and vessels licensed by him directs the Wear ending s5. ships and vessels licensed by him during the year ending 55. the thirty-first day of December then last. 36 V., c. 128, s.

PART III.

SECURITY FOR ADVANCES ON SHIPS IN COURSE OF

31. A ship about to be built or being built may be not or being built of shipping or nearest A ship about to be built or being built may be in corded under a temporary name by the registrar of shift or at or nearest to the port at which the built to be built is being built weing built, corded under a temporary name by the registrar of shilt may be record-at or nearest to the port at which she is about to be **built** trar of shipping. by a temporary name by the registrar of raising money is being built; and any builder desirous of raising built shall furnice by a mortgage on any ship about to be built or being at the Port at makes about to be built or being at the port at a nearest to relate the registron of the share at the port at a nearest to relate the port at shall furnish to the registrar of shipping at the point at full descript nearest to which she is about to be built or owner at a full description of such ship and to be built or is being port at which she is about to be built or is of the port of the port at acarest to which she is about to be built or is being port at full description of such ship, and a statement of the form which she is intended to be provident to coording to the form which she is intended to be registered, according to the form

be deemed to be the owner of a ship, nor shall the mortgagor deemed ship, except in so far as in the owner of such mortgaged owner. ship, except in so far as is necessary for making such ship second to be owner of such mortgage s. 41 ble as security for the contract debt. 36 V., c. 128, available as security for the mortgage debt. 36 V., c. 128,

to the date of each instructive notice, be of the date at which each instructive notice, be of the date at which each instruction in the record book, and not according to the date of each instruction of the vector of the vecto to the date of each instrument. 36 V., c. 128, s. 40. **36.** A mortgagee shall not, by reason of his mortgage, be Mortgagee deemed to be the owner of a bill the mortgagor deemed deemed deemed. deemed to be the owner of a ship, nor shall the mortgaged owner.

35. If two or more mortgages are recorded in respect Priority of the same ship, the mortgages are recorded in respect Priority of mortgages. of the same ship, the mortgages are recorded in respect Priority of one one one one one construction be ontitled in priority express, implied or constructive notice, be entitled in priority strand the other constructive notice, be entitled in priority one over the other, according to the date at which each in-to the recorded : 11 prover the other according to the date at which each in-

84. Whenever any recorded mortgage has been discharged Proceedings when such fithe proper registrar of the production mortgage is mortgage is in the production mortgage is in the product the proper registrar of shipping shall, upon the production mortgage is indome vitt for the mortgage money discharged. of the mortgage deed, with a receipt for the mortgage money discharged. indorsed thereon, duly signed and attested, make an entry direct the theory with the test of test of test in the record book to the effect that such mortgage has been any ged : and work to the effect that such mortgage has been discharged; any, which massed to the effect that such mortgage has been based to the effect that based to the effect that based to the effect that based to the based to the effect that based to the effect that based to the effect that based to the effect that based to the effect to t any, which passed to the mortgagee shall vest in the said to in persone in the mortgagee shall vest in the said person or persons in whom the same would, having regard how with the same would, having regard to intervening acts and circumstances, if any, have vested if such mortgage had are had a 36 V., c. 128, s. 39. ^{ho such} mortgage had ever been made.

33. Every such mortgage shall be recorded by the proper Mortgages to be recorded in the order of shinning in the order of registrar of shipping in the order of time in which the same be recorded in shipping shall, by memory durpose; and such registrar of their produc-tion to the inst shipping to him for that purpose; and such registrar of their produced to him for that purpose; and such registrar of their produced by histrument of memorandum under his hand, notify on the registrar. the instrument of mortgage that the same has been recorded by him, stating the descent record. 36 V., c. by him, stating the date and hour of such record.

him for that purpose. 36 V., c. 128, s. 37.

32. A ship about to be built or being built, and so recorded Ship so recordas aforesaid, may be made security for a loan or other valu-here: the security for a loan or other valu- made security, for a loan. able consideration; and the instrument creating such security, for a loan in the form B hereinafter termed a "mortgage," shall be in the form B in the third schedule hereto, or as near thereto as circumstances permit; and on the production of such instrument, the registrar of shipping at the port at which the ship is recorded shall enter the same in a record book to be kept by

A in the third schedule to this Act, and shall indicate the ship to be built or being built by painting on a board near the place of such or being built by painting on a dark ground, the place of such building in his ship yard, on a dark ground, white or your of a length not less than in white or yellow figures and letters of a length not less than four inches the ory of a length of a length of less than four inches, the number given to him by the proper registhat of shipping for that purpose, the temporary name of the ship and the number given to him by the proper to him ship, and the name of the port at which she is intended to be registered. 36 V., c. 128, s. 36.

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Mortgagee to have power of sale.

37. Every mortgagee may absolutely dispose of the ship respect of which has in respect of which he is recorded as such mortgagee if give effectual receipts give effectual receipts for the purchase money; there are more persons that there are more persons than one recorded as mortgages shall, the same ship, no second the same ship, no second or subsequent mortgagees cog except under the order of except under the order of a court capable of taking con-nizance of such matters nizance of such matters, sell such ship without bill of currence of every prior mortgagee; and every bill of sale, when duly executed sale, when duly executed, shall be produced to the proper registrar of shipping. who shall registrar of shipping, who shall enter the particulars sale the in the record book and shall enter the particulars sale the in the record book, and shall indorse on the bill of sale hour fact of such entry having be fact of such entry having been made, with the date and hour thereof; and all bills of column and with the date and hour thereof; and all bills of sale shall be entered in the record book in the order of their book in the order of their production to the registrar of shipping. 36 V., c. 198 c. 42 Section 43 of 36 V., c. 128, is omitted at the suggestion of the Parliamentary ommittee.

Committee.

Transfer of mortgages.

38. A recorded mortgage of any ship may be transferred any person; and the inclusion to any person; and the instrument creating such hereto; shall be in the form C shall be in the form C in the third schedule heret of and on the production of and and on the production of such instrument the registrar de shipping shall enter in the shipping shall enter in the record book the name of and shall transferee as mortgagee of the ship therein mentioned and shall, by memorandum under the ship therein mentioned and ment of shall, by memorandum under his hand, record on the instru-ment of transfer that the ment of transfer that the same has been recorded by 5.4. stating the date and hour of stating the date and hour of such record. 36 V., c. 128, 5.

marriage.

39. If the interest of any mortgagee in any ship recorded insolver this Act becomes transmitted in any ship recorded any or interest of mortgagee by death, insol-vency or marriage female or insolvency, or in consequence of the marriage by a female mortgagee, or by any long of the marriage of by a transformed female mortgagee, or by any lawful means other than trans-transfer according to the marriage of the marriage transfer according to the provisions of this Act, such the mission shall be authenticated. mansier according to the provisions of this Act, such trans mission shall be authenticated by a declaration of the period to whom such interest hard be to whom such interest has been transmitted, making to the third school is a containing to the third school is the transmitted to the third school is the third school form D in the third schedule hereto, and the Paralar whom and describing the matrix the matrix the paralar statement describing the manner in which and such declar whom such property has been transmitted, maining to whom such property has been to which and the party of ation shall 1 whom such property has been transmitted; and such declar ation shall be made and such and such of has ation shall be made and subscribed in the presence of has registrar of shipping at the such such such such ship tor registrar of shipping at the port at which such ship at if within for been recorded under this Act, if the declarant resides but if within five miles of the custom born of the port, but of within five miles of the custom house of the point of shipping and that distance in the mouse of the registrary, beyond that distance, in the presence of any registrar V, shipping, collector of custom shipping, collector of customs or justice of the Peace. c. 128, s. 45.

Proof of such transmission.

40. If such transmission has taken place by virtue of the all lyon of any registered more taken place by declaration and recommended accompany. solvency of any registered mortgagee, the said declaration she time being re-be accompanied by such evider to the time being rebe accompanied by such evidence as is for the title of persons ceivable in courts of justice as made of the title of persons ceivable in courts of justice as proof of the title of portage taken place claiming under any insolvency; and if such transmission taken place by virtue of the manifest of formale mortgage, taken place by virtue of the marriage of a female mortgage,

43. Every person who is a party to any unsatisfied mort- Penalty for attempting to take one of the penalty is to take out or attempts to take out or **the Port** not a register for such this at any port other than register at any port other than the port other the port ot the port named on the board in the chip ward in which such that the where ship is the port named on the south ship at any port other than register at any form A in the board in the ship yard in which such than that registrar are third schedule of this Act, furnished to the load form A built, or in the statement and description in the where smaller of shipping by the statement and description in the recorded. registrar of shipping by whom such ship was recorded

any form prescribed by law, as a substitute for any mortgage $g_{granted}$. $g_{granted}$ granted under this Act. 36 V., c. 128, s. 47.

8. The registry of all such mortgages shall thus appear, Order of ad have to their priority in the same registry. ^{9.} The registry of all such mortgages shall thus appear, Order on had been made or priority in the record book, as if the same registry. giving a made or granted and the laws providing for the had been made or granted under the laws providing for the giving of such certification and a fresh instrument giving of such certificate of registry; and a fresh instrument Fresh mort-any for the such certificate of registry and a fresh instrument of gage may be constructed and the successful of the of mortgage may be granted under the laws providing -any form prescribed by log for that purpose, according to gage may be granted for that purpose, according to gage may be granted.

be changed at the time of granting a certificate of registry:

2. All undischarged mortgages recorded under this Act All recorded ad mortgages recorded under this Act All recorded by the proper interview transferred to the undisshall be by the proper registrar of shipping, transferred to the undis-wider such land registered under such land the register book, in the charged to registered in the registered in the register book, in the charged to and registered proper registrar of shipping, transferred to then undis-entered and according to the laws in the register book, in the charged to be registered in registered in registered in registered in registered in registered in registered in registered in registered by the same were registered in registered by the same were registered in registered by the same were registered in registered by the same were registe and registered under registrar of shipping, transmission entered and according to the laws in the register book, in the charged to be used for the priority in which the same were registered in register book. entered of recording to the priority in which the same were be at for the purposes of this Act; and the temporary name be changed at the time of this Act; and the temporary name be changed at the time of this Act, as above provided for, may

42. Whenever the building of a ship which has been Certificate of whenever the building of a ship which has been Certificate of the hist ship when recorded under the building of a ship which has been Ceruncate nortgagee whose claim is duly completed, the first ship when er's completed is the build built. nortgagee whose claim is unsatisfied may furnish the build-built. wingagee whose claim is unsatisfied may furnish the putter hay grant a continue to the laws in force in hay grant a certificate of registry under the laws in force in

41. The registrar of shipping, upon the receipt of such Entry of man and the product of such Entry of transmitt mortgage declaration and the production of such evidence as aforesaid, mortgage. shall enter the name of the person or persons entitled under such transmission in the record book as mortgagee or mort-Ragees of the ship in respect of which such transmission has taken place. 36 V., c. 128, s. 46.

the said declaration shall be accompanied by a copy of the register of such marriage, or other legal evidence of the celebra-tion thereof and the such marriage of the regal evidence of the said female tion thereof, and shall declare the identity of the said female mortgagee, and shall declare the identity of the said female Mortgagee; and shall declare the identity of the same rest of any total such transmission has taken place by interface of any virtue of any testamentary instrument or by intestacy, then, in any province of Canada, excepting Quebec, the said declaration shall be accompanied by the probate of the will from, and in the D ministration, or an official extract therefrom, and in the Province of Quebec, by the will or any copy thereof that is evidence of such will by the laws of that province, or by any such document as by the laws of justice thereof, as proof of the title of the ti as proof of the title of any person entitled upon an intestacy.

under this Act, or in any mortgage on such ship dollars, this Act, shall incur a powelt this Act, or in any mortgage on such ship dollars, this Act, shall incur a penalty of two thousand who which shall be recoverable with which shall be recoverable, with costs, by the person who first sues for the same in any court of competent jurisdiction, in any Province in Canada in any Province in Canada in which the offender is served with process. 36 V. c. 199 - 40

When certificate of survey may be delivered up by surveyor.

44. No surveyor of shipping who is not also a registrar shipping shall deliver up of shipping shall deliver up any certificate of survey of any ship which he has survey of ship which he has surveyed for measurement to any person except the registrar of shime except the registrar of shipping at the port at or for under he is surveyor, and at which he is surveyor, and at which such ship is recorded under this Act, until the registron this Act, until the registrar of shipping at such port to indorsed on the back of such indorsed on the back of such certificate either a statement of the effect that there is no well. the effect that there is no undischarged mortgage on such ship recorded in his office and ship recorded in his office under this Act, or a statement the number of the amount and other partice. the amount and other particulars, and if more than one ship number of the undischarged number of the undischarged mortgages, if any, on such ship recorded in his office under the recorded in his office under this Act; and every registrat to shipping shall indorse one of shipping shall indorse one of such statements, according to the facts of each case on the facts of each case on the facts of each case on the statement of the facts of each case on the facts of each case on the facts of each case on the facts of each case on the facts of each case on the facts of each case on the facts of each case on the facts of each case on the facts of each case on the facts of each case on the facts of each case on the facts of each case on the facts of each case on the facts of each case of the facts of each case of the facts of each case of the facts of the facts of each case of the facts of the fa the facts of each case, on every certificate of measurement presented to him for that presented to him for that purpose by any surveyor of ship ping. 36 V., c. 128. s 40 **45.** If the registrar of shipping at any port at which y ship is recorded under the provided and the provided to the provided

Indorsement by registrar.

Is also survey-or to indorse a any ship is recorded under this Act is also surveyor of ship statement on ping at or for such port ping at or for such port, he shall indorse surveyor devery certificate of survey of every ship which he has surveyor for measurement, before he delivered to any person, for measurement, before he delivers the same to any harsed either a statement to the effective statement and the same to any harsed either a statement to the effect that there is no undischarded if mortgage on such ship record. mortgage on such ship recorded in his office under that is more than the amount of the survey before or a statement of the number of the discovered more ages, if delivering it to any person.

Scale of fees.

Saving of right of owner.

a statement of the amount and other particulars, and more than one, the number of the undischarged mortgages, if any, on such ship recorded in the undischarged this Act. more than one, the number of the undischarged mortgage if any, on such ship recorded in his office under this Act. V., c. 128, s. 50. **46.** The Governor in Council may establish a scale of fees r recording ships and montaneous stabilish transactions, id for othe The Governor in Council may establish a scale of terms for recording ships and mortgages and other transact prior and for other services to be more dor this Act prior to the record and for other services to be performed under this Act prior to the registry of any ship and more any more hant Shipping to the registry of any ship under "*The Merchant Shipping Act*, 1854," or any Act or Acts and other "*and the merchant shipping* same. 26 W Act, 1854," or any Act or Acts amending or applying same. 36 V., c. 128, s. 51 **47.** Nothing in this part of this Act shall take away the other for such of the owner to his action for such 123, medvas here

••• Nothing in this part of this Act shall take away that right of the owner to his action of account, or such other remedy as he has by law account to the account of the state of the second ...gut of the owner to his action of account, or such 0th, c. 123, remedy as he has by law against the advancer. 36 V., c. 123, s. 52.

Act not to affect mode of executing deeds in Quebec.

48. This part of this Act shall not be construed in such a said as as to affect the mode of organization doeds in the Propied in the said way as to affect the mode of executing deeds in the the said of Quebec, but deeds and documents arounded in conding Province mand way as to affect the mode of executing deeds in the the said of Quebec, but deeds and documents executed according Province may be made and passed in the form and according Vi Quebec, but deeds and documents executed in the pairs Province may be made and passed in the form and according Chap. 68.

to the manner prescribed in the said Province. 36 V., c. 128, s. 52

PART IV.

INSPECTION AND CLASSIFICATION OF SHIPS. 49. The Governor in Council may make such rules and Governor in Council may make such rules and Governor in Council may make regula regulations as he considers necessary for the inspection Council may make such rules and Governor in Council may and classification of vessels built or registered within Canada, tions for the may, from time to the inspection of ships built and classification of vessels built or registered within Canada, tions for the may, from time to time, alter and amend the same; and classification to carry out this part of this Act, and prescribe the duties in Canada. of such officers, who shall be under the control of the

minister. 36 V., c. 128, s. 54.

50. The Governor in Council may, by such rules and And a tariff inspections, establish a table of fees to be paid for such of fees there-grant: inspections, establish a table of fees to be paid for such granting of cortification, and may thereby authorize the

stanting of certificates of classification in such manner as is therein prescribed. 36 V., c. 128, s. 55. **51.** All rules and regulations made under this part of this Publication of the Dublished and the Carette 36 V., c. 128, regulations.

Act shall rules and regulations made under this part of this Publication s. 56. be published in the Canada Gazette. 36 V., c. 128, regulations.

52. REPEAL. of the provisions of the commencement of this Act, so much Repealing United Kingdom, known as "The Parliament of the clause. Same and of any Act of the said Parliament amending the 104. last, ingdom, known as "The Merchant Shipping Act, Imp. Stat. 1. same and of any Act of the said Parliament amending the 104. to ship forming and to be and forming and to be and forming and to be and forming and to be and forming and to be an and the beam of the said Parliament amending the said Parliament amending the said Parliament thereof, relating to ships registered in Canada, as is inconsistent with this Act, shall be repealed. 36 V., c. 128, s. 2.

FIRST SCHEDULE.

being registered owner (or owners) of

tons register, hereby declare that I (or we) have appointed C. D. master of the ship of mantioned in the place of **A** B register, hereby declare that I (or we) have appointed C. D. master of the ship above mentioned in the place of Declared before me 36 V., c. 128, first schedule.

this

day of

SECOND SCHEDULE.

Form A.

DECLARATION.

declare

I, the undersigned, A. B., of

••••••••	•••••	·····		· • · • • • • • • • • • • • • • • • • •	****** *** ***** **********
Names of	Owners	(or Nan	ne of Own		mber of Shar eld by each
Breadth Depth					Shart
Length				Approximate tonna	ge
Measurement	s.	Feet.	Inches.	Tonnage.	

Form B.

Port of Registry.

No.

LICENSE. **as the case this** This is to certify that the ship (or vessel, as the was be), of which the particulars are herein contained, was day licensed by me, the collector (or principal officer, as the second s

in

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case may be), of customs at the Act intituled "An Act respecting the Registration and Classification of Ships:"

):				فكالأفاق فتنقف المرجع ومتعاديه ويرج	
Measurements.	Feet.	Inches.	Toni	nage.	No. of tens.
Breadth			A pproximate	Tonnage	
Names of Owners	 (or Nam	e of Own	er).	Number of held by ea	
		•• •••••			
Dated this		······································	•••••		•••• •••••••
• If the property in the		18 .			• • • • • • • • • • • • • • • • • • • •

and be filled up. 36 V., C. 128, second schedule.

THIRD SCHEDULE.

DESCRIPTION	Form	А.	
TEMPOBARY NAME.	OF SHIP PR	A. OPOSED TO BE	BUILT.
	Por	ET of RECORD.	PROPELLED.
Number of decks Number of masts			
	* *******	Build Gallery Head Frame work	*** ****** ******
Length E	STIMATED ME	ASUREMENT.	* **********
Bepth		Under Deck Closed in Space between dec Poop Round House	k

ship builder. declare that I propose to build a ship, the particulars of which are contained in the which are contained in the above description, in the the the describe the place what all describe the place, what ship yard, where situated and to whom belonging), and that I interest. belonging), and that I intend to launch the said to register about the her at the port of

(Signed),

18

Dated at	
he day of	
n the presence of	ł
)

Form B.

MORTGAGE (TO SECURE ACCOUNT CURRENT, ETC).

For

*

Port of

sailing).		Port of intended Registry.
Where Building,	When intended to be Launched.	Port of Inty. Registry.
		nd Temporary Name.
to Measure.	Intended Tonnage	anu
feet feet feet	Tonnage, Name,	current between the
	Where Building.	Where Building. When intended to be Launched.

mortgagor and mortgagee (describing both), and describing both), the amonature of the transmission nature of the transaction so as to show how the ascertained principal and interest due at any given time is to be ascertained, and the manner and time of

sideration of the premises for (myself or ourselves) and in (my or our) heirs, covenant with the difference of them or them and the covenant with the second or our) heirs, covenant with the said (name him or the sums for inci-(his or their) assigns, to pay to (him) the sums for inci-(his or their) assigns, to pay to (him or them) the sums of princi-time being due on this security with the security way of prove time being due on this security, whether by way of princi-pal or interest, at the times and in the manner, the mentioned pal or interest, at the times and in the manner after pavent of payment of payment of the security of the secu mentioned, and for better securing to the said (name), payment of such sums as lock payment of such sums as last aforesaid; (I or we) doscribed. mortgage to the said (name) the ship above described.

Chap. 68. Lastly, (I, or we), for (myself or ourselves), and (my or our) bein, covenant with the said (name of him or them) and (his in their) assist the the said (name of him or them) and this or their) assigns that (I or we) have power to mortgage in manner aforesaid, the above mentioned ship, and that the same is free from incumbrances, save as appear by the N.B. The last words to be omitted if the ship is free from *kumbrances* incumbrances. $\frac{\ln \text{witness}}{\ln name} \text{ whereof (I or we) have hereto subscribed (my)} = \frac{\ln name}{\ln name} = \frac{\ln name$ or our) name Executed by the above named one thousand eight hundred and in the presence of { N.B. In case of transfer it may be made by indorsement in he following form : (e). 1911 07 TRANSFER OF MORTGAGE. () "He" or (a) the within mentioned () "Him" or sideration of (b) by in conand the second this day paid to (c) within written security. (e) "ITY Dame" hereby transfer to the benefit N Hy name... N Hames... N Hy seal ... In witness security. ribed (a) a thereof (d) have hereunto subof the scribed (e) and affixed (f) this our seals."hundred and Recented by the above named one thousand eight N.B. In case a mortgage is paid off, the following memo-A.B. In case a mortgage is para . and a mot its discharge may be used : Received the sum of Witten security. Dated at in discharge of the within this day of

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Chap. 68 948 taking by Transmission[†] Form D. Declaration by Representative of For * (or decease, or marriage, or bankruptcy). † (Steamer or for sailing). 18 Date of Record Record No. fl., Temporary name of ship ft., breadth, Where building Proposed measurement, length, (I or we) the undersigned (declarant's name, description and ace of birth), declare as follows I are (are are) place of birth), declare as follows I am (or we are) I (or we) declare that the person appearing by the above pok to be the (owner or most appearing by the ship w) on escribed (come the down of transmission in the country of (country) described (cause of transmission) in the county of (county) the day of (nature of transmission). day Made and subscribed the by the above of 18 named in the presence of 36 V., c. 128, third schedule. To be Consolidated elsewhere. Left Proposed Part for Repeal. to be Consolidated. Consolidated. Whole, except Sections 1, 3 and Sections 26,37. sections 1, 3 and Sections 29. 36 V., c. 128..... sections 1, 3, 26, 27, 28, 29 and 43.

An Act respecting Certificates to Masters and Mates of CHAPTER 69. HER Majesty, by and with the advice and consent of the Bun Senate and the senate of Canada, enacts as $\hat{\mathbf{S}}_{enate}^{majesty}$, by and with the advice and consent of \mathbf{S}_{enate} and House of Commons of Canada, enacts as follows :-INTERPRETATION. In this Act, unless the context otherwise requires :- Interpreta-tion. (a) The expression "Minister" means the Minister of Marine "Minister." and Fisheries; (b) The expression "ship" means any vessel used for the "Ship." purposes of navigation and registered in Canada; (c) The expression "sailing ship" means a ship propelled "Sailing ship." mainly by sails;

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(d) The expression "steamship" or "steamer" includes "Steamship." by ship propelled wholl and the steam or other any ship propelled wholly or in part by steam or other hotive power than sails or oars;

(e) The expression "sea-going ship" includes every ship "Sea-going or place in some port or place in ship." Canada and some port or place out of Canada, not being a port place in Neufour 10 place out of Canada, not being a port or place in Newfoundland or in the United States of America;

"(f) The expression "voyage" includes "passage" or "Voyage"

between Canada and Newfoundland or the United States EXAMINATIONS AND CERTIFICATES OF MASTERS AND MATES.

AND CERTIFICATES OF MASTERS AND AND **Raminations shall** be instituted in the several Pro- Examinations in Canada and British Columbia for persons domiciled masters and mates. And the seven state of Quebec, Nova Scotia, New Brunswick, Prince tuted for masters and masters and for at least three rooms who intend to become maters and intered in Canada and British Columbia, for persons domiciled masters in Canada for at least three years, who intend to become mates. hasters or mates or second mates of sea-going ships registered tencer at a who mich in the search of in Canada, or mates or second mates of sea-going ships registered tency for sea-going wish to procure certificates of competency for sea-going ships hereinafter mentioned; and perthe serving in ships registered in Canada shall be deemed

to be domiciled in Canada while so serving. 17, s. 1, part ;-42 V., c. 26, s. 1, part.

Examination of masters and mates of inland vessels or coasters.

3. Examinations may be instituted in Canada, for per-ns domiciled in Canada for intend sons domiciled in Canada for at least three years who intend to become masters or mater of to become masters or mates of ships trading on the inland waters of Canada. or on coast waters of Canada, or on coasting voyages, or who wish of procure certificates of compute procure certificates of competency hereinafter mentioned; and persons serving in shire and persons serving in ships so registered, and British sub-jects serving in foreign vessel jects serving in ships so registered, and British such to be domiciled in Canada T in the trade, shall be deemed to be domiciled in Canada T in the trade, shall be deemed to be domiciled in Canada T in the trade, shall be deemed to be domiciled in Canada T in the trade, shall be deemed to be domiciled in Canada T in the trade, shall be deemed to be domiciled in Canada T in the trade, shall be deemed to be domiciled in Canada T in the trade, shall be deemed to be domiciled in Canada T in the trade, shall be deemed to be domiciled in Canada T in the trade, shall be deemed to be domiciled in Canada T in the trade, shall be deemed to be domiciled in Canada T in the trade, shall be deemed to to be domiciled in Canada while so serving. 28, s. 2, part.

Where to be held. Governor in Council may

appoint examiners, &c.

4. Subject as herein mentioned, the minister shall pro-ide for such examinations at vide for such examinations at such places as he sees fit; and the Governor in Council marrier or examinations at such places as he sees fit; and the Governor in Council may appoint an examiner or examinations, iners at any place or places to be a set of the oreminations, iners at any place or places to conduct the examinations, and may regulate the same and induct the amount of and may regulate the same, and determine the amount shall the remuneration of such even the remuneration of such examiners; but no person mates be appointed an examiner be appointed an examiner in respect to masters himself or second mates of sea-going ships, unless he has himself passed a satisfactory examination passed a satisfactory examination before two or more as miners, as to his fitness and miners, as to his fitness and competency to act to that examiner, and has received for the second xaminer, and has received from them a certificate to that effect. 33 V., c. 17, s. 1 mart 33 V., c. 17, s. 1, part ;-46 V., c. 28, s. 2, part.

5. The Governor in Council may, from time to time, make less for the conduct of such rules for the conduct of such examinations, and as the gualifications of the applications of the applicati qualifications of the applicants; and such rules shall be observed by all examiners 22 W ; and such rules to the transmission of the second such rules shall be rules to the second seco observed by all examiners. 33 V., c. 17, s. 2; -46 V., c. 28, s. 3

6. All applicants for examination shall pay, previous for amination, to such person examination, to such person as the minister appoints for a that purpose, the following of the minister av intermediate the following of the minister av intermediate the minister av intermediate the minister av intermediate the minister av intermediate the minister av intermediate the minister av intermediate the minister available to the minister availab that purpose, the following fees, that is to say ship, certificate of competency certificate of competency as master of a seagoing shift ten dollars; for a certificate of mate of ten dollars; for a certificate of competency as first or second mate of a sea-going ship for a certificate of competency as first or second competency as first or second mate of a sea-going ship, five dollars; for a certificate of competency as master of a sea-going ship, five dollars; for a certificate of competency as master of a ship to dollars; for a certificate of on coasting the ship to dollars is lond waters of competency as master of a ship trading on inland waters of on coasting voyages, eight dollars on coasting voyages, eight dollars; and for a certificate of competency as mate of a ship trading on inland waters of competency as mate of a ship trading on inland waters of competency as mate of a ship trading on inland waters of on coasting voyages, form dail on coasting voyages, four dollars; and for a downaters of service, the fees hereinafter and for the events any appli service, the fees hereinafter provided : and in the event any applicant failing to proceed in the content of qualifier tion on the content of the proceed in the content of the content of the content of the proceed in the content of any applicant failing to procure his certificate of qualification on his first examination by the provided is and in the event of the second failing to procure his certificate of a second failing to procure his certificate of a second failing to be a second for the second failing to be a second fa applicant failing to procure his certificate of qualities tion on his first examination, he shall be entitled to a source examination without payment of in case of tion on his first examination, he shall be entitled to a both if failure to pass examination without payment of any additional fee; such he fails to procure his certificate of any addition on as to he fails to procure his certificate of qualification previous be any subsecond examination, he shall pay the same fee previous be any subsequent examination any subsequent examination as is hereby required to be seeks to provide the service of the certificate V. paid previous to a first examination for the certificate V, seeks to procure. 33 V o 17 seeks to procure. 33 V., c. 17, s. 3; -42 V., c. 26, s. 2;

And make rules respecting examinations.

Fees payable before examination.

thousand eight hundred and eighty-four, served as master masters in served as master in the served as master masters in the served as masters are se in a sea-going ship registered in Canada, and being over one certain sea-going constant tons and fifty tons adian ships. registered tons, and not over one hundred and fity ton. dence of his solution who has produced satisfactory evidence of his sobriety, experience, ability and general good conduct, and has produced satisfactory events of the color test shall be entitled to a conduct, and has passed the color test, shall be entitled to a certificate as master or mate, as the case may be, for sea-

(b) Every person who, before the first day of January, one Persons who thousand eight hundred and seventy, served as mate in a served as mates on sea-duces ship in the Dentities Canada, and who pro- going ships before 1870. sea going ship, in any Province in Canada, and who pro- going ships bobriety, experience shility and general good conduct on sobriety, experience, ability and general good conduct on or a ship, shall be ability and general good conduct on board ship, shall be entitled to a certificate of service as first or only mate for sea-going ships, on payment of a fee of

be entitled to a certificate of service as master for sea-going ships, on payment of a fee of five dollars;

(a) Every person who, before the first day of January, one Persons who thousand eight hundred and seventy, served as master in a masters on sea-going ship in the constant of the search sea going ship, in any Province in Canada, or who has sea-going ship, in any Province in Canada, or second 1870, and 1870, and attained ship, in any Province in Canada, or who has sea-going master in Her Moiorter. The second who produces sate tain naval haster in Her Majesty's Royal Navy, and who produces sat- tain naval interiory evidence of his sobriety, experisfactory evidence at such examination of his sobriety, exper-ballity and ience, ability and general good conduct on board ship, shall

Second connection of service, differing in form from certific Certificates of service to be granted to,cates of competency, may be granted as follows, that is to granted to,-

The minister may, subject to the proviso hereinafter Certificates made, grant to every applicant who is duly reported by any passing such tion satisfactoril. tion satisfactorily, and to have given satisfactory evidence successfully. of his sobriety, and to have given satisfactory conduct on board intervention, experience, ability and general good conduct on board ship, a certificate (hereinafter called a certificate of competence), a certificate (hereinafter called a certificate as mascompetency), to the effect that he is competent to act as mas-ter or as \mathcal{O} , to the effect that he is competent to act as master or as first, second or only mate of a sea-going ship, or as master or the inland waters of master or mate of a ship trading on the inland waters of Canada on the inland waters of a ship trading on the inland waters of Canada, or in the coasting trade, as the case may be, and whether for the coasting trade, as the case of ships whether for sailing ships or steamships, in the case of ships trading on inland waters or on coasting voyages (stating the class of class class of ships for which he is found competent): but in Proviso: if every case in for which he is found competent): but in report is not attracted by the statisfactory every case in which he is found competent): but in report is not such report have the minister has reason to believe that satisfactory to any case the minister has reason to believe that satisfactory to such report has been unduly made, he may remit the case the minister. either to the same or to any other examiner or examiners, and may require a re-examination of the applicant, or a fur-ther inquire a re-examination of the applicant, before ther inquire a re-examination of the applicant, or granting bit into his testimonials and character, before $17 \circ 4:-42$ V., c. 26, s. granting him a certificate. 33 V., c. 17, s. 4;-42 V., c. 26, s. I, part ; 46 V., c. 28, s. 5.

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going ships registered in Canada and being over one hun dred tons and not over one h dred tons and not over one hundred and fifty tons registered tonnage, on payment of a first and fifty tons registered tonnage, on payment of a fee of five dollars for a certificate as master, or three dollars for a as master, or three dollars for a certificate as mate;

(d) Every person who, before the first day of $J_{anuary, one}^{one}$ ousand eight hundred and thousand eight hundred and eighty-three, served as master in a ship trading on the served as master inland waters in a ship trading on the inland waters of Canada, or of before 1883. coasting voyages, or, being a British subject, served in foreign vessels in like trade foreign vessels in like trade, and who produces satisfactory evidence at such examination of the produces satisfactory evidence at such examination of his sobriety, experience, ability and general good could be ability and general good conduct on board ship, shall be entitled to a certificate of source on board ships trading entitled to a certificate of service as master for ships trading on the inland waters of Canad on the inland waters of Canada, or on coasting voyages, on payment of a fee of four dollar

Persons who served as mates on inland waters before 1883.

(e) Every person who, before the first day of January, one ousand eight hundred and civil to first day of January, one shin to a small day of January, one a ship trading on the inland waters of Canada, or on consisting voyages, or, being a Britich ing voyages, or, being a British subject, served in foreign vessels in like trade, and who are in the subject, served in foreign in many served in the subject of the served in the serv vessels in like trade, and who produces satisfactory evidence in manner aforesaid. of his calling a bility is a in manner aforesaid, of his sobriety, experience, ability to a general good conduct on board in the entitled ing general good conduct on board ship, shall be entitled ing on the service as first and ship, shall be chips trading certificate of service as first or only mate, for ships voyages, on the inland waters of Considered on the inland waters of Canada, or upon coasting voyages, on payment of a fee of two dell

may be issued.

No ship over 100 tons, registered in Canada, to cross the sea without certificated master and mate.

2. The minister may thereupon issue such certificates of there reverses and the various personal issue is and the such certificates in the such certificates and the such certificates of the such c . The minister may thereupon issue such certificates service to the various persons so respectively entitled to ing to; and each of such certificates for searching Particulars to to; and each of such certificates of service for and rice and rice persons so respectively entry for searchine in certificates. ships shall contain particulars of the name, place and the of birth, and of the length and matter of the name, previous service of the name. of birth, and of the length and nature of the previous set V_{-} c. 17, s. 5; -46 V = 200 of the person to whom the same is issued. 33 V., c. 17, 5. 5; -46 V., c. 28, s. 6; -47 V and 10

9. No ship registered in Canada over one hundred ns registered tonnage shall -• No ship registered in Canada over one hundre tons registered tonnage, shall go to sea from any port or place in Canada, on a vover of place or place or place of place or place in Canada, on a voyage to any port or place or place of America mulace the master and and the master a the United States of America, unless the master and possess ming mate or only mate thereof have obtained and possess going ships apprendict of competence of for search of certificates either of competency or service in such ship, of of a higher ships, appropriate to their several stations in such ships of a higher grade, from the minister of competence of a higher grade, from the minister, — or valid certificates to their service for foreiter ships appropriate to their service for foreiter ships appropriate competency, or service for foreign-going ships, appropriate grade, from the minister, or valid certificates to to their several stations in certificates of a mion, grade, from the stations in certificates of a mion, competency, or service for foreign-going ships, appropriate to their several stations in such ship, or of Kingtheir grade, from the Board of Trade in the United to the --or valid certificates of competence or propriate to anted several station -or valid certificates of competency appropriate granted in any Ruited vi valid certificates of competency appropriate grade, grade several stations in such ships, or of a higher grade, by order of and Majesty in C in any British possession, and declared by order of and Majesty in Council published in the provision Majesty in Council published in the London (Colonial) Act. the provisions of "The Merchant Shipping" (Colonial)

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1869," or of any Act of the Parliament of the United Kingdom containing such provisions, to be of the same force as certificates of competency for foreign-going ships granted under the Acts of 11 percent for foreign-g the Acts of competency for foreign-going ships granted merchant and merchant at the Parliament of the United Kingdom relating to having been merchant shipping; and every person who, having been Penalty for engaged to serve as master or first mate or only mate of contraven-day sea-going at a master or first mate or only mate of tion. any sea going ship registered in Canada, over one hundred tons registered tonnage, goes to sea as aforesaid, as such man entitled as such master or mate, without being at the time entitled to and possessed of such a certificate either of competency or of service for sea-going ships, as hereinbefore required, or who employ who employs any person as master, first mate or only mate of any such any person as master, first mate or only mate of any such sea-going ship as aforesaid, without first ascertaining that he, at the time, is entitled to and possessed of such certificate, at the time, is entitled to and possessed of such certificate, shall for each such offence incur a penalty not exceed: 99 V c. 17, s. 6;-47 Not exceeding one hundred dollars. 33 V., c. 17, s. 6;-47

10. The master of every sea-going ship registered in Certificates to be produced be produced to clearing Canada, over one hundred tons register, shall produce to clearing to every officer of the second to be produce to clearing consider to every officer of the second to the to every officer of the customs in Canada, to whom he officer of customs, no such vovage by no ship t applies for a clearance of such ship on any such voyage by no ship to be for a software of such ship on any such voyage by no ship to be sea as aforesaid, the certificates of competency or service cleared with-out such his first mate, production. for sea going ships, which the said master and his first mate, production. or only mate, are hereby required to possess; and no officer of the customs of the customs of the set of the customs of the set of the customs of the custom of the customs at any port in Canada, shall clear any such ship, on any such voyage as aforesaid, without such certifi-cates being first any first any master, mate cates being first produced to him; and if any master, mate Penalty for or other officer of other officer attempting or other officer of any such ship attempts to sail, or take attempting to sage as aforesaid, which ship to sea, from any port in Canada, on any such voy- contravention full. age as aforesaid, until this requirement of this Act has been of this Act. fully complied with, such master, mate or other officer, shall for every such offence incur a penalty not exceeding one hundred dollar offence incur a penalty not exceeding one hundred dollars: but nothing in this, or the next pre-Employment reding section contained to the section contained to the second mate ceding section contained, shall render it compulsory on the second mate hold- not compulpart of any owner to have on his ship a second mate hold- not compuling a certificate as such, to enable him to clear his ship for sory.

2. Every master of any such ship who, after having pro-Punishment area to the collectory such ship who, after having pro-Punishment duced to the collector or other officer of the customs in mate fraudu-or only or service received to be possessed by the first ing this sec-tion after the possessed by the first ing this sec-tion after the possessed by the first ing this sec-tion after competency or service required to be possessed by the first tion after by mate of such alter and the possessed by the first tion after the ship. or only mate of such ship, and having obtained his clearance clearance of energy that the ship. by representing that the person possessing such certificate is the ship. engaged as first or only mate of the said ship for the voyage for which the clearance is obtained, afterwards proceeds to sea which the clearance is obtained, afterwards proceeder without having the said person or some other duly certificated mate on board as first or only mate, shall incur a penalty of one hundred dollars; and every person who afor ingly allows is the same point of the produced as knowingly allows his certificate as mate to be produced as first of one bundred dollars ; and every person aforesaid, and does his certificate as mate to be produced as mith such ship as first aforesaid, and does not proceed to sea with such ship as first \$. . .

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or only mate on the voyage for which the clearance is obtained, or otherwise with the description of the second se tained, or otherwise wilfully aids the master in his offence against this Act. shall income wil against this Act, shall incur a like penalty; and the certificate of any master or mate offen di Suspension of of any master or mate offending against this enactment, may, offender if it is under Canadian if issued under Canadian authority, be suspended by the minister for a period not average authority, be suspended by a minister for a period not exceeding twelve months. and 2. c. 17, s. 7; -42 V. c. 26 s. 2 c. 17, s. 7;-42 V., c. 26, s. 3;-47 V., c. 19, ss. 1, part, and 2.

offender if it is Canadian.

No vessel to sail on inland waters, &c., unless she carries a certificated master.

And a certificated mate in certain cases.

Penalty on uncertificated persons acting as masters or mates, and on persons employing them as such.

11. No sailing ship registered in Canada, over one hun-red tons registered tonnage in Canada, over one for the second second tonnage in the second s dred tons registered tonnage, and no steamship so registered to shall go from any port or when the steamship so registered to shall go from any port or place in Canada on a voyage of any other port or place in Canada on a voyage of in the port or place in Canada on a voyage of any other port or place in Canada on a voyage of in the United States of American day, or in Newfoundland, or allowed in the United States of America, or be licensed or thereof to ply on any Canadian motor to ply on any Canadian water unless the master thereof has obtained from the minist has obtained from the minister, and possesses a valid certifi-cate of competency or service cate of competency or service as master of a ship trading the inland waters, or on constinue inland waters, or on coasting voyages, as the case may be, of **s** class and description to which as the case may be. class and description to which such ship belongs, or sea valid certificate of competence. valid certificate of competency or service as master of com-going ships, from the minister going ships, from the minister, —or a valid certificate of com-petency as master. for forming petency as master, for foreign-going ships, from the United Kingd of trade in the United Kingdom,—or a valid certificate of competency as master, granted competency as master, granted in any British possession and declared by order of Her March and British published at the Law declared by order of Her Majesty in Council published in the London Gazette. under the the London Gazette, under the provisions of "The Merchant Shipping (Colonial) Act 1860." Shipping (Colonial) Act, 1869," or of any Act of the Parlist ment of the United Kingdom, containing such provisions, to be of the same force as a metric time competency, as to be of the same force as a certificate of competency, and the Acts of the B master for foreign-going ships, granted under the Acts of the Parliament of the United V. the Parliament of the United Kingdom relating to merchant shipping; and no ship register in the design of two had shipping; and no ship registered in Canada over two hundred tons registered tonname. dred tons registered tonnage, and no steamship so registered to and allowed by law to come to steamship so registered to and allowed by law to carry more than forty passenge to shall go from any port or placed of the carry and a start of a voyage to shall go from any port or place in Canada, on a voyage of any other port or place in Canada, or a voyage of in the H any other port or place in Canada, or in Newfoundland, of in the United States of America also a state also a state also in the United States of America, unless such ship carries also a mate who has obtained also a mate who has obtained a valid certificate of compe-tency or service as such mat tency or service as such mate, granted by one of the authori-ties mentioned in this section ties mentioned in this section. 46 V., c. 28, s. 7, part.

12. Every person who, having been engaged to serve is aster or mate of any ship the master or mate of any ship, the master or mate whereof is hereby required to have and to have a sometime to be a solution to hereby required to have such certificate of competence ine service, goes on any voyage d service, goes on any voyage described in the next the the are section as such master or mate, without being at the entitled to and possessed of entitled to and possessed of such certificate as hereinbefore required, or who employs required, or who employs any person as master or without any such ship as aforesaid any such ship as aforesaid, on any such voyage, and pos-first ascertaining that he is at the second first ascertaining that he is, at the time, entitled to and pos-sessed of such certificate shall. sessed of such certificate, shall, for each such offence, *near* a penalty of one hundred dollar a penalty of one hundred dollars. 46 V., c. 28, s. 7, part.

15. Whenever any master or mate or second mate proves to Certificate is be faction of the master or mate or second mate proves to Certificate is because the second mate proves to Certificate lost may be the satisfaction of the minister or mate or second mate proves to Ceruncate his part, lost or hear divisities that he has, without fault on replaced, and may be replaced, and the minister that he has be replaced. his part, lost or been deprived of any certificate, the minister how. may, upon payment of one-half the fee charged for the original certificate, cause a copy or duplicate of the original

3. The master of any steam tug, or other steamer Case of steam $t_{\rm trans}$ but so employed as tugs, &c., prorequired to have a certificated master, but so employed as tugs, &c., pro-shap require such a certificated master, but so employed as tugs, &c., pro-shap require such a certificated master, but so employed as tugs, &c., pro-shap require such a certificated master, but so employed as tugs, &c., pro-shap require such a certificated master, but so employed as tugs, &c., pro-shap require such a certificated master, but so employed as tugs, &c., pro-shap require such a certificated master, but so employed as tugs, &c., pro-shap require such a certificated master, but so employed as tugs, &c., pro-shap require such a certificated master, but so employed as tugs, &c., pro-shap require such a certificated master, but so employed as tugs, &c., pro-shap require such a certificated master, but so employed as tugs, &c., pro-shap require such a certificated master, but so employed as tugs, because a certificated for. hot to have a certificated master, but so employed shall, whenever, the clearance, transire or license as aforesaid, shall, whenever thereunto required by any officer of the master to such officer, customs, whenever thereunto required by any officer of and for any refined his certificate as master to such officer, and for any refined his certificate as master to such officer, the shall incur a penalty and for any refusal or neglect so to do, shall incur a penalty of one hundred dollars; and if any such steam tug, or other Penalty for certific required to the steam and the commanded by a plying with out a proper steamer required dollars; and if any such steam tug, or other Penalty for certificated master within Act to be commanded by a out a proper having steamer required by this Act to be commanded by a out a proper certificated master, plies on any Canadian water without master. having such certificated master on board and in charge, the owner thereof shall. owner thereof shall incur a penalty of one hundred dollars for every day on which such offence is committed. 46 V.,

have been fully complied with, such master shall, for every such offence incomplied with, such master shall, such a start and the such a start and the such a start and the such a start and the such a start and the such a start and the such a start and the start and the such as the start and the such offence, incur a penalty of one hundred dollars :

2. No officer of the customs at any port in Canada shall No clearance, such ship or grant a *transire* coastwise for any granted unless lice ship on any such ship or grant a *transire* coastwise for any grant a such certifi-cate is prosuch ship on any such voyage as aforesaid, or grant a such certificance for the same such voyage as aforesaid, without duced. license for the season in respect of any such ship, without duced. such certificate being first produced to him; and if any Penalty for the such ship contraventic soil or take such ship contraventic of this section. master of any such ship first produced to him; and if any Penalty for from any such ship attempts to sail, or take such ship contravention for which a clearer of any such voyage as aforesaid, the which a clearer of any such voyage or a license for for which a clearance or a *transire* coastwise or a license for the season is the sea the season is required, until the requirements of this section have been fully until the requirements shall, for every

14. The master of every ship trading on inland waters A master must on continue of every ship trading on inland waters A master must or on coasting voyages required by this Act to be com- certificate manded by a master having a certificate of competency or (and that of of service variable of service of has one) on of service as aforesaid, shall produce to every officer of has one) on the customs in Canada to whom he applies for a clearance applying for a clearance to clearance &c. or for a transire coastwise for such ship, on any voyage from any port or place in Canada, to any other port or place in Canada, to any other port or place for former of America, or for Canada, Newfoundland or the United States of America, or for a license for the United States of America, or for a license for the season in respect of such ship, the certificate of competer of competency or service which the said master is hereby required to possess; and if such ship is also required to arry a matchesis; and if such ship is also required to carry a mate having such certificate as aforesaid, the master shall, at the same time, produce to such officer of the customs the certificate of such mate :

13. The foregoing provisions as to masters and mates Certain hall not and mates classes because the conving passengers classes because the conving passengers classes because the conversion of shall not apply to pleasure yachts not carrying passengers vessels or goods for 1 to pleasure vessels to relative in fishing, or excepted. or goods for hire, or to ships employed solely in fishing, or excepted. barges or other vessels having neither masts, sails nor de V c 28. s. 7, part. ngging, and not being steamships. 46 V., c. 28, s. 7, part.

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certificate to be made out and certified as aforesaid, and to be delivered to him and the second sec be delivered to him. 33 V., c. 17, s. 8;-46 V., c. 28, 5. 9.

16. Every person who makes, procures to be made, or sists in making any folor assists in making any false representation for the purpose of obtaining for himself or the respect to any of obtaining for himself or for any other person, any such certificate. certificate, or who formed certificate, or who forges, assists in forging, or procures to be forged, or frandminent to be forged, or fraudulently alters, assists in forging, or proculy altering, or procures to be a altering, or procures to be fraudulently altered, any such certificate or any official certificate or any official copy of any such certificate, or who fraudulently makes use of fraudulently makes use of any such certificate, or which is forged, altered, cancelled on the such certificate which is not forged, altered, cancelled or suspended, or to which he is not justly entitled, or who from the suspended or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be and it is determined in the same to be and it is determined. or allows the same to be used by any other person, is guilty of a misdemean or 32 V of a misdemeanor. 33 V., c. 17, s. 9;-46 V., c. 28, s. 10.

17. The Board of trade in the United Kingdom, or the inister, may suspend minister, may suspend or cancel the certificate, whether of competency or service of of competency or service, of any master or mate or second mate of a sea-going ship who have a certificate mate of a sea-going ship who has received a certificate from such minister. in the fill from such minister, in the following cases, that is the say:—if upon any investigation of the say interview. such minister, in the following cases, that ¹⁸ the say:—if upon any investigation duly authorized by Governor in Council under "The Wrecks and Salvage Act," such master or meter Act," such master or mate is reported to be incompetent, or to have been guilty of or to have been guilty of any gross act of misconduct, drunkenness or tyranny; or it is reported that the loss of abandonment of, or serious demonstration while or loss of it life hard abandonment of, or serious damage to any ship, or if if life, has been caused by hig and the dofult; or if if life, has been caused by his wrongful act or default; or of is shown, to the satisfaction of the satisfact is shown, to the satisfaction of the said Board of trade, or false the said minister, that such control of the said Board on false the said minister, that such certificate was granted on false or erroneous information

18. The minister may suspend or cancel the certificate of master or mate who have as master as master as master or mate who have a subject of the second of any master or mate who has received a certificate as master or mate of a ship trading on the data of a contract of a ship trading on the data of a ship trading on the data of a ship trading of the data of a ship trading of the data of cancel certifi-cate in certain or mate of a ship trading on inland waters or on coasting cases of mis-conduct. voyages in the following cases, that is to say :- if upon mass investigation made or anthemic it is to say :- if upon mass investigation made or authorized by the minister such been ter or mate is found to be in to have been ter or mate is found to be incompetent, or to have any; guilty of any act of misconder the minister or tyranow guilty of any act of misconduct, drunkenness of or serious or it is found that the loss or it is found that the loss or abandonment of, or seriors damage to any ship. or loss of life damage to any ship, or loss of life was caused by his wrong ful act or default; or if it is ab ful act or default; or if it is shown, to the satisfaction of false or minister, that such certificat minister, that such certificate was granted on false or erroneous information. 46 W

19. Every master or mate whose certificate is cancelled suspended shall deliver it to the minister or as he directs, iless he h or suspended shall deliver it to the minister, or as he directs, unless he has already deliver it to the minister, or tribute before rel unless he has already delivered it to any court or in the before whom his conduct was could in question in courts of the before whom his conduct was called in question acceled course of the investigation upon which it is canceled or suspended, and in default thereof shall in min penalty not exceeding two hundred dollars; and the min-

Penalty for

Suspension and cancellation of certificates.

Cancelled or suspended certificate to be delivered to minister.

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ister may, at any subsequent time, grant to any person whose New certificate here in the same cate may be granted. certificate has been cancelled, a new certificate of the same cate may be or of any lower grade. 33 V., c. 17, s. 11;-46 V., c. 28, s. 12. Penalty under both Acts has been made the same. The words "for each mitter," in the size bits of the Parliamentary Com-

mittee. In the sixth line are omitted at the suggestion of the Parliamentary Com-

20. All certificates, whether of competency or service for Certificates to sea going ships, shall be made in duplicate, and one part be in duplicate. shall be delivered to the person entitled to the certificate, and the other is the person entitled in the Departand the other shall be kept and recorded in the Depart-ment of Marine and the other shall be kept and recorded in the Department of Marine; and a record of all certificates of com-petency or sorrie; and a record of all certificates of com-inland waters or certificates petency or service for ships trading on inland waters or certificates. on coasting voyages, granted under this Act, shall be kept in a bound book in the said department, and whenever no- Entry of the said department at the said department, and whenever no- Entry of the said department at tice of the book in the said department, and whenever no- Entry of affecting, by concelling, suspending, altering or otherwise cancellation. affecting, by competent authority, any such certificate is received by the authority of the made received by the department, there shall thereupon be made a corresponding entry in the record of certificates. 33 V., c.

17, 8. 12, part ;-46 V., c. 28, s. 13, part. 21. All documents purporting to be certificates granted Their effect as y the minister in the purport of the signed evidence.

by the minister in pursuance of this Act, and to be signed evidence. by him, shall be received in evidence, and shall be deemed to be such certificates without further proof, unless the con-trary is shown thary is shown; and a copy of any such certificate purporting As to copies show certified by the deputy of the minister, minister or h to be certified by the minister or the deputy of the minister, minister or his shall be prima factors of the deputy of such certificate; deputy. shall be prima facie evidence as aforesaid of such certificate; deputy. and a copy purporting to be so certified as aforesaid of any entry made as aforesaid of any such certificate entry made as aforesaid in respect of any such certificate shall be prima from the prima from shall be prima facie evidence of the entry and truth of the matter stated there evidence of the entry and truth of the 12 part :- 46 V., c. 28, **matter** stated therein. 33 V., c. 17, s. 12, part; -46 V., c. 28, **a**, part.

22. All fees received under this Act shall be paid over to Application the Minister of Finance and Receiver General, and shall form of fees.

C. 17, s. 14 ;-46 V., c. 28, s. 14.

28. The minister shall cause a copy of this Act, with the Copies of this Act, act, act, to be kept at hames of the various ports where boards of examiners have Act, &c., to be kept at nor: appointed and ports where boards of examiners have Gover- certain custor boards by the Gover- certain custor boards.

been appointed, and a copy of the rules made by the Gover- certain custom hor in Council for the copy of the rules made by the Gover- certain custom hor in Council for the copy of the rules made by the Bover- certain custom hor in Council for the guidance of such examiners, to be houses. lodged in all the principal custom houses in Canada.

24. The Governor in Council may, from time to time, Governor in rise provision for any council may, for imparting to sea- Council may make pro-make promake provision for affording facilities for imparting to sea-formation for certificates of comments applicants for examina-formation for certificates of comments applicants for examina-instruction of candidates for instruction of candidates for conditions of comments applicants for examina-instruction of conditions applicants for examina-instruction of candidates for conditions applicants for examina-instruction of candidates for conditions applicants for examina-instruction of candidates for conditions applicants for examina-instruction of candidates for conditions applicants for examinal conditions applicants for conditions applied applicants for conditions applied applicants for conditions applied applicants for conditions applied applicants for conditions applied tion for certificates of competency, under this Act, such in- instruction of candidates for mation as to the the theory of the will fit them examination. formation as to the theory of navigation as will fit them examination.

for such examination, and may defray the expenses incurred

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for affording such facilities out of any money voted by Par-liament for that purpose Should this be made to apply to examinations for inland waters' and coasting voyages' certificates?

Repeal of inconsistent enactments.

25. Upon, from and after the commencement of this Act, much of "The Merchant String of any so much of "The Merchant Shipping Act, 1854," and of any Act amending the same and i Act amending the same, and forming and to be construed as is part thereof, relating to all part thereof, relating to ships registered in Canada, as is inconsistent with this Act, is repealed. 33 V., c. 17, s.

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Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
42 V., c. 26 46 V., c. 28	Whole, except s. 15 Whole. Whole, except s. 16 Whole, except s. 4	s. 15. s. 16.	s. 4	Seamen's Act.

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CHAPTER 70.

An Act respecting the shipping of Seamen. HER Majesty, by and with the advice and consent of the follows: and House of Commons of Canada, enacts as

1. This Act may be cited as "The Seamen's Act." 36 V., c. Short title. 129, s. 1.

*. In this Act, unless the context otherwise requires :-

(a) The expression "the said Provinces" means the Pro-"The said ward of Quebec Norre during the said Provinces." vinces of Quebec, Nova Scotia, New Brunswick, Prince Ed- Provinces." ward Island and British Columbia;

(b) The expression "ship" includes every description of "Ship." vessel used in navigation not propelled by oars;

(c) The expression "ships belonging to Her Majesty" in- "Ships be-ought; ips the cost of the belonging to defraved out of the Her Majesty chdes ships the expression "ships belonging to Her Majesty" in-"Surve to Consolidated Revenue Fund of Which has been defrayed out of the Her Majesty." Consolidated Revenue Fund of Canada, and ships described set: property of Canada and eighth

us the property of Canada, by the one hundred and eighth *The British Market Areasing Act.* 1867"; the property of Canada, by the one hundreu ... The British North America Act, 1867"; (d) The expression "Canadian foreign sea-going ship" sea-going ship" sea-going ship" sea-going ship" sea-going ship" sea-going ship" sea-going ship" sea-going ship sea-going ship" sea-going ship sea-going ship" sea-going ship sea-going ship sea-going ship sea-going ship sea-going ship sea-going ship sea-going ship sea-going ship sea-going ship" sea-going ship sea-going ship sea-going sea (d) The expression "Canadian foreign sea-going ship" "Canadian places every ship registered in any of the said Provinces, foreign sea-places in trading or going by sea between some place or

enployed in trading or going by sea between some place or places in Canada and complete or places out of Canada; places in Canada and some place or places out of Canada; (e) The expression "Canadian home-trade ship" includes "Canadian ployed in trading or going from any place or places in any

ployed in registered in either of the said Provinces, end of the said Provinces to any other place or places in any the said Provinces. (f) The expression "master" includes every person (except "Master." having command on a start which a chin t a pilot) The expression "master" includes every having command or charge of a ship;

(g) The expression "seaman" includes every person (ex- "Seaman." Sistered and approximations duly indentured and (cpt masters, pilots, and apprentices duly indentured and apprentices duly indentured and apprentices duly indentured and the master of any ship. registered, pilots, and apprentices duly indentured and any ship; pilots or engaged in any capacity on board

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(h) The expression "Consular officer" includes for the the for General, Consul and Vice-Consul, and any person (Consul time being discharging the duties of Consul General, Consul or Vice-Consul; "Consular officer.' (i) The expression "the Board of Trade" means the Lords the Committee of Priver C of the Committee of Privy Council appointed for the consid-eration of matters relating to the constant appointed for the consideration of matters relating to trade and foreign plantations, "Board of Trade.' (*j*) The expression "the Minister" means the Minister of arine and Fisheries. 36 V " Minister." Marine and Fisheries. 36 V., c. 129, s. 3. **3.** This Act applies only to the Provinces of Quebec. Dva Scotia, New Brunswich D. D. D. Island and Nova Scotia, New Brunswick, Prince Edward Island and British Columbia. 36 V o 180 Application of Act. **4.** This Act shall not, except as hereinafter specially produced as hereinafter special produced as hereinafter special produced as hereinafter special produced as hereinafter special produced as hereinafter special produced as hereinafter special produced as hereinafter special produced as hereinafter special produced as hereinafter special produced as hereinafter special produced as hereinafter special produ Limitation. vided, apply to ships belonging to Her Majesty. s. 6. 5. The Governor in Council may establish a shipping office each port in each of the Third where a custom • I ne Governor in Council may establish a shipping out at each port in each of the said Provinces, where a house is situated, and more f shipping offices at other ports in the said Provinces, wnere established established by time, established by the said provinces as the said provinces at other ports in the said provinces at the said Governor may establish shipping offices. 6. The Governor in Council may, subject to the provisions this Act, appoint superinter data and offices, seary lled shire of this Act, appoint superintendents of such offices, after called shipping masters who the provision and necessary called shipping masters, who may appoint any necessary deputies, clerks and servants and aball subject as herein be mentioned deputies, clerks and servants, and shall, subject as hereinafter mentioned, have complete cart is the same, are or responsible And may acputies, clerks and servants, and shall, subject as hereination mentioned, have complete control over the same, clerks responsible for every act done by such deputies, clerks and servants; and all acts done by or before such deputies have the same. appoint shipping masters. servants; and all acts done by or before such deputies shipping have the same effect as if done have the same effect as if done by or before such shipping masters. 36 V., c. 129. 8 8 mont 7. No person who sells any spirituous liquors, side of eligible el •• No person who sells any spirituous liquors, she for tavern keeper or boarding-house keeper, shall be eligible the situation of shipping most sells any spirituous shipping most sells 36 V. c. 190 the situation of shipping master or deputy shipping master. 36 V., c. 129, s. 8, part Certain persons 8. The Governor in Council may direct that at any place any of the said Provinces in the transformer second ineligible. • The Governor in Council may direct that at any pieces in any of the said Provinces in which no separate business office is established, the whole and not of the business of the ship. in any of the said Provinces in which no separate business office is established, the whole or any part of the custom of the shipping office shall be conducted at the custom house; and thereupon the same shall be there conducted accordingly. Business of house; and thereupon the same shall be there constant house shall f shipping accordingly; and in respect of such business such be a shipping to be a sh office may be conducted accordingly; and in respect of such business such house shall, for all purposes, be deemed to be a at custom house.

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office, and the chief officer of the customs there, if no other shipping master has been appointed, shall for all purposes

be a shipping master has been appointed, shall for all purpose as such within the master, and be held to have been appointed be a shipping master, and be held to have been appointed to be a start of the start of t

as such within the meaning of this Act. 36 V., c. 129, s. 9.

9. Every shipping master and every deputy, clerk and Shipping master, appointed in the line before entering upon masters, a to give se servant, appointed as aforesaid, shall, before entering upon masters, &c., to give secuhis duties, give such security for the due performance rity. thereof as the minister requires; and if in any case the minister has minister has reason to believe that any person appointed by any shipping master does not properly discharge his duties, he may cause an investigation to be made, and may direct the dismissal or suspension of such person, and may provide for the temporer suspension of such person, and may provide for the temporary performance of his duties until another person is properly appointed in his place, or during his sus-pension, as the contract of the subscript of t

pension, as the case may be. 36 V., c. 129, s. 10.

10. Every shipping master, deputy, clerk and servant, Shipping masters, a pointed as provide master, deputy, clerk and servant, Shipping masters, a contained as to take on the server of the server o so appointed as aforesaid, shall, before entering upon his to take oath the peace, of office. appointed as aforesaid, shall, before entering upon his to take of other and subscribe, before any justice of the peace, of office. an oath in the form following, that is to say :-

"I, A. B., do swear that I will faithfully perform the office Form of oath. or a duty of shinning that I will faithfully perform the office. "and duty of shipping master (or deputy shipping master, or as the case may be the true intent and meanor as the case may be) according to the true intent and mean-ing of the 'Act area of Seamen', that I will "or as the case may be) according to the true intent and mean "not either directly in the Shipping of Seamen', that I will And either directly or indirectly, personally or by means of any other person or persons on my behalf, receive any fee, reward or gratuity by reason of any function of my office as shipping master (or deputy shipping the as are allowed to master, or as the case may be), except such as are allowed to "Master, or as the case may be), except such as are allowed a straight of the said Act, and that I will act without to the best of my know-"Partiality, favor or affection, and to the best of my know-bedge. So help me God." 36 V., c. 129, s. 11.

11. Every shipping master shall :-

(a) Afford facilities for engaging seamen, by keeping regis- Registers of the names of one barries who apply to him for seamen. ters of the names of such seamen who apply to him for seamen. that and register of oll seamen shipped or dischargement, and registers of all seamen shipped or dis-ingle by him which is a seamen who apply to him who apply to him who apply to him who apply to him who apply to him who apply to him who apply to him who apply to him who apply to him who apply to him who apply to him who apply to him who apply to him who apply to him who apply to him who apply to him who app charged by him, which registers shall be open for public

(b) Superintend and facilitate the engagement and dis- Engagement and dis-and dis-charge. charge of seamen in manner hereinafter mentioned; (c) Provide means for securing the presence on board at Securing master on the expense of men who are engaged, when requested board. so to do; the expense of such service to be defrayed by the men of the or agent of the chin requiring the presence of

master, owner or agent of the ship requiring the presence of

General busiping masters.

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(d) Facilitate the making of apprenticeships to the searching searching to the searching searching to the searching Apprenticeships. service:

Other duties.

(e) Perform such other duties relating to merchant see under the men and merchant ships as are hereby, or are, under the powers herein contained commuted by are, under the And all business transacted at any shipping office in any the said Provinces, shall be of the said Provinces, shall be under the immediate control and supervision of the minist

To be under control of the minister.

Duty of ship-ping master in case of suspected desertion.

2. Every shipping master and deputy shipping master, all, before hiring encourses shall, before hiring, engaging, supplying to suspect of any seaman whom he had any seaman whom he has any reason to suspect and having deserted from high having deserted from his last ship in any of the on Provinces within the then last Provinces within the then last six months, to be entered his board any ship, require seaman to produce aid certificate of discharge from his last ship, in any of the said Provinces, or other satisfect. Provinces, or other satisfactory proof that he was lawfully discharged from and lawfulldischarged from and lawfully quitted his last ship, in means in of of the said Provinces. and shall a shall be and the ship in his of the said Provinces, and shall by all lawful means him of power prevent, so far as be said by all lawful before him to power prevent, so far as he can, the effecting out reason the any engagement of a seament any engagement of a seaman, whom he has any reason the suspect of having deserted from he has in any of the suspect of having deserted from his last ship in any of the said Provinces. 36 V. c. 190 12. No person other than the shipping master or deputy amon to real thin the shipping master or provide a --- No person other than the shipping master provide a shipping master shall hire, engage, supply or provide a seaman to be entered on board

seaman to be entered on board any ship, not being service dian home-trade ship, or a chimic the morchant service dian home-trade ship, or a ship in the merchant this Act of any foreign country to which the

Other persons not to ship seamen.

Penalty for taking rewards for procuring seamen.

of any foreign country to which the provisions of this are prevented from applying of here are prevent are prevented from applying as hereinafter provided : 2. Every person, other than a shipping master or deputy ipping master who exacts or received from the master of y ship in the master of the ma Livery person, other than a shipping master or deputy shipping master who exacts or receives from the master of any ship, in violation of the providence of this section, on sum of more any ship, in violation of the provisions of this section, and to serve in the master who exacts or receives from the section, and such a section of the provisions of this section. sum of money as a reward for procuring a seaman to seighty board such ship, shall incurs a seaman to seighty dollars and board such ship, shall incur a penalty not exceeding is to dollars and not less than twenty dollars and such ship. ...aru such ship, shall incur a penalty not exceeding eign? dollars and not less than twenty dollars. 36 V., c. 129, s. 13. No

Persons hired contrary to this Act not to be received on board of any ship.

13. No owner, part owner, master, person in charge receive ip, ship's husband or consigned their browingly rit to accept to No owner, part owner, maste'r, person in charge of receive ship, ship's husband or consignee, shall knowingly mit to or accept to be entered on board with the permit of remain on b or accept to be entered on board such ship, or permit de engaged and in consigned and the same a remain on board the same, any seaman who has been there engaged, supplied or provided to 1 engaged, supplied or provided to be entered on bas bip engaged or his of the provisions of the entered on bas hip contrary to the provisions of this Act, or who there ship agged or hired to be entered on hoard any other ship agged or hired to be entered on hoard any other engaged or hired to be entered on who has shift 36 V., c. 129, s. 14. 14. No person shall employ any person other than a ship ing master or deputy shipping master for the purpto be ring, engaging

Penalty for employing others than shipping

- *• No person shall employ any person other than a ship ping master or deputy shipping master for the purpose be hiring, engaging, supplying or providing seamen to may master or deputy shipping master for the purpose be hiring, engaging, supplying or providing seamen

 Lake and sign and transition of the minister on or as soon as to make make and sign and transmit to the minister on or as soon as to make

except the lawful fees payable under this Act, shall, for every fees. such offence, incur a penalty not exceeding forty dollars, and Government to be discussed from his office by the that also be liable to be dismissed from his office by the to be 120×19 . Governor in Council. 36 V., c. 129, s. 19.

18. Every shipping master or deputy shipping master, Penalty for an every clerk or chipping master or deputy shipping office who shipping master, &c an and chipping master or deputy shipping master, Penalty for accessing the shipping office who shipping master, accessing and every shipping master or deputy shipping master, Penalty for demands or receives any contraction of the directly or indi-receiving more than demands or clerk or servant in any shipping office who masters, sc., ectly, for hiring or servant in any shipping office who masters, sc., except the lawful fees never any remuneration, either directly or indi- receiving such as a lawful fees never bla under this Act, shall, for every fees.

of each such engagement or discharge, and may, persons such engagement or discharge from the wages of all half is so engaged or discharge from the wages of all bersons so engagement or discharge from the wages of an ability the amount so mild the binning master or deputy half the amount so paid to the shipping master or deputy thipping master. 36 V., c. 129, s. 18.

17. Every owner or master of a ship engaging or discharg- Masters to pay before a shipping fees, and may deduct part ing any seaman in a shipping office, or before a shipping fees, and may vince or deputy shipping office, or before a shipping fees, and may educt part Master or deputy shipping master in any of the said Pro- from wages. Master or deputy shipping master in any of the said Pro- from wages. vinces, or deputy shipping once, or master the whole of the shipping master or deputy shipping of the whole of the shipping master or deputy shipping master the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of a part reimburging to the fees hereby made payable in response of a part reimburging to the purpose of in part reimbursing himself, deduct and retain in respect

b proceed with any engagement or discharge unless the fee payable thereon is first paid. 36 V., c. 129, s. 17.

16. The sum of fifty cents shall be payable upon each Fees to be engagement of a contract on contract of a contrac engagement of a seaman effected before a shipping master paid on the here: "It is a seaman effected before a shipping master of discharge of discharge of discharge of seamen." or deputy shipping master in any of the said Provinces, as or discharge barrier mentioned. hereinafter mentioned; and the sum of thirty cents shall be of seamen. payable upon each discharge of a seaman shipped in any of the said Provinces of a seaman shipped in any of the said provinces of a seaman shipped in a seaman shipped in a seaman shipped in a seaman shipped in a seaman shipped in a seaman shipped in a seaman shipped in a seaman shipped in a seaman shipped in a seaman shipped in a seaman shipped in a seaman shipped in a seaman shipped in a seaman shipped in a seaman seam the said Provinces, effected before a shipping master or the said Provinces, effected before a shipping master or the said Provinces, as deputy shipping master in any of the said Provinces, as hereinafter mentioned; and any shipping master, may refuse deputy, clerk or servant of any shipping master, may refuse be noceed with

engaged, supplied or provided to be entered on board, or for every seament in the second description of the second descrip every seaman knowingly received or accepted to be entered board contraction of this Act, incur a on board, contrary to the provisions of this Act, incur a penalty not even in the provisions of this Act, incur a penalty not exceeding forty dollars for each offence, although several seamen are included in the same contract or several are to the same time. seamen are included in the same contract or solved 86 V, c. 190 and or permitted to remain at the same time.

15. Every person who is guilty of any of the offences Penalty for by described at 11 how is guilty of any seaman hired, offences about the described.

entered on board any ship not being a Canadian home-trade masters to ship or a ship in the merchant service of a foreign country, men. and to which the provisions of this Act are prevented from applying as hereinafter provided; and every person who wingly applying as hereinafter provided; and every person who storesaid shall in the person for any of the purposes aforesaid, shall incur a penalty not exceeding forty dollars for each offence. 36 V., c. 129, s. 15.

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above described shall, for each and every seaman hired, offences above described.

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returns of fees.

possible after the last day of June, and the last day of Decem-ber in each year, a return of all day in the last day of December in each year, a return of all the fees received by him and his deputy under this Act during on his deputy under this Act during the half year ending on such day. 36 V., c. 129 e 20

Dispensing with shipping master's superintendence.

20. The Governor in Council may, from time to time, discusses with the transaction before pense with the transaction before a shipping master of any mat a deputy shipping master, or in a shipping office, of any matters required by this Act to be ters required by this Act to be so transacted; and thereuped such matters shall, if otherwise is an antipping office, of any mon by law such matters shall, if otherwise duly transacted as required by law, be as valid as if transacted this pring mater. by law, be as valid as if transacted before a shipping master or deputy shipping master or deputy shipping master, or in a shipping office. c. 129, s. 21.

Penalty for master, &c., refusing to give information.

21. Every shipping master and deputy shipping master in bis pointed under this Act shall masters under appointed under this Act, shall give all the assistance in his and 23 V., c. the Deel power towards carrying into effect the objects of the session the Parliament of the United V. 40, as to Naval the Parliament of the United Kingdom passed in the series of the rears of the rears of the the series of the the series of the series of the the series of the the series of the the series of the the series of the the series of the the series of the series of the series of the the series of the the series of thereof held in the twenty-second and twenty-third years of Her Majesty's reign, chapter f Her Majesty's reign, chapter forty, "For the establishment of Reserve Volunteer Force of Same the government the the same" Reserve Volunteer Force of Seamen and for the government the the same," in such manner and for the government the instance. the same," in such manner as the Board of trade, at he Admiralty, "For the estate of the Lords Control of the Admiralty, and the Admiralty, and the Admiralty, the same of the Lords Control of the Admiralty, and the Admiralty, and the Admiralty, and the Admiralty, and the Admiralty, and the Admiralty, the same of the Lords Control of the Admiralty, and t instance of the Lords Commissioners of the Admirally, directs; and every such shirt directs; and every such shipping master and deputy ship master shall, for this pure directs is a prover to call for such as the prover to call for the such as the prover to call for the prove to call for the prove to call for the prove to call for the prove to call for the prove to call for the prove to call for the prove to call for the prove to call for the prove ping master shall, for this purpose, have the power to call for such answers or information such answers or information concerning reserve men mer the masters of and other power of and other power of an and the power of an and the power of the British and the masters of and other persons belonging to and other persons belonging to and other persons belonging to any ble bim chant ships as are necessary or desirable in order to make in ble him to render such assist ble him to render such assistance as aforesaid, or to make any returns which the Board of the Bo returns which the Board of trade or the Lords Commission ers of the Admiralty recuri ers of the Admiralty require; and every master of duly person belonging to a British person belonging to a British merchant ship, who, when ship called upon by any such ship called upon by any such shipping master or deputy erich information ping master, omits or refuses to give any such answer to a very such shall income information as aforesaid which it is in his power 36 V. c. 129 s 20 shall incur a penalty not exceeding twenty dollars. c. 129, s. 22

Shipping masters to assist in binding apprentices, and may receive fees.

22. Every shipping master appointed under this and tall, when applied to for the provide to any. Per and the provide the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the provide to any per and the per an shall, when applied to for the purpose, give to any person desirous of apprenticing a hore to the purpose of th desirous of apprenticing a boy to the merchant service, tice such assister to every master or owner of a ship requiring an apprentice such assistance as is in his power for the intervice and the margon owner of a ship requiring an the making of such apprenticeship, and may receive from any as are availing himself of such are making from the fees as 199, availing himself of such assistance, such 36 V, c. 19, determined in that behalf by the such 36 V, c. 19, s. 23. **23.** Every person to whom any boy is bound as an opprentice to the sea service in any contract the said Provinces

Indentures to be recorded.

---- Every person to whom any boy is bound as apprentice to the sea service in any of the said

shall, within seven days after the execution of the indenture, take or transmit the same to the shipping master nearest to the residence of the person to whom the boy is bound; and the said shiming the person to whom the boy is bound; and the said shipping master shall cause such indenture to be copied into a book to be kept in his office, which shall be open to public inspection free of any charge, and shall indorse on the indenture that it has been so recorded, and shall re-deliver it has been so recorded, and shall re-deliver the same to the master of the apprentice, and the shine: and the shipping master shall be entitled to charge and receive the shipping master shall be entitled to charge and Receive the shipping master shall be entitled to charge a storesaid : and of one dollar for recording the indenture as a signed or aforesaid; and whenever any such indenture is assigned or Assignments, and the ever any such indenture dies or deserts, &c., thereof, and the ever any such indenture dies or deserts, and death, cancelled, and whenever any such indenture is assigned or Assignments the master of the apprentice shall, within thirty days after &c., of ap-such assignment apprentice shall, within thirty days after &c., of ap-notified. such assignment, cancellation, death or desertion, if the prentices to be when happens with a concellation death or desertion if the prentices to be same happens within Canada, or, if the same happens else-the so soon ofference. where, so soon afterwards as circumstances permit, notify the same to the said shipping master, to be recorded; and Penalty for this person who fail print master to the provisions of default. every person who fails to comply with the provisions of default. this section shall incur a penalty not exceeding forty dollars.

24. The master of every Canadian foreign sea-going ship Apprentices heal, before carries to see from any place and their indentures to the sea from any place i shall, before master of every Canadian foreign sea-going ship Apprentices in any of the said prentice to sea from any place and their apprentice to be brought before shipin any of the said Provinces, cause such apprentice to be brought is an before the ship of the said provinces of the said provinces of the ship before the ship before the ship before whom the crew before and b appear before the said Provinces, cause such apprentice to be brought is engaged, and shall master before whom the crew before ship-ming master before whom the crew before each which the indenture by before each marging to see ^{PPear} before the said Provinces, cause such apprentice is engaged, and shall produce to him the indenture by before each assignments thereof if apprentice is bound, and the assignment or voyage to sea. assignments apprentice is bound, and the assignment tice, with the dote of if any; and the name of the apprenthereof, if any and the indenture and of the assignments thereof, if any the indenture and of the assignments the of the indenture and of the assignments are the port or ports at which thereof, if any, and the indenture and of the assignment the same have been been abell be entered on the the same have been registered, shall be entered on the provisions agreement; and the name of the port of red on the of this section, the most of the provisions penalty for penalty section, the most of the provisions penalty of the provision of the penalty of the provision of the penalty of the provision of the penalty of the provision of the penalty of the provision of the penalty of the provision of the penalty of the provision of the penalty penalty not exceeding the master shall for each offence incur a default. penalty not exceeding twenty dollars. 36 V., c. 129, s. 25.

ENGAGEMENT OF SEAMEN. except ships of less than eighty tons registered tonnage, with seamen carries an across to be made carries ships, conshall enter into an agreement with every seaman whom he in certain tional as one of his group the the particular hereinafter men-tion the participation of the group of the participation of the part carties as one of his crew, in the manner hereinafter men-marked, and every such a shall be in the form tain particu-tioned to be a solution to be a shall be in the form tain particu-tioned to be a shall be in the form tain particu-tioned to be a shall be in the form tain particu-tioned to be a shall be in the form tain particu-tioned to be a shall be in the form tain particu-tioned to be a shall be in the form tain particu-tioned to be a shall be in the form tain particu-tioned to be a shall tioned as one of his crew, in the manner hereinafter men-marked A, in the schedule barte approved or as near thereto lars. Marked ; and every such agreement shall be in the form using the form stances normality of the form the schedule hereto annexed, or as near thereto lars. as circumstances permit, and shall be dated at the time of before signature the schedule hereto annexed, or as near thereto annexed before the first signature thereto and shall be dated at the time of the signature thereto and the line signature thereto annexed by the master the signature the si the first signature thereof, and shall be signed by the master following seaman signature thereof, and shall be signed by the master

before any seaman signs the same, and shall contain the signature thereof, that is to say:following particulars as terms thereof, that is to say:-(a) The nature, and as far as practicable, the duration of Nature of voyage. the intended voyage or engagement;

(b) The number and description of the crew, specifying Crew how many are engaged as sailors;

(c) The time at which each seaman is to be on board or ^{to} gin work ; ginning work. begin work ; (d) The capacity in which each seaman is to serve; (e) The amount of wages which each seaman is to receive; Capacity. (f) A scale of the provisions which are to be furnished to ch seaman; Wages. Provisions. (g) Any regulations as to conduct on board, and as to fines, ort allowance of provisions each seaman : short allowance of provisions, or other lawful punishments for misconduct which the next. Conduct. for misconduct which the parties agree to adopt: 2. Every such agreement shall be so framed as to and stipulations, to be adopted of stipulations, to be adopted at the will of the master and seaman in each case as to advert seaman in each case as to advance and allotment of wages, and may contain any other stimulation and allotment of wages, How to be and may contain any other stipulations which are not signed trary to law; and such account of which are not signed framed. trary to law; and such agreement shall be made and signer either before a shipping meet either before a shipping master in the manner hereinster directed with respect to Consoli directed with respect to Canadian foreign seargoing ships, or in presence of a respectable and the shall attest each or in presence of a respectable witness who shall attest each signature on such agreement. 3. Any seaman who has signed such agreement may, e termination of the agreement such agreement thinks have the termination of the agreement, if the master thinks here discharged before a shipping discharged before a shipping master in the manner ships is and at appendix of the consistence of the shipping master in the manner ships is directed with respect to Canadian foreign sea-going before on and at any period during and Seamen may and at any period during such engagement, and before on termination, the master man dist be discharged by consent. termination, the master may discharge any such search discharge payment of his wages and with his const if such discharge payment of his wages and with his consent, if such discharge appointed with a presence of and with his consent, if such discharge appointed with his consent. is made in the presence of and with the sanction of a appointed shipping master 20 V 100 5 96. **26.** The master of every Canadian foreign see whom the set of every Canadian foreign see whom the set of the -v. The master of every Canadian foreign search when ship shall enter into an agreement with every search the said he carries to sea, from any part in any of the next Provinces he carries to sea, from any port or place in any agreement shall be The carries to sea, from any port or place in any agreement Provinces, as one of his crew; and every such agreement shall be in the form Λ in the state hereto; and st near thereto Similar agreeshall be in the form A, in the schedule bed action of the time of the schedule shall be the schedule bed actions the time of the schedule bed actions the time of the schedule bed actions the time of the schedule bed actions the time of the schedule bed actions the time of the schedule bed actions the time of the schedule bed actions the time of the schedule bed actions the time of the schedule bed actions the time of the schedule bed actions the time of the schedule bed actions the time of the schedule bed actions the time of the schedule bed actions the schedule bed actions the time of the schedule bed actions th ment to be made with near thereto as circumstances permit, and shall be is the first signeture thereto and shall be is the signeture the signet seamen in the time of the first signature thereof, and shall be shall by the master before any source thereof, and shall be shall the time of the first signature thereof, and shall be shall by the master before any source thereof, the same, and shall the same, and shall be shall be shall be the source thereof. other ships. by the master before any seaman signs the same next preceding section as to ~, the master before any seaman signs the same, and share contain the particulars set forth in the next preceding section as terms thereof. 2. Such agreement shall be signed by the master master and each aman in the presence of a duber of shipping to be duber of a duber o ". Such agreement shall be signed by the master mestor; seaman in the presence of a duly appointed shipping to be and such shipping master shall appoint the agreement ager; read over and and such shipping master shall cause the agreewise signs tain that each read over and explained to each seaman, or otherwise signs it, and shall at How to be tain that each seaman understands the same before he signated to each seaman, or other wise before he signated to each seaman, or other before he signated to each seaman and explained to each seaman, or other before he signated to each seaman and explained to each seaman, or other before he signated to each seaman and explained to each seaman, or other before he signated to each seaman and explained to each seaman, or other before he signated to each seaman and explained to each seaman, or other before he signated to each seaman and explained to each seaman, or other before he signated to each seaman and explained to each seaman and explained to each seaman, or other before he signated to each seaman and explained to each seaman, or other before he signated to each seaman and explained to each seaman, or other before he signated to each seaman and explained to each seaman and explained to each seaman and explained to each seaman, or other before he signated to each seaman and explained t executed.

Time for be-

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* The owner, part owner, master or person in charge Advance any Canadian foreign owner, master or person in charge Advance be given of any Canadian foreign sea-going ship, or Canadian home- be given until

28. Every master of a ship registered in any of the Penalty for ively and except maker in the penalty for ment to sea, except maker in the penalty for ment to sea, without to be a ment to sea, without to be a ment to sea, without to be a ment to be a said Provinces, except under eighty tons register, exclu- ment to sea, of the said Provinces between any port or place in without agreement. any of the said Provinces, and any port or place in any other agreement. of the said Provinces, and any port or place in any other him i ces excepted with the train into an agreement with prentices excepted, without entering into an agreement with such the form and any port of prehim in the form and manner, and at the place and time in benal, case required shall for each such offence, incur a behalty not exceeding that the place and time and the second such offence, incur a second in the second sec Penalty not exceeding twenty dollars. 36 V., c. 129, s. 29.

of the said Provinces, shall be discharged in the manner other said for the said provinces of the same belonging to hereby required for the discharge of seamen belonging to 38 v ships trading be discharge of seamen belonging to other required for the discharge of seamen belonging & V, c. 129, s og by sea to ports or places out of Canada.

Canada, averaging less than two months' duration, running agreements with the agreements with the crew may be made to extend over to two or more voyages, or for a specified time, so that no such agreement shall extend beyond six months from the date of day. agreement of the ship at her port of destination in a spectrum of the ship at her port of destination in any of the said Provinces after the termination of such agreement or the discharge of cargo consequent upon such agreement or the discharge of cargo consequent agreement, whether and every person who enters into such How to be there are the first commencement executed. speement, whether engaged upon the first commencement executed. thereof or otherwise in any of the said Provinces, shall enter with and sign the said of the said Provinces and sign the said of the said Provinces and sign the said of the said Provinces and sign the said of the said Provinces and sign the said of the said Provinces and sign the said Provinces and sign the said Provinces and sign the said Provinces and provinces and said Provinces and provinces and said Provinces and said Provinces and nto and sign the same in the manner hereby required for and sign the same in the manner hereby required for other ships the same in the manner hereby requires and every person of the same in the manner hereby requires of the every person of the ports of places out of Canada, if discharged in any and every person engaged thereunder, if discharged in any

such clause shall state the amount of wages to be paid to the seamen upon such sale. 36 V., c. 129, s. 27. **37.** In the case of ships registered in any of the said Pro- Ships making the making short voyages and the said pro- Ships making short voyages and the sai vinces making short voyages from any port or place in any short voyages Canada, averaging less they true months' duration, running agreements.

4. A clause may be inserted in the agreement providing Provision in the sale of the sale o for the sale of the vessel during the voyage intended, and case of sale of ship. for the sale of the vessel during the voyage intenue, and clause shall the crew in the event of such sale; but

8. In the case of substitutes engaged in any of the said As to sub-tovinces in the of substitutes engaged in any of the said As to sub-Provinces in the place of seamen who have duly signed stitutes. A. agreement the agreement and whose services are lost by death, desertion or other unforeseen cause previously to the vessel Putting to sea, the engagement shall, when practicable, be nade before a the engagement shall, when practicable, be hade before a shipping master appointed under this Act; and whenever such last mentioned engagement cannot be ticable, and is ticable, and if not as soon afterwards as possible, cause the agreement to be read over and explained to the seamen who have shipped as substitutes, and such seamen shall thereattest their size in the presence of a witness, who shall

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nature of, and purporting to be an advance note for any part of the wages of any

part of the wages of any seaman hired, engaged, supplied or provided to be entered on a

provided to be entered on board the said ship, until after the ship's articles have been board the said ship, and seaman the ship's articles have been duly signed by the said seam only and by the master or owner at it and by the master or owner of the said ship, and then only to the seaman himself. but to the seaman himself; but any such note or acceptance may be made payable to the may be made payable to the order of such seaman; and not such note or acceptance shall i time. such note or acceptance shall be made, or be payable at ship time sooner than five days after the ship with time sooner than five days after the final sailing of the ship with such seaman on beaut with such seaman on board; and all payments of wages contrary to the provisions of t

contrary to the provisions of this section shall be null the void, and the amount thereas void, and the amount thereof shall be recoverable 36 Vir seaman as if they had not

after the articles are signed.

When to be payable.

Changes in crew to be reported.

seaman as if they had not been paid or advanced. c. 129, s. 30. **30.** The master of every Canadian foreign sea-going shipping which the crew has been of which the crew has been engaged before a shipping master in Canada, shall before and a sign master in Canada, shall before finally leaving cared were and send to the shipping most in ally leaving the crew were and send to the shipping master before whom the crew mage engaged, a full and accurat engaged, a full and accurate statement of every canada; which takes place in his created and in the created which takes place in his crew before finally leaving chands, and, in default, shall for a before finally leaving the be and, in default, shall, for each offence, incur a penalty be exceeding twenty dollars. exceeding twenty dollars: and such statement shall be admitted as evidence. subject to statement shall be admitted as evidence, subject to all just exceptions. c. 129. s. 31 sea-going

As to ships over 100 tons register.

Ships not over 100 tons.

Penalty on ships going to sea without complying with this Act.

Certificate from shipping master.

ship over one hundred tons register, shall, on shipping the agreement with bic the agreement with his crew, produce to the certificates of master before whom the server, and the certificates first agreement with his crew, produce to the shipper of master before whom the same is signed, the certificates first competency or service, which is competency or service, which the said master and his and if mate or only mate, are not in the said master and the shipe mate or only mate, are required by law to possess; at the port, he all the shipping master is the chief officer of customs hun-port, he shall not clear and dred to be a state of the shipping master is the chief officer of customs hunport, he shall not clear any such ship of over being the produced port, he shall not clear any such ship of over one first dred tons register without such certificates being ton produced to him, and shall not clear any ship of any have nage register until all the requirements of this Act master been complied with to his satisfaction, and if any, mill of any abi been complied with to his satisfaction; and if any mating of any ship attempte plied with, he shall, for every such offence, incur a penalty not exceeding two barries of the state of the s 2. If the shipping master is not the chief officer tonnage ms at the port, then in the same this of any tonnage

2. 11 the shipping master is not the chief officer tonnage toms at the port, then in the case of any ship of any complied register, on all the requirements of this hot being on the with to the with to the satisfaction of the chief other and in the case of any sate of any ship of any complete with to the satisfaction of the chief of the case of any sate register, on all the requirements of this Act being complete with to the satisfaction of the shipping master, and on the production of the shipping master, alving right to the satisfaction of the shipping master, and in the case of any such ship of over one hundred tons register, plying production of the said certification to compliant vase of any such ship of over one hundred tons register, plying production of the said certificates in addition to complying with all the requirements of this to the satisfaction with all the requirements of this Act to the satisfaction

Act, and is afterwards discharged before the commencement before voyage

produce the agreement or any copy thereof. 36 V., c. 129, **36.** Any seaman who has signed an agreement under this Seamen discharg discharge discharge discharge before the commencement discharge before

35. Any seaman may bring forward evidence to prove Scamen not to sumplify of any approximation this Act. or otherwise be bound to produce to approximate the seament. the contents of any agreement under this Act, or otherwise produce produce without advance or giving notice to agreement. to support his of any agreement under this Act, or otherwise produce produce the agreement producing or giving notice to agreement.

fraudulently altering, or procures to be made, any demeanor. or makes, or assists in making, or procures to be made, any demeanor. to he a rive in delivered for the second s false entry in, or delivers, assists in delivering, or procures to be made, and to be delivered a false sists in delivering or procures and this agreement under this to be delivered, a false copy of any agreement under this set V c 129, s. 34. Act, is guilty of a misdemeanor. 36 V., c 129, s. 34.

officer, or Majesty's Dominions), of a British consum-British merchants and there is no such officer, of two respectable British merchants. 36 V., c. 129, s. 33. **B4.** Every person who fraudulently alters, assists in Falsifying ships' article the state of th

33. Every erasure, interlineation, or alteration in any Alterations in arrest articles to be agreement with such agreement with seamen, as is required by this Act articles to be bing directed for ship- attested to have been (except additions so made as hereinbefore directed for ship- attested to have been made with ping substitutes or persons engaged subsequently to the have been made with the substitute of the chief of all parties. first departure of the ship), shall be wholly inoperative, consent of all the parties. unless proved to have been made with the consent of all the parties. persons interested in such erasure, interlineation or alteration by the written at the written a by the interested in such erasure, interlineation or aneral. Domine written attestation (if made in Her Majesty's instice of the peace, Dominions) of some shipping master, justice of the peace, officer of customs officer of customs or other public functionary, or (if made officer of Her Majestar). Derivide of a British consular out of customs or other public functionary, or (11 man officer, or where the Dominions), of a British consular Rei. or where the second function of two respectable

Quirements of this Act have been complied with to his sat-isfaction. 42 V C 19, s. 4, part. isfaction. 42 V., c. 27, s. 1, part ;-47 V., c. 19, s. 4, part.

82. No officer of customs shall clear any ship of any ton- Customs age register of the shipping officers for bidden to hage register of customs shall clear any ship of any ton- customs master's certificate to the effect that all the requirements of clear ships matter is a certificate to the effect that all the requirements of clear ships master's certificate to the effect that all the requirements of clear ships this Act have been to the effect that all the requirements of clear ships is complied this Act have been complied with, or to the effect that the until this Act mement is in his of the effect with and waiting an engage with. agreement is in his office partially signed waiting an engage-with. ment is in his office partially signed waiting an one shall not close the crew, as the case may be, and shall of a portion of the crew, as the case may or, megister, without it such ship of over one hundred tons register, without the production of such certificates of control of such certificates of certi certificates of competency or service above mentioned; and Penalty for win whip of any ship of any transformed and the service above mentioned and penalty for sea without com if any ship of any tonnage register attempts to go to sea without compluing to the tonnage register attempts of this Act, plying with without complying with all the requirements of this Act, plying with the master of such t the master of such ship shall incur a penalty not exceeding this Act. two hundred dollars; and at any port at which the chief officer of customs acts as shipping master, such officer of customs shall not it is an at any port at which the recustoms shall not clear any ship outwards until all the re-

the shipping master, such shipping master shall give the master of the ship a certificate to that effect or to the effect that the agreement is in his office partially signed waiting an engagement is in his office partially signed ... 42 V, c $_{97}^{10}$ end of a portion of the crew, as the case may be. 42 V., c. 27, s. 1, part ;-47 V., c. 19, s. 4, part.

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to have compensation.

of the voyage, or before one month's wages are earned, without fault on his north without fault on his part justifying such discharge and without his consent, shall be entitled to receive from the without his consent, shall be entitled to receive from the master or owner. in addition master or owner, in addition to any wages he has earned, due compensation for the due compensation for the damage thereby caused ing him, not exceeding one month? him, not exceeding one month's wages, and may, on adducing such evidence as the court be such evidence as the court hearing the case deems satisfaid, tory of his having been as in tory of his having been so improperly discharged as aforesaid, recover such compensation are in the task and anly earned. recover such compensation as if it was wages duly earned. 36 V., c. 129, s. 36.

37. All stipulations for the allotment of any part of the ages of a seaman during his wages of a seaman during his absence, which are made in the the commencement of the voyage, shall be inserted in pay agreement, and shall state the the the the the state the st agreement, and shall state the amounts and times of pay-ments to be made; and ellot ments to be made; and allotment notes may be in the form B in the schedule hereto

38. The wife, or the father or mother, or the grandfather grandmother, or any child or grandmother, or any child or grandchild, or any brother or sister, of any seaman in whether and the seament not the sued on sum-marily by cer- or sister, of any seaman in whose favor an allotment note of tain persons and under part of the wages of such and allot may. unless the part of the wages of such and allot may. part of the wages of such seaman is made, may, unless the seaman is shown in manner l end under part of the wages of such seaman is made, may, unless we certain condi-seaman is shown in manner hereinafter mentioned which forfeited or ceased to be article forfeited or ceased to be entitled to the wages out of which the allotment is to be paid the allotment is to be paid, and subject as to the wife, to the provision hereinafter contained provision hereinafter contained, sue for and recover the subs, allotted by the note when and allotted by the note when and as the same are made payable, with costs, from the owner the same are made payable in with costs, from the owner or any agent who has authorized the drawing of the note with a start who has an anner in the drawing of the note with a start who has a start who h the drawing of the note, either in the summary and recover which seamen are, by this Ant which seamen are, by this Act, enabled to sue for any courting any of the summary manner of the summary manner of the summary manner of the summary manner of the summary manner of the summary of the su wages not exceeding two hundred dollars, or in any courts, any of the said Provinces barrier to the amount within the said Provinces barrier to the amount any of the said Provinces having jurisdiction to the amount, within the limits of whose it within the limits of whose jurisdiction such owner or allot has been served with process has been served with process, or the agreement and where ment note or either of them ment note or either of them were or was made, such on the side in any size in any size or agent having been duly served with process in any place in any of the said Provinces with in any of the said Provinces within or without such in the

2. In any such proceeding it shall be sufficient for in aimant to prove that he can be sufficient by . In any such proceeding it shall be sufficient for un claimant to prove that he or she is the person mentioned by the note, and that the note way to be the owner shall the master. the note, and that the note was given by the seaman con the master or some authorized accepted to the seaman con the master or some authorized agent; and the seaman shall be presumed to be duly earning big master unless the the trary is show be presumed to be duly earning his wages, wither by the set of the trary is shown to the satisfaction of the court, either by his official statement of the change in the crew caused Act is absence made and signed by the required or h absence made and signed by the master, as by this in the required, or by a duly certified required, or by a duly certified copy of some ship, effect, log-book to the effect that he has left the same at the credible letter from the master of the chin to the same at the or by such at credible letter from the master of the ship to the same effect, or by such other evidence of the ship to the same effect, or by such other evidence, of whatever description, as

Rules as to allotment notes.

Proof.

seaman belonging to a ship registered in any of the said Provinces of any On discussed eighter to being a Considered in any of the said Pro-discharge in a ship registered in any of the said Pro-discharge. vinces, not being a Canadian home-trade ship of less than certificates of sign to a ship registered in any of the said Pro- masters to give seamen sign to be not b eighty tons, or upon payment of his wages, the master shall discharge. sign and give him a certificate of his discharge in the his a b and discharge in the solution of his discharge in the form D give him a certificate of his discharge in the schedule hereto, specifying the period of his discharge, and the time and the tin time and the tin tin time and the tin time and the his service and the time and place of his discharge, and action make and sime in the time and place of his discharge, and wring shall make and the time and place of his discharge, and the and sign thereon a report of the conduct, char-the and gualification of the conduct, during state acter and sign thereon a report of the conduct, chan the period he has been in his employment; or he may state

hot exceeding twenty dollars; and such account may be in the form C in the solution; 26 V c. 129, s. 40. the form C in the schedule hereto. 36 V., c. 129, s. 40. **41.** Upon the discharge in any of the said Provinces of any On discharge in any of the said Provinces of any On discharge in any of the said Pro- masters to give seamen the said pro- masters of the said Pro- masters of t

40. Every master shall, before paying off or discharging Master to tered in any of the said Provinces from a ship regis- account of home. tered in any of the said Provinces from a ship regard account home-trade ship of the said Provinces, not being a Canadian wages. home-trade ship of less than eighty tons, deliver to him, or ship is to be discharge to him in the said provinces and the said provinces and the said provinces and the said province and the said pro if he is to be discharged before a shipping master, to such of his wages, and shipping master, a full and true account of his wages, and and true account of his wages, and of all deductions to be made therefrom on any account what-how the second in default with the second of the second whatsoever, and in default shall, for each offence, incur a penalty the account may be in

their wages in like manner. 36 V., c. 129, s. 39.

39. All seamen discharged in any of the said Provinces, Discharges to be made be-fore shipping from ships registered in any of the said Provinces, Discharges w Canadian home-trade ships of the said Provinces other than be made be-their in the said provinces other than fore shipping Canadian home-trade ships, shall be discharged and receive master. Wages in the ships, shall be discharged and receive master. their wages in the presence of the shipping master duly petent court otherwise director and any master or owner or petent court otherwise directs; and any master or owner or not space of any children in cases where some court otherwise directs; and any master or owner or consignee of any ship registered in any of the said Provinces, not being a Constitution of the said Provinces, who discharges any not being a Canadian home-trade ship, who discharges any seaman belonging thereto or, except as aforesaid, pays his wages within any of the said Provinces in any other man-in , shall income the said Provinces in any other manher, shall incur a penalty not exceeding forty dollars; and Penalty the case of china for defaults and the case of china for the cas in the case of ships exempted as aforesaid, seamen may, if for default. the owner or master so desires, be discharged and receive

DISCHARGE AND PAYMENT OF WAGES.

penalty of one hundred dollars. 36 V., c. 129, s. 38.

ber husband shall if as to be undeserving of support from duct of wife. her husband, shall thereupon forfeit all right to further pay-ments of any all thereupon forfeit all right has been made ments of any allotment of his wages which has been made 4. Every master who makes a wilfully false statement in Penalty for y such letter who makes a wilfully false shall incur a wilfully false statement.

any such letter, as is in this section mentioned, shall incur a wilfully false statement.

⁸. The wife of any seaman who deserts her children, or so As to miscon-isconducts of support from ^{duct of wife.}

court in its absolute discretion considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of the seaman has ceased to be entitled to the wages out of which the allotment is to be paid:

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Penalty for default. that he declines to give any opinion upon such particulars or upon any of them and the or upon any of them; and if any master fails to sign and give to any such seaman received give to any such seaman requiring the same, such certifi-cate of discharge and report the same, sforesaid, he cate of discharge and report or statement as aforesaid, he shall, for each such offence shall, for each such offence, incur a penalty not exceeding forty dollars. 36 V. e 120 - 13

Shipping master may decide questions which parties refer to him.

42. Every shipping master in Canada may hear and de of de any question whatsomer h cide any question whatsoever between a master or owner of a ship registered in Canada and which both a ship registered in Canada and any of his crew, which both parties agree in writing to cub difference of a were award parties agree in writing to submit to him; and every award so made by him shall be binding to return the submit in the state of the submit in the state of the submit is and shall be binding to submit to him is and shall be binding to submit to him is and shall be binding to submit to him is and shall be binding to submit to him is a state of the state of so made by him shall be binding on both parties, and matter in any legal proceedings in any legal proceedings which are taken in the matter before any court of justice in G before any court of justice in Canada, be deemed to be con-clusive as to the rights of the clusive as to the rights of the parties; and any document purporting to be such submitting purporting to be such submission or award shall be prime facie evidence thereof, and such facie evidence thereof, and such shipping master may charge a fee not exceeding four dollars a fee not exceeding four dollars as remuneration therefor. 96 V., c. 129, s. 42.

43. In any proceeding relating to the wages, claims of in scharge of any seaman below in the spin registered in discharge of any seaman belonging to any ship registered in any of the said Provinces and the seamer shipping any of the said Provinces, carried on before any shipping master under the provision of the such shipping master may call upon the court of this Act, such any call upon the court masters and master under the provisions of this Act, such shipt the give evidence. master may call upon the owner or his agent, or uponduce master or any mate or other master or any mate or other member of the crew, to produce any log books, papers or other member of the crew, their respect any log books, papers or other documents in their respec-tive possession or power rolation tive possession or power, relating to any matter in question in such proceedings, and more than any matter in examine in such proceedings, and may call before him and examine on oath on any such matter on oath on any such matter any of such persons the mate or near the place; and even of such persons the mate he near the place; and every owner, agent, master, may the other member of the crew with agent upon by the shipping other member of the crew, who when called upon by docu-shipping master does not model. shipping master does not produce any such paper or does not ment as aforesaid, if in his not ment as aforesaid, if in his possession or power, or does not appear and give evidence at it is how to be show the source of the sonable excuse for such default, incur for each such offence a penalty not exceeding twenty in the such offence

Right to wages and provisions, when to begin.

44. In the case of ships registered in any of a seaman rovinces, the right to ware Provinces, the right to wages and provisions of the seamen engaged in any of the said Provisions to the taken to the said Provision of the said Provision engaged in any of the said Provinces shall be taken work, or mence either at the time at which here mences workers mence either at the time at which he commences of work of 44. at the time specified for his commencement of work, which ever first here V_{OR} V. C. 129, S. **45.** No seaman engaged under this Act for any engaged in any of the said Provincial by any engaged ent made

Seamen not to forfeit certain rights.

The ship of the said Description of the ship of the said Description of the sa ment made in any of the said Provinces, shall, by any engreg the ship, or be deprived of any of the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the record of the said Provinces, for the said the ship, or be deprived of any remedy for the recovery his wages to which he would at his wages to which he would otherwise have been entitled;

Masters and others to produce ship's

Penalty for default.

tered in any of the said Provinces, shall be entitled to wages refusal to neglected period during refusal to refuses or work or im-prisonment. for any of the said Provinces, shall be entitled to wages refusal to time a to work when which he unlawfully refuses or work or im-prisonment. hegects to work when required, whether before or after the prisonment. time fixed by the agreement for his beginning work, or, be: a the court had been the therwise directs, for any where fixed by the agreement for his beginning work, or period during which the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him are set of the set o offence committed by him. 36 V., c. 129, s. 49.

be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period. 49. No seaman or apprentice belonging to any ship regis-and in any of the soid Dentitle belonging to any ship regis-any of the soid Dentitle belonging to any ship regis-refusal to mark or im-

48. Whenever the service of any seaman belonging Right to nates before the period contemplated in the agreement by of service by wreck or the wreck of the ship, and whenever illness. reason of the period contemplated in the agreement by of service such of the Wreck or loss of the ship, and whenever wreck or by reason of the terminate of the ship, and safet and the service terminate of terminate of terminate such service wreck or loss of the ship, and wnemo-by reason of his being before such period as aforesaid by reason of his being left on shore at any place abroad, there a certificate and left on shore at any place abroad, the voyage granted his unfitness or inability to proceed on the voyage, granted as herein mentioned, such seaman shall

47. If any seaman or apprentice to whom wages are due How wages and the next procedure apprentice to be fore the same are are to be pain case of under the next preceding section dies before the same are are to be paid after they shall be paid after the manner herein- death. paid, they shall be paid and applied in the manner herein- death. after specified with regard to the wages of seamen who die during a voyage. 36 V., c. 129, s. 47.

46. No right to wages of any seaman or apprentice on Wages not to be the said Provinces depend on the earning board of any ship registered in any of the said Provinces the earning the dependent of freight : and every of freight. shall be dependent on the earning of freight; and every of freight. such seaman or apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned from the ship in which he has served had earned freight shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, that he heart that he hea proof that he has not exerted himself to the utmost to save the ship, cargo and store with the himself to the utmost to save the ship. Cargo and store with the himself to the utmost to save the save her save he ship, cargo and stores, shall bar his claim. 36 V., c. 129, s. 46.

and every stipulation in any agreement made in any of the province. said Provinces inconsistent with any provision of this Act, every current in any agreement made in any arrival and every current inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his right to wages in the case of the loss of the ship, or to about to wages in the case of the loss of the ship, or to abandon any right which he has or obtains in the nature of salvage, shall be wholly inoperative; but Proviso. this shall not apply to the case of any stipulation made by the seamen belonging to any ship which, according to the seamen belonging to any ship which, according to the terms of the agreement, is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services, to be rendered by such ship to any other ship. 36 V., c. 129, s. 45.

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Nor during illness caused by wilful act or default.

50. Whenever a seaman belonging to any ship registered any of the said Provinces in a province in capable in any of the said Provinces is by reason of illness incapable of performing his duty and the said state of the said provinces is by reason of illness has of performing his duty, and it is proved that such illness has been caused by his own wilfel been caused by his own wilful act or default, he shall by be entitled to wages for the time to default, he is by be entitled to wages for the time during which he is 36 reason of such illness incorrect. reason of such illness incapable of performing his duty. V., c. 129. s. 50

51. The master or owner of every ship registered in any to the said Provinces shall which wages of the said Provinces shall pay every seaman belonging to such ship, his wages, if demonded the said avery seaman belong days after the days aft such ship, his wages, if demanded within three days dis-the delivery of the cargo or first l the delivery of the cargo or five days after the seaman's discharge, whichever first happened as after the seaman's happened as after the seaman's discharge. charge, whichever first happens; but this provision shall not apply to cases in which the second days after the seaman's unit by a days after the second days after the seaman's unit apply to case in which the second days after the seaman's unit by a days after the second days after the seaman's unit apply to case in which the second days after the seaman's unit by a days after the second days after the seaman's unit by a days after the seaman's unit days after the seaman's unit apply to case in which the second days after the seaman's unit days apply to case in which the second days after the seaman's unit days after the seaman's unit days apply to case in which the second days after the seaman's unit d apply to cases in which the seaman by the agreement is $p_{a,b}$ is the provision shall by a share of the profits of the seaman by the agreement is T = 129, s. 51. by a share of the profits of the adventure. 36 V., c. 129, s. 51.

MODE OF RECOVERING WAGES. 52. Any seaman or apprentice belonging to any ship regist red in any of the said Data December o

before any judge of the Superior Court for Lower Canada, any judge of the sessions of the judge of the Superior Court for Lower Canada, niy court, stipendiary magistrate court, stipendiary magistrate, police magistrate, or any two justices of the peace acting justices of the peace acting in or near the place at which the service has terminated the service has terminated, or at which the seaman or apprentice has been dischart apprentice has terminated, or at which the seaman or owner or other person upon is made is or resider. owner or other person upon whom the claim is made is or resides, for any amount of resides, for any amount of wages due to such seaman or apprentice, not exceeding two h

authorized on his behalf, may sue in a summary manager before any judge of the Summing of a summary canada, and indee and indee and indee and a summary canada, and

suc for wages •••• Any seaman or apprentice belonging to any ship really in a summary tered in any of the said Provinces, or any person manner manner. authorized on his behalf

apprentice, not exceeding two hundred dollars, over and above the costs of any proceeding for the recovery thereof, as soon as the same becomes payable. as the same becomes payable; and such judge, magistrate or justices may, upon complaint justices may, upon complaint on oath made to him or mon by such seaman or appropriate by such seaman or apprentice, or on his behalf, summon such master or owner or other Master or owner may be summoned to appear.

Judges may make order for payment of wages.

such master or owner or other person to appear before or them to answer such complete the such as the such as the such appear before the such as the s **53.** Upon appearance of such master or owner, or ed, the fault thereof, on due proof of the master or so summon the default thereof, on due proof of his having been so summon the such judge, magistrate on inclusion inclusion in the state of the state such judge, magistrate or justices may examine upon set oath of the respective with set of the restion (if there of any), or upon oath of the respective witnesses of the parties in case bofore any), or upon the oath of either effective and the set of the parties in the set of the parties in the set of the parties in the set of the parties in the set of the parties in the set of the parties in the set of the parties in the set of the parties in the set of the parties in the set of the parties in the set of the parties in the set of the parties in the set of the parties in the set of the parties in the set of the parties in the set of the parties in the parties in the parties in the set of the parties in the parti any), or upon the oath of either of the parties, in case before the parties requires such anth of the parties, other, hand such judge, magistrate, or justices, touching the order for the partners and amount of wages due and another or der for the payment of the such and another of the such and another of the such and another of the such and another of the such and the such and the such and the such and the such and the such and the such and the such and the such and the such and the such and the such and the such as the and amount of wages due, and may make such or justices, and may make such or justices, and may make such or justices, and may make such or justices and appears and another thereof, as to such includes the such or justices appears and and amount of wages due, and may make such order for inspectives payment thereof, as to such judge, magistrate or justices appears reasonable and just; and any order made by such judge, magistrate or justices shall be final 36 V., c. 129, s. 53. 54. If such order is not obeyed within twenty-four bours ext after the making thereast in the magistrate of next after the making thereof, such judge, magistrate

Warrant of distress may be issued.

soing ship, who is engaged for a voyage or engagement abroad,

57. If any suit for the recovery of a seaman's wages is If suits are brought under against any suit for the recovery of a seaman's wages is If suits are brought under against any suit is the master or owner necessarily before supe instituted against for the recovery of a seaman's wages is If suits are thereof, in any such ship, or the master or owner necessarily court; in any court of Tr. ship, or the master or owner necessarily before superior before superior before superior court, I thereof, in any court of Vice Admiralty or in any superior before superior the sold D court in any court of Vice Admiralty or in any superior before superior the court, no in the course of such smither the said Provinces, and it appears to the court, costs to court, costs to the court is the said plaintiff. in the course of such suit, that the plaintiff might have had plaintiff. as effectual a remedy for the recovery of his wages by com-under to a judge water instices of the peace plaint to a judge, magistrate or two justices of the peace thereupon no costs shall be awarded to the plaintiff. 36 V., thereupon no costs shall be awarded to the plaintiff. 36 V.,

the sum of two hundred dollars shall be instituted by or on on suits for wages in the longing to any ship superior courts. behalf of two hundred dollars shall be instituted by or on wages in registered in any seaman or apprentice belonging to any ship superior Additional to the seaman of the seament of the s registered in any of the said Provinces in any court of Vice courts. Admiralty, or in any superior court in any of the said Provinces in any of the said Provinces in any of the said Provinces, unless the owner of the ship is insolvent within the sing of any superior court in any of the time being meaning of any Act respecting insolvency, for the time being solarce in Canada in force in Canada, or unless the ship is under arrest or is bold by the anthonic of Vice Admiralty or sold by the authority of any such court of Vice Admiralty or or interest of the such of the second such and the second se superior court as aforesaid, —or unless any judge, magistrate case acting and all or unless any judge, magistrate or justices, acting under the authority of this Act, refers the authority of this Act, refers the authority of this Act, refers the finder in the authority of this Act, refers the authority of the authority of the authority of the authority of the authority of the authority of the authority of the authority of the authority of the authority of the authority of the authority of the authority of the authority of the authority of the authority of the authority of the authority of case to be adjudged by such court,—or unless neither the most of t owner ho be adjudged by such court, —or unless neutrer and place where the master is or resides within twenty miles of the place where the master is or resides within twenty miles or unashore. 36 V c 190 c 50

55. If sufficient distress cannot be found, such judge, If sufficient distress cannot be found, such wages distress cannot be found. magistrate or justices may cause the amount of such wages distress cannot be found, such wages distress cannot be found and expenses to be be may cause the amount of such wages and be found to be found be found to be found and expenses to be levied on the ship in respect of the wages and expenses to be levied on the ship in respect of the wages and be levied on the ship in respect of the ship in service on board which the wages are claimed, or the tackle expenses may diet: parel thereof. and apparel thereof; and if such ship is not within the juris- ship or person of such in a such ship is not within the juris- ship or person may be com-mitted. diction of such judge, magistrate or justices, then they may may be com-have the Derson and if such ship is not within the juris- ship or person-have the Derson and if such ship is not within the juris- ship or person-have the Derson and the magistrate or justices, then they may may be com-mitted. cause the person on whom the order for payment is made to be apprehended and committed to the common gaol of the locality, or if there is no gaol there, then to that which is hearest to the locality, for a term not exceeding three months and not less than one month, under each such condemnation. ³⁶ V., c. 129, s. 55.

justices may issue a warrant to levy the amount of the wages awarded to be due, by the distress and sale of the goods and should be due, by the distress and sale of the goods and chattels of the person on whom such order is hade, paying to such person the overplus of the proceeds of the sale, after deducting therefrom all the charges and expenses incurred by the seaman or apprentice in the haking and hearing of the complaint, as well as those incurred by the distress and levy, and in the enforcement of the order. 36 V., c. 129, s. 54.

56. No suit or proceedings for the recovery of wages under Restrictions he sum of two has a line for the recovery of wages under Restrictions wages in

exceptin cases which is to terminate in any of the said Provinces, shall be or discharge entitled to sue in any court of the said Provinces, shall be in any court of the said provinces, shall be entitled to sue in any court abroad for wages, unless with discharged with such sometime discharged with such sanction as herein required, and with the written consent of the work the written consent of the master, or proves such ill-usage on the part of the master or beat the part of the master or by his authority, as to warrant reasonable apprehension of down sonable apprehension of danger to the life of such seaman if he remained on board but if he remained on board; but if any seaman on his return to any of the said Provinces to any of the said Provinces proves that the master or owner has been guilty of any conduct has been guilty of any conduct or default which, but for wages bection, would have entitled to section, would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in additional and complete the termination of the source o be entitled to recover in addition to his wages such compen-sation, not exceeding eighter 1.11 sation, not exceeding eighty dollars, as the court hearing the case thinks reasonable 26 V

59. Every master of a ship registered in any of the said normalized in the same th Provinces shall, so far as the case permits, have the same rights, liens and remedies rights, liens and remedies for the recovery of his wages, which by this Act or by and which by this Act or by any law or custom any seaman, in being a master, has for the being a master, has for the recovery of his wages; and if, in any proceeding in any court any proceeding in any court of Vice Admiralty, or pro-possessing admiralty invisition possessing admiralty jurisdiction in any of the said tof vinces touching the claim of vinces touching the claim of a master to wages, any right of set-off or counter claim is get set-off or counter claim is set up, such court may all accounts and adjudicate upon all court is set up, such court may all accounts and adjudicate upon all questions and settle all accounts then arising or outstanding then arising or outstanding and unsettled between any parties to the proceeding parties to the proceeding, and may direct payment of any balance which is found to be the payment of s. 59. WAGES AND EFFECTS OF DECEASED SEAMEN.

60. Whenever any seaman or apprentice belonging loyed int home in any Canadian formation ship, employed sent home in any Canadian foreign sea-going ship, employed on a voyage which is to torreign sea-going state the said reon a voyage which is to terminate in any of the said roe which is to terminate in any of the said roe of all vinces, dies during such voyage, the master shall take chard, of all money, clothes and official take to board, enter the same of all money, clothes and effects which he leaves on provent in the log-book. and shall, if he considers it necessary in order way as contagion or disease. dispersively contagion or disease, dispose of the clothes in such the log he thinks fit—and shall there is an antry in the log he thinks fit—and shall thereupon sign an entry in the say: book containing the following book containing the following particulars, that is to say in the course of the course (a) A statement of the amount of money and description the effects so left by the data

(") A statement of the amount of money and description of the effects so left by the deceased, and if any effects were disposed of to prevent contaction a statement the such effect disposed of to prevent contagion or disease, a statement the amount received and the mode of discussion of the statement of t such effects and the mode of disposing of them and the amount received for each (b) A statement of the amount due to the deceased as ages, and of the total amount of the institutions, if any, to made the form

wages, and of the total amount of the deductions, if any, to be made therefrom, — And shall cause such entry to be attested by a mate and y one of the crew : and on arrival statested in any of the

by one of the crew : and on arrival at any port in any of the

life

Proviso.

Master to have same remedies for wages as seamen.

Master to take charge of, book.

Statement of property.

Statement of wages.

Master to give account to shipping

the said Provinces and is at the time of his death entitled seam and is Canada of the said Provinces, and is at the time of his death entitled effects of a seaman dying the has soon the master of any such ship in which in Canada to whom to be to claim from the master or owner of any such ship in which in Canada to for the said Provinces, and is at the time of his death entitled seaman dying has served any upped on officets, such master or whom to be be has served any unpaid wages or effects, such master or ^{whom} to be

or delivery of any money, wages or effects of any such sea-and or apprentice delivery of any money and the sea or apprentice delivery of any money and the sea or to give such han or apprentice dying during a voyage, or to give such account in respect thereof as hereinbefore respectively directed, he shall be accountable to the legal representative of such seaman or apprentice and shall pay and deliver the every such offence income the next exceeding treble the every such offence incur a penalty not exceeding treble the monor of t value of the money or effects not accounted for, or, if such ana two hundred dollars: value of the money or effects not accounted for, or, in such and if any such more and, not exceeding two hundred dollars: and if any such money, Wages or effects are not duly paid, shi ered or account i, Wages or effects are not duly paid, delivered or accounted for by the master, the owner of the ship shall pay, deliver and account for the same, and such honey and wages and the value of such effects shall be re-formable from him in the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the cordingly; and if he fails to account -ddition to his liability for and pay the same, he shall, in addition to his liability for the said money and value, incur the same penalty, which like reinbefore montion is hereinbefore montion is a by the master for the is hereinbefore mentioned as incurred by the master for the search offence : and all like offence: and all money, wages and effects of any such How money, evaluation of apprentice during during a voyage, shall be recov-effects may be recovered. seaman or apprentice dying during a voyage, shall be recov-ing he in the same count and he the same modes of proceed- recovered. erable in the same court and by the same modes of proceed- recovered. Wave, which seamer that hat enabled to recover ing by which seamen are by this Act enabled to recover report to them the same are by this act enabled to recover affects wages due to them : and any shipping master who fails to to the receipt of and any shipping more and effects report due to them : and any shipping master who fails to to the receipt of such accounts, wages, money and effects Penalty for many failure to re port to minister. or who fails to report to minister or pay over such to the terminate of the failure to report to minister. to the receipt of such accounts, wages, money and effects Penalty for wages, money and effects as directed, shall be liable to be ter. dismissed from his office. 36 V., c. 129, s. 61.

said Provinces at which there is a shipping master, the master, who master shall which there is a shipping master to shall furnish copy to the master shall, within three days after his arrival, deliver to shall furnish such shipping master, the master, the master, the shall furnish copy to the copy to the shipping master. such shipping master a full and true account of such effects, minister. honey and wages, with an account of any deductions made therefrom (and no deductions claimed in such account shall be allowed in the log-book), be allowed unless verified by an entry in the log-book), and also by an entry in the log-book). and also by such other vouchers as are reasonably required the shipping the shippin by the shipping master to whom the account is rendered; and such shipping master to whom the account is remarked a copy of such shipping master shall furnish the minister with a copy of such account within six days after receiving the same, and shall, subject to his directions, deliver such wages, effects and money to the legal representative of the deceased seaman or apprentice; or if no such representative of such found, then such shipping master shall dispose of such dispose of such shipping master shall dispose of such effects, money and wages in such manner as the minister directs. 36 V., c. 129, s. 60.

61. If any master fails to take such charge of the money Penalties for other effects of an int taking charge of or or other effects of any such seaman or apprentice dying dur- not taking such attestation to make such entry thereof, or to procure remiting of or days to make such entry thereof, attestation to make such attestation to make such entry thereof. such attestation to such entries, or to make such payment accounting for money and effects.

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paid and delivered. owner shall pay and deliver or account for the same to the shipping master at the port with shipping master at the port where such seaman or apprentice was discharged or was to b was discharged or was to have been discharged, or to the minister, or as he directe

Mode of dealing with unclaimed wages of deceased seamen.

63. In cases of wages or effects of deceased seamen and to prentices who belonged at its of deceased seamen to death, we apprentices who belonged, at the time of their death, by ships registered in any of the said Provinces, received any shipping master on behalf of the Growmant of Can the any shipping master on behalf of the Government of Canada, to which no claim is substantion of the Government of after the to which no claim is substantiated within six years after the receipt thereof by such chi receipt thereof by such shipping master on the absolute the Government of Canada • the Government of Canada, it shall be in the subsection of the Government discretion of the Governor in Council, if any subse-quent claim is made with same; and, subject to the provision hereinafter time, tained, the Governor in Council may, from time to imed order and direct that any moneys emission the unclaimed order and direct that any moneys arising from the unclaimed wages and effects of deceased wages and effects of deceased seamen and apprentices, wary in the opinion of the Government and apprentices is and the detail in the opinion of the Governor in Council it is not necessarily to the for the purpose of the council it is chall be and to the form to the Minister of Finance and apprendix necessary to the Minister of Finance and Receiver General, and such part of the Consolidated Receiver General, and such part of the Consolidated Revenue Fund of Canada; and such moneys shall be applied on the Fund of Canada and directs. moneys shall be applied as the Governor in Council directs. 36 V., c. 129, s. 63.

On discharge of seamen abroad, by sale of ship or otherwise, certificates of discharge to be given, and seamen to be sent home at the expense of the owner.

64. Whenever any Canadian foreign sea-going ship is ansferred or disposed of attraction foreign sea-going whenever any Canadian foreign sea-going ship is transferred or disposed of at any place out of Her Majesty Dominions, and any seaman or place belonging nor or does not in the Jansierred or disposed of at any place out of Her Majesty Dominions, and any seaman or apprentice belonging there of does not, in the presence of computer District consular officer, of if there is a does not, in the presence of some British consular officer, of if there is no such consular officer, of one or man if there is no such consular officer there, in the presence of one or more respectable British constant residing. con one or more respectable British merchants residing and place and not interested in the presence in the presence of sent in such as a sent in sent as a sent in sent as a sent in sent as a sent in sent as a sent in sent as a sent in sent as a sent in sent as a sent in sent as a sent place and not interested in the said ship, signify he and whenever it sent in writing to complete the voyage if continued, and whenever the service of any continued in the said ship, signify defined to any such whenever the service of any seaman or apprentice belonging to any such ship terminator of the terminator of the terminator of the terminator of the terminator of the terminator of the terminator of the terminator of the terminator of the terminator of the terminator of the terminator of the terminator of the terminator of the terminator of the terminator of the terminator of te to any such ship terminates at any place out of Her Majestys Dominions, the master shall size out of seamer any apprentice bominions, the master shall give to each such sease of any ertificate of disch apprentice a certificate of discharge, and in the case of and has retained, shall return shall return such certificate to him, and shall also, apprentice is entitled aith paying the wages to which such seaman or apprentice bim and shall also, besure is entitled, either provide bim with a seaman or apprentice of a seaman or apprentice bim with a seaman or appr board some other British ship bound to the port in her Moisster Discussions, at which see was origined. or any other port in Her Majesty's Dominions, at is agreed was originally shipped or to the port is is a solve to upon by him was originally shipped, or to such other port him book is as is as to back to such port of the port in the back to be bac upon by him, or furnish the means of sending home, or mants with such of when by him, or furnish the means of sending or merchants with such consular officer or cost as aforesaid with such consular officer or such merchant of bir such of bir as aforesaid, such a sum of merchants of bir such of bir such of bir such as a such as a sum of merchants of bir such as a sum of bir such as a sum home, we have the num with a passage home, we have as aforesaid, such a sum of money as is, by such of his merchants, deemed sufficient to decret he expenses of his subsistence merchants, deemed sufficient to defray the expenses 979

2. If the master refuses or neglects to comply with Recovery of provisions of refuses or neglects as last afore expenses if not paid. the provisions of this section, such expenses as last afore- expenses if not paid, if defraved this section, such expenses are any other said, if defrayed by such consular officer or any other person, and the by such consular officer or any other person, and the particulars of such payment, provi-tion or deposite particulars of such payment, provition or deposit indorsed by him or them upon the agreehent of the ship which the seaman or apprentice is leaving, unless such seaman or apprentice has been guilty of barratry, shall be a charge upon the ship to which such seaman or apprentice belonged and upon the owner for the time being thereof, and may be recovered from such owner, with costs, at the suit of the consular officer or ther, with costs, at the suit of the consular once. has been allowed in such expenses; or, if the same has been allowed to the consular officer out of the public moneys, as a dall noneys, as a debt due to Her Majesty, either by ordinary process of law or in the manner in which seamen are hereby enabled to recover wages; and such expenses, if defrayed by the seaman or apprentice, shall be recoverable as wages due

Go. Every master or other person belonging to any Forcing sea-anadian foreign sea or other person belonging to any Forcing sea-a misde-Canadian foreign sea-going ship, who wrongfully forces on men on shore full, and leaves better by who wrongfully and wrong-meanor. shore and leaves behind, or otherwise wilfully and wrong- meanor. Have behind, or otherwise wilfully and wrong- meanor. fully leaves behind, or otherwise wilfully and wides Her Majesty's domining place, on shore or at sea, in or out of inc. Majesty's domining or apprentice belong-Her Majesty's dominions, any seaman or apprentice belong-ing to such ship been any seaman or apprentice belonging to such ship before the completion of the voyage for the character of the ship before the completion of the ship at the return of the ship

which such ship before the completion of the voyage to Canada, is considered and a is considered and a second to Canada, is guilty of a misdemeanor. 36 V., c. 129, s. 65.

(a) Discharges any seaman or apprentice in any place Discharging situate in the United Trained or apprentice in any British posses-British posses-British posses-British posses-British posses-

or left abroad.

situate in the United Kingdom or in any British posses-the other than Construction of the United Kingdom or in any British posses between the United Kingdom or in any British posses between the there is a second to be there is a second to be the there is a second to be there is a sion other than Canada, without previously obtaining session with-of sanction in any British posses- British pos-of sanction in any British posses- British pos-out sanction of proper the sanction in Writing indorsed on the agreement of proper ann. Public shiming indorsed on the agreement of proper of a shiming indorsed on the agreement of proper of the shiming indorsed on the agreement of proper

of a sanction in writing indorsed on the agreement of propagation in writing indorsed on the agreement of propagation of the sharpointed by the Grand master or other officer duly officer. appointed by the Government in that behalf, or (in the absence of such functionary) of the chief officer of customs, resident at or near the place where the dis-

(b) Discharges any seaman or apprentice at any place out Elsewhere, of Her Majesty's Dominic District previously obtain-without successful and the state of the of Her Majesty's Dominions without previously obtain-sanction so in the sanction so in the sanction so in the sanction. ing the sanction, so indorsed as aforesaid, of the British consular officer there or (in his absence) of two respec-

table merchants resident there;

(c) Leaves behind any seaman or apprentice at any place Leaving sea-sion other than United Kingdom or in any British posses-wither than Canada any ground whatsoever, possession without certision other than Canada, on any ground whatsoever, possession without previously and an any ground whatsoever, possession ficate of previously and any ground whatsoever, possession without certificate in writing, ficate of previously and any ground whatsoever, possession ficate of previously and any ground whatsoever, possession without certificate in writing, ficate of previously and any ground whatsoever, possession in a set of previously and any ground whatsoever, possession without certificate in writing, ficate of previously and any ground whatsoever, possession without certificate in writing ficate of previously and any ground whatsoever, possession without certificate in writing ficate of previously and any ground whatsoever, possession without certificate in writing ficate of previously and any ground whatsoever, possession without certificate in writing ficate of previously and any ground whatsoever, possession without certificate in writing ficate of previously and any ground whatsoever, possession writing ficate of previously and any ground whatsoever, possession writing ficate of previously and any ground whatsoever, possession writing ficate of previously and any ground whatsoever, possession writing ficate of previously and any ground writing writing ficate of previously and any ground writing writing writing ficate of previously and any ground writing wr without erus without previously obtaining a certificate in writing, ficate of pro-691 orsed as aforcerit from the officer or person as per officer. so indorsed as aforesaid, from such officer or person as per officer.

aforesaid, stating the fact and the cause thereof, whether such cause is unfitness such cause is unfitness or inability to proceed to sea, or desertion or disappearer

Elsewhere without such certificate.

(d) Leaves behind any seaman or apprentice at any place out of Her Majesty's Dominic out of Her Majesty's Dominions, on shore or at sea, on any ground whatsoever at the sea of the sea any ground whatsoever, without previously obtaining the certificate, indorsed in the the certificate, indorsed in the manner and to the effect last aforesaid, of the Privil last aforesaid, of the British consular officer there in his absence. of two in his absence, of two respectable merchants, if there are any such at or near the are any such at or near the place where the ship then is ;--36 V., c. 129, s. 66.

Penalty.

Proof of such certificate to be upon the master.

67. Upon the trial of any information, indictment of her proceeding against other proceeding against any person for discharging the leaving behind any seamen leaving behind any seaman or apprentice contrary eit provisions of this Act is a present of the provision of the seaman or apprentice contrary eit provisions of this Act, it shall lie upon such person or to produce the sanction or control of the person of to to produce the sanction or certificate hereby required, or to prove that he had obtained the prove that he had obtained the same previously to having discharged or left behind such discharged or left behind such seaman or apprentice, or cer it was impracticable for him to a previously to have a it was impracticable for him to obtain such sanction of cer-tificate. 36 V., c. 129. s 67

Draft on owner; effect and proof of.

68. Every master of a Canadian foreign sea-going place ho leaves any seaman or canadian foreign sea-going place who leaves any seaman or apprentice on shore at any bility out of Canada, under a continue on shore at any bility seamen are who leaves any seaman or apprentice on shore at any plant left behind on out of Canada, under a certificate of his unfitness or inability to proceed on the vovece should be in a construction of the function to proceed on the voyage, shall deliver to one of the function aries aforesaid, or (in the charge of the superior of the superior) to the market of the superior of the superi aries aforesaid, or (in the absence of such functionaries) to the merchants by whom such the merchants by whom such certificate is signed, or lace, to is but one respectable monch to the signed of the place, to him a full is but one respectable merchant resident at such place, at him, a full and true account at a such place, at many at the such place at such pla him, a full and true account of the wages due to such ane delivered ane man or apprentice (such account when delivered same consular officer to be in durity in the same consular officer to be in duplicate), and shall pay the same either in money or by a bill downey the same will a source of the same will a source of the same will a source of the same will a source of the same will a source of the same will a source of the same will a source of the same will a source of the same will a source of the same will a source of the same will a source of the same will a source of the same will a source of the same will a source of the same will a source of the same will be same a source of the same source of the s either in money or by a bill drawn upon the owner, and not by bill: 2. Whenever 2. Whenever payment is made by bill, drawn by the aster, the owner of the shire of

whenever payment is made by bill, drawn by the master, the owner of the ship shall be liable to pay amount for which the same in a holder or indigeneration. amount for which the same is drawn to the holder or ceeding against the shall not h see thereof; and it shall not be necessary in any proceeding against the owner upon such bill to prove that the **margor** had authority to draw the any bill part of the bold ing to be d and authority to draw the same: and any bill to prove that in purposed ing to be drawn in pursuance of this section and of the indorsed as therein required, if produced out mater, shall be muorsed as therein required, if produced out mester, custody of the minister, or of any shipping ment this shall be received in evidence; and any indorse of erein any such bill purporting to be made in pursuance herein any such bill purporting to be made in pursuance berein mentioned section, and to be signed by one of the functionaries hall be mentioned, shall also be recoived in the functionaries hall be primed facio mentioned, shall also be received in evidence and indorse prima facie evidence of the function such indorse ment: *primâ facie* evidence of the facts stated in such indorse ment :

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3. Every such master as aforesaid who refuses or Penalty for entrances and to contravention. neglects to deliver a full account of such wages, and to contraven-hay the amount it a full account of such wages, and to contravenpay the amount thereof in money or by bill as hereinbefore required shall, for every such offence or default, be liable, in addition to the addition to the payment of the wages, to a penalty not erceeding forty dollars; and every such master who Penalty for delivers a false account of the mages shall for every such false account delivers a false account of such wages shall, for every such false account. offence, be liable, in addition to the payment of wages, to a penalty not account of such wages shall, for every set $V_{\rm c}$, 129, s. 68. **Penalty not exceeding eighty dollars.** 36 V., c. 129, s. 68.

69. The Governor in Council may pay any reasonable Governor in Kingdom, or by any officers of Her Majesty in any British of relief of Canadian seamen foreign country on country on Canadian seamen foreign country on Canadian seamen foreign country on country on Canadian seamen foreign country on countr **Possession**, or by any officers of Her Majesty in any British of relief of account of subsister Canada, or in any foreign country on Canadian sea-men found account of subsistence or transport back to Canada of any abroad in disseamen of subsistence or transport back to Canada of any autor Canada, and who has been actives of and residents in tress. Canada, and who have been found in distress, either on account of shim have been found in any place out of account of shipwreck or otherwise, in any place out of the relief of dis-Canada, out of shipwreck or otherwise, in any place out tressed seamen and moneys applicable to the relief of dis-

the seamen and granted by the Parliament of Canada for the purpose, on the production of the bills of the disburse-the s, with the production of the bills of the disburse-

the Governor in Council requires. 36 V., c. 129, s. 69.

ments, with the production of the bills of the discussion of the Governor in Graphic vouchers and such other evidence as $\frac{26}{V}$ V c 129, s. 69.

70. If Canadian foreign sea-going ship is discharged or left behind advanced for Part of Date out of Canada mithant full compliance on the the relief of seamen left at any place out of Canada, without full compliance on the the relief of the master with the m part of the master with all the provisions in that behalf in abroad. this Act contained, and becomes distressed and is relieved bis the provisions in that permanent his subsistence with all the provision and is removed for the provisions of this Act, all expenses incurred for back to his subsistence, necessary clothes, conveyance back to in Canada, and buriel : Canada, and burial in case he dies abroad before reaching Canada, and burial in case he dies abroad before reach he belonged as the charge upon the ship to which minister may, in the he belonged as aforesaid : and the minister may, in the han of Her Majort do : and the minister may in the market of the market do : and the minister may because which hame of Her Majesty (besides suing for any penalties which and been incorrect) have of Her Majesty (besides suing for any penalties with and expenses with costs with for and recover the said wages as of penses with costs with for the master of such ship and expenses with costs, either from the master of such ship as aforesaid, or from the person who is owner thereof for the the being; and such the person who is owner thereof there in and such the person who is owner thereof in the person who is owner thereof in the person who is owner thereof the person who is owner the person who is owner the person who is owner thereof the person who is owner thereof the person who is owner thereof the person who is owner the person who is owner thereof the person who is owner thereof the person who is owner thereof the person who is owner the person who is owner the person who is owner the person who is owner the person who is owner the person who is owner the person who is owner the person who is owner the person who is owner the person who is owner the person who is owner the time being; and such sums shall be recoverable, either in How recover-the same manner as at the sums shall be recoverable, either in How recoverthe same manner as other debts due to Her Majesty, or in wassing manner and be the same man the same manner as other debts due to Her Majesty, or in wages due to the source and by the same form and process in which in the source and by the same form and process in which of the wages due to the seaman would be recoverable by him; and accomp. proceeding for the seaman would be recoverable by him; and in any proceeding for that purpose, production of the case. to be furnished a basis before provided in such Board of account to be furnished as hereinbefore provided in such Canada of the United Kingdom, or by the Government of the charges incomed on account of any such Canada, of the United Kingdom, or by the Government of seaman of the charges incurred on account of any such relieved of apprentice chall be reflected to the was relieved on the charges incurred on account of any such

seaman of the charges incurred on account of any successive dependence on the case may be at the area of the case may be at the relieved, conveyed home or buried (as the case may be) at the conveyed home or buried (as the case may be) at the expense of the Government of the United Kingdom or of 90 V of 129, s. 70. the Government of Canada. 36 V., c. 129, s. 70.

PROVISIONS, HEALTH AND ACCOMMODATION. 71. Any three or more of the crew of any ship registered any of the said Province in any of the said Provinces, may complain to any ship register in command of any of Har.

command of any of Her Majesty's ships or any the use

master in Canada, that the provisions or water for use of the crew are at any time of the crew are at a any time of the crew are at a any time of the crew are at a any time of the crew are at a any time of the crew are at a any time of the crew are at a any time of the crew are at a any time of the crew are at a any tin the crew are at

of the crew are at any time of bad quality, unfit for use or deficient in quantity.

or deficient in quantity; and such officer may thereupon examine the said provisions of the

examine the said provisions or water, or cause them water examined; and if on examined; examined; and if on examination, such provisions or to be are found to be of bad quality are found to be of bad quality and unfit for use, or to be deficient in quantity, the new of the second sec

Survey of provisions and water on complaint made.

deficient in quantity, the person making such examination shall signify the same in writer of the ship; shall signify the same in writing to the master of the pro-and if such master does not the and if such master does not thereupon provide of bad visions and water in lien of an visions and water in lieu of any so signified to be of bad quality and unfit for use or d quality and unfit for use, or does not procure in quantity of any so signified Penalty, if quantity of any so signified to be insufficient in quantity of any provisions or uses any provisions or uses any provisions or uses any provisions or use any provisions or use any provisions or use any provisions or use any provisions or use the provision of th necessary provisions are or uses any provisions or water which have been use, or uses aforesaid to be of had not obtained.

fied as aforesaid to be of bad quality and unfit for use, shall, in every such are shall, in every such case, incur a penalty not exceeding eighty dollars; and upon events in a penalty not as afore eighty dollars; and upon every such examination as afore said, the officer making or direction as a states. said, the officer making or directing the same shall enter a statement of the result of the statement of the result of the examination in the log book, and shall send a report them. It is and such any Entry and reand shall send a report thereof to the minister; and say report, if produced out of the port of exareport, if produced out of the custody of the minister or any officer of the Government shall h mination.

Forfeiture for frivolous complaint.

officer of the Government, shall be received in evidence in any legal proceedings. 26 W 72. If the officer to whom any such complaint there ade, certifies in such states made, certifies in such statement as aforesaid, that of was no reasonable ground of was no reasonable ground for such complaint, each the the persons so complaining shall in the forfeit to k's the persons so complaining shall be liable to forfeit week's owner, out of his wages owner, out of his wages, a sum not exceeding one week's wages. 36 V., c. 129. s 79

Allowance for short provisions.

(a) If during the voyage the allowance of any of the pro-sions which any seamen by the allowance of any stipulated visions which any seaman has by his agreement regulations are reducted. for is reduced, except in accordance with any regulations agree reduction by way of publicher reducted, except in accordance with any regulations agree reduction by way of punishment contained in such such to the ment, and also except for any regulation such to the su ment, and also except for any time during which such sets man wilfully and without sufficient to perform 1 man wilfully and without sufficient cause refuses or neglects to perform his duty, or is lower? wilfully and without sufficient cause refuses or neglected to perform his duty, or is lawfully under confinement misconduct either on board or the state of the s (b) If it is shown that any of such provisions are or have, uring the voyage, been had in the provision of t during the voyage, been bad in quality and unfit for use. The seamer

Compensation to be made.

The seaman shall receive, by way of compensation for such duction or bad quality, according to the time of its nuance, the full the seaman shall receive, by way of compensation for sour-reduction or bad quality, according to the time of its didition tinuance, the following sums to be did to be tinuance, the following sums to be paid to him in to and to be recoverable as more that is to say: to and to be recoverable as wages, that is to say:

(b) If the master or any seaman or apprentice of any such Removal in a_{PP} is shine account of any seaman or apprentice of any such Removal in a_{PP} consequence of infection. (b) If the master or any seaman or apprentice of any such Removal in his ship for the purpose of memorarily removed from consequence of infection. his ship for the purpose of preventing infection or otherwise to his convenience of the billion and subsequently returns for the convenience of preventing infection or otherware to his duty, the event of the ship, and subsequently returns and of providing to his duty, the expense of such removal and of providing necessary advice with the dance and medicines, and of the necessary advice with attendance and medicines, and of

(a) If the master or any seaman or apprentice of any Cana- In case of in-an foreign sea-going burt or injury in service of the dian foreign sea-going ship receives any hurt or injury in service of the ship to receive any hurt or injury in service of the ship to reliable belowers the expense of ship. the service of the ship to which he belongs, the expense of ship. attacking the necessary is a medical advice, with providing the ship to which he belongs, the expense attendance and model and medical advice, with attendance and medicines, and of his subsistence until he is Kind or dies or is here, and of his subsistence until he united chied or dies, or is brought back to some port in the United box dom, if shipped is the transformed on the source of the transformed on transformed on the transformed on transformed on the transformed on the transformed on t Kingdom, if shipped in the United Kingdom, or to some How to be other back if shipped in the United Kingdom, or to some How to be port in Canada, if shipped in the United Kingdom, or to some How to be and the Dossossipped in Canada, or if shipped in some defrayed. other British possession, and of his conveyance to such port, own of her pense of his ball be defrayed by the and the expense of his burial, shall be defrayed by the from the ship with burial, shall be defrayed by the owner of such ship, without any deduction on that account from the wages of much ship, without any deduction on that account from the wages of such master, seaman or apprentice;

75. The following rules shall be observed with respect to Expense of the set attendant on the shall be observed with respect to Expense of medical attendant on the set of the occurring abroad, dance, &c. expenses The following rules shall be observed with respect to Expense of that is to say :______

for the shall keep on board proper weights and measures and measures to board proper weights and measures and measures to board provisions and articles of determining the quantities of the several on board. provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the time of serving out such provisions and dispute articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every derection of the state of the stat offence, incur a penalty not exceeding forty dollars. 36 V.,

Modify or refuse compensation as the justice of the case 74. Every master of a ship registered in any of the said Masters to keep weights and measures an **Provinces shall keep on board proper weights and measures and measures of the surpose of dot measures of the several on board.**

But, if it is shown to the satisfaction of the court before Proviso. which the case is tried, that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper and equivsupplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration, and shall the instice of the case

(c) In respect of such bad quality as aforesaid, an amount **bot** exceeding twenty-four cents a day:

(b) If his allowance is reduced by more than one-third of ^{such} quantity, sixteen cents a day;

(a) If his allowance is reduced by any quantity not erceeding one-third of the quantity specified in the agree-ment, an amount of the quantity specified in the agreement, an amount not exceeding eight cents a day;

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his subsistence while away from the ship, shall be defraved in like manner:

Medicines and attendance on board ship.

(c) The expense of all medicines and surgical or medical lyice and attendance given to advice and attendance given to any master, seaman or appren-tice of any ship, whilst on beauty master, seaman or apprentice of any ship, whilst on board his ship, shall be defrayed in like manner;

In other cases.

(d) In all other cases any reasonable expenses duly incurred the owner for any seamer by the owner for any seaman or apprentice in respect of any illness, and also any reasonable expenses duly incurred illness, and also any reasonable expenses duly incurred by the owner in respect of the by the owner in respect of the burial of any seaman of apprentice who dies whilet apprentice who dies whilst on service, shall, if duly proved, be deducted from the wares of be deducted from the wages of such seaman or apprentice. 36 V., c. 129, s. 75.

Expenses if paid by con-sul to be recoverable from owner.

Evidence.

Accommodation of seamen.

Space for each man.

Shelter, light and ventilation.

76. If any such expenses in respect of the illness, injury hurt of any seaman or any capacity in any capacity is any capacity in the second se or hurt of any seaman or apprentice belonging to any the dian foreign sea-going this dian foreign sea-going ship as are to be borne by the owner, are paid by any concert. owner, are paid by any consular officer or any other person on behalf of Her Maiesty on behalf of Her Majesty, or if any other expenses in respect of the illness, injury or bust of the illness, injury or hurt of any seaman or apprentice whose wages are not accounted a whose wages are not accounted for to such officer under the provisions hereinbefore control for to such officer so pan such are so pan provisions hereinbefore contained in that behalf, are so pain such expenses shall be remained in that behalf, are person such expenses shall be repaid to the officer or the amount by the master of the ship and it by the master of the ship, and if not so repaid, the and be thereof, with costs. shall be thereof, with costs, shall be a charge upon the ship, and the ship for the said much recoverable from the said master or from the owner of me ship for the time being are different to waiesty; the ship for the time being, as a debt due to Her law. or in set manner shall be recoverable by ordinary process of law, or in very manner in which seamen manner in which seamen are hereby enabled to recover wages; and in any proceeding to recover production wages; and in any proceeding for the recovery thereofier production of a certificate of the recovery thereofier production of a certificate of the facts, signed by such are or other person, together with or other person, together with such vouchers as the vere duly posid requires, shall be sufficient proof that the said expenses afore duly paid by such consular officient profit that the said expenses afore duly paid by such consular officer or other person as afore said. 36 V., c. 129, s. 76 77. The following rules shall be observed with respect to hoard Cana-

accommodation for seamen and apprentices on board cana-dian foreign sea-going shine dian (a) Every place in any such ship occupied by seamen for prentices, and appropriated to the increase shall have had erv such apprentices, and appropriated to their use, shall less ner seventy such seaman or appropriated to their use, not less ner every such seaman or apprentice a space of not less uper ficial feet seventy-two cubic feet, and of not less than twelve super-ficial feet, measured on the deal ficial feet, measured on the deck or floor of such place; (b) Every such place shall be such as to make the men oresaid available for the property detion of the menty

the spectrum ted, property who are to occupy it, shall be such as to make of the met who are to occupy it, shall be such as to make of the proper accommodation of property lighted and who are to occupy it, shall be securely constructed, proper at lighted and ventilated, properly into are to occupy it, shall be securely constructed, proper and lighted and ventilated, properly protected from weather and

(h) If any such place are fully compared by such place in any such ship is not kept free Penalty if such place in any such ship is not kept free Penalty if such place in any such ship is not kept free Penalty if the master shall be not kept to clear of good (4) If any such place in any such ship is not kept free Penalty if deemed to be in fault and shall for every such failure to clear of goods deemed to be in fault, and shall, for every such failure to clear of goods. Man lode to be in fault, and shall, for every such failure to clear of goods. comply with the provisions of this section, pay to each sea-a day a sed in such place the sum of twenty-four cents The sum of the sum of twenty-four cents of the sum of twenty-four cents d_{av} after act d_{av} after the sum of twenty-four cents of twenty-four cents of the sum of twenty-four cents of twenty a day for each day after complaint made to him by any two which of such seamon desire which any goods or stores, which are not the parcent which any goods or stores, Which are not the personal property of the crew, are stored

Council may complaint concerning of the surveyors appointed by the Governor of the provisions of this Act with respect to the same are not a collector of the provisions of this Act with respect to the same are of complied with both the same to the collector hot complied with, he shall report the same to the collector the same at the same to the collector the same to the same to the collector the same to the collector the same to the same to the collector the same to the collector the same to the collector the same to the same to the same to the same to the collector the same to of complied with, he shall report the same to the concern thereupon the port where the ship is registered; and the registered is the port where the ship is registered and the theretoms at the port where the ship is registered; and deduction aforesaid : deduction aforesaid in respect of space disallowed, until it is certified by such surveyor, or by some other surveyor of this d by the Governor in Council that the provisions appointed by such surveyor, or by some other surveyor of this Act in respect of space under the provisions this Act in respect of such place are fully complied with;

(f) Every such place shall be kept free from stores or goods To be kept free from stores or goods To be kept free from stores. of any kind, which are not the personal property of the crew stores. (g) Upon one of the surveyors appointed by the Governor in such place Inspection of of the may inspect such place and if he finds that any

every such place, the number of men which it is constructed to accommodate, the number of men which it is constructed accommodate, with the words "certified to accommodate

(e) No such deduction from tonnage as aforesaid shall be Inscription at in a beam, and over en-trance. authorized unless there is permanently cut in a beam, and trance. even or painted on the permanently cut in a beam, and trance. every such place in or over the doorway or hatchway of

(d) Every such place shall, whenever the ship is registered To be subject of "A" Every such place shall, whenever the ship is registered To be sugged pointed by the consected by one of the surveyors ap-to inspection. Pointed by the Governor in Council under the third section the Colonie of the surveyors in the contract of the surveyors in the contract of the surveyors in the contract of the section in the contract of the section in the contract of the section is the section in the section in the section in the section in the section is the section in the section is the section in the section is the section in the section in the section in the section is the section in the section is the section in the section is the section in the section is the section in the section is the section in the section is the section in the section is the section in the section is the section in the section is the section in the section is the section in the section is the section in the section is the section in the section is the sectio of "The Colonial Shipping Act, 1868," who shall, if satisfied hat the same is "Final Shipping Act, 1868," who shall if satisfied by this that the Colonial Shipping Act, 1868," who shall, II satisfies a same is in all respects such as is required by this Act, give to the collector of customs a certificate to that effect, and thereupon such space shall be deducted from the

or more properly constructed privy or privies for the use of such number and the crew; such privy or privies to the under and the constructed privy or privies to be of such number and the construction of but the surveyor hereinof such privy or privies to be of such number after mentioned

brotected from the protected from the property shut off and protected from the effluvium caused by cargo or bilge water; (c) No such place shall be deemed to be such as to author- Privies. ize a deduction from registered tonnage, under the provisions hereinafter contained, unless there is or are in the ship one in more proportioned, unless there is or are in the ship one

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Penalty for contravention in other respects.

(i) If in any other respect, the provisions of this section are by observed with respect to not observed with respect, the provisions of this section ship, the owner shall be deemed to be deemed to be and shall, ion. the owner shall be deemed to be in fault, and shall, for every failure to comply with the every failure to comply with the provisions of this section, incur a penalty not exceed to be in fault, and snam, section, section, and snam, and incur a penalty not exceeding eighty dollars. 129, s. 77.

POWER OF MAKING COMPLAINTS.

Seamen to be allowed to go ashore to make complaint to a justice.

Survey of ships alleged

by seamen to be unseaworthv.

78. If any seaman or apprentice whilst on board, in any the said Provinces any objective whilst on board the said of the said Provinces, any ship registered in any of the said Provinces, states to the master the state of the make cont Provinces, states to the master that he desires to make com-plaint to a justice of the part plaint to a justice of the peace, or naval officer in command of any of Her Majestv's shine of any of Her Majesty's ships, against the master or any of the crew, the said master shall set the crew, the said master shall, if the ship is then at a place where there is a justice or any is aforesaid, as where there is a justice or any such officer as affirship is the ship is the ship is the ship is not the ship is the ship is the ship is affirship is the ship is affirship is not the ship is the ship is the ship is not the ship is the ship is the ship is not the ship is soon as the service of the ship will permit, and if the ship is not then at such a place so soon of the ship will permit, and if the ship is a place is not then at such a place, so soon after her first arrival at the a place in any of the said December of the sorvice of mo a place in any of the said Provinces, as the service of go ship will permit, allow and ship will permit, allow such seaman or apprentice may ashore or send him ashore in ashore or send him ashore in proper custody, so that he may be enabled to make such be enabled to make such complaint, and shall, in default, incur a penalty not exceeding cincur a penalty not exceeding forty dollars. 36 V., c. 129, 5. 79.

79. Whenever in any proceeding against any seaman the prentice belonging to any it in any of the id Press. apprentice belonging to any ship, registered in any for said Provinces, for desertion and the said Provinces, for desertion, or for neglecting or refusing for join or to proceed to sea or or to proceed to be proc join or to proceed to sea or on any voyage in his ship, or it is being absent from or quitting th being absent from or quitting the same without to such alleged by one-fourth the ship, or, if the number of men exceeds twenty, by at least five such seamen, that such five such seamen, that such ship is, by reason of unseating, worthiness, overloading, improper loading, defective opro-ment, or for any other reason and for condition to nin ment, or for any other reason, not in a fit commodation the such shi ceed to sea or on such voyage, or that the accommodation the such ship is insufficient that the accommodation is such ship is insufficient, the court having cognizance of said itself court case shall take such means as are in its power to shall for the truth of the truth itself concerning the truth or untruth of such allegation, and shall for that purpose received shall for that purpose receive the evidence of the person wer to summariants and all the person of the person wer to summariants any other. persons making the same, and shall have power to summar any other witnesses whose still have power to summar it desired. any other witnesses whose evidence such court is sub-it desirable to hear; and the evidence is the such court is still the state. it desirable to hear; and the court shall have power of this same, and shall have power of the same it desirable to hear; and the court shall thereupon, if sate, fied that the allegation is grown different to adjudged: fied that the allegation is groundless, proceed to adjudicate, but if not so satisfied shall cauge such the bin to be surveyed. and the court shall therewardindicad: but if not so satisfied shall cause such ship to be surveyed. 2. No seamon 2. No seaman or apprentice charged with desertion, of ith quitting his ship without

4. No seaman or apprentice charged with desertion, ht with quitting his ship without leave, shall have any right to apply for a survey under the survey under the apprentice charged with account rules of apprentice charged with account rules any rule of a survey under this section unless previously to his quitting his ship he has the master of the circumst to his quitting his ship he has complained to the master of the circumstances so alleged in institution. 3. For the purposes of this section, the court may ship, her id require any person having no interact in the ship, her Survey may 3. For the purposes of this section, the court may appoint the court. and require any person having no interest in the ship.

As to seaman charged with desertion.

So No wages due or accruing to any seaman or appren- Attachment belonging to any seaman or appren- Attachment charge upon tice belonging to any ship registered in any of the said Pro- or sale of, and charge upon

PROTECTION OF SEAMEN FROM IMPOSITION.

the costs of the survey may be deducted by the master or owner out of the survey may be deducted by the master or of whose owner costs of the survey may be deducted by the master of the wages due or to become due to the person allow who where due to the person whose due to the person due to the p wher out of the survey may be deducted by or persons upon whose due or to become due to the person allegation, the survey demand, or in consequence of whose 26 V. c. 129, s. 79. allegation, the survey was made. 36 V., c. 129, s. 79.

8. If it is proved to the satisfaction of the court that the On whom to by as in a fit condition of the court that the fall. ship is in a fit condition to proceed to sea or on her voyage, the case may be or, as in a fit condition to proceed to sea or on her voyage, the costs of the same be, that the accommodation is sufficient, owned to be addressed by the master or

any reasonable expenses he has incurred by reason of nch payment and liability:

7. Every recognized consignee or agent of a ship not How to be tong the owner or agent of a ship not How to be being the owner or master of such ship may, out of any paid. any the amount of the end retain the amount of the costs so paid by him, together with shall be incurred by reason of

6. The costs of the survey shall be determined by the Costs. court, and shall be paid by the master or owner of the ship, may the recommined by the master or owner of the ship, may the recommined by the master or owner of the ship. or by the survey shall be paid by the master or owner of the survey shall be paid by the master or owner of the survey shall be recognized consignee or agent thereof, provided the recognized consignee or agent thereof, provident the recognized consignee or agent thereof, provident th Received on account of such ship:

5. For the purposes of such survey, the person appointed Powers of his duty, go on surveyors. to make the purposes of such survey, the person appointed Powers of board the same may, in the execution of his duty, go on surveyors. board the same may, in the execution of his dury, getter same or any post in the execution of his dury, getter of the machinery, boats or same or any part thereof, or any of the machinery, boats or thereof. other equipments, or cargo thereof, or any provisions or other anicles on house the thereof of the machinery, busics of the thereof of the the thereof of the the thereof of the the thereof of the thereof of the thereof of the thereof of the the the the thereof articles on board thereof, the inspection of which appears to him to be requisite for the purpose of the inquiry he is the indicate to make and thereof, the inspection of which appears the requisite for the purpose of the inquiry he is the requisite for the purpose of the inquiry he is required to be requisite for the purpose of the inquiry in the ship from make, not unnecessarily detaining or delaying her voyage; and if for the ship from proceeding to sea or on her voyage; and if for the second her construction of the may require any reason he considers it necessary so to do, he may require the ship to be considers it necessary so to do, he may require the ship to be so dealt with that he may be able to inspect

4. Such person shall survey the ship, and make his re-Survey and writing to the survey the ship, and make his re-Survey and Port in writing to the court, including an answer to every report. question writing to the court, including an answer to cause such report to him by the court : and the court shall cause such report to him by the court : and the court snames it is proved to the communicated to the parties, and unless it is proved to the communicated to the parties, and uncertain the satisfaction of the court that the opinions the court shall deexpressed to the satisfaction of the court that the opinion termine the such report are erroneous, the court shall determine the questions before it in accordance with those

freight or cargo, whom the court deems competent to deal with the special circumstances of the case, to survey the ship, and to answer any question concerning her which the

wages to be invalid.

vinces, shall be subject to attachment from any court; and every payment of wages to every payment of wages to any such seaman or apprentice shall be valid in law notwith the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of such wages are to be a such seaman or appression of the seaman of th assignment of such wages or of any attachment wages or brance thereon; and no assignment of such wages or brance thereon; and no assignment or sale of such wages or of salvage made prior to the of salvage made prior to the accruing thereof shall bind or person making the same and and the same of salvage the same of the person making the same; and no power of salvage shall be irrow of the receipt of salvage shall be irrow of salvage shall authority for the receipt of any such wages or salvage shall be irrevocable. 36 V. c 120 c 50 The French version of this section is corrected by 45 V., c. 33, 5. 4.

No debt exceeding one dollar recoverable till end of voyage.

81. No debt exceeding in amount one dollar, incurred by y seaman belonging to amount one dollar, in any of he any seaman belonging to any ship registered in any of the said Provinces, after he he said Provinces, after he has engaged to serve, shall be recoverable until the service recoverable until the service agreed for is concluded. c. 129, s. 81. 82. No debt exceeding the sum of one dollar, incurred v any seaman or apprentice of the sum of one dollar, incurred urt or h one dollar recoverable by by any seaman or apprentice, shall be recoverable on keeper of a tavern court or be pleadable by more of the onv keeper onse. court or be pleadable by way of set-off by any keeper of a tavern, or house of public out of set-off by any keeper house.

tavern, or house of public entertainment, or lodging house. 36 V., c. 129, s. 82.

Wearing apparel, &c., of seamen not liable for lodging, &c., beyond one dollar.

Penalty for over charging seamen for board or lodging.

83. The wearing apparel of any seaman or apprentice house of public house of p shall not be kept by any keeper of a tavern, house of public entertainment, or lodging been a tavern, for any denter entertainment, or lodging-house, in pledge for one dollars and on the expenses incurred to any greater amount than of any jess and on the payment or touder. and on the payment or tender of such sum or diately given sum due, such wearing appeared ability immediately given up, whater sum due, such wearing apparel shall be immediately great up, whatever is the amount dreated and any lease tice. 36 V up, whatever is the amount due by such seaman or appre-tice. 36 V., c. 129, s. 83 84. Every person who demands and receives of and from ty seaman or apprentice bet any seaman or apprentice belonging to any ship registered in any of the said Provinces power of his point or lodging any of the said Provinces, payment in respect of longer 1 and than such

or lodging in the house of such person, for a longer dand than such seaman or apprentice become to the seaman or apprenti than such seaman or apprentice has actually resided forty dollars boarded therein, shall incur a penalty not exceeding dollars. 36 V., c. 129. 8 84

Penalty for detaining seamen's effects.

85. Every person who receives or takes into his posses on or under his control and the second dependence of entered bis posset sion or under his control any moneys, documents or effects of any seaman or apprentice balance ship registered in any of the of any seaman or apprentice belonging to any ship registered in any of the said Provinces and decorrect return the same, sea pay the value of the same in any of the said Provinces, and does not return the same of pay the value thereof when any of the same of the sa man or apprentice, after deduction of so to do by such same such and and are such so to do by such signation of the such set o man or apprentice, after deducting therefrom what is just due and owing in respect of the based lodging. I have due and owing in respect of the board and lodging of shall incur a apprentice. or when a second board and second board board and second board bo seaman or apprentice, or who absconds therewith, and incur a penalty not exceeding tert dollars over to other above the amount or value of crick monors, documentally above the amount or value of such moneys, documpenalty effects, after such deductions as a such moneys, and such matices shall be added effects, after such deductions as aforesaid, and such justices shall be adjudged by the index shall be adjudged by the judge, magistrate

by. Every person found loitering near any ship, and not Penalty for loitering near any ship, and not Penalty for loitering near any ship, and not penalty for loitering near any ship. giving a satisfactory account of his business there, shall, ships. on summary conviction, be liable to a penalty not exceeding in hundred dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and not less than fifty dollars, and to the hundred dollars and hu imprisonment, with hard labor, for a term not exceeding is months and not less than fifty dollars, and of avery twelve months and not less than interimed at the time less than three months, if such person have at the time less than three months, if such person have at the time less than three months, if such person loitering; and every person found loitoring to be a solution of the person found loitering near any ship and not giving a satisfac-care. or me time he is so tound to the solution of t or offensive weapon and person any pistol, gun or other firearm or offensive weapon, shall, on summary conviction, be liable to imprisonment for a term not exceeding three years and

8. The master or person in charge of the ship may take any Arrest of rith so offending international deliver him up forth-offender. Person so offending into custody and deliver him up forth-before to any constable of the ship may take any Arrest of before to any constable of the by him taken with to any constable or peace officer, to be by him taken ind any indexed in proceeding for Lower Canada, hefore any constable or peace officer, to be by him to indee of the source of the Superior Court for Lower Canada, indge of the sessions of the peace, judge of a county court, dentry stipendiate of the peace, judge of a county court, dealt with according magistrate or police magistrate, to be dealt stipendiary magistrate or police magistrate, to be c. 33, s. 1.

2. If any person (other than those before mentioned in this Punishment rection) goes on here than those before her actual for so doing when unrection) goes on board of any such ship before mentioned in this Punismucation goes on board of any such ship before her actual for so doing the dock of any such ship before her actual for so doing when unanival goes on board of any such ship before ner access when a charge or while the quay or place of her dis-armed. charge or while she remains in port, without the permission and against the remains in port, without the permission and against the orders of the master or person in charge of min. ship, he abalt is of the master or person in charge of at the time of comsuch ship, he shall, if he is unarmed at the time of combitting the shall, if he is unarmed at the time of the imprisonment for every such offence be liable to imprisement for a term not exceeding three years, and Not less than six months; and if such person is armed When armed. With or carries about his person any pistol, gun or other Stearn, or offensive weapon, at the time of committing the shall a shall a start offensive weapon, at the time of committing the shall a start offence. be liable to imoffence, he shall, for every such offence, be liable to imprisonment for any term not exceeding five years, and not

her actual arrival in dock, or at the quay or place of her bischarge of the place of her destination the discharge of her dock, or at the quay or place of her dock are in port, without the discharge, or while she remains in port, without the permission and against the orders of the master or person

86. No person other than an owner, agent of an owner, No person to consigned of the than an owner, agent of an owner, No person to merchant or consignee of the ship or cargo, or a person in the go on board a Hardwment of city of city of construction of city of construction of city employment of either of them, or an officer or person in ship without Her Majestry' either of them, or an officer master, leave of the master or Her Majesty's service or employment, harbor master, leave of the pilot, shipping master, health officer, custom house officer, person in more than the service of the service of the service of the service of the pilot, shipping master, health officer, custom house officer, person in the shipping master of the service of pilot, shipping master, health officer, custom house officer, person, on board of master or deputy shipping master shall go charge. on board of any merchant ship arriving or about to anive from sea at the place of her destination before discussion of the place of her destination before

before whom the offence is heard and determined, to be forthwith paid the offence is heard and determined, to be 22 V c 129, s. 85. forthwith paid to such seaman. 36 V., c. 129, s. 85.

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36 V., c. 129, s. 87;-45 V., c. not less than two years. 33, s. 2, part.

88. Any judge of the Superior Court for Lower Canada, dge of the sessions of the judge of the sessions of the peace, justice of the peace, stipendiary magistrate penalty is judge of the sessions of the peace, justice of the peace paid; and sold stipendiary magistrate or police magistrate, may such to pay it. any boat or other water any boat or other water craft in or on which any such person is so found loitaring person is so found loitering as mentioned in the penalty ceding section, to be detained ceding section, to be detained until payment of the penalty which such person is and if such which such person is condemned to pay: and if such penalty is not paid before the penalty is not paid before the expiration of the term of the prisonment to which such a prisonment to which such person has been condemned, and the proboat so detained shall be sold by public auction, and the pay ceeds of the sale thereof of a public auction to the pay ceeds of the sale thereof shall be appropriated to the payment of the penalty. 26 W ment of the penalty. 36 V., c. 129, s. 88; 45 V., c. 33, s. 2, part.

89. Every person who, being on board any ship at any proafter her arrival from sea at any port in any of the said pro-vinces, solicits any seament the port in any of the said port of any seament the port in any of the board house keepers. after her arrival from sea at any port in any of the said house house keepers. vinces, solicits any seaman to become a lodger at the house of any person letting lodger at the house takes from any of any person letting lodgings for hire, or who takes from any out of such ship any chest had the takes from any out of such ship any chest, bedding or other effects of such seaman without the permission of the master or person seaman without the permission of the master or person in charge of such shin shall f in charge of such ship, shall, for every such offence, be labor, on summary conviction to it. on summary conviction, to imprisonment, with hard labor for a term not exceeding for a term not exceeding ninety days and not less sixty days. 36 V., c. 120 - 20

Misconduct endangering ship or life or limb a misdemeanor.

Offences by seamen and apprentices and their , punishment.

90. Every master of, or any seaman or apprentice who g to any ship registered in provinces, and belows ing to any ship registered in any of the said Provinces, who by wilful breach of duty or h by wilful breach of duty, or by neglect of duty, or by registered in of drunkenness, does any of the side to fully of the simmediate in destruct of drunkenness, does any act tending to the immediate in mediatel destruction or serious damage of such ship, person below mediately to endanger the life mediately to endanger the life or limb of any person belong, ing to or on board of such ship, or who, by wilful breaches, duty, or by neglect of duty or be mean of drunk interest duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lowful refuses or omits to do any lawful act proper and requisite to be done by him for preserving to be the from immediate be done by him for preserving such ship from immediate loss, destruction or serious loss, destruction or serious damage, or for preserving and the ship from immediate preserving at a damage of the series of the s preserving such ship trom tring and person belonging to or on board of such ship from immediate ate danger to life or limb is such ship from indemeanor. c. 129 s of ate danger to life or limb, is guilty of a misdemeanor. c. 129, s. 90. 91. Whenever any seaman who has been lawfully engaged bound to any ship registered in the said Provinces, id has deal

•••• Whenever any seaman who has been lawfully engages or bound to any ship registered in any of the said Provinces and has duly signed an account of the said by this account or whenever and has duly signed an agreement as required indemnits or whenever any apprentice when has required indemnits or whenever any apprentice who has executed in any of the sea service in any of the provinces, compared to the sea service in any of the sea service whenever any apprentice who has executed indentuits to the sea service in any of the said Provinces, be to any of the following offences, he shall be punished summarily, as follows that is to say:

active the discretion of the court, a disobedience active the sum not exceeding six days' pay, or any substantial barra barrange incurred in hiring a expenses which have been properly incurred in hiring a

(e) For continued wilful disobedience to lawful commands Continued or ^(e) For continued wilful disobedience to lawful commands Continued imprisonment wilful neglect of duty, he shall be liable to disobedience. in continued wilful disobedience to have and wilful neglect of duty, he shall be have weeks and not less than for any term not exceeding twelve weeks than for avery without hard labor; and not less than four weeks, with or without hard labor; twent of at the discretion of the court to forfeit for every and hot less than four weeks, with or without hard laver, twenty-four house, even of such disobedience or any twenty-four hours' continuance of such disobedience or expect, either a successful and six days' pay, or any

out of his wages a sum not exceeding two days' pay;

(d) For wilful disobedience to any lawful command, he Act of wilful on the liable to imprise the second disobedience. hall be liable to imprisonment for any term not exceeding disobedience. hand by the liable to imprisonment for any term not exceeding disobedience. four weeks and not less than two weeks, with or without ont abor: and also in the second seco had labor; and not less than two weeks, with or without out of his wages a construction of the court, to forfeit

her port of delivery, and before she is placed in security, he before the ship bein be liable to forfait ant of his margins a sum not exceeding is secured. thall be liable to forfeit out of his wages a sum not exceeding is secured.

ber port of delivery and p without leave after her arrival in Quitting with-than of delivery and p without leave after her arrival in Quitting with-before the ship

(b) For neglecting or refusing, without reasonable cause, Neglecting or refusing to non-the ship on the ship on the second secon to join his ship or to proceed to sea, or on any voyage in his proceed to sea, or on any time within proceed to ship, or for absence without leave at any time within proceed to sea. twenty-four hours of the ship's sailing from any port either Absence and the commence without leave at any time within process of any voy-without l at the commencement or during the progress of any voy-without leave at any sector and the ship's sailing from any port either Absence age, or for absence at a during the progress of any voy- without leave. age, or for absence at any time without leave and without in the reason for absence at any time without leave and without ing to desertion, from his ship or from his duty not amounting to desertion or not treated as such by the master, he thall be liable to imprisonment for any term not exceeding ten weeks and not less than four weeks, with or without hard labor; and also, in the discretion of the court, to forfeit out labor; and also, in the discretion of the court, to lotted days, pay, and is sum not exceeding the amount of two days' pay, and in addition for every twenty-four hours of days' pay, or any absence, either a sum not exceeding six days' pay, or any minses which have not exceeding six days' pay, or any expenses which have been properly incurred in hiring a

(a) For desertion he shall be liable to imprisonment for Desertion. any term not exceeding twelve weeks and not less than weeks with definition of the formation of the state of the formation of the state eight weeks, with hard labor, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or part of the clothes and effects he leaves on board, and all or part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then a: ned; and also wages or emoluments which he has then eaned; and also, if such desertion takes place abroad, at the discretion of the court, to forfeit all or any part of the wages or emoluments he earns in any other ship in which he is employed until his next return to any of the said Provinces, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him ;

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Assault on officers.

(f) For assaulting any master or mate, he shall be liable weeks imprisonment for any torm to imprisonment for any term not exceeding twelve weeks and not less than six weeks

Combining to disobey.

(g) For combining with any other or others of the crew to sobey lawful commands on the or others of the impede disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or th the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment of the progress of the exceedure: shall be liable to imprisonment for any term not exceeding twelve weeks and not less the regression of the voyage, in the shall be liable to imprisonment for any term not exceeding twelve weeks and not less than six weeks, with hard labor i

Wilful damage or embezzlement.

(h) For wilfully damaging the ship, or embezzling of wilf lly damaging any of her stores fully damaging any of her stores or cargo, he shall be loss to forfeit out of his warran a to forfeit out of his wages a sum equal in value to the court to thereby sustained, and also at the equal in the court of thereby sustained, and also, at the discretion of the court imprisonment for any term imprisonment for any term not exceeding twelve weeks and not less than six weeks with

(i) For any act of smuggling of which he is convicted and hereby loss or damage is convicted and a shall hereby loss or damage is convicted and a shall hereby loss of (i) For any act of smuggling of which he is convicted and he shall be liable to pay to a sum and he shall be liable to pay to a sum and he shall be liable to pay to a sum and he shall be liable to pay to a sum and to the master of and and to the sum and the sum an he shall be liable to pay to such master or owner such such as is sufficient to reimburge the as is sufficient to reimburse the master or owner for othis loss or damage ; and the whole loss or damage ; and the whole or a proportionate part of such wages may be retained in solition of a proportionate part of a V wages may be retained in satisfaction or on account of 36 V, liability, without preindicate liability, without prejudice to any further remedy. c. 129, s. 91.

copy given to the offender, and his reply (if any) to be also entered.

92. Upon the commission of any of the offences shall erated in the next precedimentary of the contro thereof shall merated in the next preceding section, an entry the master be made in the log-book and that the master if made in the merated in the next preceding section, an entry the master log-book, and be made in the log-book, and shall be signed by the mate or one of the offender, if and also by the mate or one of the signed by the offender, if a copy given to be is at the offender. and also by the mate or one of the crew; and the offender, if he is still in the ship, shall before the crew; and shall be signed by the mate of the crew; and the offender is the ship. he is still in the ship, shall before the next subsequent, before of the ship at any port. or if the institute time in port, before her departs of the ship at any port, or if she is at the time in port, before her departure therefrom either the formation of the ship at any port. her departure therefrom, either be furnished with a copy of such entry or have the same and her departure therefrom at the same and her department of the s he thinks fit; and a statement that a copy has been so furnished on the transmission of the said of th has been so furnished, or that the same has offender aid; over, and the reply if any made by the offender so resident and in and i likewise be entered and signed in manner required and in any legal proceeding the and in any legal proceeding the entries hereinbefore required shall, if practicable, be produced shall, if practicable, be produced or proved, and in **ease**, and in its discut of such production or proof the court hearing of the offence, in its discretion, refuse to the court hearing of the offence. in its discretion, refuse to receive evidence of the offenoe, 36 V., c. 129, s. 92.

Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to

93. Every seafaring person whom the master of sol Canadian foreign sea-going ship is, under the authoritant any Act of the Parliament of the United Kingdom or hour Act of the Parliament of the United Kingdom of hour any Act of the Parliament of Consider and convert Act of the Parliament of the United Kingdom or of such Act of the Parliament of Canada, compelled to take on such and convey, and every person and convey, and every person who goes to sea in any other ship without the consent of the master or owner or owner. ship without the consent of the master or owner owner or owner or owner or owner or owner or owner owner or
wyage, or deliver him to the purpose of and may, in such converts and expenses properly the offer by or on heads of the master or any many in a such case, order any costs and expenses properly As to costs. incurred by or on behalf of the master or owner by reason of Reace, to be baid by the effected and if necessary to be the offence, to be paid by the offender, and if necessary to be

bip registered in any of the set Drowinces is brought before besent on board in lieu whip registered in any of the said Provinces is brought before besent on board in lieu board in lieu board in lieu prince on the ground of his of being imap registered in any seaman or apprentice beau baying court in any of the said Provinces is brought before board in the baying neglected or referred to receive any prisoned. by court in any of the said Provinces is blogs. by in any of the said Provinces, on the ground of his of being the bip in which he is encourt to join or proceed to sea in any prisoned. or other which he is encourt to court of having deserted cuch wing neglected or refused to join or proceed to sea in an, or otherwise absorbed to serve, or of having deserted to serve, or of having deserted to serve, such or otherwise absented himself therefrom without leave, such the may, if the second therefrom without leave such totherwise absented himself therefrom without leave, such requires, instead of master or the owner or his agent so him the set of the offender to prison, cause the proceed on board for the purpose of proceeding on him to proceed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the conveyed, the voyage, or deliver him to the master or any mate of the and the owner or bind to be by them so conveyed,

2. If any such apprehension appears to the court before Penalty in the case is brown in the case of such apprehension made on improper apprehension apprehension in the case of such apprehension in the case of such apprehension is t ^{2.} If any such apprehension appears to the court before Penalty in or on insufficient grounds, the master, mate, owner, ship's without suf-sume to the cause of such apprehension sume to the consigned who makes the same or causes the ficient cause. husband or consignee, who makes the same or causes the ficient cause. dollars; but such action is a penalty not exceeding eighty dollars ; but such penalty, if inflicted, shall be a bar to any scient for false ; main income to f such apprehenaction for false imprisonment in respect of such apprehen-

be Whenever, either at the commencement or during Master or progress of apprentice owner man or apprentice apprehend the progress of any voyage, any seaman or apprentice apprehend in refuser to voyage, any seaman or apprentice deserters without here progress of any voyage, any seaman or apprendice apprendicts or refuses to proceed to sea in any ship registered deserters bight he is duly engaged to without warrant. in any or refuses to proceed to sea in any ship registered accentered without warrant. Berve, of the said Provinces in which he is duly engage without leave the otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband or consignee, may, in any place in any of the said ne with a second descent of the local police Provinces, with or without the assistance of the local police officers, with or without the assistance of the local point if required (who shall give such assistance bout first procuring a if required), apprehend him without first procuring a Warrant; and may thereupon in any case, and shall in case he to requires, and may thereupon in any case, and shall in case court capable of takes practicable, convey him before some bin capable of takes with according to the source of the matter, to be dealt With according to law; and may, for the purpose of conveying him before such court, detain him in custody for a period him before such court, detain him in custody tor a point is necessary twenty-four hours, or such shorter time as the cessary so require, or if is necessary, or may, if he does not so require, or if there is no such court at or near the place, at once convey

Person entitled to give such consent shall, so long as he be subject to remains in such to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall, so long as he be subject to be a subject to give such consent shall remains in such ship, be subject to the same laws and regu- breach of breach lations in such ship, be subject to the same laws and reg Dreach of and Punishment of discipline, and to the same penalties discipline. and punishments for offences constituting or tending to a breach of discipline, to which he would be subject if he was a member of the crew and had signed the agreement.

deducted from any wages which he has then earned, or which, by virtue of his then and he has then earned, he may which, by virtue of his then existing engagement, he may afterwards earn. 36 V c 120

96. If any seaman or apprentice is imprisoned in any of neglected refusion of the contract of the second the said Provinces, on the ground of his having registered or refused to join or to proceed of his having registered or refused to join or to proceed to sea in any ship registered or of the said Provinces in any ship registered in any of the said Provinces in which he is engaged to serve, or of his having deserted or oth or of his having deserted or otherwise absented himself there from without leave. or of his from without leave, or of his having committed any and breach of discipline. and if breach of discipline, and if, during such imprisonment is at any own and the providet the provide the providet the providet th before his engagement is at an end, his services are required on board his ship, any justices are required to an master of the services are required to an on board his ship, any justice may, at the request of or master or of the owner or his master or of the owner or his agent, cause such seamen the apprentice to be conveyed on the seamen to a to apprentice to be conveyed on board his said ship for his purpose of proceeding on the purpose of proceeding on the voyage, or to be owner of the agent to be agent. The agent to be agent to the master or any mate of the ship, or to the owner of the agent, to be by them so convert agent, to be by them so conveyed, notwithstanding the termination of the period for the sentenced to termination of the period for which he was sentenced to imprisonment has not arrived.

97. Whenever a question arises in any of the said proves, of a provention of the said proves. whenever a question arises in any of the said river inces whether the wages of any seaman or apprentice, be longing to any ship revision longing to any ship registered in any of the said the person are forfeited for desertion it at the transformer for the person of insisting are forfeited for desertion, it shall be sufficient for the person insisting on the forfeiture to the sufficient seaman the insisting on the forfeiture to show that such seat the ship from relief. apprentice was duly engaged in or that he belonged that he quitted such ship from which he is alleged to have deserted, and royage of engagement quitted such ship before the completion of the has been engagement, and that an outer of the desertion has been duly made engagement, and that an entry of the desertion the desertion the desertion shall, so for duly made in the log-book; and thereupon deservice of the shall, so far as relates to any forfeiture of wages or end, ments under the provision deemed to be proved, unless the seaman or can other wise show to the provisions hereinbefore conventice care produce a proper certificate of discharge, or can otherwise show to the satisfaction of the seaman or apprentice reasons for h produce a proper certificate of discharge, or can other that he had sufficient show to the satisfaction of the court that he had sufficient reasons for leaving his ship. 200 V 120 ≤ 97 .

98. Whenever, in any proceeding in any of the said y set an or approximation of the said y set •••• Whenever, in any proceeding in any of the said fives inces relating to seamen's wages, it is shown that any any man or apprentice belonging to this registered been of the said P man or apprentice belonging to any ship registered in and of the said Provinces has in the convicted of of the said Provinces has, in the course of the tribunal size, it is shown in the tribunal is and the tribunal is and the tribunal is and the tribunal is and the tribunal is and the tribunal is and the tribunal is and the tribunal is and the tribunal is and the tribunal is and the tribunal is and the tribunal tribunal is and the tribunal tribunal tribunal tribunation to the tribunal tribunation to the tribuna convicted of any offence by any competent or otherwise, the court back rightfully punished therefor by imprisonment of the weive due to small the court hearing the case may direct a part of the twelve due to such seaman or approximation not exceeding of the dollars, to hearing the case may direct a part of the twelve dollars, to hearing the case may direct a part of the twelve dollars, to hearing the case may direct a part of the twelve dollars, to hearing the case may direct a part of the twelve dollars, to hearing the case may direct a part of the twelve dollars, to hearing the twelve and the court hearing the case may direct a part of the weire due to such seaman or apprentice, not exceeding ry in dollars, to be applied in reimbursing any costs properly curred by the master in procuring such conviction of part ishment. 36 W curred by the master in procuring such conviction or partice shows any conviction of the second seco **99.** Whenever any seaman belonging to any ship by the red in any of the said Provinces contracts for wages by the www. Whenever any seaman belonging to any ship regulation to any ship regulation to any ship regulation to any ship regulation to any ship regulation to any seaman belonging to any seaman belonging to any seaman belonging to any seaman belonging to any ship regulation to any

Amount of forfeiture, how to be ascer-

Seamen imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.

Facilities for proving desertion, so far as concerns forfeiture of wages.

Cost of procuring con-

viction may, to the extent of \$12, be deducted from

wages.

Chap. 70.

Voyage, or by the run, or by the share, and not by the month tained when or other stated period of time, the amount of forfeiture to be seamen con-tract for the inclusion of time, the amount of forfeiture to be seamen con-tract for the tables. incurred under this Act shall be taken to be an amount voyage. bearing the same proportion to the whole wages or share as a month or other proportion to the whole wages or share as a month or other the period hereinbefore mentioned in fix-ing the amount of the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be), bears to the whole time spent in the voyage; and if the whole time spent in the voyage; and if the whole for time whole time spent in the voyage; and 11 the water Which the point in the voyage does not exceed the period for the forfeiture shall extend Which the pay is to be forfeited, the forfeiture shall extend to the whole whole whole and the forfeiture shall extend to the whole wages or share. 36 V., c. 129, s. 99.

100. All clothes, effects, wages and emoluments which, Application of provisions the provisions the provision of the provisio under the provisions hereinbefore contained, are forfeited for forfeitures. desertion, shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place; and may, if earned subsequently to the desertion, be recovered by such master, or by the deserter or his and the deserter as the deserter formatter or his and the deserter his and the deserter formatter or his and the deserter or his an hight have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages the court may order the same in the same is the same to be paid accordingly; and Payment to Million and Payment to Such water the same to be paid accordingly; and Payment to Million and Payment to Such water to such water the same to be paid to the Con. Rev. while to such reimbursement, the same shall be paid to the Con. Rev. the of Finance of F Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund of Canada, and in all other for the provisions hereinbecases of forfeiture of wages under the provisions hereinbebore contained the forfeiture shall, in the absence of any pecific directions to the contrary, be for the benefit of the poster or owner benefit of the contrary, be for the benefit of the haster or owner by whom the wages are payable. 36 V., c. ", a. LUU. "At the Minister may direct," omitted.

101. Any question concerning the forfeiture of or deduc- Question of forfeiture managementice belonging be decided in the warman of the formation of the format tions from the wages of any seaman or apprentice belonging be decided in determined is not the value of the registered is the solution of the provinces, may be suits for wages. determined in any proceeding, in any of the said Provinces, may be suits to stand: y instituted with awfully instituted with respect to such wages, notwith-awfully instituted with respect to such wages, notwithwhilly instituted with respect to such wages, notwing waises, though hereby the interspect of which such question wait the offence in respect of which such question wait to any hereby the such any of any well as by forfeiture have been made the subject of any

well as by forfeiture, has not been made the subject of any criminal proceeding. 36 V., c. 129, s. 101.

102. If any seaman, on or before being engaged in any Penalty for tide said Provinces in the before being engaged in any of the false state-ment as to the provinces in or name of the said Provinces, in any ship registered in any of the false state-statement in the said provinces is any ship registered in any of the false state-ment as to make a false ship or name the said Provinces, in any ship registered in any of the ment as to statement of the manager bid bid or last alleged ship, or tatement of the name of his last ship or last alleged ship, or have falled and fraudulently makes a lower falled ship or last alleged ship, or have falled statement of his own within of the name of his last ship or last alleged ship, of hane, he shall income the shall income to recording twenty dollars; hame, he shall incur a penalty not exceeding twenty dollars; exmet penalty makes a false statement of his own; exmet penalty more ball incur a penalty not exceeding twenty dollars; and such penalty may be deducted from any wages he subject. Virtue of such and such a foresaid, and shall, subject penalty may be deducted from any wages in subject virtue of such engagement as aforesaid, and shall, so reimbursement of the loss and expenses, if any, ^{subject to} reimbursement of the loss and expenses, if any,

occasioned by any previous desertion, be paid and applied in the same manner as other provides the nuder this in the same manner as other penalties payable under this Act. 36 V., c. 129. 8 102 Words in italics new; probably omitted, and recommended to be inserted. See "Merchant Shipping Act, 1854," section 255.

103. Whenever any seaman belonging to any Canadian reign sea-going ship communication foreign sea-going ship, commits an act of misconduct for which his agreement imposes a first and the state of which his agreement imposes a fine, and which it is intended to punish by enforcing such for a which it is the read shall be made in the read shall be to punish by enforcing such fine, an entry thereof shall be made in the log-book, and a made in the log-book, and a copy of such entry shall be and nished, or the same shall be and the offender, de nished, or the same shall be read over to the offender, and an entry of such reading over to the offender, and by the offender and an entry of such reading over, and the reply, if any, made by the offender, shall be made and the reply, if subject to the angle offender is any made and the reply of subject he by the offender, shall be made in the manner and subject to the conditions hereinbefore the conditions hereinbefore specified with respect to der offences against discipline specified with respect to the offences against discipline specified in and punishable under this Act:

How fines shall be deducted and paid over.

2. Such fine shall be deducted and paid over as follows, and a tis to say :---if the officiency in Canada, id. that is to say :—if the offender is discharged in Canada, and the offences and such entries the offences and such entries in respect thereof as aforesaid, are proved to the satisfaction when the satisfaction of the sat are proved to the satisfaction of the shipping master before whom the offender is discharged to the shipping master before deduct whom the offender is discharged, the master or owner shall deduct such fine from the work, the master or and pay and deduct such fine from the wages of the offender, and pay the same over to such shipping same over to such shipping master; and if before the such discharge in Canada of the discharge in Canada of the crew of any such ship, and if before any such ships and if before any such ship, any such ships and offender as aforesaid has onter of any such ships and ships and offender as aforesaid has entered into any of Her Majestys ships, or has been discharged into any the offence inn ships, or has been discharged abroad, and the offence as aforesaid have a start abroad, and the satisfaction such entries as aforesaid have a such entries as aforesaid have been proved to the satisfaction of the officer in command of the distribution he so enters, of the officer in command of the ship into which he so enters, or of the consular officer or of the consular officer, officer of customs or other person by whose sanction he has been proved to the fine has there by whose sanction he has been so discharged, an entry of has thereupon been deducted has thereupon been deducted as aforesaid and an entry of such deduction has then have such deduction has then been made in the log-book, if provis-and signed by such officer and in the log-book and and provisand signed by such officer or other person, under the Merchant Shinning ions of section two hundred and fifty-six of "The ship the Shipping Act, 1854." then Shipping Act, 1854," then on the return of the ship to shipping Canada, the master or owner shall pay over such fine to the shipping master before when the shipping master before whom the crew is discharged : 3. Every master or owner who neglects or refuses such fence

Penalty for default.

No second punishment. to performed by the second sec offence, incur a penalty not exceeding six times the amount of the fine retained by him.

4. No act of misconduct for which any such fine as alored id has been inflicted and paid the liber there is a paid the subscription of the subscri The act of misconduct for which any such fine as along said has been inflicted and paid shall be otherwise punished under the provisions of this Act and T and 129. 5. 103.

ENTICING TO DESERT AND HARBORING DESERTERS. 10 DESERT AND HARBORING DESERT per 10 DESERT AND HARBORING DESERT per tades or attempts to persuade any means whatsoever, per tades or attempts to persuade any means or apprentice suades or attempts to persuade, any seaman or apprentice

Penalty for enticing to desert or

Fines to be deducted from wages and paid to shipping master.

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ceed to sea in or to desert from his ship, or to absent himself deserters. from his duty shall, for the first offence in respect of each seamer, with such seaman or apprentice, be liable to imprisonment, with hard labor for hard labor, for a term not exceeding six months and not less than three months; and for any subsequent offence, in respect of each such seaman or apprentice, be liable to imprison-ment, with hand is seaman or apprentice, be liable to imprisonment, with hard labor, for a term not exceeding twelve months and not less th and not less than six months; and every person who wilfully harbors or second six months; and every person who wilfully harbors or secretes any such seaman or apprentice who has deserted from his and seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join his ship, or who has wilfully neglected or refused from his ship, or who has wilfully negrected seaman or approximiting or having reason to believe such seaman or apprentice to have so done, shall, for every such seaman or apprentice to have so done, shall, for every imprisonment with so harbored or secreted, be liable to imprisonment, with hard labor, for a term not exceeding six months and not less than three months; and for any subsequent offence, for a term not exceeding twelve months and not less than size a term of exceeding twelve months and 120 s 104.

Not less than six months. 36 V., c. 129, s. 104.

PUNISHMENT OF STOWAWAYS.

105. Every person who secretes himself, and goes to sea Penalty for hany ship registered who secretes himself, and goes to sea Penalty for passage surin any ship registered in any of the said Provinces without passage sur-a main ship registered in any of the said Provinces without passage surthe consent of either the owner, consignee or master, or of a reputitiously. a mate, or of any other person in charge of such ship, or of the person of the person in charge of such ship, or of the person of the person in charge of such ship. any other person in charge of such ship, to a penalty not to give such consent, shall be liable to a penalty not exceeding eighty dollars, or to impri-exceeding four weaks 20 Y a 120 S. 105. exceeding four weeks. 36 V., c. 129, s. 105.

106. If, during the progress of a voyage, the master of On change of the progress of a voyage, the master of documents documents in the progress of a voyage in a progress of a voyage in a progress of the progress of a voyage in the progress of a voyage CHANGE OF MASTER. any Canadian foreign sea-going ship is superseded in any of master, and in Provinces of a voyage, the master of Un transformed and in the sea of the sea o the said Provinces, or for any other reason quits the ship, required to be shan succeeded in the succeeded in the successor. and is succeeded in the command by some other person, he handed over to his successor. shall deliver to his successor the certificate of registry and and various documents of the ship the various documents relating to the navigation of the ship in to the crow the crow the crow the control of the ship

and to the crew thereof which are in his custody, and shall, in default, incur a penalty not exceeding four hundred the rest and such a penalty not exceeding four hundred dollars; and such successor shall immediately, on assuming the command such successor shall immediately, on assumed ocuments so doligo the ship, enter in the log-book a list of the successor shall immediately. The successor shall immediately are successor shall immediately. The successor shall be are successor shall immediately. The successor shall be are successor shall documents so delivered to him. 36 V., c. 129, s. 106.

CRIMES COMMITTED ON THE HIGH SEAS OR ABROAD.

107. Whenever any case of death happens on board any Inquiry into a the foreign second in the shipping master shall, cause of death the shipping master shall, cause of death. Canadian foreign sea-going ship, the shipping master shall, cause of death Province. on the arrival of such ship at the port in any of the said rowinces where the said discharged inquire into the Novinces where the crew is discharged, inquire into the course of such dooth. cause of such death; and if in the course of such inquiry it

appears to him that any such death has been caused by violence or other improper violence or other improper means, he shall either report the matter to the minister or if the matter to the minister, or, if the emergency of the offender requires, shall take immediate requires, shall take immediate steps for bringing the offender or offenders to justice 26 V

LOG-BOOKS.

Masters of Canadian foreign seagoing ships to keep logbooks.

books.

Offences.

of crew.

Illness and

injuries.

Deaths.

108. The master of every Canadian foreign sea-going in made in made he ship shall keep a log-book, and every entry to be made the such log-book shall be made such log-book shall be made as soon as possible after the occurrence to which it make occurrence to which it relates, and, if not made shall be same date as the occurrence to which it relates, shall be made and dated so as to share it relates, shall be made and dated so as to show the date of the occurrence and of the entry respective it and of the entry respecting it, and in no case shall any pre-entry therein, in respect of any in the preentry therein, in respecting it, and in no case shall any pre-viously to the arrival of the abit viously to the arrival of the ship at her final port of discharge in any of the said Provinces in any of the said Provinces, be made more than four hours after such arrival **109.** The master of such ship, whether he does or hips of make in such log-book the such and in ships not make in such log-book the entries usually made in ships log-books, shall make or correction to the full log-books, shall make or cause to be made therein, entries of the following matters that Entries to be made in log-(a) Every legal conviction of any member of his crew, and e punishment inflicted. Convictions. (b) Every offence committed by any member of his crew r which it is intended to not a profession. the punishment inflicted; for which it is intended to prosecute, or to enforce a forfet ture, or to exact a fine togeth ture, or to exact a fine, together with the statement the reading over cerning the reading over such entry, and concerning the reply, if any, made to the characteristic concerning the characteristi (c) Every offence for which punishment is inflicted on bard, and the punishment is an inflicted on Punishments. (d) A statement of the conduct, character and qualifications each of his crew, or a state board, and the punishment inflicted; of each of his crew, or a statement that he declines to give an opinion on such particular Conduct, &c., (e) Every case of illness or injury happening to any memory of the crew, with the notion ber of the crew, with the nature thereof, and the medical treatment adopted, — if any. (f) Every case of death happening on board and the canse ereof; thereof:

(g) Every birth happening on board, with the sex of the fant, and the names of the parents. Births. infant, and the names of the parents;

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(h) Every marriage which takes place on board, with the Marriages. hanes and ages of the parties;

(i) The name of every seaman and apprentice who ceases Quitting ship. to be a member of every seaman and apprentice who could the place time of the crew, otherwise than by death, with the place, time, manner and cause thereof;

Her Majesty's service during the voyage; Wages of men Navy.

(k) The wages due to any seaman or apprentice who dies Wages of the vortex due to any seaman or apprentice who dies seamen. during the wages due to any seaman or apprentice who does deceased to be made the voyage, and the gross amount of all deductions seamen.

dies during the voyage, including a statement of each article effects. fold, and of the sum received for it;

(m) Every collision with any other ship, and the circum- Collisions. stances under which the same occurred. 36 V., c. 129, s. 109.

110. The entries hereby required to be made in log-books Entries, how to be signed as fall be signed as fall. shall be signed as follows, that is to say :--every such entry shall be signed as follows, that is to say :--every such one of the crew and by the master and by the mate or some other injury or death shall of the crew, and every entry of illness, injury or death shall be also signed by the surgeon or medical practitioner on board, if any; and every entry of made and practitioner of the effects of and every entry of wages due to or of the sale of the effects of any seaman or apprentice who dies, shall be igned by the master and by the mate and some other member of the master and by the mate and some other man who enters How Merice and every entry of wages due to any seaman man enters How Merice and every entry of wages due to any seaman who enters Her Majesty's service shall be signed by the master, and by the matter shall be signed by the haster, and by the seaman or by the officer authorized to Beceive the seaman or by the officer authorized to Beceive the seaman or by the officer authorized to Beceive the seaman or by the officer authorized to Beceive the seaman or by the officer authorized to

Receive the seaman into such service. 36 V., c. 129, s. 110.

III. The following offences in respect of log-books shall Penalties in respect of log-books. be punishable as hereinafter mentioned, that is to say :--(a) If, in any case, a log-book is not kept in the manner Not making ench required or if a log-book is not kept in the manner with the manner in the manner in the manner in the directed to be made time;

hereby required, or if any entry hereby directed to be made time; hereb log-book is not the time and in the manuer in such log-book is not made at the time and in the manuer the by directed the not made at the time and in the manuer hereby directed, or if any entry hereby und the specific book is not made at the time and in the manner who pecific book is not made at the time and in the manner who pecific book is not made at the time and in the manner the specific book is not made at the time and in the manner who pecific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time and in the manner the specific book is not made at the time at the the specific penalty herein mentioned in respect thereof, or tweet there is no matter shall, for each such offence, mount tweet there is no matter in mentioned in respect thereof, or

where there is no specific penalty, a penalty not exceeding

(b) Every person who makes or procures to be made, or Or more than twenty-four making any or the book in respect of any hours after arrival. ⁽⁰⁾ Every person who makes or procures to be made, or twenty-tour occurrence habbening any entry in any log-book in respect of any hours after the finite finite habbening and the ship at arrival. the final Port of discharge of the said Provinces, more the final port of discharge in any of the said Provinces, more offen twenty-four bound of the said Provinces, more offen twenty-four bound of the said Provinces, more offen twenty-four bound of the said Provinces, more dollars; that in al port of discharge in any of the said Provinces, more offence, incur a population of the said Provinces, more offence, incur a popul offence, incur a penalty not exceeding one hundred dollars;

(c) Every person who wilfully destroys or mutilates or nders illegible any entry or on the control of the one of the or on the or of the very person who wilfully destroys or mutilates renders illegible any entry, or makes any false entry or onis sion in any such log-book is any false entry or 36 sion in any such log-book, is guilty of a misdemeanor. V., c. 129, s. 111 Mutilating log-book. 112. All entries made in any log-book, as hereinbefore rected, shall be received in any log-book, as proceeding in be received in directed, shall be received in evidence in any proceeding in any court of justice. subject to the evidence in any proceeding to the evidence in any court of justice. any court of justice, subject to all just exceptions. **113.** The time for instituting summary proceedings under is Act shall be limited as fall this Act shall be limited as follows, that is to say Limitation of (a) No conviction for any offence shall be made in any sum is ary proceeding under this A time. mary proceeding under this Act, unless such proceed the commenced within six months. commenced within six months after the commission of the offence,—or if both or either after the commission of banner. In summary offence,—or if both or either of the parties to such provences of happen during such time to h proceedings: happen during such time to be out of the said Provinces of not to be within the inviction not to be within the jurisdiction of any court capable of dealing with the case, unloss the dealing with the case, unless the same is commenced within two months after they both for the same is commenced with the case, unless the same is commenced with the time of the same time of the two months after they both first happen to arrive or within one time within any of the said D one time within any of the said Provinces, or within such jurisdiction; (b) No order for the payment of money shall be made in any immary proceeding under the second proceeding summary proceeding under this Act, unless such proceeding arises is commenced within six months after the cause of complaint arises; or if both or either of ¹¹ arises; or if both or either of the parties happen during com-time to be out of the said Provider the same is com-menced within a said Provider the same is an to And as to orders for pay-ment of money time to be out of the said Provinces, unless the same is com-menced within six months after the cause of the parties happen during such arrive or to be said provinces. menced within six months after they both first happen arrive or to be at one time within the said Provinces. on such proceedings. arrive or to be at one time within any of the said Provinces. 36 V., c. 129, s. 113. 114. Any judge of the Superior Court for Lower County dge of the sessions of the trade of a county urt police offences may be dealt with. judge of the sessions of the peace, judge of a or all court, police magistrate or attending magistrate, or all two institutions of the peace, judge of a or all two institutions of the peace of the p court, police magistrate or stipendiary magistrate, a sum two justices of the peace, judge in a sum two justices of the peace mark the peace mark is a sum to be peace mark the peace mark two justices of the peace, may try and determine in the mark whether mary way all offences punished by fine mary way all offences punishable under this Act, fine as, by fine, penalty or imprisonment, or by both for as, imprisonment, or penalty and imprisonment. s. 2, part. 115. The provisions of the Act intituled "An Act " shall g summary proceedings before T the Peace of the Peace of any ing summary proceedings before Justices of the Peace, and apply to and govern proceedings against any person for and offence against this Act; and any judge of the Superior peace for Lower Canada, judge of the sossions of the mining Act respectfor Lower Canada, judge of the sessions of stipendary judge of a county court policy ing summary judge of a county court, police magistrate, before whom any police magistrate. proceedings to apply to Judge of a county court, police magistrate or this Act are magistrate, before whom any proceedings under this offences against this . Act.

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taken, shall, for the purposes of the said proceedings, have all the powers of the purposes of the said proceedings, and "Act respective of two justices of the peace under the said Act respecting summary proceedings before Justices of the The words in italics in the last three lines are inserted at the suggestion of the Parliamentary Committee.

116. All penalties imposed by this Act may be recovered Recovery and application of penalties. with costs. All penalties imposed by this Act may be recovered Recovery and than the informer of the dath of any one credible witness other penalties. than the informer, and shall be paid over to the Minister of Finance and D Finance and Receiver General to be disposed of as the Govenor in Council directs (except in the cases provided penalty shall be so paid over and disposed of), and in case of the hon payment, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and at of the second chattels, by warrant under the hand and the second chattely by warrant under the hand and the second chattely by warrant under the hand and the second chattely by warrant under the hand and the second chattely by warrant under the hand and the second chattely by warrant under the hand and the second chattely by warrant under the hand and the second chattely by warrant under the hand and the second chattely by warrant under the hand and the second chattely by warrant under the hand and the second chattely by warrant under the hand and the second chattely by warrant under the hand and the second chattely by warrant under the hand and the second chattely by warrant under the hand and the seal of the convicting judge, magistrate or justices, overplus, if any, after deducting the penalty and costs of basis of the with the amount of the distress and sale, shall with the expenses of the distress and sale, shall be returned to the owner; and for want of sufficient distress. Imprisonment in defender shall be and for want of sufficient the hand distress. the offender shall be committed by warrant, under the hand distress. Imprisonment distress and seal of the index and seal of the judge, magistrate or justices, to the common Saol of the judge, magistrate or justices, to the commute then to that common gaol there, for to that common gaol there, then to the locality, or if there is no common gaon the for any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to that locality, is any term not common gaol which is nearest to the such judge, magfor any term not exceeding six months; and such judge, magistrate or justices shall also award and order the imprison-bent (if any) to the imprison is liable for the offence Ment (if any) to which the offender is liable for the offence whereby the population the offender is liable for the offence whereby the penalty is incurred. 36 V., c. 129, s. 114.

hy seaman under the amplaints made by or on behalf of Evidence of such seaman complaints of such seaman commend to be the received and taken in the tending that he is in-received. the seaman under this Act, the evidence of such seaman cerned to the seaman taken, notwithstanding that he is in-received. terested in the matter; and such seaman shall, in any such case where he matter; and such seaman shall, in any such bein penalty imposed in the matter of justices any penalty imposed as the judge, magistrate or justices any before whom the case is based adjudges him to receive for before whom the case is heard adjudges him to receive for by moneys or effect. any moneys or effects which appear to have been deposited i. 11. With any such a foresaid. 36 V., c. 129, by him with any such offender as aforesaid. 36 V., c. 129,

dind sed or made under this Act for any offence against not to be **418.** There shall be no appeal from any conviction or order Conviction this Act; and no conviction under this Act, for any offence against not to be into any of form, or be removed by certiorari or otherwise or removed by certiorari. for want of form, or be removed by certiorari or otherwise or removed want of Her Majosty's movie of record; and no want of form, or be removed by certiorari or otherwise warrant of commitment is superior courts of record; and no by the commitment is detailed with a shall be held void alleged warrant of Her Majesty's superior courts of record; and and by reason commitment under this Act shall be held void that the of any defect therein if it is therein alleged by reason of commitment under this Act shall be held voice that the person has been eited, if it is therein alleged valid be person has been eited and there is a good that the person has been convicted, and there is a good and valid conviction to sustain the come 36 V., c. 129, s. 116. valid conviction to sustain the same. 36 V., c. 129, s. 116.

Justices may grant warrant in any of the said to search for seamen unlawfully harbored or secreted.

Justice may grant a search warrant for apprehending deserters supposed to be concealed in taverns or houses of illfame, &c.

119. Any justice of the peace, at any port or place any of the said Provide the peace of the pea credible witness or witnesses, that any seaman or apprentice in the sea service is concealed or secreted in service in the sea service is concealed or secreted in any dwelling house or out-house, or on board of any ship or closed or on board of any ship or elsewhere, shall grant a warrant, under his hand and seal address to be or out not under his hand and seal, addressed to a constable diligent stables there, commanding bit stables there, commanding him or them to make diligent and immediate search in or them to make house or and immediate search, in or about such dwelling place or out-house, or on board such divelopment of the other place or out-house, or on board such ship, or in such other place of places as are specified in the places as are specified in the warrant, and to bring before him every such seaman or such and to bring concealed, him every such seaman or apprentice found 129, 8. 117. whether named in the warrant, and to bring concealed, 36 V., c. 129, s. 117.

120. Any justice of the peace, at any port or place in any the said Provinces on information of the peace of of the said Provinces, on information before him, under out that any seaman or other parts of the said provinces of the said provinces of the said provinces of the said of th that any seaman or other person has deserted, or is suspected of having deserted from any contract of the suspected from any set of having deserted from any of Her Majesty's ships, or harbored any ship in the merchant any ship in the merchant service, and is lodged or harbored in any tavern or house of well. in any tavern or house of public entertainment, or in any house of ill-fame or in any tave house of ill-fame or in any other house, may issue an order in writing to the master or house, house in writing to the master or keeper of such tavern, house it. ill-fame or other house, commanding such master or keeper to furnish him with a correct list of such methods, and to furnish him with a correct list of every such person, such ing his name and surname ing his name and surname as far as is known of public master or keeper of such t master or keeper of such tavern or other house of whatso entertainment or house of such entertainment or house of ill-fame, or other person whatso ever, how long he has lodged in the bouse and the ever, how long he has lodged in the said house, himself name of the ship on hoard with name of the ship on board whereof he has declared himself to have arrived at the port area in the refusator, to have arrived at the port or place; and on the such order, neglect of such master or beau neglect of such master or keeper to comply with such afale within the time specified or had a livering a hall within the time specified, or his knowingly delivering shall account of any such percent account of any such person, such master or keeper 36 V., incur a penalty of forty dollars f incur a penalty of forty dollars for each such offence. c. 129, s. 118.

121. Whenever the person giving such information is suspected is a 121. Whenever the person giving such information is tavern keeper, oath seeks to obtain such order against any person public to make oath as to his belief entorted not a master or keeper of such tavern or house of jul for the shall riving such shall riving such tavern or house of such tavern or house of such tavern or house of such tavern or house of such tavern by the shall riving given by to make oath not a master or keeper of such tavern or house of provide as to his belief entertainment or house of ill-fame, such order shall not be in the truth of given by any justice of the such the person gives the informagiven by any justice of the peace unless the period believes the information deposes on and the period believes the information deposes, on oath, that he verily being of such that he results the person being more than the second of the person of such that he verily here here that such person, not so being more than the second of such that here here a second of such that here here a second of such that here here a second of such that here here a second of such that here here a second of such that here here a second of such that here here a second of such that here here a second of such that here here a second of such that here here a second of such that here here a second of such that here here a second of such that here a second of such that here a second of such that here a second of such that here a second of such that here a second of such that here a second of such that here a second of such that here a second of such that here a second of such that here a second of such that here a second of such that here a second of such that here a second of se that such person, not so being master or keeper of such that he verify being master or keeper of such that he verify the new then her or house of entertainment or house of en or house of entertainment or house of ill-fame, of desert bors or conceals such deserter or person suspected deserted, is unlawfull tion, and also knows that the person who has so described is unlawfully and improperly the bimself for **v**. **c** and also knows that the person suspective deservices deservices is unlawfully and improperly absenting himself from v_{1} c duty on board the vessel to make the bolonges. So v_{1} c 129. 8, 110 duty on board the vessel to which he belongs. 129, s. 119 122. Every constable and officer, not being a paid policer an, employed in the event

constables, **122.** Every constable and officer, not being a paid for the to receive rea- man, employed in the execution of any warrant

apprehension of, or in search of, or for the delivery of any sonable remu-the against in search of or for the delivery of any sonable remuthe foregoing south a warrant is issued by virtue of neration. the foregoing sections of this Act, may demand from the person of this Act, may demand from the foregoing sections of this Act, may demand a reason at whose request such warrant was issued, a person at whose request such warrant was issued abject to he to be to The warrant ared by the justice of the peace who issued warrant, and in cases within the jurisdiction of any that court and in cases within the jurisdiction of any that court and in cases within the legal procedure of the legal procedure of payment, in a that court, and in cases within the junction of the legal procedure toniary way by warrant of distress and sale of such per-thereof. on's goods and chattels; which warrant every such justice of the peace is hereby required to grant, under his hand and beau on proof of required to grant, under his hand and 36 V., c. 129, s. teal on proof of such refusal of payment. 36 V., c. 129, s.

it an application is made on behalf of the defendant or of the evidence a future secutor. When any proceeding before any court under this Act, In certain a future brosecutor. When any behalf of the defendant or of the evidence and the trial the prosecutor, upon sufficient cause, to adjourn the case to may be taken hav cause to be reduced to be evidence of such completion on within the prosecutor of the evidence of such completion on a future day, the court, in its discretion, may receive and continued for within the reduced to be reduced to evidence of such completion on a future day. hay cause day, the court, in its discretion, may receive and continued for witheseses for the document of writing the evidence of such completion on a future day. witnesses to be reduced to writing the evidence of such completion of such a future day. Present or can be produced or for the prosecution as are then a future day. Present or can be produced, and may thereupon discharge the case for the first first the case for the case for the first the case for the first the case for the first the case for th the case for the completion of the trial thereof to such fur-erse day as such completion of the trial thereof to such further day as such court appoints for that purpose; and the of witnesses about to leave the about to leave the about to leave the review of the province. rovince in which are a liable to be obliged to leave the about to leave the second sec Fining as such court appoints for that purpose, Province in which any offence against this Act is prosecuted, the Province, vince in which any offence against this Act is prosecuted, the Province, without to leave such Proor of any which any offence against this Act is prosecute, vince, may witness sick, infirm or about to leave such Proin any witness sick, infirm or about to leave such and in any be taken de bene esse before any commissioner or about to leave such and bene esse before any

other proper authority, in the like manner as depositions in civil cases are taken. 36 V., c. 129, s. 121.

124. Any police officer or constable required under the Right of police officer, &c., to officer, &c., to enter this A of the master or any enter taverns, provisions of this Act to give assistance to the master or any enter taverns, in annual the owner ship, it approximates of any ship &c. hate, or the owner, ship's husband or consignee of any ship &c. in apprehending with or without a warrant, any seaman or legitice duly of without a warrant, any seaman or found apprentice duly engaged to serve in such ship and neg-other or refusing to serve in such ship and neg-Prentice duly engaged to serve in such ship and neg therwise absenting himself therefrom without leave, may, otherwise absenting himself therefrom without leave, may, how time entor int. ale-house, beerat any time, enter into any tavern, inn, ale-house, beer-enter into any tavern, inn, ale-house, beer-wherein house, seaman's boarding-house or other house or place of light on the into any tavern, inn, ale-house, been light or into any tavern, inn, ale-house, been boarding-house or other house or place of boarding of the place wherein boarding, sold, wheth or refreshments and sold or reputed to be sold, c:11-fame; intertainment, or into any shop or other place wherein whether legally or iller the sold or reputed to be sold, and a sold or reputed to be sold, into any house of ill-fame; whether logally or into any shop or other pro-ted any person being therein, or having charge thereof, who obstructing. or constable into the same or offers any obstruction to his incur a thereto shall for others any obstruction to his other thereto shall for others any obstruction to his other thereto shall for other such offence, incur a Additional fails to admit such a structure of the same, or offers any obstruction to me dollars not exceeding for every such offence, incur a dollars and not less than ten

penalty not exceeding fifty dollars and not less than ten **135.** Nothing in this Act shall authorize or justify the Warrant of any Warrant of justices of the ^{Justice not}

Recution of any warrant or process of justices of the Justice not to

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be executed within juris-

peace within the jurisdiction of any court of Vice Admir alty in any of the said Province of any court of vice Admir been alty in any of the said Provinces, unless such execution been previously authorized been previously au been previously authorized by the judge of such court of Vice Admiralty. 36 V c 120 unority from This section is recommended for repeal, in consequence of amendment is used to be the suggest tion of the Parliamentary Committee.

Extension and application of certain provi-sions of this Act to foreign ships.

126. The foregoing provisions of this Act relating in the upping of seamen, shall shipping of seamen, shall extend and apply to ships in the merchant service of every formed and apply to all persons merchant service of every foreign country, and to all persons in relation to such ships in the extend and apply to ships in the extend and apply to ships in the extend and to such ships in the in relation to such ships in the same manner as the service, extend and apply to ships in the same manner as the service, extend and apply to ships in the British merchant service, and to similar persons in column to be a similar persons in column to be a similar person be a similar pers and to similar persons in relation to such last mentioned ships, unless there is something treated in the some of some with ships, unless there is something in the terms of some rist ing treaty between Her Maint ing treaty between Her Majesty and such foreign country to applying and such foreign country of the same, or any of the same o reaty between Her Majesty and such foreign country in prevent the same, or any of the same from so extending and applying. 36 V., c. 129 s 194 127. In so far as is consistent with the provisions any Act of the Parliament of the Trinodom impen

This Act to extend to foreign merchant ships, under certain conditions.

of any Act of the Parliament of the United Kingdom between in Canada, and with the torman of the United Kingdom between Her Moint in Canada, and with the terms of existing treaties and the Her Majesty and foreign Her Majesty and foreign powers respectively, consuls, rights, privileges and immunities secured to the agents, subjects and vice-consuls, commercial and other duly accredited agents, subjects and citizens of such of su subjects and citizens of such foreign powers respection of the foregoing provisions of the description of deserving in seamen the foregoing provisions of this Act, relating to deschipes seamen and apprentices shall attend apply to shipe in the merchant seamen and apprentices, shall extend and apply to all persons the merchant service of foreign end to all persons the merchant service of foreign countries and to all persons in relation to such ships in the service as the size. in relation to such ships in the same manner as the service and to simil extend and apply to ships in the same manner as the same and to similar persons in relation to make a similar persons in relation to make a similar persons in relation to make a similar persons in relation to make a similar persons in relation to make a similar persons in relation to make a similar persons in relation to make a similar persons in relation to make a similar persons in relation to make a similar persons in relation to make a similar persons in relation to make a similar person between the similar persons in relation to make a similar person between the similar persons in relation to make a similar person between the similar persons in relation to make a similar person between the similar persons in relation to make a similar person between the similar persons in relation to make a similar person between the sin the similar person between the similar person b and apply to ships in the same manner and service and to similar persons in relation to such last mentioned ships. 36 V., c. 129, s. 195

Oath of master of foreign ship to be proof that any seaman is bound to serve.

128. The oath of the master of any such foreign merchant ip, or of any officer or porter of any such on board in the on board ••••• The oath of the master of any such foreign merchand ship, or of any officer or person employed on board to the or on board any other ship of the second country, that other best of highlight or on board any other ship of the same country, and there is belief and understanding on the seaman of the seaman best of his belief and understanding, any seamed of the the law of the person is bound to serve on board such ship, according to place where person is bound to serve on board such ship, according the the law of the country to which such ship belongs, or shall place where such seaman or other source was hired for be primed for: place where such seaman or other person was to serve that he is locally hound to serve the board such ship belongs, and to serve an or other person was to serve an or other person was to serve an or other person was to serve an other person was to be primâ facie evidence that he is legally bound to athorne be has not real athorne to be primâ facie evidence that he is legally bound to athorne the bound to be board such ship within the meaning of this Act, of agree ment, and is ward such ship within the meaning of this Act, althouse he has not regularly entered into or signed articles the man ment, and is not bound by articles of indenture in the the ner required ment, and is not bound by articles of indenture in the others ner required by law with ment are and so v. ment, and is not bound by articles of indenture and 36 V. ner required by law with regard to seamen and 36 V. c. 129, s 190 engaged or bound to serve on board British ships. c. 129, s. 126. 129. No judge, magistrate or justice of the peace under itertain or act upon any complaint or information under entertain or act upon any complaint or information under

No justice to act as regards foreigners in

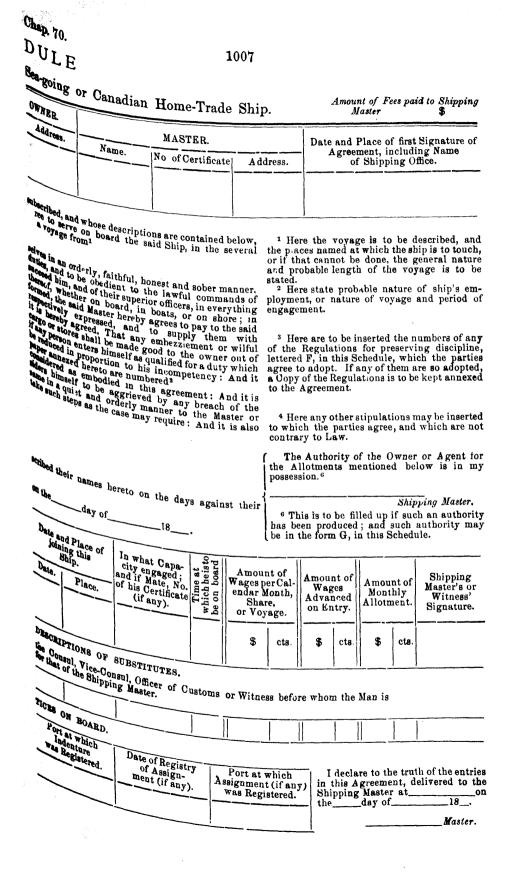
this Act, by or against any person belonging to or connected foreign ships with any such foreign any person belonging to being a sub- consent of the being a sub- constant of the constant of with any such foreign merchant ship, and not being a sub- consent of the differ Main and the merchant ship, and not being a sub- consent of the parties, or that of their the main and the sub- consent of the Jet of Her Majesty, or shall exercise jurisdiction under this parties, or that of their or at the consent of the parties of the consent of th Act over or at the instance of any such person, without the consular an antiperson of both the instance of any such person, without the consular of both the instance of any such person, without the consular of both the instance of any such person, without the consular cepting of both the instance of any such person. consent of both parties to such complaint or information, or officers, ex-cept in parties to such complaint or information, or officers, ex-cept in pur-suance of the consent of both parties to such complaint or information, or officers, ex-eccisent in writing of the consul, vice-consul or com- suance of which or other data of the country to treaties. Wercial or other duly accredited agent of the country to treaties. which such ship belongs, first had and obtained, unless the parties to snot belongs, first had and obtained or citiparties to such complaint or information are subjects or cititens of a country or countries by the terms of treaties in me between treating of the second treaties in the between treating of the second treaties in the seco force between Her Majesty's government and the govern-Ment or governments of which country or countries it is stipulated that it stipulated that the assistance of British courts and magisthates shall be granted to the subjects or citizens of such conntries, or one of such parties is a subject or citizen of any such commune of such parties is a subject or citizen of bioct of Her Majesty. any such country and the other is a subject of Her Majesty.

36 V., C. 129, S. 127.

130. The master of every ship shall furnish and pay for Masters to be used by him. furnish blanks. every blank form required by this Act to be used by him. blanks.

131. Upon, from and after the commencement of this Act Repealing the ref the Parliament of clause. **bo much of the provisions of the Act of the Parliament of the United Kined in the Provisions of the Act of the Parliament of** the United Kingdom known as "The Merchant Shipping the 1854," and for the new as "The Merchant Shipping det United Kingdom known as "The Merchant Shipping the same and of any Act of the said Parliament amending Imp. Stat. 17 relation and forming and to be construed as part thereof, and 18 V., c. the same and of any Act of the said Parliament amending Imp. Stat. 10 relating to shine point in the construed as part thereof, and 18 V., c. (10,0,0,1) to shine point and to be construed as part thereof, 11.4. relating to ships registered in any of the said Provinces, as is here also and to be construed as part there are a series of the said Provinces, as is here also a ships registered in any of the said Provinces, as is inconsistent with this Act, is repealed. 36 V., c. 129, s. 5,

Chap. 10. SCHE 1006 [A] AGREEMENT or Articles for a Canadian Foreign Name. Registered Port No. and Tonnage. Official Name of Ship. Port of Registry. Date of Register. Number. THE several persons whose names are bread and of whom ______ are engaged as Sainst their espective panel capacities expressed against their respective panel (or, which ship is to be employed? And the said Crew agree to conductive and to be at all times diligent in their respective the said Master, or of any nerson who shalls area Scale of Provisions to be allowed and and to be at all times diligent in their respective the said Master, or of any person who shall average relating to the said Shin and the stores and the per served out to the Crew. and to be at all times diligent in their respectively the said Master, or of any person who shall be and relating to the said Ship and the stores and one consideration of which services to their said Crew as wages the sums against deale ship provisions according to the any part of such the wages of the person guilty of the wages in the wages of the person guilty of the wages in the proves incompetent to perform, its which is also agreed. That the Regulations, and crew the also agreed that if any member of the server agreement or otherwise, he shall thereage agreed, That if Coffee, oz ġ ater, qts 20 Bread, lb. Pork, lb. Beef, lb. 02. Sugar, c lour, Peas. Tea, 1A E SUNDAY ... MONDAY...... TUESDAY WEDNESDAY THURSDAY FRIDAY ... SATURDAY 5 In witness whereof the said parties have set nective signatures maniford respective signatures mentioned. ⁵ Here any stipulation for changes or substitu-Date and Place of Discharge from such Ship Signed bytion of one article for another may be inserted. Ship in which he last served, Official Number, and Port she No. of Royal Naval belonged to, or other Date. Signatures of Crew. Age. Where Born. Volunteer's Employment. Certificate. PLACE FOR SIGNATURES AND NOTE.—Here the Entries are to be made as above, except that to be substituted engaged, is to be made as above, except that the substituted engaged. ACCOUNT OF APPER Date of Registry of Indestars. Christian and Sur-Note.—Any Erasure, Interlineation, or Alteration, in this Agreement, except in the case of Substitutes, will be void, unless attested by some Shipping Master, Officer of Customs, Consul or Vice-Consul, to be made with the consent of the persons interested. names of the Apprentices at length



Cha	1008	
INDORSEMENTS	INDORSEMENTS.	INDORSEMENTS.
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^{Chap.} 70. [B] SEAMAN	1009 'S ALLO'		I NOTE.
Name of Ship.	Official Nu	mber.	Now bound on a Voyage to.
No.			
	ated at dollars ar engage hip, to and con stopped ac	. 1 .	cents, part of the
			Master (3)
T _o			Seaman.
Payable at (1). Here insert the word required, when payment is d decays of the the the the the the the the the the	"Wife," "S Wife the Mør emanded. at in case of d i Note is gran give the note HE WITHIN	lister,'' or riage Cer esertion, i ted. e, this mu (or above	r other description of relation rtificate must be produced, if required, is to be given by th st be altered accordingly. e) WRITTEN NOTE.
Date.			
	Sums Re \$		Signature of Payee.
		cts.	
64			

Chap. 70

ACCOUNT OF WAGES. [C] Description of Voysge or Employment. Name of Ship and Official Number. Name of Master. Rate of Wages. Date of Engagement. Date of Discharge. Name of Seaman. Amount. Deductions. Amount. Advance..... Wages :--Allotment..... for months days Fines and Forfeitures. Deductions as per contra... Total Deductions ...\$ Balance due\$ Signature of Meder. Dated at the Port of this 18 . day of

hap. 70.	TC A TIT	1()11	n a		R SEAMAN.
Mame of Ship.	Official Number.	OF DIS		Register	ad	Description of Voy-
				Tonnage	e. —	age or Employment.
Name				 		
Name of Se	aman.	Place	of Birtl	h.		Date of Birth.
Capacity.	Date	of Entry.	Date of	f Dischar		Place of Discharge
Character fo		a whatever				
	Capacity.	u whatever	_	Chara	cte	r for Conduct.
I orazıry ti Seanan was dis Ottersigned	Witness	Seaman.	(Sign	17	nd	that the above nan Master.
Norz –On Beanan who is [E]	Add e of these (discharged.	Cccupation Occupation Dertificates	ess of Witne must be	filled u	p a	nd d elive red t o ev
		CERT	IFICA	TE.		
I HEREE Seamen's A Case of the	F CERTI ct" have	SHIPPI Port of FY, That	NG OI all t	FICE.	1 i r	18 . ements of "7 my satisfaction of to That

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tons, has opened articles at this office, and the master mate have duly signed the articles at the softice and the master artificates , of mate have duly signed the same, producing their certificates of competency to me before of competency to me before signing, and that the said agreement so partially signed in the signing of the said that the said and the signed in the said that the said the said that the said the said that the said the sai agreement so partially signed is in my office waiting an engagement of a portion of the

Master, No. of Certificate

Mate. do do Shipping Master.

Chap. 70

REGULATIONS FOR MAINTAINING DISCIPLINE. [F]

(Referred to in the Form of Agreement A.)

All or any of these regulations may be adopted by agree the ent between a master and his ment between a master and his crew, and thereupon offences specified in such as the second descent will offences specified in such of them as are so adopted will be legally punishable by the contract of the stateo legally punishable by the appropriate fines or punishments. These regulations are all more in a number of the number of the second seco These regulations are all numbered, and the numbers of such of them as are adopted about in the space such of them as are adopted shall be inserted in the these left for that purpose in the shall be inserted in or the share left for that purpose in the agreement, and a copy of agree regulations shall be made to regulations shall be made to correspond with adopted ment by erasing such of the ment by erasing such of the regulations as are not adopted and must then be attack agreement which the master of the ship takes master, and signature If the agreement is made before a shipping regulat signature shall be placed opposite such of the regulations as are adopted.

For the purpose of legally enforcing any of the following in the case of her of in the case of the following and the case of t penalties, the same steps shall be adopted as in the case of the offences punishable moder to the tis to say a statement. other offences punishable under the Act, that is to some statement of the offence shall statement of the offence, shall, immediately after of by master mission, be entered in the log-book by the direction of by master, and shall, at the same time to be true the the signature master, and shall, at the same time, be attested to be of the crew i and the signatures of the master and the mate or one or the same shall. crew; and a copy of such entry shall be furnished, be fore the signatures of the master and the mate or one of the ship same shall be read over to the signature of the sis signature of the signature of the signature of the sign same shall be read over, to the offender, which she read and an out reaches any port or departs from the offender, betore, she and and an entry that the same has been so furnished or made over, and of the reply, if any, of the offender, shall be offender and signed in the same manner as the entry of the dar. and signed in the same manner as the entry of offender, shall be frace. These entries shall. upon did is the offender of These entries shall, upon discharge of the offender, are the shipping master before whom the the shipping master before whom to the shipping master before whom to the shipping the case of a Grandian home trade the the second s snown to the shipping master before whom the offenue is is discharged, or, in the case of a Canadian home trade ship to some shipping master at a canadian place where is crew is discharged. to some shipping master before whom the trade sub-crew is discharged; and if he crew is discharged; and if he is satisfied that the offence is Chap. 70.

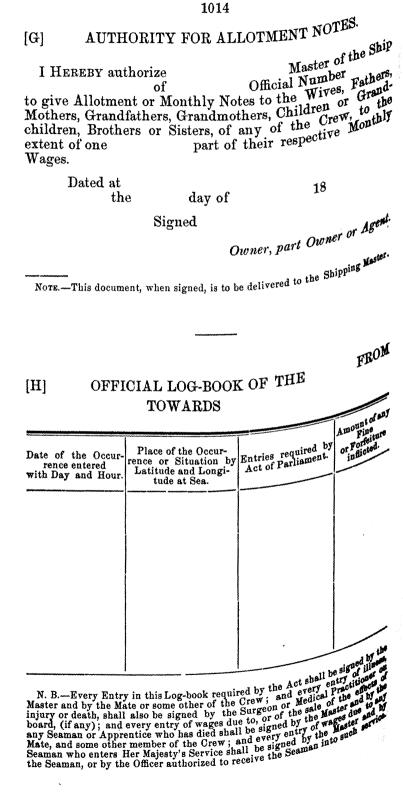
1013

proved, and that the entries have been properly made, the fine shall be deducted from the offender's wages, and paid over to the shipping master.

If, in consequence of subsequent good conduct, the headber of his remit or reduce any fine upon any headber of his remit in head head entered in the loghember of his crew which has been entered in the logbook and signifies the same to the shipping master, the contracted for by the same or by share, the amount of contracted for by the voyage or by share, the amount of forfait and in similar cases under anount of forfeiture is ascertained in similar cases under

- 1 - E			
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	Offence.	Amount of Fine or	Shipping Mas-
1			ter's Signature
I.	Not being on board at the time fixed by the agreement	Punishment.	or Initials.
	10t bei		of finitials.
2	by at g on here		
	Not ne arms ovard at the		
3	by the agreement Not returning on board at the time fixed tion of leave or back or contemptions		
v	100 of 1 g on here in the	Two Days' Pay.	
	Bolen leave woard at the owning	Iwo Days Fay.	
	tion of leave Insolence or contemptuous language any mate	-	
4	an ochavio contemptuous	One Day's Pay.	
•	Star met toward, ins language	·	
	any unavoid and a strain private strain and a strain a strain and a strain and a strain a strain and a strain a strain a strain and a strain a st		
5	board or assaulting any person on Swearnelling or provoking to the ship Bringing or using improves.		
6	Quart of belonging to the ship Swearing or provoking to quartel. Bringing or using improper language Carry in Quartel.	One Day's Pay.	
7	Sweetling onging to the person on		
· •,	Brearing or provol-	Two Days' Pay.	
		The Days Tay.	
6	Qous or have improper language.	One Day's Pay.	
ſ	any inquore on board gaage	Une Day's Pay.	
- 9]	Supervised belonging to the ship Bringing or provoking to quarrel. uous ling improper language Carrying a sheath-knife Drunkenness. First offence		
1	"Tunkon sueath-knie	Three Days' Pay.	
10	acquesa and the	L'ALCE DAVS FAV.	
•۷.	Ditto Second offence	One Day's Pay.	
		WO Dava' holfollow	
	charge of the part of officer in look-out properly. To place the steps of gross negligence.	ance of Provisions.	
ղ	losi ge of the Dart offence.	Two Days' Pay.	
•	Slook ont the water of officer in	r wo Days Fay.	
12	ping property to place it		
4	the is or groups prace the		
	ot one negligence	Two Days' Pay.	
13	ord unopial Souce while on	Days ray.	
4	Block of the watch of officer in Block out properly. the loce the the loc gross negligence while on ordered while lights at the		
۲	the "K or gross negligence while on ordered substantial lights at the time Bookent when ordered substantial to the time A speech of the time to the time when ordered of the Cook) not having any meal Not expect to the time to the time to the time time to the time time to the time time to the time to	Two Days' Pay.	
15	gleet velow		
-	Air bedding, when or open out, and (For the Cook)—Not having any meal time	One Day's Pay.	
	IN OBA		
	the Cook) -Not having any meal of the Crew ready at the appointed Not attending Divine Service	ono Day Slay.	
lg	time Crow Not havered.	17-10 5	
	Not e ready ready maying any most	Half a Day's Pay.	
	attend at the anno		
17	way building Dission appointed		
44	anty alless privine Service	One Day's Pay.	
•	i die vental i ce on Sun	Day s ruy.	
18	the pting Dhip. Ov sickness	i	
	Not 1008 CE Divine		
J9	Dein onduct Service	One Day's Pay.	
ž	day, unless prevented by sickness or day of the Ship	Julay.	t
	anty unless prevented by sickness or Interrup the Shine Service on Sun- fletrup the Shine Service by sickness or Not being cleaned, shaved and washed Secreting contraband goods on board with intent to smuggle. Betroping or defacing the Street up of the son a Sunday	One Deal D	f
1		One Day's Pay.	
2]			
	Den int int outraber Sunday	One Day's Pay.	
	rovivent to and goods	One Day's Pay.	
	agree gord smuggle on board	one Day's Pay.	
۰.	to the ment stracing the	0	
22	We Crewhich is the copy of at	One Month's Pay.	
	the made according		1
	with g contraband goods on board betroying or defacing the copy of the to the Crew	1	1
	oubjent Cer is	One Deal D	
	Tubbe to a p. Suilty of	Day's Pay.	
	defe of D ine, ho of any act on		1
	applit from ays me shall he is of o	efault which is made	i
1	whied in a smath world liable	to a Fine of twice	
	in the seaman, and be exi	acted for a 11	
	same mand such F	incluior a like act or	
	if any officer is guilty of any act or d about the same as a state of the same as a state o	The shall be paid and	
	under to a Fine, he shall be liable default from a Seaman, and such F splied in the same manner as othe	r Fines.	
	4.1		
			•

Chap. 70.



Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Con- solidated elsewhere.	To be Consolidated with.
1 6 20	Whole, except s. 4 and part of s. 5. Whole	s. 4 and part of s. 5.		
47 γ., c. 19	4 and part of 5.5. Whole. Whole, except s. 4. 5.4.	s. 4. 	Remainder	Certificates mas- ters and mates.

CHAPTER 71. An Act respecting the Shipping of Seamen on Inland ER Majesty, by and with the advice and consent of the Senate and House of Correct and consent s Senate and House of Commons of Canada, enacts as follows:---1. This Act may be cited as "The Inland Waters Seamen's ct." 38 V., c. 29, s. 1 Short title. Act." 38 V., c. 29, s. 1. 2. In this Act, unless the context otherwise requires (a) The expression "ship" includes every description of ssel used in navigation not Interpretation. " Ship." vessel used in navigation, not propelled by oars; (b) The expression "master" includes every person having mmand or charge of a shire "Master." command or charge of a ship, except a pilot; (c) The expression "seaman" includes every person en-oyed or engaged in any or a second seco (), the expression "seaman" includes every person copy ployed or engaged in any capacity on board any ship, except masters and pilots: "Seaman." (d) The expression "Consular officer" includes for the eneral, Consul and Vice Consular officer" includes for mil General, Consul and Vice-Consul, and any person Consul time being discharging the dution of the Consul, and any person consul time being discharging the duties of Consul General, Consul; "Consular officer." (e) The expression "the Minister" means the Minister Marine and Fisheries "Minister," (f) The expression "ship subject to the provisions of this or includes every ship work of the provision of of Marine and Fisheries; Snip subject (f) The expression "ship subject to the provisions of the provisions of this steam and of more than the provision of the provisions of the p steam and of more than twenty tons, registered than the propelled otherwise than benefit of more than the propelled otherwise than by steam and of more than twenty tons, registered than the then the inland are tonnage. tons registered tonnage, and employed in navigating 8 V. inland waters of Canada above the harbor of Quebec. 38 c. 29, s. 2, part. Act not to

apply to barges, &c. rivers and canals. 38 V., c. 29, s. 2, part.

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Chap. 71.

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ENGAGEMENT AND WAGES OF SEAMEN. 4. The master of every ship subject to the provisions of Agreement is Act about the provision of Agreement to the provision of Agreement to the provision of Agreement to the provision of the pr this Act, shall enter into an agreement with every seaman between master and crew. whom he carries as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in the form of the schedule to this Act, or as near thereto Form of agreeas circumstances admit, and shall be dated at the time ment. the first signature thereof, and shall be signed by the first signature thereof, and shall be signed tain the following any seaman signs the same, and shall contain the following particulars as terms thereof, that is to Particulars. (a) The nature and, as far as practicable, the duration of Nature of voyage. the intended voyage or engagement; (b) The number and description of the crew, specifying Crew. how many are engaged as sailors; (c) The time at which each seaman is to be on board or to Time for work. begin work; (d) The capacity in which each seaman is to serve; (e) The amount of wages which each seaman is to receive ; Wages. Capacity. (f) Any regulations as to conduct on board, and as to fines, Conduct, &c. or other lawful punishments for misconduct which the 2. Every such agreement shall be so framed as to admit To be so framed as to admit to be so framed as to admit of the master and framed as admit of the master and admit of the master and solutions to be added admit of the master and solutions to be added admit of the master and solutions to be added admit of the master and solutions to be added admit of the master and solutions to be added admit of the master and solutions to be added admit of the master and solutions to be added admit of the master and solutions to be added admit of the master and solutions to be added admit of the master and solutions to be added admit of the master and solutions to be admit admit of the master and solutions to be admit of stipulations, to be adopted at the will of the master and framed as to admit of cer-other in each case for the standard may contain any tain stipula-tions. seamen in each case, as to advances, and may contain any tain stipulations. other stipulations which are not contrary to law; and every tions. such agreement shall be made and signed in presence of a respectable with a not contrary to law; and contrary to law and contr respectable witness, or a shipping master or chief officer of shall ettert and signed in such agreement: customs, who shall attest each signature on such agreement: 8. Any seaman who has signed any such agreement may, Discharge of the termination of L: at the termination of his engagement, if the master thinks effected. of cnet fit the termination of his engagement, if the master unmer of customs in Canada, any shipping master or chief officer encoded any shipping master or chief officer disof be discharged before any shipping master or chief onco. engagement, and hore; and at any period during any such engagement, and before its termination, the master may dis-his such such some if the such some if the such some if the charge any such seaman on payment of his wages, and with mast onsent; and are not payment of his wages, and with his consent; and any such discharge may be made, if the of thinks fit before the chine master of chine master of chine the constant of the con Master thinks fit, before any shipping master or chief officer of customs in Canada. 38 V., c. 29, s. 3.

the short vouce subject to the provisions of this Duration of the subject to the provisions with the agreement. Act making short voyages, running agreements with the ^{agreement}. crew may be made to extend over two or more voyages, or

for a specified time, so that no such agreement shall extend beyond eight months from the such agreement, or beyond eight months from the date of such agreement, or the first arrival of the shire is a such agreement. the first arrival of the ship at her port of destination after the termination of such agreement the termination of such agreement, or the discharge of cargo consequent upon such consequent upon such agreement, or the discharge of using into such agreement; and every person entering first com into such agreement, whether engaged upon the first com-mencement thereof or other mencement thereof, or otherwise, shall enter into and every the same in the manner the same in the manner hereinbefore required; and every person engaged thereunder person engaged thereunder when discharged in the manner herei discharged 38 V, c. charged in the manner hereinbefore provided for. 29. s. 4.

Engagement and discharge.

Penalty for carrying sea-men without agreement.

6. Every master of any ship subject to the provisions this Act, who carries the provision of his crew of this Act, who carries any seaman as one of his form without entering into an arrive and the form of his form without entering into an agreement with him, in the form and manner and at the place and the place a and manner and at the place and time in such case required, shall, for each such offence shall, for each such offence, incur a penalty not exceeding twenty dollars. 38 V = 20

7. Every erasure, interlineation or alteration in any such reement with seamen as in this Act, except ressures, ac., **7.** Every erasure, interlineation or alteration in any such in agreement agreement with seamen as is required by this Act, except consent of all additions made for shipping by arrows engaged void, unless agreement with seamen as is required by this Act, excerding additions made for shipping substitutes or persons engaged subsequently to the first of the subsequently to the first of the subsequently to the first of the subsequently to the first of the subsequently to the first of the subsequently to the first of the subsequently to the first of the subsequently to the first of the subsequently to the first of the subsequently to the first of the subsequently to the first of the subsequently to the first of the subsequently to the first of the subsequently the subsequently to the first of the subsequently to the subsequently to the first of the subsequently to the subsequently the subsequently to the subsequently to the subsequently to the subsequently to the subsequently to the subsequently to the subsequently to the subsequently to the subsequently to the subsequently to the subsequently to the subsequently to the subsequently to the subse subsequently to the first departure of the ship, shall be wholly inoperative, unless and the ship, made with wholly inoperative, unless proved to have been made in the consent of all the person the consent of all the persons interested in such erasure, if made terlineation or alteration back terlineation or alteration, by the written attestation, justice in Her Majesty's Dominions in Her Majesty's Dominions, of some shipping master, justice of the peace, officer of custom of the peace, officer of customs or other public functionary, or, if made out of Her Majort, ' or, if made out of Her Majesty's Dominions, of a British sular officer, or where there is a ble with sular officer, or where there is no such officer, of two respect-able witnesses. 38 V o 20

Penalty for fraudulently altering agreement. Ac.

8. Every person who fraudulently alters, assists in frauda, or ntly altering, or procures that altered, as Levery person who fraudulently alters, assists in fraud, or lently altering, or procures to be fraudulently alter false makes or assists in making or makes or assists in making or procures to be fraudulently altered, any to be entry in, or delivers. assists in aking or procures to be made, any to be delivered entry in, or delivers, assists in delivering, or procures to be fraudulently any more delivered a false copy of any delivering of procures to be made, any more delivering of this Act, is guilty of delivered a false copy of any agreement under this Act, is guilty of a misdemeanor. 38 V., c. 29, s. 7.

Proof of agreement.

9. Any seaman may bring forward evidence to prove the other wise to prove the other wise to -• Any seaman may bring forward evidence to prove to contents of any agreement under this Act or other wise to support his case, without model of a gring node 8. support his case, without producing or giving 70, c. 29, 8 g. - apport his case, without producing or giving notion s. produce the agreement or any copy thereof. 38 V., c. 29, s. 10. Amount

10. Any seaman who has signed an agreement under this ct, and is afterwards discharged in the commencement man dis-charged with-out cause of the voyage, or before and before the commencement of his term of without f of the voyage, or before one month's wages are and without fault on his part institution of the commencement. out cause of the voyage, or before one month's wages are earned is alterwards discharged before the comment and is an earned of his term of without fault on his part justifying such discharge the master or owner, in addition to margine he has earned and the master or owner, in addition to margine he has earned before the comment of the term of the comment. master or owner, in addition to any wages he has

Canada, ex-

15. No seaman belonging to any ship subject to the pro- Seaman not to sue for a vovage or engage- wages in court out of visions of this Act, who is engaged for a voyage or engage-went which is to torminate in Concide shall be entitled to contout of Canada, e ment which is to terminate in Canada, shall be entitled to court out of Canada, ex-

14. Whenever a seaman belonging to any ship subject to Seaman dis-berrovisions of the third and belonging to any ship subject to Seaman dis-error belong to any ship subject to Seaman dis-ness cause the provisions of this Act, is by reason of illness incapable of abled by ill-been caused by his own wilful act or default, he shall not wilful act. been caused by his duty, and it is proved that such illness has by ms own be entitled by his own wilful act or default, he shall not wilful act. be entitled by his own wilful act or default, he shall not reason of such illness for the time during which he is, by **reason** of such illness, incapable of performing his duty. 38

which he is lawfully imprisoned for any offence committed

18. No seaman belonging to any ship subject to the pro- Seaman unvisions of this Act, shall be entitled to wages for any period lawfully re-where which he walls for any neglects to work work, &c. during of this Act, shall be entitled to wages for any period lawing when required, whether before the time fixed by the when required, whether before or after the time fixed by the Astronent for his beginning work, or, unless the court whill the case of the c Which he is lower therwise directs, for any period during

12. Whenever the service of any seaman belonging to As to seaman any ship subject to the provisions of this Act, terminates whose term of service is service is the period contact to the provisions of this Act, terminates whose terminated terminated to the period contact the period contact the period contact terminates the correspondent. before the period contemplated in the agreement, by reason terminated is whenever such ser-without his fault. of the period contemplated in the agreement, by reason terminates vice terminates before the ship, and whenever such ser-without his his terminates before the ship, and whenever such ser-without his vice wreck or loss of the ship, and whenever such ser-his being left on shore such period as aforesaid, by reason of of h: his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage, granted by competent antiby competent authority, such seaman shall be entitled to wages for the time of Wages for the time of service prior to such termination as aforesaid, but not for the time of service prior to such termination as 38 V., c. 29, s. 11. aforesaid, but not for any further period. 38 V., c. 29, s. 11.

11. Whenever any agreement under this Act is signed Attestation of agreement in the form of customs as a or discharge before any shipping master or a chief officer of customs as a or discharge the set the set the set of a greement with the set the set the set of a greement big title of office to and fee to Witness thereto, such officer shall append his title of office to and fee to his signature as such witness; and the sum of forty cents shall be payable to every such officer upon each engagement of a seaman big to every such officer upon each engagement of a seaman before him, and the sum of twenty cents shall be payable to every him, and the sum of twenty cents shall be payable to every such officer upon each discharge of a seaman effected by such officer upon each discharge of a seaman effected before him as hereinbefore mentioned; and any shipping master or chief officer of customs may refuse to sign any such engagement or discharge, as a witness thereto, unloss the engagement or discharge, as a Witness 38 V., thereto, unless the fee payable thereon is first paid.

due compensation for the damage thereby caused to him,-Not exceeding one month's wages; and may, on adducing such evidence deems satisfacsuch evidence as the court hearing the case deems satisfac-tory of his to be as the court hearing the case deems satisfactory of his having been so improperly discharged, recover such compared and a solution of the second such compensation as if it were wages duly earned. 38 V.,

cept in certain cases.

Proviso.

sue in any court out of Canada for wages, unless he is discharged with the written discharged with the written consent of the master or proves such ill-usage on the port of the such ill-usage on the part of the master or by his authority, as to warrant reasonable as to warrant reasonable apprehension of danger to the any of such seaman if he remainded to the any of such seaman if he remained on board; but if any seaman, on his return to the master of seaman, on his return to Canada, proves that the master of owner has been guilty of gu owner has been guilty of any conduct or default which, but for this section, would have for this section, would have entitled the seaman engage for wages before the termination of the voyage or engages ment, he shall be entitled ment, he shall be entitled to recover, in addition as wages, such compensation not wages, such compensation, not exceeding eighty dollars, 29, the court hearing the case thinks reasonable. 38 V., c. 29, s. 14.

Penalty for default.

16. The master or owner of every ship subject to the ovisions of this Act shall at all the start shall be all shall be all the start shall be all the start shall be all be all shall be al provisions of this Act shall, at all times when required so to do by the minister or by conagreement to do by the minister or by any person in that behalf steam-authorized by the minister or by any person in that behalf steamauthorized by the minister, or by any inspector of steam boats or custom house officer boats or custom house officer or officer of river police, house officer or officer of river police, author duce and exhibit to the mining duce and exhibit to the minister or to such person custom ized by him, or to such increases ized by him, or to such inspector of steamboats or custom house officer or officer of ninetation of steamboats or custom house officer or officer of river police, any agreement ship in force and subsisting between the start of such such and the in force and subsisting between the master of such every and the seamen whom he cannot be master of such every and the seamen whom he carries as his crew; and every such owner or master who find such owner or master who fails to comply with the requirements of this section shall in a section shall in the section shall be set of the sector sector section shall be set of the section section s ments of this section shall incur a penalty of twenty dollars. 38 V., c. 29, s. 15.

Misconduct endangering ship, life or limb a misdemeanor.

17. Every master of and every seaman belonging wilful ip subject to the provision ship subject to the provisions of this Act, who, by wilful breach of duty, or by neglect of the transformed drunker. breach of duty, or by neglect of duty, or by reason of druction ness, does any act tending to the duty, or by reason destruction ness, does any act tending to the immediate loss, destruction or serious damage of such the immediate loss, destruction or serious damage of such ship, or tending immediately or by endanger the life or limb of the immediate loss, destruction of by board of endanger the life or limb of any person belonging to or by board of such ship, or when here is a start of duty, or or neglect when here is a start of duty or or board of such ship, or who, by wilful breach of duty, or or neglect of duty, or by received and the such as a such a neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful set omits to do any lawful act, proper and requisite to be loss, by him for preserving and requisite to be loss, by him for preserving such ship from immediate prosi-destruction or serious domain destruction or serious damage, or for preserving and requisite date for belonging to or on board of series in mediate ag, belonging to or on board of such ship from immediate and ger to life or limb, is guilty of s. 16 s. 16.

Offences of seamen and their punishment.

18. Whenever any seaman, who has been lawfully of any seaman, who has been provisions by is Act to be provisions by whenever any seaman, who has been lawfund engaged or bound to any ship subject to the provisions by this Act, and has duly signed and the provision of the set of the ingaged or bound to any ship subject to the provisions by this Act, and has duly signed an agreement as required he this Act, commits any of the fall this Act, and has duly signed an agreement as required be this Act, commits any of the following offences, he shall liable to be punished summarily offences to say: liable to be punished summarily as follows; that is to say.

and also, in the discretion of the court, to forfeit, for every heal very hours, the discretion of the court, to forfeit, for every twenty-four he discretion of the court, to forfeit, for ever, amount either a sum continuance of such disobedience or amount either a sum continuance of such disobedience or heglect, either a sum not exceeding six days' pay, or the in him of any experiment. amount either a sum not exceeding six days' pay, or the in hiring a substitute which have been properly incurred

(e) For continued wilful disobedience to lawful commands, Continued and a shall be liable to disobedience or neglect (e) For continued wilful disobedience to lawful commands, Continued imprisonment for any term not exceeding twelve weeks and duty. imprisonment for any term not exceeding twelve weeks and duty. not less than for any term not exceeding twelve weeks and also, in the discretion of the court to forfeit, for every

(d) For wilful disobedience to any lawful command, he Act of wilful to imprise to any lawful command, he Act of wilful disobedience. shall be liable to imprisonment for any term not exceeding disobedience. hand be liable to imprisonment for any term not exceeding disobedience. four weeks and not less than two weeks, with or without hand labor, and not less than two weeks, with or without of his warrant at the discretion of the court, to forfeit ont of his wages a sum not exceeding two days' pay;

(c) For quitting the ship without leave after her arrival in Quitting with-and of delivery and p without leave after her arrival in Quitting with-fore ship is her port of delivery, and before she is placed in security, he outleave, be-ine be liable to foresti shall be liable to forfeit out of his wages a sum not exceed- secured.

(b) For neglecting or refusing, without reasonable cause, to Neglecting or in his ship. or to refusing to in his ship. or for refusing to in his ship. or for refusing to in his ship. or for refusing to in his ship. or for refusing to it. join his ship, or to proceed on any voyage in his ship, or for proceed on any voyage in his ship, or for proceed on any refusing to join ship or proceed on any voyage in his ship. absence without leave at any time within twenty-four hours proceed on ment ship's sailing for the ship's sailing f of the ship's sailing from any port, either at the commence-ment or during the ship's up or during the ship's sailing from any port, either at the commence-and or during the ship of th ment or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from Absence withhis ship or from his duty, not amounting to desertion or not out leave. treated as such by the master, he shall be liable to imprisonment for any term not exceeding ten weeks and not in the discretion of the without hard labor, and also, in the discretion of the court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition. for amount of two days' pay, either a addition, for every twenty-four hours of absence, either a not exceeding the amount of two days' pay, and sum not exceeding six days' pay, or any expenses which have been property is days' pay, or any expenses which have been properly incurred in hiring a substitute;

(a) For desertion, he shall be liable to imprisonment for any Desertion. $t_{erm}^{(w)}$ For desertion, he shall be liable to imprisonment to weeks and not less than four weeks with being twelve weeks and not less than four Weeks, with hard labor, and also to forfeit all or any part of the clother hard labor, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the leaves on board, and all or any part of the wages or emoluments which he has then earned, and also is and also, if such desertion takes place abroad, at the discre-tion of the such desertion takes place abroad, at the wages or tion of the court, to forfeit all or any part of the wages or emolument. employed and to satisfy employed until his next return to Canada, and to satisfy any excess of wages paid by the master or owner of the ship from which is paid by the master or owner of substitute engaged the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipu-

Assault on officers of ship.

Combining to disobey or neglect duty.

(f) For assaulting any master or mate, he shall be liable to apprisonment for any torm of mate, he shall be liable to weeks imprisonment for any term not exceeding twelve weeks and not less than six work (g) For combining with any other or others of the crew to sobey lawful commands disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the the navigation of the ship or the progress of the voyage, any shall be liable to imprisonment. shall be liable to imprisonment, with hard labor, for any term not exceeding twolve term not exceeding twelve weeks and not less than six weeks;

Wilful damage or embezzlement.

(h) For wilfully damaging the ship, or embezzling or wil-lly damaging any of her stores to be chall be light fully damaging any of her stores or cargo, he shall be list to forfeit out of his wages a sum of cargo, he shall be lost thereby to forfeit out of his wages a sum equal in value to the court, thereby sustained, and also in the data the court, thereby sustained, and also, in the discretion of the court to imprisonment, with hard to imprisonment, with hard labor, for any term ceeding twelve weeks and not ceeding twelve weeks and not less than six weeks;

(i) For any act of smuggling of which he is convicted, and hereby loss or damage is convicted which he is convicted or owner, (i) For any act of smuggling of which he is convicted, we also as to owner, whereby loss or damage is occasioned to the master or owner and he shall be liable to part to be as the shall be liable to part to be as the shall be liable to part to be a such as the shall be liable to part to be a such a suc he shall be liable to pay to such master or owner such a sum as is sufficient to reimbered to the master or owner art such loss or damage : and the such master or owner part such loss or damage; and the whole or a proportionate part of his wages may be retained of his wages may be retained in satisfaction or on account of such liability, without not a proportion of further remedy. of such liability, without prejudice to any further remedy. 38 V., c. 29, s. 17.

Master or owne**r** may apprehend deserters without warrant.

Penalty for improper arrest.

19. Whenever, either at the commencement or during to or refuses in progress of any voyage, any seaman neglects or refuses in proceed in any ship subject to the proceed in any ship subject proceed in any voyage, any seaman neglects or refuses in which he is duly engaged to which he is duly engaged to serve, or is found otherwise absenting himself therefrom the provisions of the master in absenting himself therefrom without leave, any mate, or the owner shir, any mate, or the owner, ship's husband or consignee of the any place in Canada, with or with a state of the local mate any place in Canada, with or without the assistance of the local police officers or consistence of the local police officers or constables (who shall first and curing curing a warrant; and may thereupon in any case, shall, in case he so recurit shall, in case he so requires and it is practicable, convey mat-before some court capable of the before some court capable of taking cognizance of the the the purpose of ter, to be dealt with according to law; and may, him or purpose of conveying him before such court, detain hours, or such short such shorter time as is percentage to may, if he the not shorter time as is necessary, or may, or near place, at once convey him on board, and if any such appreplace, at once convey him on board; and if any such as the second hension appears to the court before which insufficient brought to have been made on insufficient on insufficient brought to have been made on improper or on insufficient grounds, the master, mate grounds, the master, mate, owner, ship's husband be signee who makes the same or or on the same to be signee who makes the same or causes the same dollars; for shall incur a penalty not contained by dollars; for shall incur a penalty not exceeding eighty action for shall be any action for shall be any action for shall be any action for such penalty, if inflicted shall be any action for any action for any action for any action for any action for any action for any action for any action for any action for any action for any action for any action for any action for any action for any action for any action for any action for action for any action for any action for any action for any action for any action for any action for any action for any action for any action for action for any action for action for any action for any action for action for any action for any action for any action for any action for any action for action for any action for ac such penalty, if inflicted, shall be a bar to any action for

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false imprisonment in respect of such apprehension. 38 V., c. 29, s. 19

20. Whenever any seaman belonging to any ship subject Deserters may be see to the provisions of this Act, is brought before any court in on board in interface on the provision of this Act, is brought before any court in the sector of the sector Canada on the ground of his having neglected or refused to lieu of being imprisoned. join or proceed in any ship in which he is engaged to serve, or of proceed in any ship in which he is engaged in from without deserted or otherwise absented himself there-if the master or the from without leave, such court may,—if the master or the owner or his agent so requires, instead of committing the offender to prison,—cause him to proceed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them when the ship, or the owner or his agent, to be by them so conveyed, and may, in such case, order any costs and avoid by or on behalf of the costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence, to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or which, by virtue of his then existing encounter of the state of the existing engagement, he afterwards earns. 38 V., c. 29,

21. If any seaman is imprisoned on the ground of his Seaman imprisoned for his neglected or and imprisoned for backet of discretion of discr having neglected or refused to join or to proceed in any ship desertion or subject to the provisions of this Act, in which he is engaged breach of dis-time to be provisions of this Act, in which he is engaged breach of dis-time to be been and the provision of the besite distribution of th himself therefrom without leave, or of his having committed board before many other breach of all of the during such imprison- of sentence. any other breach of discipline, and if, during such imprison- of sentence. Ment, and before his engagement is at an end, his services are required on board his ship, any justice of the peace may, at the request of the master of the master or his agent, cause such request of the master or of the owner or his agent, cause such of the peace may, at the peace may, at the peace may, at the peace may, at the seament to be constructed of the owner or his agent, cause such seaman to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master

or any mate of the voyage, or to be delivered to the masses of them so convert in the termination by them so conveyed, notwithstanding that the termination here period for metric of the period f of the period for which he was sentenced to imprisonment has not arrived. 38 V., c. 29, s. 20.

*2. Whenever a question arises whether the wages of any Facilities for bis A belonging question arises whether the provisions of section, so far seaman belonging to any ship subject to the provisions of sertion, so far the part, are forfaited for the provisions of sertion as concerns forfaited for the provision of sertion of serti this Act, are forfeited for desertion, it shall be sufficient for as concerns nan insisting to the forfeited to the provisions of sertion, so is nan insisting of the forfeiter to show that such sea the person insisting on the forfeiture to show that such sea- wages. han Was duly engaged in or that he belonged to the ship from Was duly engaged in or that he belonged to the surr quitted such ship belonged to have deserted, and that he enced such ship belonged to have deserted, and that he Quitted which he is alleged to have deserted, and that and the is alleged to have deserted, and that are related such ship before the completion of the voyage or the section shall, so far as engagement; ship before the completion of the voyage are relates to any for the reupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the deserted to be proved, provisions hereinbefore contained, be deemed to be proved, change the seamon of the description of the seamon of the the seaman can produce a proper certificate of the set charge, or can otherwise show, to the satisfaction of the V and the had an entry is a for leaving his ship. 38 court, that he had sufficient reasons for leaving his ship. 38

Cost of pro-curing imprisonment may, to the extent of \$12, be de-ducted from wages.

23. Whenever, in any proceeding relating to seamen's ages, it is shown that any proceeding relating to any ship wages, it is shown that any seaman belonging to any ship subject to the provisions of the subject to the provisions of this Act, has, in the course of the voyage, been convicted of voyage, been convicted of any offence by any competent tribunal, and rightfully purchased of any offence by any prisonment tribunal, and rightfully punished therefor by imprisonment of or otherwise, the court becau or otherwise, the court hearing the case may direct a part of the wages due to such seeman the case may direct a part of the wages due to such seaman, not exceeding the incurred by to be applied in reimburging to be applied in reimbursing any costs properly incurred 38 the master in procuring such the master in procuring such conviction or punishment. V., c. 29, s. 22.

Amount of forfeiture, how to be ascertained when seamen contract for the voyage.

24. Whenever any seaman belonging to any ship subject the the provisions of this Act to the provisions of this Act, contracts for wages by the woyage, or by the run or by the voyage, or by the run or by the share, and not by the to be or other stated period of time the or other stated period of time, the amount of forfeiture to be incurred under this Act shall. incurred under this Act shall be taken to be an amount bearing the same proportion to be an enter of share, as bearing the same proportion to the whole wages or share, as amount or other the period here is a mount of the same proportion to the whole wages or share, as the area of the period here is a share of the same property o a month or other the period hereinbefore mentioned in firing the amount of such forfaither the amount of such forfeiture, as the case may be, bears the the whole time spent in the the whole time spent in the voyage; and if the whole time spent in the voyage does not spent in the voyage does not exceed the period for which the pay is to be forfeited the formation of the period to the the pay is to be forfeited, the forfeiture shall extend to the whole wages or share. 38 V

Application of forfeitures.

25. All clothes, effects, wages and emoluments which or ider the provisions herein the provision of the second sec under the provisions hereinbefore contained, are forfeited for desertion, shall be applied desertion, shall be applied, in the first instance, is towards the reimbursement of the first instance is the such of the such towards the reimbursement of the expenses occasioned by such desertion to the master of the expenses from which such desertion to the master or owner of the ship from whether the desertion has taken place the desertion has taken place; and may, if earned subset quently to the desertion has taken place and may, if master, or by quently to the desertion, be recovered by such master, or the desertion has agent in the deserted by such master, and the deserter the owner or his agent in the deserter the the owner or his agent, in the same manner as the deserted; might have recovered the correct the same manner as the deserted in the same manner as the deserted in the same manner as th might have recovered the same if they had not been forfeited; and in any legal proceeding relations to the process, the court is a same and in any legal proceeding relations. and in any legal proceeding relating to such wages, the court may order the same to be paid may order the same to be paid accordingly; and, subject to such reimbursement. the same to be the same to be paid accordingly to the Minister of Final such reimbursement, the same shall be paid to the Minister of Finance and Receiver Consolid of Finance and Receiver General, to form part of the Consolidated Revenue Fundation of finance and section form and in all other cases of f Consolidated Revenue Fund of Canada; and hereinbefore cases of forfeiture of wages and in all before in the second cases of forfeiture of wages under the provisions hereinbeine contained, the forfeiture shall contained, the forfeiture shall, in the absence of any specific directions to the contrary be for the master of the master of the master of the contrary be for the master of the master directions to the contrary, be for the benefit of the master of owner by whom the waves

Question of forfeiture may be de-cided in suits for wages.

26. Any question concerning the forfeiture of or deduction on the wages of any dimension to any dimension Any question concerning the forfeiture of or dealing tions from the wages of any seaman, belonging to any dia subject to the provisions of the subject to the provisions of this Act, may be determined in any proceeding in Canada lawf-line with respect any proceeding in Canada, lawfully instituted with respect to such wages, notwithstanding that the offence in respect my proceeding in Canada, lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises the such hereby made processing able by improve of which such question arises, though hereby made the subject of any criminal proceeding 38 V., c. 29, s. 21, s. 22, s. 22, s. 23, s. 24, s. 25, s. 29, s. 29, s. 29, s. 29, s. 29, s. 20, s. 2 made the subject of any criminal proceeding. 38 V., c. 29, s.

to be the seaman, on or before being engaged in any Penalty for the state-ment as to the state ment as to ship subject to the provisions of this Act, wilfully and fraudu-false state-ment as to his last ship or ship or name lenily makes a false statement of the name of his last ship or ship or name. last alleged ship, or wilfully and fraudulently makes a false the alleged ship, or wilfully and fraudulently makes a second of his own name, he shall incur a penalty not exfrom any wenty dollars; and such penalty may be deducted from any wages he earns by virtue of such engagement of the loss any wages he earns by virtue of such engagement ad expension in shall, subject to reimbursement of the loss

and expenses, if any, occasioned by any previous desertion, he had and shall, subject to reimbursement of the term hand and and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall, subject to reimbursement of the term hand and shall and paid and applied in the same manner as other penalties Word, under this Act. 38 V., c. 29, s. 26. Words in Italics recommended to be inserted—probably omitted.

ENTICING TO DESERT AND HARBORING DESERTERS.

*a Every person who, by any means whatsoever, persuades Punishment makempts to provide the providet the providet the provide the provide the providet w attempts to person who, by any means whatsoever, persuades Punishment subject to the persuade any seaman, belonging to any ship desert or desert or her provide to the provide to herboring deserters. the person who, by any means when the person who, by any means when the person who, by any means when the person who, by any means when the person who, by any means when the person who, by any means when the person who describes any seaman, belonging to any ship desert or describes to the provisions of this Act, to neglect or refuse to harboring deserters. join or to the provisions of this Act, to neglect or refuse to harooning the provisions of this Act, to neglect or refuse to harooning the shall for the form his ship, or to absent himself from his deserters. duty, shall, for the first offence in respect of each such seathe shall, for the first offence in respect of each such such such as the such the liable to imprisonment, with hard labor, for a term for any subsequent of the list of the list that one month, and believed ing six months and not less than one month, and not less than one month, and by subsequent offence, in respect to each such seaman, erable to imprisonment, with hard labor, for a term not be liable to imprisonment, with hard labor, for a term not shading twelve any the lass than two months: exceeding twelve months and not less than two months: the weathing twelve months and not less than two months. the seaman who has deserted from his ship, or who has been his ship, or who has deserted from his ship, knowing has done has wilfully neglected or refused to join his ship, knowing having reason to builture to have so done wilfully neglected or refused to join his ship, knowing to having reason to believe such seaman to have so done to the every such to believe such seaman to have so done having reason to believe such seaman to have so uone in prisonment with the seaman so harbored or secreted, be liable to imprisonment, with hard labor, for a term not exceeding months and with hard labor, for a term not exceeding months and with hard labor, and for any in haprisonment, with hard labor, for a term not exceeding twelve months and for any and not less than one month, and for any where the set of the **avequent** offence, for a term not exceeding in a bot less than two months. 38 V., c. 29, s. 27.

CHANGE OF MASTER. the subject to the progress of a voyage, the master of any On change of the provisions of this Act, is superseded in master, cer-tain docu-tain the command by some other person, he shall deliver handed over to be some other person, he shall deliver to his succer to his sor. detail or, for any other reason, quits the ship and is suc- ments to be detain the command by some other person, he shall deliver handed over to his successor the continue of person, he shall deliver to his successor. to his successor the certificate of registry and the various sor. the ship and to the certificate of the ship and to the the period of the the period of the the period of the the period of the the period of the the period of the the period of the the period of the the period of the the period of the the period of the the period of the the period of the the period of the the pe documents relating to the navigation of the ship and to the incur thereof, which are in his custody and shall, in defau t, 38 V., chew thereof, which are in his custody, and shall, in defau t, so a penalty not construct the form bundred dollars. 38 V., income relating to the navigation of the second state of which are in his custody, and shall, in defau ... c. 29, s. 28. s. 28.

to his succes-

MODE OF RECOVERING WAGES. abject to seaman or apprentice belonging to any ship Seamen may sue for wage in a summar manner. bject to seaman or apprentice belonging to any ship Seamen may 65 to the provisions of this Act, or any person duly in a summary manner.

authorized on his behalf, may sue in a summary manner canada before any judge of the Summary canada to before any judge of the Superior Court for Lower county judge of the sessions of the set of a county of a county for the session of the set of judge of the Superior Court for Lover Count court, stipendiary magistrate court, stipendiary magistrate, police magistrate, or any the justices of the peace acting justices of the peace acting in or near the place at which the service has terminated the service has terminated, or at which the seamen of apprentice has been discharged or at which the seamen of owner or other apprentice has terminated, or at which any master of owner or other person upon owner or other person upon whom the claim is made and resides, for any amount of resides, for any amount of wages due to such seamand apprentice not exceeding the data of such seamand apprentice not exceeding two hundred dollars over and above the costs of any proceeding two hundred dollars over the real, as soon above the costs of any proceeding for the recovery judge, as soon as the same becomes payable; and such judge, magistrate or justices man magistrate or justices may, upon complaint on or on made to him or them by such made to him or them by such seaman or apprentice, person his behalf, summon such ment his behalf, summon such master or owner, or other person to appear before him or the 45 V and the second se to appear before him or them to answer such complaint. 45 V., c. 34, s. 2, part := 26 V , ... 04, S. 2, part ;- 36 V., c. 129, S. 52. This and the five following sections are taken from "The Segment's should with amendments in consequence of 45 V., c. 34, s. 2, and it is submitted, should extend to seamen on all ships subject to the nearisions of this Act.

31. Upon appearance of such master or owner, sum fault thereof, on due proof all the beam so mine oned and •••• Upon appearance of such master or owner, such default thereof, on due proof of his having been so sumited moned, such judge. magnitude institutes may exist if upon the such moned, such judge, magistrate or justices may entires, upon the oath of the respective mitrages of the Parties,

upon the oath of the respective witnesses of the parties, if there are any, or upon the

apon the oath of the respective witnesses of the parties, there are any, or upon the oath of either of from the other bat

Judges may make order for payment of wages.

distress may

be issued.

in case one of the parties requires such oath from the other, before such judge maximum such as touching such the case one of the parties requires such oath from the other, before such judge, magistrate or justices, touching such order for the complaint and amount of wages due, and may magistrate or justices, touching with order for the payment thereast order for the payment thereof, as to such judge, order is v, or justices appears reasonable and any order is v, or justices appears reasonable and just; and any magistrate by such judge, magistrate or just ; boll be final. c. 34. s 2 Justices appears reasonable and just; and any order $\frac{1}{45}V_{7}$ by such judge, magistrate or justices shall be final. c. 34, s. 2, part; --36 V. c. 120 5 52 Warrant of

32. If such order is not obeyed within twenty-four hours of the stices may be a stices may be a stice magnetic the stices may be a stice of the st next after the making thereof, such judge, magist of the justices may issue a warrant is a warrant of the justices may issue a warrant to levy the amount of the goods and wages awarded to be due, by the distress and such the goods and chattels of the work of the whom such of the rages awarded to be due, by the distress and sale order goods and chattels of the person on whom such the is made, paying to such a such a distribution overplus all the goods and chattels of the person on whom such of the is made, paying to such person the overplus all the produce of the sale, after deducting therefrom apprentice charges and expenses incurred by the seaman or apprentice charges and expenses incurred by the seaman or as well as those incurred hearing of the seaman of as more than the making and hearing of the complaint, as more those incurred hearing of the complaint. marges and expenses incurred by the seaman or apprendicts in the making and hearing of the complaint, as enforce those incurred by the distress and levy, and in the order. 45 V = 24 = 2 mart : -36 V. mose incurred by the distress and levy, and in the enforcement of the order. 45 V., c. 34, s. 2, part; -36 V., c. 12, s. 54. **33.** If sufficient distress cannot be found, such judge agistrate or justices manual the amount amount amount and

magistrate or justices may cause the ship in a or the service or in the service or i not be found magistrate or justices may cause the amount respective wages and ex- wages and expenses to be levied on the ship in red, or penses may be the service on board which the surgers are claimed, or wages and ex- wages and expenses to be levied on the ship in respective penses may be the service on board which the wages are claimed, or

Summons.

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tackle and apparel thereof; and if such ship is not within levied on ship the jurisdiction of person may magnistrate or justices, or person may be committed. the such apparel thereof; and if such ship is not within levied on such they may cause the such judge, magistrate or justices, or person may is may cause the such judge, order for payment they may cause the person on whom the order for payment sol of the local time apprehended and committed to the common the order to the to the apprehended and committed to the common the local time apprehended and committed to the common the local time apprehended and committed to the common the local time apprehended and committed to the common the local time apprehended and committed to the common time apprehended and committed to the committed to the committed to the committed to the committed to the committed to the committed to the committed to the committed to sal of the locality, or if there is no gaol there, then to that which is nearest to the locality, for a term not exceeding three months are to the locality, for a term not exceeding thee months and not less than one month, under each such Condemnation. 45 V., c. 34, s. 2, part ;--36 V., c. 129, s. 55.

der the sum of proceedings for the recovery of wages Restrictions under the suit or proceedings for the recovery of wages Restrictions by or on behalf of two hundred dollars shall be instituted wages in available of two hundred dollars shall be instituted wages in courts. by or on behalf of any seaman or apprentice belonging to superior of by subject to the sum of this Act, in any court w on behalf of any seaman or apprentice belonging to superverse of Vice Admiralty and provisions of this Act, in any court courts.

of Vice Admiralty, or in the Maritime Court of Ontario, or winy superior and the provisions of the ship is insolvent in any superior to the provisions of the manifest of the manif within the meaning of any Act respecting insolvency, for under the being in court in Canada or unless the ship is the ourt the time being of any Act respecting insolvency, los under arrest or in clinic to the ship is the time being in force in Canada, or unless the ship is the time being in clinic to the ship is the ship is the time being in the ship is the ship under arrest or is sold by the authority of any such court active said on which are arrest or justices, adver arrest or is sold by the authority of any such courses, acting under the authority of this Act, refer the case to be by such court of this Act, refer the cover nor the dindged by such court, or unless any judge, magnetic the case to be the authority of this Act, refer the case to be the state is or residence of the place where the second secon undged by such court, or unless neither the owner nor the seaman or resides within twenty miles of the place where the barred or put ashore. 45 the seaman or resides within twenty miles of the place within twen V, c. 34, s. 2, part ;—36 V., c. 129, s. 56.

As. If any suit for the recovery of a seaman's wages is If suits are brought unnecessarily the master or owner necessarily before super the master or owne **asituted** against any such ship, or the master or owner necessarily necessarily to the test of Vice Adminalty or in the Maritime before superior court of Vice Adminalty or in the Maritime before superior to the test of the test of the test of the test of the test of the test of the test of the test of the test of the test of test o thereof, in any suit for the recovery of a seaman s Court of Ontario, or in William and the Maritime before super-rior court of Vice Admiralty, or in the Maritime before supe-rior court, n Court in Canada, and it ap- costs to beint iff plaintiff. Court of Ontario, or in any such ship, or the master or owner in the maritime before supervised of Ontario, or in any superior court in Canada, and it ap- rior court, no of the court, in the courts of such such suit, that the plaintiff plaintiff. Waise to the court, or in any superior court in Canal of his ways had as effectual a remedy for the recovery two justices of the parce under this Act, then the judge that a shall be two justices of the peace under this Act, then the judge ward till certify to that affect and the remeasure of the second and **Wall certify to the peace under this Act, then the Jungo Wall certify to that effect, and thereupon no costs shall be** 45 V = 34 s. 2, part; -36 V., c.warded to that effect, and thereupon no costs shan we look to the plaintiff. 45 V., c. 34, s. 2, part ;--36 V., c.

this Act, shall be limited as follows, that is to say :---

(a) No conviction for any offence shall be made in any sum- Summary (a) No conviction for any offence shall be made in any sum-Summary proceeding under this Act, unless such proceeding is convictions. why proceeding in for any offence shall be man offence, or within six months after the commission of the ing has of the parties to such proceed-ing has not to when we within six months after the commission of the within six months after the commission of the within a during such time to be out of Canada, or not to af dealing wence, on within six months after the commu-be wappen, during such time, to be out of Canada, or not to with the jurisdiction of any court capable of dealing be within , during such time, to be out of Canada, or not to with the case, unless the same is commenced within two to be at one within the jurisdiction of any court capable of dealing time with the case, will be the same is commenced within two time with they both front happen to arrive or to be at one nonths after they both first happen to arrive or to be at one that the case, unless the same is commenced within two the within Canada or within such inrisdiction; time within Canada, or within such jurisdiction;

Orders for payment of money.

(b) No order for the payment of money shall be made in any immary proceeding under the summary proceeding under this Act, unless such proceeding is commenced within six month is commenced within six months after the cause of complaint arises, or—if both or either the cause of complaint arises, or—if both or either of the parties happen, during such time, to be out of Court such time, to be out of Canada—unless the same is com menced within six months. menced within six months after they both first 38 V. 29, s. 29.

How offences shall be dealt with.

37. Any judge of the Superior Court for Lower Canada, dge of the sessions of the judge of the sessions of the peace, judge of a county susters police magistrate, stipendian police magistrate, stipendiary magistrate or any to try der of the peace, shall have authorit of the peace, shall have authority and jurisdiction in a summary and jurisdiction to the busic hable with this Act determine in a summary way all offences punishable of by this Act, whether by fine this Act, whether by fine, penalty or imprisonment, both fine and imprisonment both fine and imprisonment, or penalty and im This and the next section are recommended for insertion, as 38 V. c. 39. 32 (41 of the draft) contemplated such jurisdiction, and as the same provision incorporated by amendment in "The Seamen's Act."

38. The provisions of the Act intituled "An Act respectives" mmary proceedings before and The provisions of the Act intituled "An Act respective summary proceedings before justices of the peace," shall genet to and govern proceedings to and govern proceedings before justices of the peace," any office against this Act, and a index of the second court, a judge against this Act, and a judge of the Superior Court, a police of the sessions of the peace Act respecting summary of the sessions of the peace, a judge of a county court, a point magistrate or stipendiary magis proceedings to apply. June sessions of the peace, a judge of the Superior Court, a por magistrate or stipendiary magistrate, before whom any of the ceedings under this Act are taken, shall, for the purposes of said proceedings, have all the peace. said proceedings, have all the powers of two justices of peace.

Recovery of penalties.

Imprisonment if not paid.

39. All penalties imposed by this Act may be recovered, ith costs, upon the oath of any provide structures other than of the information of a structure structure structure of the structure struc with costs, upon the oath of one credible witness other dor. the informer, and shall be not the the Minister of Finance and the shall be not the the Minister of the state of the shall be not the the Minister of the shall be not the the Minister of the shall be not the the Minister of the shall be not the shall be not the the Minister of the shall be not the the Minister of the shall be not the shall be shall be not the shall be not the shall be the informer, and shall be paid over to the Minister of Finance and Receiver General of as the ment Finance and Receiver General, to be disposed of as payment, shall be ernor in Council directs, and in case of the offenders shall be levied by distant shall be levied by distress and sale of the band of seal of the seal of the convicting judge, magistrate or peace persons the overplus if any other laducting the district of the distribution of the distribu and the overplus, if any, after deducting the distribution of the distributic of the d and costs of suit, together with the expenses of for way and sale, shall be returned to the owner; and for by way sufficient distress, the offender shall be committed, magistrate no rant under the hand and the shall be committed, magistrate no indee magistrate is rancient distress, the offender shall be committed, is and is in the state of the shall be committed is the state of the shall be common magistrate is a state of the state of ant under the hand and seal of the judge, magistrate is justices, to the common gaol of the locality, or if which is common gaol there, then to that around gaol was and the common gaol there, then to that common gail in the set of the set common gaol of the locality, or ¹¹ "which is nearest to that locality, for any term not exceeding six and a and such judge, magistrate or institute shall also are defined order the institute of institute shall also are defined. and such judge, magistrate or justices shall also offender in liable for the such as the s order the imprisonment, if any, to which the offence whereby the neurolty is incurred. V., c. 29. s. 20 liable for the offence whereby the penalty is incurred. V., c. 29, s. 30.

40. In all cases of complaints made by or on behalf of Evidence of such seaman seamen conany seaman under this Act, the evidence of such seaman seamen con-est. be received and this Act, the evidence of such seaman seamen con-cerned to be that he metter for the second taken, notwithstanding that he is inter-received. ested in the matter. 38 V., c. 29, s. 31, part.

1. There shall be no appeal from any conviction or order No appeal; indged or mode be no appeal from any conviction or order of and convic-tion not to adjudged or made under this Act, by or before any judge of the county quashed for superior Count of form Superior Court for Lower Canada, judge of the county quashed for the Superior Court for Lower Canada, judge of the county quashed for this, judge of the for the peace police magistrate, want of forr or removed Superior Court for Lower Canada, judge of the county quashed for sipendiary magistrate or any two justices of the peace, by certiorari. for any offence against this Act; and no conviction under this Act shall be quashed for want of form, or be removed by warrant of otherwise into any superior court; and no Warrant of otherwise into any superior. by reason of commitment under this Act shall be held vou that the party has been convicted, and there is a good and a. 32 conviction to sustain the same. 38 V., c. 29,

42. Any justice of the peace, at any port or place in Justices may redit, on complete the peace, at any port of one or more grant warran to search for Canada, on complaint before him on the oath of one or more grant warrant to search for the witness or with the search of the search of the search of the search for the search of the se credible witness or witnesses, that any seaman under this seamen u Act is concealed or secreted in any dwelling house or out- lawfully har-boulder on board of secreted in any dwelling house or out- lawfully har-bord or board of secreted in any dwelling house or out- lawfully har-bord or board of secreted in any dwelling house or out- lawfully har-bord or board of secreted. warrant under his band of any ship or elsewhere, shall grant a secreted. Warant under his hand and seal, addressed to a constable the constables the seal of the s or constant under his hand and seal, addressed to a constant for and immediate commanding him or them to make dili-Reat and immediate search, in or about such dwelling bouse or out-house, or on board such ship, or such other

where or out-house, or on board such ship, or such other where before him specified in the warrant, and to where before him specified in the warrant, and to a 29, whether named : the very such seaman found concealed, named : the very such seaman found concealed, the named : the very such seaman found concealed, the very seaman found concealed, the ver whether named in the warrant or not.

the Any police officer or constable required under the Police officers the area of this Act to constable required under the Police officers to assist in en-Movisions of this Act to give assistance to the master or any or constables in any the owner ship? I approximate of any ship forcing this Act. the owner, ship's husband or consignee of any ship forcing this Act. in apprehending, with or without a warrant, any seaman Act. daly engaged to serve in such ship, and neglecting or refus-tent: proceed to serve in such ship, and neglecting or refus-ting found otherwise abing to proceed to serve in such ship, and neglecting or return this himself therein, or being found otherwise abthe proceed to sea therein, or being found otherwise and bond into any tayon without leave, may, at any time, bond there house, seamen's beer house, seamen's beer house, seamen's beer house, seament, when himself therefrom without leave, may, at any time, boarding house or place of entertainment, or inter the set of the boarding house, or other house or place of entertainment, heading shop or other house or place of entertainment, head any shop or other house or place of entertainment, head board of the place wherein liquors or refreshor into any tavern, inn, ale house, beer heats any shop or other house or place of entertainment illegalite sold or reported to be sold, whether legally or person in the any shop or other house or place of the sold or representation of the sold or reputed to be sold, whether legally or into any house of ill fame: and any person

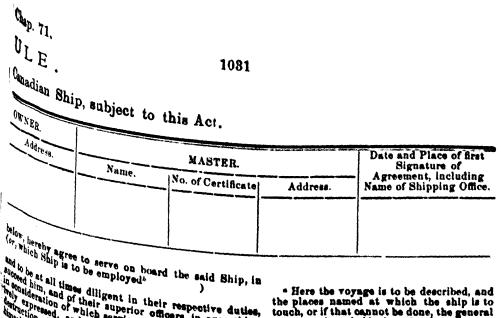
ille are sold or other place wherein liquors of the sold or reputed to be sold, whether legally or due therein, or having above of ill fame; and any person Penalty for obstructing search, ac. the stherein, or having charge thereof, who refuses, or after obstructing search, &c. the demand fails to admit such police officer or constable the mane, or officer of the same, or officer or constable the mane, or officer of the same or officer or constable the mane of officer of the same of t into the same, or having charge thereof, who have the same, or offers any obstruction to his admission coedimental for avery and other incur a penalty not exthereto, shalls to admit such police once coding shall, for every such offence, incur a penalty not ex-29, a shifty dollars and not loss than ten dollars. 38 V., c. (bedding fifty dollars and not less than ten dollars. 38 V., c.

Chap. 71. SCHED 1080 AGREEMENT, or Articles, for MANAGING Name Registered Port No. and Tonnage. Official Port of Registry. Name of Ship. Date of Register. Number. The several persons whose names are hereto subscribed, and whose descriptions are contributed and the said of the

And the said Orew agree to conduct themselves in an orderly, faithful, honest and solar and solar relating to the said Ship, and the stores and cargo thereof, whether on board, in boats, nor a register the made good to the owner out of the wages of the person guilty of the same t And if also agreed to perform, his wages shall be reduced in proportion to his incompetency : And it is also agreed to be an end of the same to be also agreed to be agreed to be agreed to be agreed to be agreed to be agreed to be agreed to be agreed to be agreed to be agreed to be agreed to be agreed to be agreed to be agreed to be agreed to be agreed to be agreed that any embessions and if also agreed to be a

In witness wh	eroof the	said parties have Sig	subsoribed their names hereto on the days again rued by Master, on the Discharge of Discharge inp.
Signatures of Crew.	Age.	Where Born,	Ship in which he last served, Official Number, and Port she belonged to, or other Employment.Date and Plate Discharge from such Ship.Date and Port she belonged to, or other Employment.Date and Plate Discharge from such Ship.
			PLACE OF BIONATURES A NOTH Here the ent

Norm.—Any Brasure, Interlineation or Alteration in this Agreement, except in the case of Substitutes, will be void, unless attested by some Shipping Master, Officer of Oustoms, Consul, or Vice-Consul, or other respectable witnesses to be made with the consent of the persons interested.

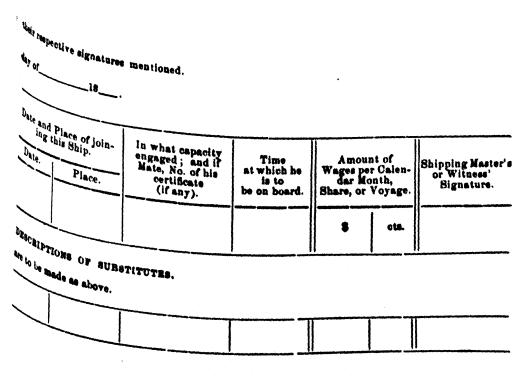


And to be at all times diligent in their respective duties, successful times diligent in their respective duties, two well detailed for their superior officers, in everything destruction of which services to be duly performed, but is a qualified for a duty which he proves incompetent

• Here the voyage is to be described, and the places named at which the ship is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated.

* Here state probable nature of Ship's employment, or nature of voyage and period of engagement.

· Here any other stipulations may be in-serted to which the parties may agree, and which are not contrary to law.



I declare to the truth of the entries in this Agreement.

Xater.

Chap. 71. 1082 -----INDORSEMENTS. INDORSEMENTS. INDORSEMENTS.

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Proposed to be Consolidated. 38 V., c. 29 36 V., c. 129 45 V., c. 34	Part Consolidated. Whole, except part of s. 31 and s. 35 Sections 52, 53, 54, 56, 56 and 67.	Left for Repeal. Section 35.	To be Consolidated elsewhere.	To the Consolidated with.
		Section 3, inss- much as section 51, Seamen's Act has not been in- corporate d in this Act)		

CHAPTER 72.

An Act respecting sick and distressed Mariners. HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :-follows :---

Interpretation. (a) The expression "sick mariner" includes any master, "Sick marimate, engineer, seaman, sailor, steward, fireman or other Derson amploand and has ner." person employed on board of any vessel on which duty has been paid under this Act, who, from sickness, accident or any other cause in the section of the any other cause, is in need of medical or surgical assistance and treatment: (b) The expression "vessel" means any vessel used in "Vessel." navigation, not propelled by oars ; (c) The expression "year," when used in this Act in lation to the data of year, " Year." relation to the duty thereby imposed, means the calendar year commencing on the first day of January and ending on the thirty-first day of December. 81 V., c. 64, ss. 1 and 2; 38 V., c. 81, s. 2. 2. The Governor in Council may, from time to time, Hospitals for designate and appoint any hospital in Canada receiving aid sick mariners to be designed and appoint any hospital in Canada receiving than nated by Gov. from the public funds of Canada, but not longer than during such hospital continues to receive such aid, to be, during ernor. pleasure, an hospital for the reception, care and medical or surgical treatment of the reception, care and medical this surgical treatment, or both, of sick mariners, under this 81 V., c. 64, s. 3, part. Act. 8. The Governor in Council may, from time to time, with The same. the consent of the governors, trustees, directors or other persons having the control and management of any pital not receiving aid from the public funds of Canada,

designate and appoint such hospital to be, during pleasure, an hospital for the reception, care and medical or surgical treatment or bath of the reception of the surgical of the surgical treatment of bath of the surgical surgical treatment of bath of the surgical surgic treatment, or both, of sick mariners under this Act. 31 V., c. 64, s. 8, part.

Duty to be collected on all vessels arriv-

4. There shall be levied and collected on every vessel arriving in any port in the Provinces of Quebec, Nova Scotia Name Device in the Provinces of Quebec, Nova ing in certain Scotia, New Brunswick, Prince Edward Island or British ports. Columbia Columbia, a rate or duty of two cents for every ton which such vessel measures, registered tonnage, which shall be paid

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by the master or person in command of such vessel or by some person on his behalf, to the collector or other chief officer person on his behalf, to the collector or other chief officer of the customs at the port at which such vessel is out of the customs at the port at which such vessel is entered, and at the time of making such entry, which about which shall contain on the face of it the tonnage of such vessel : and contain on the face of it the tonnage of such vessel; and no entry shall be validly made, or have any No entry until legal effort and no entry shall be validly made, or have any No entry until legal effect whatsoever, unless the rate or duty is so paid, save duty is paid. and excent in the source of the rate of the source of the sour and except as hereinafter mentioned; and no collector or other chine are hereinafter mentioned; and no collector or other chief officer of the customs shall grant a clearance to any vessel any vessel on which such rate or duty or any part thereof is due and more which such rate or duty or any part thereof is due and unpaid; and the moneys so received shall be paid Application of by such collision of Finance by such collector or chief officer to the Minister of Finance and Received to be called and and Receiver General, and shall form a fund to be called and known as a million of the nurposes hereknown as "The Sick Mariners' Fund," for the purposes here-inafter mart of 64, s. 4, part ;-37 inafter mentioned, and no other : 81 V., c. 64, s. 4, part ;-87

2. Vessels of the burthen of one hundred tons or less, shall Vessels of 100 liable to the burthen of one hundred tons or less, shall Vessels of 100 be liable to the payment of the said duty once in each year, tons or under. but not oftener : 31 V., c. 64, s. 4, part.

3. Vessels of the burthen of more than one hundred tons Vessels over gister about the burthen of more than one hundred tons Vessels over register, shall be liable to the payment of the said duty three 100 wns. times in one year, but not oftener: 38 V., c. 81, s. 1.

4. No vessel arriving at any port in any one of the Pro-Exemption aces of Casel arriving at any port in any one of the Pro-Exemption vinces of Canada from any port not within the same Pro- duty. vince, except in the case of a vessel arriving at a port in Queber of the case of a vessel arriving at a port in Quebec from a port in Ontario, shall be exempt from the pay-ment of the payment of the said duty unless it has been paid at some other port on the said duty unless it has been paid at some other port on the said duty unless it has been part of her voyage being on the same voyage, by reason merely of her voyage being one not requiring entry or clearance at the custom house. house; and if she does not require entry the duty shall be Daid in and if she does not require entry the duty shall be paid immediately on her arrival : 88 V., c. 19, s. 1, part.

5. No vessel engaged in the coasting trade of Canada, Further ex-id arriving trade of Canada, Further exand arriving at any port in any of the said Provinces, emption. from any other port in the same Province, or arriving at any port in the same Province, or arriving at any Port in the Province of Quebec from any port in the Province of Ontario, shall be subject to the payment of the said duty of Ontario, shall be subject to the payment of the said duty: Provided always, that no vessel arriving at any Proviso: As Port in Canada from any place out of Canada, and after- arriving at wards continuit from any place out of Canada, and after- arriving at Wards continuing her voyage to another port in Canada, one port and shall be optimized by the shall be optized by the shall be optimized by the shal shall be exempt from the payment of the said duty at the first to another. last mentioned port, unless she has paid it at the first to another. mentioned port, unless she has paid it at the first to another. mentioned port, unless she has paid it are some other port on the same voyage: 88 V., c. 19 e. 19, s. 1, part.

6. The master or person in charge of any fishing vessel Fishing vesregistered in Canada may pay in any year such rate or duty sels. in response on a fishing voyage in respect to such vessel before leaving on a fishing voyage at it. h at its first port of outfit in respect to such voyage :

Payment once a year entitles sick mariners to benefit if vessel is 100 tons or less.

One payment in respect to for the voyage to benefiti and three payments to benefits for one year.

Collector to account quarterly to minlater.

Masters of vessels may send their sick mariners to such hospitals, where they shall be received gratuitously.

If no marine lector to make sailor.

(a) If such vessel is of the burthen of one hundred tons registered tonnage or less, such payment shall entitle the master or person in the less, such payment shall entitle the master or person in charge of such vessel and the mariners employed thereon, if they are sick, to the rights and bener fits conformed be the taring fits conferred by the two sections next following, during such year in any the two sections next following, during such year in any the two sections next following, during such year in any the two sections next following during sections is a section of the sect such year, in any port where there is a collector of customs:

(b) If such vessel is of the burthen of more than one hundred tons registered tonnage, such payment shall entitle to 100 tons enti- the said rights and benefits only the master and mariners tles mariners employed more th employed upon the voyage in respect to which such pay-ment has been work or ment has been made; but the payment of the said rate or duty threating duty three times in any calendar year in respect to such vessel, shall entitle the work of the vessel, shall entitle the master and mariners thereof to the said rights and hanger thereof to the said rights and benefits during the remainder of such year

in any such port : 47 V., c. 21, s. 1.

7. Every collector or other chief officer of the customs all transmit months of the customs shall transmit quarterly, on the thirtieth day of September, the thirty-first day of December, the thirty-first day of March and the thirtight december, the thirty-first day the March, and the thirtieth day of June in each year, to the Minister of Marine and Fisherics, accounts of the sums received by him and paid over to the Minister of Finance 4. and Receiver General under this Act. 81 V., c. 64, s. 4, part.

5. The master or person in command of any vessel paying such rate or duty, may send to the marine hospital at Que bec, or to the marine or seamen's hospital at or for any other port in any of the Derit port in any of the Provinces aforesaid, or to any hospital so designated and appointed appointed and appointed appoi designated and appointed as aforesaid, or to any hour of the day (and in case of agaidant day (and in case of accident or emergency, at any hour of the night) any sick manine has a second and a such night), any sick mariner belonging to his vessel; and such sick mariner, so sent with a written recommendation from such master or person in command of such vessel, indorsed as "approved" by the collector of the customs at the port. or other officer appointed for the purpose by the Minister of Marine and Fisherian and the purpose by the Minister of Marine and Fisheries, shall be gratuitously received into such hospital, and receive therein such medical and surgical attendance and such other treatment as the case requires, so long as the same is required. 81 V., c. 64, s. 5.

6. At any port at which such rate or duty as aforesaid is hospital, col. received, and at or for which there is no marine or seamen's lector to make housital and the it is the second as hospital, or other hospital so designated and appointed as care of sick or aforesaid, the collector or other chief officer of the customs, disabled upon being required so to do at any hour of the day (and in case of accident or emergency, at any hour of the night), by the master or person in command of any vessel paying such rate or duty at such port, shall make without delay the best provision in his power for the medical or surgical assistance on both tance, or both, and treatment of every sick mariner belong

11. Any shipwrecked, destitute or otherwise distressed Such seamen seamen may, by authority from the Minister of Marine and may be taken

10. The Governor in Council may, whenever he deems Certain sums necessary from the may be appro it necessary, appropriate from the fund arising from the priate yearly duties imposed under this Act, such sums as he deems towards tem-requisite toward under this Act, such sums as he deems towards temrequisite towards the temporary relief, in such manner as he deems wards the temporary relief, in such manner as he of certain deems advisable, of shipwreaked, destitute or otherwise dis- other seamen. tressed seamen not entitled to relief under any of the provi-sions of """ which are in sions of "The Merchant Shipping Act, 1854," which are in force in at The Merchant Shipping Act, 1854," which such force in that one of the Provinces aforesaid in which such seamen are. 81 V., c. 64, a. 9, part.

9. The Governor in Council may, from time to time, Expenses in-r the purchased out of any curred by for the Governor in Council may, from time to time, Expenses in-moneys paid under this Act into the hands of the Minister be paid out of Finance and Receiver General, pay to the collector or chief of fund arising officer of the context of the most as is described in the officer of the customs at any such port as is described in the said section said section, such sum or sums of money as such collector or other think to time, other chief officer of the customs, from time to time, proves to his satisfaction that he has lawfully and in good faith expended or become liable for, under and in pursuance and for the decome liable for, under and in pursuance and for the decome liable for the second f and for the purposes of the said section. 81 V., c. 64, s. 8.

Marine and Fisheries. 88 V., c. 19, s. 2. 8. The Governor in Council may, by warrant under his Care and and have evernor in Council may, by warrant under his Act, trainent hand, pay, from time to time, for the purposes of this Act, ireamont of and out of any time to time, for the purposes of the to be paid for and out of any moneys paid under it into the hands of the to be Minister of the moneys paid under it into the managers out of Minister of Finance and Receiver General, to the managers out of fund or directors and Receiver General, to the managers out of fund or directors of Finance and Receiver General, to the managers created by managers of the marine hospital at Quebec, and to the daty. managers or directors of any hospital designated and appointed as hereinhor as hereinbefore provided, for the reception, care and medical or survival or surgical treatment, or both, of sick mariners under this Act, but not exclusively devoted to that purpose, such sum or sume and exclusively devoted to that purpose, such sum or sums as he deems a reasonable compensation for the care and track he deems a reasonable compensation for the care and treatment of the sick mariners sent to such hospital. 81 V., c. 64, s. 6.

7. The two sections next preceding shall not apply to Sections 8 and ek marine or not 6 not to apply sick mariners belonging to vessels exempted from or not to sick mariner are of vessels paying the duties mentioned in this Act, and no mariner ners of vessels belonging to uties mentioned in this Act, and no mariner ners of vessels belonging to duties mentioned in this Act, and no mariner ners of vessels. belonging to any such vessel shall be gratuitously received aforesaid. and treated in any hospital designated and appointed for the recention any hospital designated and appointed for the reception of sick mariners under this Act, nor shall any provision by the sick mariners under this Act, nor shall any Provision be made by any collector or other chief officer of customs for the treatment in customs for their medical or surgical care or treatment in any other here medical or surgical care or treatment in any other hospital or house, out of any money collected under this Act and the Minister of this Act, unless by the special authority of the Minister of

ing to such vessel, at the nearest public hospital if there is one at a safe and convenient distance, and if not, then at some Dublic Dublic ^{some} public or private house. 81 V., c. 64, s. 7.

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Fisheries, be temporarily boarded and lodged and taken care of at any marine of at any marine or seamen's hospital devoted exclusively to the recention \mathcal{V}_{g1} the reception, care and treatment of sick mariners. c. 64, s. 9, part.

iners' Fund."

12. All expenses incurred in any one of the Provinces to be paid out of "Sick Mar- aforesaid, for the care and medical and surgical treatment of incrs' Fund." sick marsick mariners, including the cost of the maintenance and support of mariners, including the cost of the maintenance and support of marine and seamen's hospitals, devoted excla-sively to such such as a seamen's hospitals, devoted exclasively to such purposes, shall be defrayed out of "the Sick Mariners' Ennd." and the defrayed out of "the sick Mariners' Fund ;" and the Governor in Council shall appoint the superinterstand of the Governor in Council shall appoint the superintendents and other officers of such hospitals, who shall receive such as the such hospitals and other officers of such hospitals. shall receive such salaries or remuneration as the Governor in Connect end 81 V., c. 64, s. 10. in Council, from time to time, directs.

13. Every person intrusted with the expenditure of any portion of the moneys hereby appropriated shall make up detailed account of the moneys hereby appropriated shall make up detailed accounts of such expenditure, showing the sum advanced to the advanced to the accountant, the sum actually expended, the balance if balance, if any, remaining in his hands, and the amount of the moneys hereby amount of the moneys hereby amount of the moneys hereby appropriated to the purpose for which such advance has been reliant to the purpose for in the such advance has been made, remaining unexpended in the hands of the Minister of Finance and Receiver General; and every such account shall be supported by vouchers, therein distinctly referred to 1 distinctly referred to by numbers corresponding to the numbering of the items in such account, and shall be made up to and closed on the thirt it. and closed on the thirtieth day of September, the thirty, the day of December, the thirty-first day of March, and the thirtieth day of June in each year during which such expen-diture is made and the line of a diture is made, and shall be attested before a judge of a superior court of a superior court of a superior court or a justice of the peace, and shall be trans-mitted to the Minister of the peace, and shall be transmitted to the Minister of Marine and Fisheries within ten days next after the arrived in the arrived second days next after the expiration of the said periods respectively. 81 V. e. 64 - 11 81 V., c. 64, s. 11.

14. Subject to the approval of the Governor in Council, a Minister of Massacre the Minister of Marine and Fisheries shall have the manager ment of all marine and seamen's hospitals and pest houses for the use of sick mariners, and may renew leases of lands on which any such hands have been a and on which any such hospitals or pest houses are erected, and may make all mouth hospitals or pest houses are erected, and may make all necessary contracts for repairing and maintaining the same, and for the cure, care, attendance and support of the patients therein of the patients therein, and may also make such regulations as he deems advisable for the government of the same, for regulating the visiting of seamen ill of any infectious diseases, and for their removal to any pest house or other building and matil building; and until proper buildings are erected at the several ports, the said minister may hire and make use of any building which is any building which is convenient for the purposes aforesaid, or any of them. 81 V., c. 64, s. 18.

Certain hospitals to be under the

15. All marine and seamen's hospitals, devoted exclu sively to the reception, care and treatment of sick mariners

Expenditure

of fund to be

Accounted for and vouchers

produced.

Accounts to be attested.

Powers of Minister of Marine and Fisheries.

Uhap. 72.

shall be vested in Her Majesty, and under the exclusive con- control of the trol and management of Marine and Fisheries. minister. trol and management of the Minister of Marine and Fisheries. ^{minister.} 81 V., C. 64, s. 14.

16. The Minister of Marine and Fisheries shall make an Annual report the receipts and statement to the Governor General of fore Parlia-fore Parliament within the Coverner days of the next sesfore Parliament within the first fifteen days of the next session thereof. 81 V., c. 64, s. 12.

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	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
31 V., c. 64 33 V. 38 V. c. 19 47 V., c. 31 W W	te whole, ex- cept se. 15, 16 and 17. hole. hole. hole.	Sections 15, 16 and 17.		

CHAPTER 73,

An Act respecting the Safety of Ships and the Prevention of Accidents on board thereof.

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

1. In this Act, unless the context otherwise requires :---Interpretation. (a) The expression "the Minister," means the Minister "Minister." of Marine and Fisheries; (b) The expression "ship" includes every description of used in navigation and " 8bip." vessel used in navigation not propelled by oars; (c) The expression "ships belonging to Her Majesty," in udes ships the cost of such the cludes ships the cost of which has been defrayed out of the Consolidated Revenue Fund and the states of the defrayed out of the "Ships belonging to Consolidated Revenue Fund of Canada, and ships described as the property of Canada have Her Majesty." as the property of Canada by the one hundred and eighth section of "The Restrict Area" section of " The British North America Act, 1867;" (d) The expression "master" includes every person who has command or charge of any ship. 86 V., c. 8, 8, 4; -80 V., c. 56, s. 1 :- 26 V. 199 "Master." V., c. 56, s. 1;-86 V., c. 128, s. 4.

Exemption of 2. Nothing in this Act shall apply to ships belonging to H. M. ships. Her Majesty. 86 V., c. 8, s. 5;--86 V., c. 128, s. 5.

UNSEAWORTHY SHIPS.

Minister may declare ships unseaworthy after survey : consequent detention of ship.

8. If complaint is made to the minister that any ship gistered in Canada is had been action registered in Canada is, by reason of the defective condition of her hull or equipments, or by reason of her being over loaded or impression loaded or improperly loaded, unfit to proceed to sea, or the any voyage on any waters within the limits of Canada, the minister may cause such ship to be surveyed by a person appointed by him of the surveyed by a person appointed by him,-first exacting from the complainant, if he thinks fit so to do, a deposit of money to defray the expenses of the survey, and to pay any loss which may be sustained by the angle of sustained by the owner on account of any detention, or such security for the payment of such expenses and loss as he deems sufficient; and if such person reports that the hull or equipments of such person reports that of hull or equipments of such ship is or are in such a state, of that such a bin in the such a state, of the such a s that such ship is so loaded that she could not proceed to see or on any such voyage, as the case may be, without serious danger to human life, the minister may declare such ship to

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Chap. 78.

5. Any person so appointed either by the minister or by Powers of ly court of Wine Appointed either by the Marilime Court of pointed to any court of Vice Admiralty, or by the Maritime Court of persons ap-ontario, to be the Maritime Court of pointed to pointed to be avacuation of his duty make survey Ontario, to survey a ship, may in the execution of his duty make survey. go on board such ship at all reasonable times and inspect the same or any part thereof, or any of the equipments, cargo or articles on board thereof, or any of the equipments, distry thereof, not unnecessarily detaining or delaying the ship in proceeding unnecessarily detaining or delaying the ship in proceeding on her voyage; and if such person considers it beceasary so to de voyage; and if such person considers it Necessary so to do, he may require the ship to be so dealt with that he do, he may require the ship to be so dealt with that he may be able to inspect every part of the hull thereof; and every person who hinders any person so ap- Penalty for him in the going on board any ship, or otherwise impedes veyor. him in the execution of his duty under this Act, shall, for every such offence, incur a penalty not exceeding twenty

Vey anew, as to such court seems just. 86 V., c. 128, s. 27.

2. Upon any such appeal such court may make such order Order may be to the dutantian appeal such court may make such order Order may be to the dutantian appeal such court may make such order Order may be ^{as to} Upon any such appeal such court may make such order order way payment (whather to red discharge of the ship, as to the made by the court. payment (whether by the Crown or otherwise) of any costs or damages occasioned by her detention, and as to the pay-ment of the occasioned by her detention, and of the surment of the expenses of the original survey, and of the survey anew set of the original survey.

having section may appeal to the court of Vice Admiralty manua-baving jurisdiction in the place where such ship was sur-Viewed, if there is in the place where such ship was sur-viewed, if there is a sure of the court of Vice Adminitian any, and if there is not then to the place Vice Admiralty holding its sittings nearest to the place where such is holding its sittings nearest to the place where such ship was surveyed, or if is Onlario, to the Maritime C. ship was surveyed, or if is Onlario, to the Maritime Court of Ontario, and such courts respectively may, if they think fit, appoint a competent person or com-Petent persons to survey such ship anew :

4. If, upon such survey, such ship is found to be unsea- And if unsea-Worthy, the expenses of the survey shall be paid to the worthy. Minister by the expenses of the survey shall be paid to the worthy. minister by the owner of the ship. 86 V., c. 128, s. 26.

right of suit or action against him by any person aggrieved by the complaint :

^{3.} If, upon such survey, such ship is found to be seaworthy, Costs if vessel the expenses of the survey such ship is found to be seaworthy, Cosum reme the person making the survey shall be paid to the minister by is seaworthy. the person making the complaint, without prejudice to any right of suit

2. Every such complaint shall be in writing, and shall state Complaint to the name and add of the in writing; and a copy of be in writing; the name and address of the complainant; and a copy of copy for the complaint instant of the complainant; and a copy of copy for the complaint instant. the complaint, including the name and address of the com- owner. plainant, including the name and address of the the ministry to be fore or during such survey, be given by the minister to the master or to the owner or one of the ^{0wners} of the ship:

he unseaworthy, and thereupon any principal officer of customs may detain such ship:

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Sending an unseaworthy ship to sea a misdemeanor.

6. Every person who, having authority as owner or on herwise to send a shire of out otherwise to send a ship registered in Canada to sea, from any voyage on any matter any voyage on any waters within the limits of Canada, from any port or place in Canada. any port or place in Canada, sends her to sea or on any such voyage from any such much much much sea or on any state. voyage from any such port or place in an unseaworthy state, so as to endanger the life of so as to endanger the life of any person belonging to her he board the same is consistent of any person belonging to her he board the same, is guilty of a misdemeanor, unless proves that he used all and the same, and keep proves that he used all reasonable means to make and keep the ship seaworthy and make and make and south the ship seaworthy, and was ignorant of such unseaworthiness, or that her groups to ness, or that her going to sea or on such voyage in an up seaworthy state way and the sea or on such voyage in a sea on a such voyage in a sea on a such voyage in a sea on a such voyage in a sea on a such voyage in a sea on a such voyage in a sea on a such voyage in a sea on a such voyage in a sea on a such voyage in a sea on a such voyage in a sea on a such voyage in a sea on a such voyage in a sea on a such voyage in a sea on a such voyage in a sea on a se seaworthy state was, under the circumstances, reasonable and unavoidable, and enable and unavoidable; and for this purpose he may give evidence in the same manuar as an arrest as a solution of the same manuar as a sol in the same manner as any other witness. 36 V., c. 128, s. 29, part.

DECK LOADS.

7. No master of any ship, when sailing after the first day October or before the site. of October or before the sixteenth day of March in any year, on a voyage from any set of the sixteenth day of March in Hurope, Certain lading on a voyage from any port in Canada to any port in Europe, and during the voyage with placed on and during the voyage while within Canadian jurisdiction, shall place, or canno or canno or canadian jurisdiction, shall place, or cause or permit to be placed or to remain upon or above any part of the or above any part of the upper deck of such ship, any included within the limiter of the such ship, any included within the limits of any break or poop, or for other permanently closed in the set of any break or poop. other permanently closed in space thereon and available for cargo, the tonnage of which have the space thereon and available for cargo, the tonnage of which forms part of the registered tonnage of such ship ---

Timber.

not to be

deck in

winter.

Spars.

Other cargo.

(c) Any cargo of any other description, except live stock, ¹⁰ by height exceeding three first stock, and the stock of th any height exceeding three feet above the deck:

(a) Any square, round, waney or other timber;

(b) Any more than five spare spars, or store spars made, spars made, and sessed and finally prepared for the spars of store spars. dressed and finally prepared for use, or not so dressed and prepared;

Proviso: in case of leak, or damage to ship.

Provided always, that if the master of any such ship con-lers that it is necessary in siders that it is necessary, in consequence of the springing a leak, or of other damage a leak, or of other damage received or apprehended during the voyage, he may remove the during the the voyage, he may remove and place upon any part of the upper deck not included with the place upon any part of the upper deck not included within the limits of any break of poop or any other parts of any break and poop or any other permanently closed in space thereon and available for cargo, the tangent of the available for cargo, the tonnage of which forms part of the registered tonnage of such that the tonnage of such the registered tonnage of such ship, any other or greater portion of such cargo than is hurther in any other or greater upon of such cargo than is hereby permitted to be placed upon such part of the upper duck permitted to be placed the such part of the upper deck of such ship, and permit the same to remain there for such time as he considers expe-dient: 86 V., c. 56 and 2 and 4 and 5 a dient: 86 V., c. 56, ss. 2 and 4, part ;-41 V., c. 12, s. 1. Re-drafted.

2. Before any officer of the customs permits any ship, sub-t to the provisions of the customs permits any ship, to Customs off. tain that ship ject to the provisions of the next preceding sub-section, to Chap. 78.

there is not piled, or stored or placed upon any part of this Act the upper deals of stored or placed within the the upper deck of such ship, not included within the limits of any how of such ship, not included within the limits of any break or poop, or any other permanently closed in space there and the tonnage of in space thereon, available for cargo, and the tonnage of which forms

which forms part of the registered tonnage of such ship :---

(a) Any square, round, waney or other timber ;

(b) Any more than five spare spars, or store spars, as hereinbefore mentioned ;

(c) Any cargo of any other description, except live stock, to any height exceeding three feet above the deck;

And he shall give the master of such ship a certificate to Certificate. that effect ; and no master of any ship shall sail in such ship when subject to master of any ship shall sail in such ship when subject ; and no master of any ship shall sail in une sub-section from to the provisions of the next preceding subsection from any port in Canada until he has obtained such Certificate: 86 V., c. 56, as. 5 and 7.

³. No master of any ship, when sailing after the Ships sailing to the West day of Normal ships the sixteenth day indies. fifteenth day of November or before the sixteenth day indies. of March in any year, on a voyage from any port in Canada to any port in the West Indies, and dur-shall, if sha is a size while within Canadian jurisdiction, shall, if she is a single decked vessel, place or cause or Certain modes permit any construction of carrying permit any cargo whatever to be placed or remain upon or cargo forbidabove the deck to a height exceeding by more than six deal inches that of the main rail, or in any case greater than four feet six inches that of the main rail, or in any case greater than four feet six inches above the deck, --nor if she has a spar deck, shall he aloos above the deck, --nor if she has a spar deck. Cargo on or above any part of such spar deck; but this pro-Exception. Vision shall not prevent such master from carrying two spare ^{spars} or store spars, made, dressed and finally prepared for ^{use}, on the spars, made, dressed and finally prepared for use, on the deck or on the spar deck of such ship : Provided Proviso : in always, that is on the spar deck of such ship : Drovided case of leak of the spar deck. always, that if the master of any such ship considers that other damage it is necomment if the master of any such ship considers that other damage it is necessary in consequence of the springing of a leak to ship. or of other damage received or apprehended during the voyage, he may remove and place upon the upper deck or the deal on the deck or spar deck of such ship, any part of the cargo, and permit the same to remain there for such time as he consider. Considers expedient: 86 V., c. 56, ss. 8 and 4, part.

4. Before any officer of the customs permits any ship sub- Certificate to the start to the start of the customs permits any ship sub- Certificate to be given before clearject to the provisions of the next preceding sub-section, to clear be given out from provisions of the next preceding sub-section, to clear before clearout from any port in Canada, he shall ascertain that no ing. Provision of provision of the constant of the shall ascertain that no ing. provision of the said sub-section is violated in respect of such shill of the said sub-section is violated in respect of such ship and the cargo thereof, and shall give the master of such the said the cargo thereof, and shall give the master of any of such ship a certificate to that effect ; and no master of any gen

Ship not to sail without certificate.

ship shall sail in such ship, when subject to the provisions of such sub-social fraction from the has of such sub-section, from any port in Canada, until he has obtained such constituents and any port in Canada, until he has obtained such certificate: 36 V., c. 56, ss. 6 and 7.

Not to apply to British Columbia.

Penalty for

5. Nothing in this section contained shall apply to any used sailing from British (1) 86 V., c. 56, s. 18. vessel sailing from British Columbia. 8. Every master of a ship subject to the provisions of the provisions of the provision and provision and provision of the pro

to any port in Europe, without the certificate therein men-tioned, and with any set of the certificate therein dock of tioned, and with any cargo on any part of the upper deck of such ship, not included such ship, not included within the limits of any break or poop, or any other closed in the limits of any for cargo. poop, or any other closed in space thereon available for cargo and the tonnage of which for and the tonnage of which forms part of the registered tonnage of such ship. or who will of such ship,—or who sails in such ship, after the fifteenth day of November or baffers the day of November or before the sixteenth day of March in any year, from any port in Grand year, from any port in Canada to any port in the West Indies with any cargo upon the day with any cargo upon the deck, or on the spar deck of such ship, as the case may be deck, or on the spar deck of right ship, as the case may be, which would prevent his right fully obtaining such costing the source of the second seco fully obtaining such certificate, is guilty of a misdemeanor, and shall be liable to a first and the distance of the second seco

next preceding section, who violates any of the provi-sions of the said section. sions of the said section, who violates any of the prour a penalty not avoid in the said section shall for each such violation incur contravention. a penalty not exceeding, except as hereinafter provided, eight hundred dollars and eight hundred dollars; and every master of a ship who, with intent to evade any of the intent to evade any of the provisions of the said $\frac{w_{10}}{section}$, $\frac{w_{10}}{sails}$ in such ship after the first the first the said section. Sailing with in such ship after the first day of October or before the six teenth day of March in such as a canada intent to misdemeanor. teenth day of March in any year, from any port in Canada to any port in East evade this

Penalty.

Ship may be seized and sold to secure payment of penalty.

and shall be liable to a fine not exceeding eight hundred dol-lars, or to imprisonment for the exceeding eight hundred vears lars, or to imprisonment for a term not exceeding two years and not less than there are not exceeding two 56, 55. 86 V., c. 56, 85. and not less than three months, or to both. 8, 9 and 10. 9. Every ship in respect of which any of the penalties entioned in the next proved in which any of the may be mentioned in the next preceding section is incurred, may be seized and detained by order of the section is incurred, which seized and detained by order of the court by or before which such penalty is imposed on the court by or before alty is such penalty is imposed or recovered until such penalty is paid, or security given for the paid, or security given for the payment thereof; and unless within payment is made or satisfactory security is given within thirty days, such ship man of the sold thirty days, such ship may, at the expiration thereof, be sold by order of the court and the by order of the court, and the said penalty and all the costs paid out of the proceeder and the said penalty and all the costs paid out of the proceeds, and the said penalty and all the be paid over to the owner of the surplus, if any, shall be 86 V., c. 56, s. 11. paid over to the owner of the ship.

DISORDERLY PASSENGERS.

Persons com-mitting cerincur a penalty.

10. If any of the following offences are committed on and any vessel registered in the following offences are committed or board any vessel registered in Canada, propelled wholly or in part by steam, and committee the form any in part by steam, and carrying passengers to or from any place or places in Canada to the place out place or places in Canada to or from any place or places out of Canada, not being in the or from any place or places out of Canada, not being in the United Kingdom, or between any places in Canada (which be United Kingdom, or between any places in Canada (which vessels alone are in the follow "), ing sections of this Act included in the follow "), ing sections of this Act included in the expression "steamers"), that is to say :--that is to say :---

tice or justices under this section, shall be dealt with as if master valid.

12. The master or other officer of any steamer, and all Master of a may detain any detain persons the master or other officer of any steamer, and all steamer may offender called by him to his assistance, may detain any detain it the two sec-offender. offender against any of the provisions of the two sec-offender. tions next preceding, whose name and address are unknown to such mattering, whose name and address are unknown to such next preceding, whose name and address are with all master or officer, and may convey such offender justices with all convenient despatch before some justices or justices of the peace; and any offender so conveyed before such jus- Arrest by tice or instit; and any offender so conveyed before such jus- Arrest by the dealt with as if master values of instit.

11. Every person on board a steamer, who without reason- injuring or obstructing of excuses (reason of causes the steamer) does or causes the steamer able excuse (proof whereof shall lie on him), does or causes the steamer. to be done, anything in such manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to ob-struct, impact of the machinery or tackle of the steamer, in the navistruct, impede or molest the crew, or any of them, in the navi-stion or man or molest the crew, or any of them, in the navisation or management of her, or otherwise in the execution of their duty on or about the steamer, shall, for every such offence, in the or about the steamer, shall, for every such offence, incur a penalty not exceeding one hundred dollars. Penalty.

The person so offending shall for every such offence incur The penalty. a penalty not exceeding ten dollars; but this liability shall hot prejudice the recovery of any amount payable by him as lare. 86 V., c. 57, a. 2.

(e) If any person on board a steamer, without reasonable Non-payment excuse (proof whereof shall lie on him), fails, when requested of fare. by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare on steamers ;--

(d) If any person, after having been refused admission into Forcible steamer hy the on eatry. a steamer by the owner or any person in his employment on entry. account of the steamer being full, and having had the amount of the steamer being full, and having in to him neverthered it, returned or tendered to him, nevertheless persists in attempting to enter the ^{steamer};

comply with such request ; (c) If any person on board a steamer, after warning by the Molesting ¹⁰ If any person on board a steamer, after warning by the momenta ¹⁰ molest any person of the steamer, molests or continues passengers. to molest any passenger ;

(b) If any person being drunk or disorderly on board a Or refusing eamer is refusing in his emsteamer is requested by the owner or any person in his employment to leave the same at any place in Canada, being a reasonably for the same at any place in Canada, being a reasonably convenient place to leave the same, and does not

(a) If any person being drunk or disorderly has been on Disorderly at account for being drunk or disorderly has been on Disorderly that account refused admission into a steamer by the owner tempting to or any person in the admission into a steamer by the owner tempting to or any person in his employment, and nevertheless persists enter. in attempting to enter the steamer;

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arrested, and brought before them on his or their warrant, under the "Act arresting" under the "Act respecting summary proceedings before Justices of the Peace." 26 V

18. The master or officer in command of any steamer may fuse to receive on board th refuse to receive on board thereof any person who is drunk or disorderly, or who cannot be any person who is to cause. or disorderly, or who causes, or is in a condition to cause, annoyance or inium to cause, or is in a condition to cause, annoyance or injury to passengers on board; or if any such person is on board the person is on board, the master or officer may put him on shore at any convenient of

DANGEROUS GOODS.

14. Every person who sends or attempts to send by, or not ing the master or attempts to send by to the to being the master or owner of the ship, carries or attempts to carry in any ship. Sending dangerous goods in ships, uncarry in any ship registered in Canada, from any port or place in Canada any desired in Canada, from any port of place in Canada, any dangerous goods, that is to say, aqua fortis, oil of vitriol fortis, oil of vitriol, gunpowder, nitro-glycerine, naphths. benzine, lucifer matches benzine, lucifer matches or any other goods of a dangerous nature, without distinction nature, without distinctly marking their nature on written written side of the package containing the same, and giving written notice of the nature of the same, and giving written notice of the nature of such goods, and of the name of the address of the sender thereof, to the master or owner of the ship, at or before the time of the master or owner the time of the master or owner of the ship. ship, at or before the time of sending the same to be shipped or taking the same on board in the same to be shipped or taking the same on board the ship, shall for every such offence incur a penalty not offence incur a penalty not exceeding five hundred dollars. 88 V., c. 8, s. 6, nort 88 V., c. 8, s. 6, part.

16. If such person shows that he was merely an agent the shipment of any and was in the shipment of any such goods as aforesaid, and was not aware, and did not such goods as aforesaid, anspect not aware, and did not suspect, and had no reason to suspect that the goods shipped by him that the goods shipped by him were of a dangerous nature, the penalty to which he is in were of a dangerous forty the penalty to which he is liable shall not exceed forty dollars. 86 V. c. 8. a. 6 86 V., c. 8, s. 6, part.

16. Every person who knowingly sends, or attempts to ad by, or carries or attempt to reaction of the carries of attempts and the carries of attempt to the carries of attempt to the carries of the carri send by, or carries or attempts to carry in any ship registered in Canada, from any port in Canada, from any port or place in Canada, any dangerous goods, or goods of a dancer place in Canada, any dangerous goods, or goods of a dangerous nature, under a false description, or falsely describer the tion, or falsely describes the sender or carrier thereof, shall incur a penalty not avoid in the sender or carrier thereof, s6 V. incur a penalty not exceeding two thousand dollars.

Master may refuse to receive packsge,

17. The master or owner of any ship registered in Canada ay refuse to take on board of any ship registered in bich he may refuse to take on board any package or parcel which he suspects to contain goods of any package or parcel which may suspects to contain goods of a dangerous nature, and may require it to be opened to require it to be opened to ascertain the fact. **s**. 8.

Such goods sent on board without

18. When any dangerous goods, as defined in this Act, any goods which in the source, as defined in this arowner, or any goods which, in the judgment of the master or owner,

Disorderly persons on board steamers; how to be treated.

Penalty.

marked.

If shipper is not aware of the nature of the goods.

Bending such goods under false description.

Penalty.

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are of a dangerous nature, are sent on board any ship nouce, may registered in Canada, within the limits of Canada, without be thrown heing marked in Canada, within the limits of Canada, without overboard. heing marked, as aforesaid, or without such notice having been given a solution of such ship may cause such goods to be thrown overboard; and neither No liability in the master non-the goods to be thrown overboard; and neither No liability in the master non-the goods to be thrown overboard. the master nor the owner of the ship shall, in respect of such such case. throwing overboard, be subject to any liability, civil or riminal in verboard, be subject to any liability, civil or criminal, in any court in Canada. 86 V., c. 8, s. 9.

19. When any dangerous goods are sent or attempted to Goods may sent, or carried any be forfeited on board any by order of be sent, or carried or attempted to be carried, on board any by order of whip registered in Canada, court. ship registered in Canada, from any port or place in Canada, court. Without hair of Canada, from any port or place in Canada, court. Without being marked as aforesaid, or without such notice having hear any marked as aforesaid, or without such goods are having been given as aforesaid, or without such goods are sent or attained as aforesaid, and when any such goods are sender or attempted to be sent under a false description, or the sender or attempted to be sent under a false description, or record, on carrier thereof is falsely described, any court of record, on application by or on behalf of the owner, charterer or master of the owner, charterer or master of the ship, may declare such goods forfeited, and when forfeited they shall be disposed of as the court directs. 36 V, C, 8 36 V., c. 8, s. 10.

PENALTIES.

20. Every penalty imposed by this Act may be recovered Penalties enforced with and how enforced with the peace and how enforced. or enforced with costs before any two justices of the peace saferced. or my magistrate having the powers of two justices of the peace, under the having the powers of two justices of the peace, under the "Act respecting summary proceedings before Justices of the "Act respecting summary proceedings before Justices of the Peace," if such penalty does not exceed one hundred dollars, before hundred dollars, and if it exceeds one hundred dollars, before any court of competent jurisdiction :

2. Any justices of the peace shall have jurisdiction under Jurisdiction of justices of the peace shall have jurisdiction under Jurisdiction of justices of and all have it has not been in the place the peace. the tenth and eleventh sections of this Act, either in the place the peace. where the offence was committed, or if committed while the steamer is where it next stops. steamer is under way, then in the place where it next stops. 36 V., c. 57, s. 5, part.

21. The whole of every pecuniary penalty recovered under Application of to the Minister of Finance and Receiver General by the officer or person receiver of shall be thereafter officer or person receiving the same, and shall be thereafter appropriated in such manner as the Governor in Council directs in such manner as the Governor in Council

directs in each case. 88 V., c. 56, s. 12, and c. 57, s. 5, part.

22. Upon from and after the commencement of this Repeal of Mer-Act, so much of the "Merchant Shipping Act, 1854," and of chant Ship-the same and ing the said Act and forming part of 1854, in part the same, as is inconsistent with this Act, is hereby repealed to far an is inconsistent with this Act, is hereby repealed. 86 V., c. 8, to far as relates to ships registered in Canada. 86 V., c. 8, 8. 8: R_0 V. 8. 8; -86 V., c. 128, s. 2.

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Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
36 V., c. 56 36 V., c. 57	The whole.	Part of a. 29	Remainder of the Act.	An A ct respect ^r ing the regis- ing the regis- tration and tration classification of ships.

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CHAPTER 74.

An Act respecting the inspection of Steam-boats, and the examination of Steam-boats, and the examination and licensing of Engineers employed on

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

1. This Act may be cited as "The Steam-boat Inspection Short title. 45 V., c. 85, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires :--- Interpreta-tion. (a) The expression "steam-boat" includes any vessel used "Steam-havigation of the steam-boat" includes and propelled or boat."

^(a) The expression "steam-boat" includes any vessel used boat ^{movable} wholl, afloat on navigable water, and propelled or ^{movable} wholly or in part by steam;

(b) The expression "owner" includes the lessee or "Owner." charterer of any such vessel;

(c) The expression "year" means the calendar year, com- "Year." ^{nencing} on the first day of January and ending on the thirty-first day of December ;

(d) The expression "boilers and machinery" includes "Boilers and the steam engine or engines, and every part thereof or machinery." thing connected therewith, employed in propelling the steam-boat and therewith, employed in propelling the steam-boat, and any donkey or pony engine used on board, and the boiler or boilers for supplying steam thereto, and the furnaces, chimneys, flues, safety and blow-off valves, gauges, braces, stave mineys, flues, safety and blow-off valves, gauges, and all other apparatus braces, chimneys, flues, safety and blow-off valves, gauge and things, pipes, steam pumps, and all other apparatus and things attached to or connected therewith or used with reference to any such engine or under the care of the

(c) The expression " hull and equipment " includes the "Hull and and avon and avon and rigging when equipment." hull and every part thereof, masts, sails and rigging when equipment." the steam-boat carries them, life boats and other boats and the tackle and carries them, life boats and other boats and the tackle and apparatus for lowering or hoisting them, the apparatus, other than steam fire engines, for preventing or extinomial other than steam fire engines, for preventing or extinguishing fires, anchors and cables, windlasses and cables, windlasses and cables, windlasses and setting fires, anchors and cables, windlasses and setting fires, anchors and cables, windlasses and setting fires, an Capstans, fire buckets, compasses, axes, lanterns, and all other

articles and things necessary for the navigation and safety of the steam-boat and not of the steam-boat and not under the care of the engineer; (f) The expression "inspector" means a person appointed inspect the "boilure and the when to inspect the "boilers and machinery" of steam-boats, when and so far as such provinciant "Inspector." and so far as such provision applies to anything included in that expression. or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression or a normalized so that expression of a normalized so that expression or a normalized so that expression of the normalized so the normalized so that that expression, or a person appointed to inspect the "hulls" and equipment" of storm happointed to inspect me the proand equipment" of steam-boats, when and so far as the pro-vision applies to any think of steam-boats. vision applies to any thing included in the expression last mentioned; (g) The expression "boiler" means a boiler of or intended r a steam-boat, and including the start boat for a steam-boat, and includes boilers when the steam-boat has more than one and it "Boiler." has more than one, and the expression "boilers" means "boiler" when she has out "Boilers." "boiler" when she has only one; (h) The expression "hull" includes the equipment; "Hull." (i) The expression "certificate" means one of the dupli-tes or triplicates of the antice cates or triplicates of the certificate " means one of the average or inspector, as the correction by the inspector. "Certificate." or inspector, as the case may be; (j) The expression "freight boats" means steam-boats rrying freight only. 45 W "Freight boats." carrying freight only. 45 V., c. 85, ss. 8 and 6, part. EXTENT AND APPLICATION OF ACT. 8. This Act shall not apply to steam-boats belonging to er Majesty the Queen of the total in Great Her Majesty the Queen, or to steam-boats belonging Britain and Ireland or in Exceptions Britain and Ireland or in any foreign country, and place between any port or place in the state of the stateo from applica-tion of Act. between any port or place in Canada and any port or place

out of Canada. 45 V., c. 85, s. 4, part.

Partial exceptions.

4. All steam yachts, used exclusively for pleasure all ivate use without him and exclusively for pleasure all private use without hire or remuneration of any kind fifty tug boats, all freight boats under one hundred and fifty tons gross, and all starm. tons gross, and all steam-boats used only for fishing purpage, or the carrying of fish and or the carrying of fish, and under one hundred and like tons gross, and steam dredges and elevators or vessels of like kind, shall be exempt kind, shall be exempt from the requirements of this and except as regards the inspection of their boilers in machinery, to which they shall be machinery, to which they shall be subject at least once in each year, and oftener if each year, and oftener if required, under the same provisions and penalties for neglect and penalties for neglect as other steam-boats, and except also as to the obligation to also as to the obligation to carry one life-buoy hereinsfter imposed on all steam-bosts imposed on all steam-boats. 45 V., c. 85, s. 4, part.

Governor in Council may bring cortain under the Act.

5. The Governor in Council may direct that any steam in boat not registered in Canada, but employed in Canada to the carrying mails, passengers or troops, shall be subject to the provisions of this Act. 45 V., c. 85, s. 5.

I, A, B., do solemnly swear that I will well, faithfully and Form of oath. impartially, to the best of my judgment, skill and understanding, eccute the dest of my judgment, skill and understanding, execute the duties assigned to the office of inspector of boilers and machine duties assigned to the office at the case may be) of and machinery (or hulls and equipments, as the case may be) of machinery (or hulls and equipments, as the case may be) of man-bont. So help me steam-boats under "The Steam-boat Inspection Act." So help me

2. Every such inspector, before entering upon his duties Onthe state, shall take of of office of the before a judge of a as such inspector, before entering upon his duties uses court of record and subscribe an oath, before a judge of a dner of record and subscribe an oath, before a judge of a court of record, well, faithfully and impartially to execute the duties assigned, well, faithfully and impartially to execute the duties assigned to him by this Act, in the form or to the

unless he has received from the chairman of the board, or such such a received from the chairman of the board, or from such practical shipbuilders (as the case may be) a certificate in writing that he has satisfactorily passed such such any eramination writing that he has satisfactorily passed such eramination, or unless he is a certified surveyor as aforesaid :

7. No person shall be appointed an inspector of boilers Examination in machinery of the appointed an inspector of boilers and the bas named a satis- of boilers and and Mo person shall be appointed an inspector of boilers Examination factory examination of steam-boats unless he has passed a satis- of bollers and tion y examination of bollers and a state of bollers and bollers are stored as a state of bollers and bollers are stored as a state of bollers and bollers are stored as a state of bollers and bollers are stored as a state of bollers and bollers are stored as a state of bollers and bollers are stored as a state of bollers and bollers are stored as a state of bollers are stored as a stored as a state of bollers are stored as a stor factory examination before the board of steam-boat inspec- machinery. tion, as to his knowledge on the subject of boilers and machinery of steam-boats, and the working of the same; and examination as to his competency for the office, before a equipment. board of three practical shipbuilders appointed by the Goverhor in Council, or unless he is a certified surveyor of a recog-nized society, or unless he is a certified surveyor of a recoghized society for the classification of shipping; and no One shall be appointed an inspector for either purpose

6. The Governor in Council shall, from time to time, Appointment point at each of inspectors and act respectively of bollers and ^{appoint} at each of such places and to act respectively of bollers and (a) the Governor in Council shall, from time to this, of inspectors within such local time places and to act respectively of bollers and (a) the boll of such places and to act respectively of bollers and (b) the boll of such places and to act respectively of bollers and (b) the boll of such places and to act respectively of bollers and (b) the boll of such places and to act respectively of bollers and (b) the boll of such places and to act respectively of bollers and (b) the boll of such places and to act respectively of bollers and (b) the boll of such places and to be boll of such places and the boll of such places and to be boll of such places and to be boll of such places and the boll of such places and to be boll of such places a ^{(POInt} at each of such places and to act respectively of bouers as (anada, a skilled person or persons competent to inspect shall nechinery machinery and machinery in steam-boats, who the boilers and person or persons competent to mark shall not he in machinery employed in steam-boats, who shall not be interested in the manufacture of steam-boats, and boilers or other machinery belonging to steam-boats, and whose duty is machinery belonging to steam-boats, and Whose duty it shall be to make such inspection as hereinafter Drescribed, and to give to the owner or master two of or persons communication inspection as neurons to and inspec-tive derivation of such inspection—and also a skilled person for of hulls and equipment of and equipor persons competent to inspect the hulls and equipment of and equipsteam-boats, who shall not be interested in the building or ment. ^{construction} of hulls of steam-boats, or of any article or thing hereinafter mentioned as part of the equipment to or connected by this Act for steam-boats, or properly belonging to the into or connected with such equipment according to the intent of this Act, and whose duty it shall be to make such inspection, and to give triplicate certificates of such inspection. 45 V., c. 85, s. 6.

APPOINTMENT AND QUALIFICATION OF INSPECTORS.

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3. The oath taken by every inspector shall be forwarded 45 V. forthwith by such judge to the Department of Marine. Words in italics in sub-section 2 and sub-section 3 inserted at the suggestion of e Parliamentary Committee. c. 85, s. 7, part.

the Parliamentary Committee.

Board of steam-boat inspection.

BOARD OF STEAM-BOAT INSPECTION. 8. The inspectors shall form a board, to be called the Gov-"Board of Steam-boat Inspection," of which board the for ernor in Council shall are ernor in Council shall name the chairman; three of the members shall form a guardinate the chairman and the shall have members shall form a quorum, and the chairman; three of have the right to vote, and in the the right to vote, and in the case of an equal division he shall also have a casting vote.

Minutes of proceedings.

2. The minutes of the proceedings of the board shall be pt by such chairman and kept by such chairman, and a copy thereof, certified by Fish-shall be transmitted to the board since and Fishshall be transmitted to the Minister of Marine and Fighteries :

Duties, proceedings and rules of board,

Subject to approval.

8. The board shall meet at least once every year, at ich place as they arrea was a least once every year, and such place as they agree upon, and may make rules and regulations for their own regulations for their own conduct, and for the uniform inspection of steam-boats the uniform the uniform inspection of steam-boats, the selection of ports of inspection, their and granting licenses and granting licenses to engineers, and for prescribing under duties, and for such other prescribing under duties, and for such other purposes as are necessary under this Act; and such rules and rules as are necessary into this Act; and such rules and regulations shall not come into force until after they are come into the state of the state o force until after they are approved by the Governor in Council:

Provision respecting inspectors of bulls in certain parts of Canada, or in case of vafancy.

4. In the Provinces of Manitoba and British Columbian Id in the North-West The Anticipation of Kee and in the North-West Territories and the District of Kee watin, the Minister of Marit watin, the Minister of Marine and Fisheries may, when of sees fit, dispense with the sees fit, dispense with the appointment of an inspector of hulls and equipment : and in the spectrum of an inspector of the hulls and equipment; and in such case and in case of dis-non-appointment of anothin non-appointment; and in such case and in case of dis-trict, or of vacancy in the off trict, or of vacancy in the office therein, the said minister may assign the dution of the therein, the said inspector may assign the duties of such inspector to the inspector of boilers and machine of boilers and machinery, or such other person as such temporarily employs ______ order remains in force, have all the powers and perform and the duties hereby assigned to the powers and phalls and the duties hereby assigned to the inspector of hulls and equipment, under the like able to the inspector of hulls in equipment, under the like obligations and like penalties in case of default,—the formcase of default,—the forms of certificate being altered to suit the case. 45 V. c. 25

Neglect of duty by in-spectors to be reported by chairman.

9. The chairman of the board of steam-boat inspection ay, at any time inspection may, at any time, inspect or examine the hull, boiler and machinery of any steam-best machinery of any steam-boat, and if he suspects any to such spector of having neglected his duty in relation to such to investisteam-boat, he may call a meeting of the board to investi-gate the case; and the amount of the board to investion gate the case; and the result of every such investigation

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12. Every inspector may, at all times when inspecting, Officer of siting or avanishing or the hull swamboaw answer que Visiting or examining any boilers and machinery or the hull susmboaw to ency steam hast any boilers and machinery or the hull susmboaw to ency steam hast any boilers and machinery of the hull susmboaw to ency steam hast any boilers and machinery of the hull susmboaw to ency steam hast any boilers and machinery of the hull susmboaw to ency steam hast any boilers and machinery of the hull susmboaw to ency steam hast any boilers and machinery of the hull susmboaw to ency steam hast any boilers and machinery of the hull susmboaw to ency steam hast any boilers and machinery of the hull susmboaw to ency steam hast any boilers and machinery of the hull susmboaw to ency steam hast any boilers and machinery of the hull susmboaw to ency steam hast any boilers and machinery of the hull susmboaw to ency steam hast any boilers and machinery of the hull susmboaw to ency steam hast any boilers and machinery of the hull submit of any steam-boat, ask of any or all of the owners, officers or tions. engineers of such steam-boat, or other person on board thereof and in such steam-boat, or other person on board such thereof and in charge or appearing to be in charge of such steam-boat steam-boat, or of the boiler or machinery thereof, such pertinent questions concerning the same, or concerning any accident that has happened thereto, as he thinks fit; and every such every such person shall fully and truly answer every such Question so put to him; and every person who refuses to Penalty for answer or faired him; and every person who prevents refusal. answer or falsely answers such question, or who prevents refusal. any such inspection or obstructs any inspector in making such inspection or obstructs any inspector in V, c. 85. a 10, shall incur a penalty of forty dollars. 45 V., c. 85, s. 12.

day during which such omission continues; and if the injury is in respect to the machinery or boiler or any part of the same the lipect to the machinery or boiler or any part of 45 V., the same, the license of the engineer shall be revoked. 45 V., 35, 8, 11

the Derson in charge thereof, shall, at the earliest op- injury to bull have the correspondence of every steam-boat, or Subsequent bull have the charge thereof, shall, at the earliest op- injury to bull have the cobserved. portunity after the occurrence of any event whereby the tobereported. hull, or the machinery or boiler thereof, or any part of any or either of the machinery or boiler thereof, or any part of any or either of the same is, in any material degree, injured, strained of the same is, in any material degree, management of the same is, in any material degree, management spector by weakened, report such occurrence to the insupected, or to the ^{spector} by whom the same was last inspected, or to the proper by whom the same was last inspected, or to the seam-boat and or first and in case of is, or first arrives after such event occurs; and in case of Penalty for shall on to give after such event occurs; and in case of default. omission to give such notice, the owner of the steam-boat aball incas give such notice, the owner of the steam-boat shall incur a penalty of two hundred dollars for every

2. Every such certificate, unless sooner revoked, shall be Duration of of for a puriod entiticate, unless sooner the date thereof, certificate. good for a period of twelve months from the date thereof, certificate. or for such less period of twelve months from the date in the certificate destroy of the inspector in the "ertificate. 45 V., c. 85, s. 10.

10. The master or owner of every steam-boat liable to Inspection to and made at the boiler and least yearly. inspection under this Act, shall cause the boiler and least yearly. inspection under this Act, shall cause the boiler and least yearly. machinery and the hull and equipment thereof, to be ^{buspected} at least once every year, and shall deliver to the Certificates of basic of an inspection. the officer of customs at the port where such inspection is inspection. made, or at which such steam-boat arrives next after such inspection. which such steam-boat arrives next after such $n_{\rm hspection}$, when it has not been made in such port, one of the when it has not been made in such port, ^{one} of the certificates thereof; and for every neglect to ^{cause} such inspection to be made, and a certificate thereof to be delivered to the proper officer of customs, such master Penalty for sn. Wher shall is the proper officer of customs, such master Penalty for or owner shall incur a penalty of four hundred dollars, and neglect. such steam-boat shall be liable for the same and chargeable

shall forth with be communicated, in writing, to the Minister of Marine and Fisheries, for the information of the Governor in Council. 45 V., c. 85, s. 9.

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Owner to pay certain expenses of examination.

Inspection of machinery in motion : free passage of inspector.

Certificate of inspection of hall and equipment

And of builers.

To be signed by both inspectors.

Disposal of triplicate certificate.

Certificate of inspection of boilers and machinery only.

18. Every inspector of steam-boats may demand of the vner or master of any stream boats may demand of the registry to be owner or master of any steam-boats may demand of the production of the production of the steam of the production of the steam of the the production of the certificate of registry of such steam produce boat, and such owner boat, and such owner or master shall thereupon 35, 8, 13, and exhibit the same to such

14. When the inspector finds it necessary to open up the all of a vessel for the providence of the pro hull of a vessel for the purpose of examining her condition. the expense thereby incomes of examining her to the the expense thereby incurred shall be chargeable to the owner of such vessel 17 V

15. The inspector may require that the engine and mar-unery under inspection has been and the engine motion. chinery under inspector may require that the engine and motion and every inspector shall be put in motion and every inspection by him shall be put in mouron any steam-boat which he determined free of expense under any steam-boat which he desires to inspect while under way, and during such way, and during such period as is necessary for he inspection, and for his such period as is necessary which he inspection, and for his return to the port at which his embarked on such steam have embarked on such steam-boat for such purpose, or for his disembarkation at any port disembarkation at any port at which such steam boat touches on her voyage 45 V

16. If the inspector of hulls and equipment, who have been any steam-boat in the and equipment, which have a start the start of the sta spects any steam-boat in the manner required by this he approves the hull and continues required by the heat, he approves the hull and equipment of such steam the schere delivered by this he shall sign a certificate according to the form A in the scienced by dule to this Act, and triplications dule to this Act, and triplicates of such certificate, signed by the inspector of hulls and the inspector of hulls and equipment, shall be delivered by him to the inspector of boiler him to the inspector of boilers and machinery for the same district, who when he had been and machinery for the the district, who when he has inspected and approved the boilers and machinery of the assisting astigned boilers and machinery of the steam-boat and has satisfied himself that the certificate of the steam-boat and has built and himself that the certificate of the inspector of hulls and equipment is true and correct equipment is true and correct in respect to the said equip ment, the number of passage in respect to the said law ment, the number of passengers the steam-boat may in the fully carry, and the particular the steam-boat may in the fully carry, and the particulars of tonnage mentioned in at and in a said form, and that the equipment is sufficient and in set cordance with the requirement is sufficient and in sign the cordance with the requirements of this Act, shall sign to certificate in triplicate and dollar certificate in triplicate and deliver two of such triplicates to the owner or master of the standard of such triplicates of the standard of th the owner or master of the steam-boat : such owner or master shall deliver one triplicate the steam-boat : such owner oustoms shall deliver one triplicate to the chief officer of customs as aforesaid, and the other t as aforesaid, and the other he shall cause to be posted of framed and protected by all cause to be posted by part of the shall cause to be posted by the posted by the shall cause to be posted by the framed and protected by glass, in some conspicuous part of the steam-boat for the information some conspicuous part the the steam-boat for the information of the public; and the inspector of boilers and mathins of the public; the other inspector of boilers and machinery shall retain the other triplicate for the purposes of this t

2. If the steam-boat is one of which the boiler and mark the inery only are subject to a classical design of the steam of the boiler act, the chinery only are subject to inspection under this Act, the inspector of boilers and machine the cortificate inspector of boilers and machinery shall sign a certificate in the form B in the said substitution that and deliver in the form B in the said schedule, in duplicate, and deliver the duplicates to the master of duplicate, and the said schedule, in duplicates to the master of the duplicates to the master of the duplicates to the master of the said schedule in duplicates and the said schedule in duplicate and the said schedule and the said schedule in duplicate and the said schedule and the duplicates to the master or owner of the steam bost, who shall deliver one to the master or owner of the steam of cause shall deliver one to the chief officer of customs and cause the other to be posted up to the other to be posted up in some conspicuous part of the steam-boat for the information

2. Before a boiler is subjected to a test by hydrostatic Proceedings essure, it that it is subjected to a test by hydrostatic before testing pressure, it shall be opened up for inspection, the man-hole by hydrostatic doors and the opened up for inspection, the man-hole by hydrostatic doors and mud-plates removed, and the outside and inside pressure. of the boiler cleaned, the furnace grates removed and the furnace super cleaned, the furnace grates removed and efficient furnace swept out clean, so that satisfactory and efficient inspection may be made: when bulkheads are so placed as prevent to prevent to prevent a close examination of the plates of the boiler,

19. Any inspector may, whenever he deems it necessary Testing subject the boiler inspector shall, at least once in every year, hydrostatic built the boiler of the boiler subject the boiler of every steam-boat to a test by hydrostatic pressure. pressure, and shall satisfy himself by examination and ex-Perimental shall satisfy himself by examination and suitable materials that such boiler is well made of good and suitable materials; the limit of such pressure shall not Limit of test exceed one hundred and fifty pounds to the square inch, in the case of a boiler made of iron plates, or one hundred and ninety point description of a boiler made of iron plates, or one hundred and hinety pounds to the square inch, in the case of a boiler made of stories of stories the owner made of steel plates : for the purposes of such test the owner of the steam plates : for the purposes of such test the owner of the steam-boat shall provide the necessary hand-pump and apparatus, and the same shall be worked by the crew of the steam-boat : and no inspector shall make or deliver Essential to obtaining of the owner. to the steam-boat: and no inspector shall make or deliver obtaining anless he has a state of any steam-boat, any certificate certificate. unless he has first subjected the boiler of such steam-boat to such test by hydrostatic pressure :

form and certificates made and granted by nim, in of steam-boat such particulars respecting them as the board of steam-boat inspection, from time to time, requires, and shall furnish copies thereof to the board when required.

BOILERS AND MACHINERY.

18. Each inspector shall keep a register of the inspec-Register of the inspector shall keep a register of the inspections. t ons Each inspector shall keep a register of the management of and certificates made and granted by him, in such and with the states made and granted by him, in such and with the states made and granted by him as the board and the states are boa

dispute between an inspector or the said board and an ^{ngineer,} may be referred by either party to the Minister of ^{darine} and with the same. Marine and Fisheries, who shall finally decide the same.

17. Any matter in dispute arising under this Act, be-Decision of disputes in an insurance of disputes in contain case tween an inspector or the board of steam-boat inspection certain cases.

and Fisheries. 45 V., c. 85, s. 16, part ;-48 V., c. 29, s. 10.

⁸. Every inspector of steam-boats shall, whenever he visits Inspector to inspects and inspects and the steam-bips and inspector of steam-boats shall, whenever he visits isspector w hoat is properly steam-boat, examine whether such steam-see that making fog-signal, is properly furnished with lights and with means of have proper that is properly furnished with lights and with means of have proper making fog-signals, in pursuance of the rules prescribed by lights, so. share det respectively in pursuance of the rules prescribed by lights, so in case of a the "Act respecting the Navigation of Canadian Waters," and No certificate shall refuse to the Navigation of Canadian Waters," and No certificate the state of the section of Canadian Waters, and No certificate the section of Canadian Waters, and No certificate the section of Canadian Waters, and No certificate the section of the secti shall refuse to grant any certificate with respect to any compliance. ^{steam-boat} which he finds is not so provided, and shall ^{heport such} the finds is not so provided.

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they shall be removed; and the owner or master of the steam-boat shall see that the owner or master com steam-boat shall see that the foregoing requirements are com-plied with before applications of

Defects to be made good.

3. In any case in which the test is not satisfactory, the fects shall be made much defects shall be made good and the boiler re-tested satisfactory, torily, before a continue of

Boiler to be lifted if necessary.

4. When the outside of the bottom of a boiler cannot be herwise perfectly income the bottom of a boiler lifted for otherwise perfectly inspected, the boiler shall be lifted for inspection once at lower in

Maximum working pressure for new iron boilers.

Ratio of test to working pressure.

5. In subjecting boilers made of iron plates to the hydro-stic test aforesaid the income of iron plates to the hundred static test aforesaid, the inspector shall assume one hundred pounds to the summer inch pounds to the square inch as the maximum pressure allowing the square inch as the maximum pressure allowing inches able as a working power for a new boiler forty-two inches in diameter, made of the line of in diameter, made of the best refined iron, at least one-quality ter of an inch thick in the ter of an inch thick, in the best refined iron, at least one-yality herein required and the best manner and of the quality herein required,—and shall rate the working pressure of all iron boilers, whether of much the state of the st iron boilers, whether of greater or less diameter, according to this standard : and in all this standard; and in all such cases the test applied shall exceed the working real such cases the test applied of one exceed the working pressure allowed, in the ratio of one hundred and fifty normal hundred and fifty pounds to one hundred, using the water in such tests at a torrest in such tests at a temperature not exceeding sixty degrees Fahrenheit :

Maximum working pressure for new steel boilers.

Ratio of test to working pressure.

Working pressure allowed may be reduced.

7. If the inspector is of opinion that any hoiler, whether ade of iron or steel whether or made of iron or steel plates, by reason of its construction or material, will not specific the plates of the construction of t material, will not safely allow so high a working pressure

6. In subjecting boilers made of steel to the hydrostatic st aforesaid, the instruction of steel to the hydrostatic test aforesaid, the inspector shall assume one hundred and twenty-five pounds as the manual assume one hundred as a twenty-five pounds as the maximum pressure allowable as a working power for a name but working power for a new boiler forty-two inches in disne-ter, made in the best manual of steel ter, made in the best manner, of the best quality of steel plates, at least one quality of the best quality all the plates, at least one-quarter of an inch thick, with all the rivet holes drilled in planet. rivet holes drilled in place, the plates being then in the apart and the burns war and the burns and the burns and the burns and the burns and the burns and the burns are the plates being the in the apart and the burrs removed, the longitudinal seams in the shell being fitted with shell being fitted with double butt steel straps the across the grain of the site across the grain of the plate, and each of five-eighths st thickness of the plate, the thickness of the plates they cover, and all the seams being st least double riveted and b least double riveted and having at least seventy per cent. of the strength of the solid plate, and all the flat surfaces stayed in the best manual plate, and all the flat surfaces stayed in the best manner and all the seams double riveted. --and they shall note the -and they shall rate the working pressure of all steel boilers so made, whether of greater or less diameter, second ing to this standard and in a less diameter, applied ing to this standard; and in all such cases the test applied shall exceed the working. shall exceed the working pressure allowed for such to one in the ratio of one hundred and ninety pounds to one hundred and ninety pounds in in hundred and twenty-five pounds, using the water in such tests at a temporation such tests at a temperature not exceeding sixty degrees Fahrenheit:

C=100; but when the plates are exposed to the impact of heat or flame, and steam only is in contact with the plates on the opposite side, C is to be reduced to 50 : 67

S=Surface supported in square inches;

T = Thickness of plate in sixteenths of an inch;

8-8 Working pressure in pounds per square inch, where-

Cx (T+1)2

10. On flat surfaces the allowable working pressure shall Allowable of exceed air at the allowable of the surface of the surfa hot exceed six thousand pounds to each effective square inch fat surfaces. of sectional area of the stays supporting it; the pressure to be allowed on plates forming flat surfaces shall be that found by the following formula :-

The length of the furnace to be used in the first formula Length, how understood. being the length of the furnace to be used in the first formula Lengue, and with rings and the between the rings if the furnace is made understood. with rings; and that one of the two formulæ which gives the lowest pressure being the one by which the inspector

The Product of 8,000 multiplied by the thickness of the Formula. plate in inches, divided by the diameter of the furnace or flue in inches, divided by the diameter of the furnace or ^{flue} in inches, divided by the diameter of the iuman ^{square} inches, shall be the allowable working pressure per

The Product of 90,000 multiplied by the square of the Formula. thickness of the plate in inches,—divided by the length of in inches,—shall be the plus 1, multiplied by the diameter in inches, shall be the allowable working pressure per ^{square inch in pounds, provided it does not exceed that} found by the following formula :--

⁹. The external working pressure to be allowed on cir- Determina-llar furnation and discrete pressure, when the offerter and working ³. The external working pressure to be allowed on cir- Determina-the longitudinal joints are welded or made within a butt pressure on strap, shall be determined to the following formula:—

8. The foregoing rules shall be observed in all cases, unless Discretion al-proportion 1 and the evlinders, or lowed to inspector as the proportion between such boilers and the cylinders, or lowed to inspector as working other comments when such boilers and the cylinders of to working ^{some} other cause, renders it manifest that their application to working would be unique, renders it manifest that their may depart pressure. would be unjust, —in which case the inspector may depart pressure. from the said rules if it can be done with safety; but in no ^{case} shall the working pressure allowed exceed the proportion hereinbefore mentioned, as compared with the hydro-

as that hereinbefore specified for each such description of boiler respectively, he may, for reasons to be stated specifically in his certificate, fix the working pressure of such boiler at loss of the states of the sta boiler at less than two-thirds of the test pressure :

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11. In order to satisfy himself as to the strength and cont tion of a boiler, the inspector of a boiler, the inspector of the strength accessary, dition of boiler dition of a boiler, the inspector may, if he deems it necessary tained. order holes to be cut in it, and may also demand that such information shall be furnished by information shall be furnished him in respect to the interior construction of the boiler construction shall be furnished him in respect to the inter-construction of the boiler as will enable him to judge correctly of its strength.

Use of drift pins forbidden.

Openings in shells of

boilers.

12. In no case shall a certificate be granted for a boiler hen drift pins have been read to holes in when drift pins have been used in bringing the holes in the sheets together

13. Man-hole openings shall be stiffened with compon-ting rings of at least the main be stiffened with area as the sating rings of at least the same effective sectional area as the plate cut out, and in no same effective sectional he of less plate cut out, and in no case shall such rings be of all thickness than the plate. thickness than the plates to which they are attached their openings in the shells of order their sheet. openings in the shells of cylindrical boilers shall have their short axes placed longitudinally

Stays to crown sheet of boilers.

14. When bars or angle irons are used for sustaining the own sheet of the formation of the crown sheet of the furnace of a boiler, three-fifths of the working pressure allowable and the boiler and the shall be working pressure allowable upon the crown sheet shall be sustained by hanging stars. sustained by hanging stays from the shell of the boiler attached to the crown sheet 15. Donkey boilers on steam-boats shall be provided with to safety-valves, one of which the shall be provided with

to donkey boilers.

two safety-valves, one of which may be locked up: 16. Boilers in which the longitudinal seams in the cylin ical shell are single riveted. drical shell are single riveted, in place of being double riveted. shall be subject to a reduction in place of being double riveted. shall be subject to a reduction in the working pressure allow able for a boiler made in the bol

able for a boiler made in the best manner (as prescribed of sub-sections five and sin of the sub-sections five and six of this section), and the limit of pressure in boilers so made the pressure in boilers so made shall not exceed eighty pounds to the square inch in place to the square inch in place of one hundred rounds or said hundred and twenty-five news hundred and twenty-five pounds, as mentioned in the said sub-sections. 45 V., c. 85 - 17

Mark or name of maker of plates to be stamped on them.

Maker or quality of plates to be sworp to.

Proviso : in case of decesse of / maker.

90. No boiler made and placed on board shall be made of plate, whether iron and board shall be not been boiler plate, whether iron or steel, which has not shall be mark on the stamped with the mark on the steel, which has not share of; and stamped with the mark or name of the maker thereof; and no certificate shall be granted of the maker thereof; boild no certificate shall be granted with respect to any before a made wholly or in part of mlate made wholly or in part of plate not so marked; and before a certificate shall be granted with respect to any boiler, a certificate shall be granted with respect to any beiler, be declaration on oath by the molecular to any tating the declaration on oath by the maker of the boiler, stating the name of the maker of the plates, their quality, and quality of all materials need in their quality, there has quality of all materials used in the construction may be shall be furnished to the interest of the may be shall be furnished to the inspector; such osth may be taken before any justice of the inspector and the or before taken before any justice of the peace in Canada, or before a notary public, and cartified a second control of taken a notary public, and certified under his official seal, if taken out of Canada : Provided alarment of the peace in Canada and the such and the such and the such as the such a out of Canada : Provided always, that in any case where such declaration on oath by the ways, that in any case where the obtained always are the cannot be declaration on oath by the maker of the boiler cannot from other obtained owing to the death of the maker, or from other

Safety valves

Reduction required in working pressure for single riveted shells.

tested and proved by an inspector before use; and no inspector shall grant a certificate to any steamboat unless

4. The lock-up valves shall be of a construction approved Lock-up valves shall be valves. by the lock-up valves shall be of a construction approved valves. tested and of steam-boat inspection, --such valves shall be valves.

8. No valve, under any circumstances, shall, at any time, No valve to be boiler to a greater pressure than that allowed by the . inspector at the then last inspection thereof :

2. The boiler cocks and valves attached to the boilers Attachment all be substant cocks and valves attached to the boilers of cocks and shall be substantially made, and in no case shall they be values to attached to the boiler by screwing into the plate, unless, as boller. an additional security, nuts and flanges are used in addition to such attachment :

they are kept in working order, and the master of the steamboat shall see that the engineer has access to them for that purchase that the engineer has access to them for a working order : that purpose, and keeps them in proper working order :

21. Every inspector, when inspecting, visiting or examin- Examination B the hail inspector, when inspecting, visiting or examin- Examination ing the boiler or machinery of any steam-boat, shall satisfy valves. able dimensioners after valves attached thereto are of suitable dimensions, sufficient in number, well managed and in good workings, sufficient in number, well managed and in Bood working order, and only loaded so as to open at or below the working order, and only loaded so as to open at or below the certified working pressure; and he may, if he One or more thinks prover of such safety from control thinks proper, order and cause one or more of such safety from control alves (which order and cause one or more of such safety from control valves (which together shall be of sufficient dimensions to of engineer discharon all at together shall be of sufficient dimensions such when steam discharge all the steam the boiler can generate, and of such is up. Construction as he approves), to be locked up and taken wholly and he approves), to be locked up and taken wholly away from the control of the engineer when the steam is way from the control of the engineer to the steam is up; but the engineer shall have access to the Provise. safety valves when the steam is not up, and shall see that

SAFETY VALVES, STEAM GAUGES, ETC.

³. No boiler or pipe shall be approved which is made in Bad material hole or in the pipe shall be approved which is its form, or or form not allowed. whole or in part of bad material, or is unsafe in its form, or or form not allowed. dangerous from defective workmanship, age, use or any other cause. 45 V., c. 85, s. 18.

2. During the construction of every boiler made in inspector to construction Canada, the maker of such boiler shall notify the inspector to construction h: the district is open to of new boiler. of the district in which it is being made, that it is open to of new boiler. his inspection, and shall, at all times during such construction, allow the inspector access to such boiler :

two practical sufficient by the inspector, the affidavit of two practical sufficient by the inspector, the anusation and reported boiler makers who have examined the boiler and reported boiler makers who have examined the workmanshi upon the quality of the materials in it and its Workmanship and strength, shall, if satisfactory to the inspector, be deemed sufficient in lieu of such declaration by the maker of the boiler :

the boiler, or each boiler, if more than one, of such steam boat is provided with the boat is provided with two safety-valves, one of which shall be locked up and one

5. Every safety valve made or placed on board of a steam thou at after the sevent with the or placed on board of a steam thou boat after the seventeenth day of May, in the year one thou sand eight hundred and sand eight hundred and eighty-two, or attached to a boiler made after that date shall be made after that date, shall have a lift equal to at least one fourth of its diameters the fourth of its diameter; the openings for the passage of steam to and from the value shall to and from the valve shall each have an area not less pipe, the area of the valve shall each have an area not less pipe, the area of the valve, as shall also the waste steam if the and the valve box shall have a waste water pipe; if the lever of a lever softer with the state of a lever of a lever safety valve is not bushed with brass shall pin shall be of brass in the bushed with brass shall pin shall be of brass,—iron and iron working together shall not be allowed : every such as a working together with not be allowed ; every such safety valve shall be fitted with lifting gear so that it and it and it allowed the state of t lifting gear so that it can be worked by hand, either from the engine room or the first ball the engine room or the fire hold, or by the master or person in charge on deck in charge on deck; every such safety valve shall be so attached to the boiler that the attached to the boiler, that the valve chest shall be as close to the boiler as possible. to the boiler as possible. 45 V., c. 85, s. 19. **32.** The area of any locked safety value or the joint areas any locked safety value on the placed on

of any locked safety values to any boiler, made or placed on board after the said data at all the boiler. Area of locked safety valves.

Lift and open-

ings of valves: lifting gear,

tc.

When engine is stopped, safety valve to be opened, and steam pressure reduced.

inch for each square foot of grate surface in or under the boiler. 45 V., c. 85 = 20 **28.** Whenever the engine of any steam-boat is stopped in range of any purpose, the engineer of any steam-boat is stopped in the stopped in t for any purpose, the engine of any steam-boat is stopr in charge of such steamboat about the master or person as charge of such steamboat shall open the safety valve, so below to keep the steam in the boiler down to ten pounds if the the pressure limited by the inspector's certificate below engine is a high pressure engine is a high pressure engine, and to five pounds below the pressure limited as a former of the pounds a low the pressure limited as aforesaid if the engine is a nv p^{ro} pressure engine,—and every person who violates any hundred vision of this section shall incur a penalty of two hundred dollars. 45 V. c. 35 - 01

board after the said date, shall not be less than half a square the

Steam gauge to be exposed to view of passengers.

Penalty for concealing or tampering with gauge.

34. There shall be, in a conspicuous and easily accessible ace in each steam-boot place in each steam-boat, a steam gauge properly others structed and open to the view of all passengers and others the on board such steam-boat on board such steam-boat, and showing at all times $\sqrt{45}$ V, C true pressure of the steam in the boiler thereof. 45 V, e. 85, s. 22.

25. Every master and engineer of any steam-boat who, at y time, allows the present of any steam-boat who holler of any time, allows the pressure of steam to which the boiler of such steam-boat is subjected such steam-boat is subjected, to exceed that limited by her certificate, or who alter certificate, or who alters or conceals or otherwise deals with the said steam gauge the said steam gauge, so as to prevent the real pressure of steam from being seen any part of steam from being seen and ascertained by any part senger, shall incur a penalty of two hundred dollars for every such offence. 45 V every such offence. 45 V., c. 85, s. 28.

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26. The steam gauge required by this Act to be open to Bourdon board any steam- gauge to board any steam- gauge to used. the view of all passengers and others on board any steam- gauge to be boat, shall boat any steam gauge." or shall boat, shall be that known as "the Bourdon Gauge," or shall be of such construction and shall be put in such place and shall be that known as "the Bourdon Gauge, or and position and shall be put in such place and position, as the inspector visiting, examining or inspecting such steam between the inspector visiting, examining or inspecting ^{such} steam-boat, from time to time, directs. 45 V., c.

27. Each boiler of every steam-boat shall be provided Water gauge with Each boiler of every steam-boat shall be provided wave and auface have within out a gauge, capable of showing the water blow of how within out a gauge, capable of all steam-boats valves. level within each boiler at all times; and all steam-boats valves.

^{surface} blow-off valves, such as are commonly used on board ^{sea}-going steam-boats. 45 V., c. 85, s. 25.

28. Every steam-boat carrying passengers and having a Bilge pipe valve and ninu of mittall be provided with a bilge injection connecting from the floor with con-denser. valve and pipe of suitable dimensions, leading from the floor with con-frames of the constant dimensions of the engine. f_{rames}^{rve} and pipe of suitable dimensions, leading from the noor wine of 45 V, 0, 35 = 30

29. The following provisions shall be observed with respect to boats to be carried by steamers :---

1. No steam-boat with passengers on board shall proceed to Boats on sea-^{8ea} from any port or place in Canada, or depart from any port or going steam-ton on any of the place in Canada, or depart from any port or going steamplace on any port or place in Canada, or depart from any port or place in Canada, or depart from any port or place in Canada, or depart from any port of the Lakes Memphremagog, Ontario, Erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, Erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Lakes Memphremagog, Ontario, erie, Hu-boata, D., Simcon of the Simcon Ton, Simcoe or Superior, or on the River St. Lawrence, or on the River Ottanic Superior, or on the River St. Lawrence, or on the River Ottawa, or St. John, or any lake or river in Manitoba, British Column, or St. John, or any lake or river in Manitoba, British Columbia, or the North-West Territories, or the District of Keewatin, which is at any point on the route of

such steamer more than one mile broad,-

(a) Unless there are on board thereof, or attached to such Description of boats. steam-boat, good, suitable, sufficient and properly equipped boats, in good, suitable, sufficient and property start leet length of condition, each having not less than seventeen thet length of keel, and at least six oars and other necessary tackle, and an even of keel, and at least six oars and other necessary tackle, and sufficient capacity to carry not less than twelve adult personal capacity to carry not less than twelve

adult persons exclusive of the crew of such boat;

Which boats shall be in the following proportion to the gistered boats shall be in the following proportion to the ^{registered} tonnage of such steam-boat, that is to say :---

At least one boat for every steam-boat of less than fifty Number for tong. Committee.

The words "at least" are inserted at the suggestion of the Parliamentary

At least two boats for every steam-boat of fifty tons and upwards, but less than three hundred tons ;

At least three boats for every steam-boat of three hundred tons and upwards; and-

(b) If such steam-boat is of the registered tonnage of one indred tons or upwards of 100 tons and hundred tons or upwards, unless, in addition to the boats hereinbefore received the stached hereinbefore required, there is on board thereof or attached thereto :--

Life-boat to be carried by such steamboats.

One good and sufficient life-boat, capable of sustaining, side and outside. General life-boat, capable of sustaining, may be inside and outside, fifty persons, — which life-boat may be considered of sufficient considered of sufficient capacity if made of the following dimensions :--length of back to breadth of dimensions :--length of keel, twenty-two feet; tonth from beam from metal to metal for beam from metal to metal, five feet six inches; depth from top of keel to top of ground from lock, two top of keel to top of gunwale at bottom of row-lock, two feet nine inches: or

- Two good and sufficient life-boats, each capable of sustining, inside and contribution of the boats taining, inside and sufficient life-boats, each capable of boats may be considered of sufficient trivy persons, which life follow may be considered of sufficient capacity if made of the follow-ing dimensions :---longth of the follow breadth Or two small life-boats. ing dimensions :--length of keel, eighteen feet; breadth between metal and metal for keel, eighteen feet; brow between metal and metal, five feet two inches; depth from top of keel to top of guardered top of keel to top of gunwale, two feet two inches:
- 2. Every such life-boat shall be made of suitable metal, fire oof, with life lines attached proof, with life lines attached to the gunwale at suitable distances, and with size tight distances, and with air-tight metallic compartments at the ends and sides, or at the side Description of life-boats. ends and sides, or at the sides only or ends only, according to the directions of the instant of to the directions of the inspector by whom such steam-bost was last inspected :

Care and management of boats and their protection ; name to be painted on boat.

8. Every boat shall be kept in good condition, water tight id ready for immediate met and ready for immediate use; when wood is used as fuel for heating the boilers of high for heating the boilers of high pressure steam-boats the covers for such boats shall be modeled as the since for such boats shall be made of wood covered with sinc, and every boat shall be made of wood covered with sinc, and every bost shall have the name of the steam-bost to which it belongs, and of her the name of the steam painted which it belongs, and of her port of registry, legibly painted on her bows and stern.

Lowering apparatus.

4. Every such steam-boat shall be provided with sufficient eans for lowering from an aball be provided with sufficient means for lowering from on board safely and expeditionaly the boats hereinbefore the boats hereinbefore required to be on board of or attached to such steam-boat and and and a board of or attached to such steam-boat; and masters of steam-boats shall detail their crew and exercise them in the steam-boats shalling the their crew and exercise them in lowering and handling the

Davits.

5. Every such boat shall be hung in separate davits, with wering apparatus complete and in separate davits, lowering: lowering apparatus complete and ready for instant lowering Provided, that in any complete and ready for instant carries Provided, that in any case where any such steam-boat carries two life-boats, one of the start on the two life-boats, one of the other boats may be carried on the hurricane deck without doubt hurricane deck without davits, and that three davits properly constructed and placed with the davits properly constructed and placed shall be considered sufficient for lowering two boats

Number of boats for steam-boats

6. No steam-boat employed chiefly in the carriage of night, when carrying not monthly in the carriage of the carried of the ca freight, when carrying not more than twenty-five passengers.

80. No steam-boat carrying passengers shall proceed to Life presea from any port or place in Canada, or depart from any port servers.

10. Every steam-boat not employed in the carriage of passen- Boats for rs, and error provisions not bereing provisions not berein gers, and every steam-boat not employed in the carriage of passen- steam-boat of this section do not boat to which the foregoing provisions not bereinbe-the section do not be provided of this section do not apply, shall, at all times when the crew for provided attend is on heard the apply, shall, at all times when the crew for provided thereof is on board, be provided with and have on board or for. attached to such steam-boat in some convenient place, a good, auitable and and to such steam-boat in some convenient place, a good, suitable and sufficient boat, or good, suitable and sufficient hoats, in good condition and properly equipped, and provided with oars in condition and properly equipped, and provided ther necessary tackle, With oars in sufficient number and other necessary tackle, and of sufficient number and other necessary tackle, and of sufficient number and other necessary such ateam-boat capacity to carry all the crew of such the an-boat for lowering such of sufficient capacity to carry all the crow of boat or hoat, and with sufficient means for lowering such the production of the sufficient means for lowering such the suffici V c. 85 an or on hoard safely and expeditiously. 45 V., c. 85, 88, 27, 28, 29, 80, 81, 82 and 88, part.

⁹ Every steam-boat employed in the carriage of passen- Boats for ¹⁷⁸, and used only if employed in the carriage of passen- Boats for ¹⁷⁸ and used only if employed in the carriage of passen-boats for ¹⁷⁸ and used only if employed in the carriage of passen-boats for ¹⁷⁸ and used only if employed in the carriage of passen-boats for ¹⁷⁸ and used only if employed in the carriage of passen-boats for ¹⁷⁸ and used only if the carriage of passen-boats for ¹⁷⁸ and used only if the carriage of passen-boats for ¹⁷⁸ and used only if the carriage of passen-boats for ¹⁷⁸ and used only if the carriage of passen-boats for ¹⁷⁸ and used only if the carriage of passen-boats for ¹⁷⁸ and used only if the carriage of passen-boats for ¹⁷⁸ and used only if the carriage of passen-boats for ¹⁷⁸ and used only if the carriage of passen-boats for ¹⁷⁸ and used only if the carriage of passen-boats for ¹⁷⁸ and used only if the carriage of passen-boats for ¹⁷⁸ and used on the carriage of passen boats for ¹⁷⁸ and used on the carriage of passen boats for ¹⁷⁸ and used on the carriage of passen boats for ¹⁷⁸ and used on the carriage of passen boats for ¹⁷⁹ and ¹⁷ gers, and used only in the navigation of rivers or inland stamboats built, other than the navigation of rivers or inland stamboats and used only in the navigation of rivers or inland navi-Waters, other than the rivers and inland waters hereinbefore inland navi-provided for than the rivers and inland waters hereinbefore inland navi-and for that is provided for, shall, if such steam-boat exceeds one hundred waters not and fifty tons registered tonnage, carry at least two good before proboats provided with four oars each, and of sufficient capa-vided for. city to carry with four oars each, and of sumcreases the carry with safety at least twelve persons besides the and if and if it is and if a safety at least twelve persons besides the safety is and if a safety at least twelve persons besides the safety at least twelve persons besides the safety at least twelve persons besides the safety is and if a safety at least twelve persons besides the safety at least twe Trew and if such steam-boat does not exceed one hundred fifty tone steam-boat does not exceed one hundred tone. and fifty tons and is not less than fifty tons, registered tonhage, she shall not be required to carry more than one such boat and is not be required to carry more than one such boat, she shall not be required to carry more than one set tonhage, she shall not be required to carry more than one set tonhage, she she steam-boat is less than fifty tons registered destonnage, she shall carry one good boat of the size and description, and provided in the manner approved of in each

Not less than twelve persons besides the crew :

^{Slong} specified in such authorization : 8. Steam-boats confined to the navigation of the River St. Boats to be ohn, above Realest fined to the navigation of the River St. Boats to be carried by John, above Fredericton, the waters in the District of Mus- ateaments in avigation. koka, the County of Victoria and the County of Peterborough, certain inland bit the Province of Victoria and the County of the Ottawa in the County of Victoria and the County of Peterborough, certain and River, and its tributon of Ontario, and the waters of the Ottawa, or of River, and its tributaries above the City of Ottawa, or of lakes or river width at any point lakes or rivers not exceeding one mile in width at any point on the route of such steam-boat, and which are employed in the carriage of such steam-boat, and which are employed boat the carriage of passengers, shall carry at least one good boat provided with four oars, and of sufficient capacity to carry

7. The Minister of Marine and Fisheries may authorize Minister may the use, in individual specified cases, of boats of different such in special boats and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of and upon such in special boats of a special boats dimensions from those hereinbefore specified, and upon such in special authorization but those hereinbefore specified, and upon such in special cases. authorization being granted it shall be sufficient for any such cases. steam-boat to carry and be provided with boats of the dimen-

shall be required to have on board or attached to such steam- carrying not more than 35 passengers. boat more than two boats in addition to a life-boat :

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or place on any of the Lakes Memphremagog, Ontario, Erie, or Huron, Simcov, or Succession of Success Huron, Simcoe, or Superior, or on the River St. Lawrence, or on the River Ottawa or St. T. T. T. St. Lawrence, or on the River Ottawa or St. John, or on any lake or river in Manitoba, British Columb Manitoba, British Columbia, or the North-West Territories, or the District of Known of the North-West Territories or the District of Keewatin, which is at any point on the route of such steeman route of such steamer more than one mile broad, or shell navigate any bay or arrest of the steamer more than one mile broad, or she is navigate any bay or arm of the sea in Canada, unless she is provided with and committee the sea in Canada, unless such provided with and carries on board thereof on every such voyage, (a) two hundred life voyage, (a) two hundred life preservers, if such steam-bost is of the registered toppost of the registered tonnage of two hundred tons and upwards; or (b) three life preservers, if such steam of two hundred tons and upwards; or (b) three life preservers for every five tons, if such steams boat is of less than two bars is a such steams and upwards. boat is of less than two hundred tons registered tonnage:

Number of.

Life preservers for inland waters not hereinbefore provided for.

2. Every steam-boat carrying passengers on rivers of land waters other than the passengers on rivers for inland waters other than the lakes and rivers provided for in the next provided tour in the next preceding sub-section, if of the registered ton-nage of two hundred ton be the registered movided nage of two hundred tons and upwards, shall be provided with and shall carry on hundred upwards, shall be provided with and shall carry on board thereof on every voyage, not less than one hundred the less than one hundred life preservers; and if of less shall two hundred tone manifered to be a shall two hundred tons registered tonnage, such steam-boat shall be provided with and shall be provided with and shall carry on board thereof on every voyage fifty life pressure of the provided with and shall carry on board thereof on every 3. Provided always, that the maximum number of such life reservers required on any state of such life

Maximum number of sife prelervers.

preservers required on any steam-boat shall not exceed two hundred; but in any steam-boat shall not exceed two hundred; but in any steam-boat shall not exceed shall hundred; but in any steam-boat, as to which the boat call short city, and the number of the city, and the number of life preservers, together fall short of the number of Dassences of the preservers together fall short of the number of passengers she is allowed to carry by her certificate, such deficience of the second to carry by her Wooden floats certificate, such deficiency shall be supplied by a number for deficiency. of wooden floats much much supplied by a number foot for deficiency. of wooden floats, each equal in buoyancy to one cubic for of seasoned white pine of seasoned white pine, equal to the number of passengers and crew not provided the season of the preand crew not provided for in the boats or with life pre-

Life pre-

4. No steam-boat employed chiefly in the carriage of freight, hen carrying not more than the carriage of freight, when carrying not more than sixty passengers, shall be required to be provided with chiefly carry-required to be provided with or carry on board on any out and one life and one han one life and one han one life and one han one life and one han one life and one han one life and one han one life and one has and one has and one has and one has and one has and one has and one has and one has an on one has an on on one has an one has an age, more than one life preserver for each passenger, and one life preserver for each of the life preserver for each of the crew then on board of such steamboat :

Life preservers for other boats.

Description of life preservers,

5. Every steam-boat not employed in the carriage of pasting prosengers, and every steam-boat to which the foregoing when visions of this section do not apply, shall, at all times when the crew thereof is on based the crew thereof is on board, be provided with a life preserver for each one of the crew :

6. All such life preservers shall be made of the size and aterial approved of her the material approved of by the inspector, and shall be fitted with shoulder strang and for with shoulder straps and fastenings suitable for securing all at all same around the body under the arms; and they shall, at all times, be kept in some times, be kept in some convenient and accessible places, in

the staterooms or on the deck of such steam-boat, under cover and in realiser on the deck of such steam-boat, under cover and in readiness for immediate use; and each such life preserver shall t preserver shall have a buoyancy of at least sixteen pounds:

7. A cork jacket, with shoulder straps and waist lines for Cork jackets. fastening the same around the body, shall be the form of life preservers to 1 and a sound the body, shall be the form of life preservers to be used on passenger steamboats. 45 V., c. 35, 88, 33, part 25 88, 83, part, 35 and 86.

81. Nothing in the two sections next preceding shall Ferry boats apply to ferry boats or tug boats plying elsewhere than on and tug boats. the River St. Lawrence. 45 V., c. 85, s. 84.

82. The Governor in Council may, at any time, order and Ferry boats direct that the provisions of this Act, in so far as such pro- may be ex-visions extend to the provision of this Act, in so far as such pro- empted. visions extend to the carrying of boats and life preservers, shall not, at any time or during any time specified in the Order in Grant time or during any time specified in the Order in Council, apply to any ferry boat specially mentioned in such order, and the Governor in Council may order and direct that direct that such other provisions, as he deems advisable with reasons that such other provisions, as he deems advisable with respect to the carrying of boats and life preservers on Such ferry boat, shall be applicable to and shall be enforced in respect of a shall be applicable to and shall be enforced

in respect of such ferry boat. 45 V., c. 85, s. 87, part.

38. Every steam-boat registered in Canada, or to which Life buoys. this Act applies, shall carry at least one life buoy with a proper beauties, shall carry at least one life buoy with place proper heaving line attached, in some convenient place where it can be easily got at for use in case of accident requiring it. 45 V., c. 85, s. 87, part.

PRECAUTIONS AGAINST FIRE.

84. Every steam-boat employed in the carriage of passen- Fire apparent whether the state of the second passen of t Rers, whether by sea, bay, lake or river navigation, shall be on passenger provided with a bay, lake or river navigation, shall be on passenger provided with and have on board, in some convenient place, boau. hot least than twenty-five sufficient fire buckets of metal or leather, five sufficient fire buckets af metal or leather, five axes, and six good and sufficient lanterns approved of by the inspector: Provided always, that passen- Proviso: ger steam. by the inspector: Provided always, that passen- Proviso: ger steam-boats of more than seventy-five and less than one number. hundred and fifty tons gross shall not be required to be provided with and have on board a greater number of fire buckets than twelve, and that passenger steam-boats of seventy-five tons gross and under, and steam tugs under one hundred and the gross and under, and steam tugs under one hundred and fifty tons gross, shall not be required to be provided and fifty tons gross, shall not be required to fire provided with and have on board a greater number of fire buckets than six. 45 V., c. 85, s. 88.

85. Every steam-boat not employed in the carriage of And on other passengers and every steam-boat to which the provisions of steam-boats. With and have on board in convenient places a number in

due proportion to that of the crew of good and sufficient fire buckets of metal lumber of buckets of metal, leather or other suitable material, and 45 axes and lanterne to the axes and lanterns to the satisfaction of the inspector. 45 V., c. 35, s. 33 V., c. 35, s. 33, part. Re-drafted.

Further precautions against fire.

36. Suitable and safe provision shall be made through at every steam boot to out every steam-boat to guard against danger from fire; and no combustible material 11 11 no combustible material, liable to take fire from heated in and or any other heat command in and or any other heat generated on board any steam-boat, in and about the boilers minor any steam-boat at less about the boilers, pipes or machinery, shall be placed at less than six inches distances for machinery. than six inches distance from such heated metal of is ⁸⁰ substance likely to some from such heated metal is ⁸⁰ substance likely to cause ignition; and when wood is so exposed to ignition if the literation is and when work be exposed to ignition, it shall, as an additional preventive, be shielded by some income in the shall, as an additional preventive, manner shielded by some incombustible material, in such material as to allow the air to circulate freely between such material and the wood material and the wood : metallic vessels or safes shall be provided and kept in some conversion of the star waste, and kept in some convenient place to receive cotton waste, hemp, and other independent of the receive cotton in use hemp, and other inflammable substances, which are in use on board :

Inspector may authorize deviations from usual requirements.

2. If the structure of the steam-boat is such, or the arrange ment of the boiler or machinery is such, that the requirements aforesaid cannot with the requirements aforesaid cannot with the requirements aforesaid cannot with the requirements aforesaid cannot with the requirements aforesaid cannot with the requirements aforesaid cannot with the requirements aforesaid cannot with the requirements aforesaid cannot with the requirements aforesaid cannot with the requirements aforesaid cannot with the requirements aforesaid cannot with the requirements aforesaid cannot be a set of the requirements aforesaid cannot with the ments aforesaid cannot, without serious inconvenience or sacrifice, be complied with the serious inconvenience devise sacrifice, be complied with, the inspector may allow deviations from the said recurring the inspector may allow it can tions from the said requirements, if in his judgment it can be done with safety

Inflammable matter.

Uncovered lights not allowed.

8. Inflammable matter, when carried on any steam-boat, all invariably be stowed shall invariably be stowed away as far as possible from the boiler, and from places with a way as far as possible from the boiler, and from places where its ignition is possible: 4. No fire or lighted lamp, candle or other artificial showed light by which fire may be communicated, shall be allowed in any stateroom of any stateroom

in any stateroom of any passenger steam-boat, or in 45 steerage thereof, unless in a steerage thereof. steerage thereof, unless in a locked and glazed lantern. **V.,** c. 85, s. 89,

Force pumps and hose.

Hoes wrenches. and supply pipes.

87. Every steam-boat carrying passengers shall have at ast three double-setting for the passengers shall have at least three double-acting forcing pumps, with chambers at least four inches in discourse pumps, with chambers di least four inches in diameter, two to be worked by hand, and one by steam if the state of the st and one by steam, if steam can be employed independently of and not worked by the can be employed independently by hand, ----------one whereof shall be placed near the stern, one near the stern and one near the stem, and one amidship, each having the two-thirds length of the steam-boat, kept at all times in perfect order, clear of frainkt order, clear of freight or other obstructions, with and coupled and ready for it other obstructions, with coupled and ready for immediate use; each pump coupling shall be provided with use; each pump coupling shall be provided with a hose wrench chained to the same, and each of the the same, and each of the said pumps shall be supplied with water by a pipe with water by a pipe connected therewith, and passing

39. Every steam-boat carrying passengers on the main or Means of lower deck, shall be provided with sufficient and convenient escape from lower to the upper deck, in upper deck. $f_{acilities}$ for the escape of passengers to the upper deck, in upper deck. ^{case} of fire or other accident endangering life. 45 V., c. 85, 8, 42

BN. Every steam-boat of more than sixty tons, registered Steam pony tonnage, carrying passengers, shall also be provided with a pump. steam Done Typing passengers, shall also be provided with a pump. steam pony pump that may be used as a fire engine, to be worked ind pump that may be used as a fire engine, to be Worked independently of the main engine ; such steam pony pump shall here as near as possible pump shall be placed on the main deck, as near as possible the analysis of the main deck, as near as possible the the control of the to the engine room, convenient to the control of the engineer room, convenient to the control of the the shall be coupled engineer; and in all cases the pump hose shall be coupled Hose to be to the pump and in all cases the pump hose shall be coupled. to the pony and hand fire pumps, ready for immediate use coupled. in Case of fire. 45 V., c. 85, s. 41.

requiring only one pump, such pump shall be placed aft, pump, it is to the state of ready access aft. anless the space forward is kept free to admit of ready access and to the purpose forward is kept free to admit of ready access and to the pump and hose, in which case the pump may be Exception. placed forward. 45 V., c. 85, s. 40.

force pump of suitable size, or if steam cannot be employed, use the suitable size worked by hand, shall be sufficient

hose attachments may be used, as is required : 4. In steam-boats under one hundred tons gross, one steam Vessels under mp of anitable and the amployed, one 100 tons. pump of suitable size, or if steam cannot be employed, one 100 tons.

³. Whenever there is or are fixed under the hurricane if there are the of any set there is or are fixed under the hurricane in diame-fixed iron index along deck of any steam-boat an iron tube or tubes equal in diame-fixed iron tubes along the house and the house and the house and the house along t ter to the hose carried by such steam-boat, connected with a deck with force pump of the hose carried by such steam-boat, connected with a deck with force pump or pumps, and extending at least one-half of her norries. length, and provided with nozzles placed at distances of not more than thirty feet from each other or from either end of the steam hard by the the steam-boat to which nozzles the hose carried by the ^{steam-boat}—to which nozzles the hose carries of that the house 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 strench from some one of such nozzles to either end of the steam-boat : and each nozzle shall be provided with a store the steam-boat : and each nozzle shall be provided With a stop valve or stop cock, so that one or more of such

in steam-boats where only one pump is used, such pump shall be placed as directed by the inspector:

2. In steam-boats not exceeding two hundred tons gross, As to vessels of such boats not exceeding two hundred tons gross, as to vessels of such boats not exceeding according ac t_{W_0} of such pumps (one of which may be the steam not exceeding two hundred tons groups for t_{W_0} of such pumps (one of which may be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam not exceeding two hundred tons groups for t_{W_0} be the steam hold to pump) may be dispensed with, and in steam-boats tons. of over two hundred tons, but not exceeding five hunexceeding 2(0 dred tons, but not exceeding not end pensed with the one of such hand pumps may be dispensed with; but in such cases the hose shall be of such ength as to ; but in such cases the hose shall be of such length as to reach easily to every part of the steam-boat; and

through the side of the steam-boat, so low as to be at all times in the water when the boat is afloat :

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40. The Governor in Council may, from time to time, ake, alter or repeat when the first may are steaded as to carrying make, alter or repeal rules and regulations requiring steam extinguishers, boats to carry characterized for extinguishers, boats to carry chemical or other fire extinguishers, and pre-scribing the number of such f scribing the number of such fire extinguishers to be carried by steam-boats of different fire extinguishers to be carried by steam-boats of different sizes and classes respectively, and such rules and regulations and classes respectively in the and such rules and regulations shall be published in the Canada Gazette, and shall be Canada Gazette, and shall have effect and be enforced by the inspectors and others the inspectors and others as if part of this Act; and any violation thereof shall be and part of this Act; against violation thereof shall be punishable as an offence against this Act. 45 V. c. 85

Examination of engineers by the board.

May be on osth.

Certificate if found gunlified.

Renewable yearly.

Exception.

Provision if the board of inspection is not sitting when an applicant is found qualified.

41. Any person who claims to be qualified to perform the uties of a first, second on this to be qualified to perform the duties of a first, second or third class engineer on a steam boat, may apply for a costil boat, may apply for a certificate to the board of steam boat inspection, who shall arguing the board of steam to arguing the steam of the board of steam of the board of steam of the board of steam of the board of inspection, who shall examine, or shall cause an inspector of inspectors to examine the state of steam of that he inspectors to examine the applicant and the proofs that upon produces in support of his produces in support of his produces in support of his applicant and the proofs tnav such examination and provide the proof upon may such examination and proofs; and any such examination and proofs; and any such examination and if be upon oath, which any inspector may administer; and if the said board are satisfied the term and minister; of life knowledge and experience in the duties of an engineer are such as to qualify him to be duties of an engineer and board such as to qualify him to be such engineer, the said board shall give him a certificate to the engineer, the said and shall give him a certificate to that effect under the hand and seal of the chairman specificate to that effect under the hand has seal of the chairman, specifying the grade for which he has been found qualified. been found qualified ; and the said certificate, unless that of a first class engineer whether the said certificate in a standition of the said certificate in the said certificate is a standition of the said certificate is a standitis a standitic a first class engineer, shall, subject to the above conditions, be renewed yearly or often above conditions be so be renewed yearly, or oftener if applied for, and may the renewed by the chairman if applied for, and may the renewed by the chairman in the interim between the meetings of the board and and and the meetings of the board : and for every such certificate for applicant shall pay the Fees thereon, applicant shall pay the sum of five dollars, and Minister every renewal one dollars. every renewal one dollar, which shall be paid to the Minister of Finance and Receiver (of Finance and Receiver General, to form part of the Consoli-dated Revenue Fund of G dated Revenue Fund of Canada : Provided, that if the report of the inspector of the inspect report of the inspector or inspectors certifying the fitness of an applicant, is made at a time to the sector of the sector of the inspector of the sector o an applicant, is made at a time when the said board is not sitting, it may be sunt but sitting, it may be sent by such inspector or inspectors who the chairman or to the deputy chairman of the board, who may thereupon grant a superior chairman of the board, be in may thereupon grant a certificate to the applicant to be in force only until the there force only until the then next meeting of the board; and the fee paid by him shall and the fee paid by him shall not be returned if he does not then obtain a certificate from the be returned if he does not it he obtain a certificate from the board, but if he obtains it he

Revocation of license for

2. The certificate of any such engineer may be revoked by the said board upon proof of negligence, unskilfulness or drunkenness or in compared of negligence, unskilfulness or drunkenness, or in consequence of the finding of a coro ner's inquest, and man all the finding heard for ner's inquest, and may also be revoked by the board for any other cause, provided any other cause, provided such other cause is deemed sufficient by the Minister of Marine the cause is deemed sufficient by the Minister of Marine the cause is deemed sufficient by the Minister of Marine the cause is deemed sufficient by the Minister of Marine the cause is deemed sufficient by the Minister of Marine the cause is deemed sufficient by the Minister of Marine the cause is deemed sufficient by the Minister of Marine the cause is deemed sufficient by the Minister of Marine the cause is deemed sufficient by the minister of Marine the cause is deema and the cause is deema and the cause is deema and the cause is deema and the cause is deema and the cause is deema and the cause is deema and the cause is deema and the c cient by the Minister of Marine and Fisheries, and is certified as such by him :

engineer, on any freight steam-boat, or any other steam-boat

of any passenger steam-boat of less than thirty nominal horse power on a sea-going steampower, or of any freight steam-boat except a sea-going steam-boat of more power: boat of more than one hundred nominal horse power:

5. A fourth class engineer may act in the capacity of Fourth class.

4. A third class engineer shall be qualified to take charge Third class.

except a sea-going passenger steam-boat of more than one hundred nominal horse power:

⁸⁶cond engineer to a second class engineer or third class

⁸. A second class engineer shall be qualified to take Second class. large of and class engineer shall be qualified to take Second class. charge of any freight steam-boat, or of any other steam-boat, except

2. A first class engineer shall be qualified to take charge of Qualifications by steam hour of first class engineer. ^{any} steam-boat :

4th Class Engineers;

8rd Class Engineers :

2nd Class Engineers ;

1st Class Engineers ;

42. Engineers shall be classified according to the follow- Grades of engineers. ing grades :engineers.

5. No person shall act in the double capacity of engineer Engineer and $m_{RST} = 45 = 45 = -47$ V., master must and master on any steam-boat. 45 V., c. 85, s. 45;-47 V., master must v. 20, s. 1 - 40 40 Y steam-boat. 45 V., c. 85, s. 45;-47 V., not be same person. C. 20, 8. 1 ;-48-49 V., C. 75, 8. 8.

4. No person shall keep watch as engineer on any passen- Engineer on the watch of t Rer steam-boat or on any freight steam-boat over one hundred passenger and fifty tone or on any freight steam-boat over one hundred passenger and fifty tons gross, who does not hold a certificate either boats or from the honor who does not hold a certificate boats or treight h from the board or from the chairman, as provided by this over 150 tons.

³ Any person who claims to be qualified to perform the Form of ap-uties of a formation for a certificate plication for duties of a fourth class engineer may apply for a certificate plication for examine or cause of the board of inspectors, who may fourth class by a such the chairman of the board of inspectors, who may fourth class by a such the chairman of the board of inspectors and the engineer. examine or cause an inspector to examine him and the engineer. proofs he produce an inspector to examine him and any such and certifiproofs he produces in support of his claim, and any such and certifi-an ination many in support of his claim, and any such and certifiexamination may be on oath, which any inspector may cate. administer; and if the chairman is satisfied that the character, habits of life, knowledge and experience in the duties of the Douisi of the position of the applicant, are such as authorize his granting the second granting the applicant a certificate, he may do so; and such "ertificate when the applicant a certificate, he may do so; and such Certificate shall be renewable yearly: and for every such Fees. certificate shall be renewable yearly: and for every and for every and for every and for every and for every and the said sums and for every renewal thereof one dollar; and the said sums shall be used renewal thereof one dollar; and the said sums shall be paid and applied in the manner provided in the first sub-section of this section : and the said certificate subject to shall be subject to be revoked for the same causes and sub- revocation. ject to the subject to be revoked for the same causes and or certification of conditions and consequences, as the license or certificate of an engineer of any other class under subsection two of this section.

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except a sea-going passenger steam-boat of more than one than one than one hundred nominal horse power, but shall not act as engineer on any steam-boat engineer on any steam-boat requiring under this Act engineers holding certification.

Certain existing certificates may be exchanged.

6. Persons who held certificates as first class assistant gineers, or limited cortificates engineers, or limited certificates as first class assisted eight of passenger steam-hosts for the standard eight of passenger steam-boats for the year one thousand eight hundred and eighty-two hundred and eighty-two, may, at any time, exchange a fee for certificates as third class engineers on payment of single of Finance of five dollars, which shall be paid to the Minister of Financian and Receiver General to Financian Consolidated and Receiver General, to form part of the Consolidated Revenue Fund of Canada 45 V., c. 85, s. 46 ; 48-49 V., c. 75. s. 1.

Penalty for contravention.

Proviso: when vessel is deprived of engineer.

48. No person shall employ another as engineer, and ¹⁰ prson shall serve as engineer. bosts must be person shall serve as engineer on any passenger steam fifty licensed. or on any freight steam-bost of the bost o or on any freight steam-boat of over one hundred and filly tons gross, unless the pure one hundred and gineer tons gross, unless the person employed or serving as engineer holds a certificate from the barbar of or serving as in which holds a certificate from the board for the grade in which he is to be employed and he is to be employed, and every person who offends against this section shall incur a particle of the section shall incur a particle of the section shall incur a particle of the section shall incur a particle of the section shall incur a particle of the section shall incur a particle of the section shall incur a particle of the section shall incur a particle of the section shall incur a particle of the section shall incur a particle of the section shall incur a particle of the section section shall incur a particle of the section sectio this section shall incur a penalty of one hundred dollars; vided however, that if a store vided however, that if a steam-boat leaves a port with s their plement of engineers, and on h plement of engineers, and on her voyage is deprived of self. services, or the services of any of them, without the consent fault or collusion of the matter fault or collusion of the master, owner or anyone interested in the steam-boat, the definition in the steam-boat, the deficiency may be temporarily supplied until engineers holding plied until engineers holding such certificates can be ob-tained. 45 V., c. 85. s. 47 STEAM-BOATS

R	ULES	FOR	THE	GUIDANCE	OF INSP	ECTORS	of	RIM	
				EXAMIÑI	NG ENGI	veers.		1.44	engi
t i	44.	No	Derso	EXAMIÑI n shall be	entitled	to a fo	nrth	class clifica	tions.

Qualifications of fourth class engineer.

neer's certificate unless he has the following qualin that is to say :----

- (1) He shall be over twenty-one years of age;
- (2) He shall have served an apprenticeship of not less than thirty-size month apprenticeship of not less than thirty-six months in a steam engine shol, and been employed and been employed on the making and repairing of steam engines of steam engines; or, if he has not served such apprenticeship he about the has not served for apprenticeship, he shall have been employed for not less than thister it. not less than thirty-six months as a journeyman mechanic in some mechanic in some work-shop on the making and repairing of states repairing of steam engines; or he shall engine served at least thirty-six months in the engine room of a steam hart. room of a steam-boat as engineer on the watch or he shall have months in the fire-hold of a steam-bost of not less than thirty nominal of a steam-bost of not less than thirty nominal horse power, as fireman ed the watch; and in any of the above mentioned

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cases twelve months of the time prescribed may have been served in a boiler shop on the making and repairing of steam boilers;

- (3) He shall be able to read and shall write a legible

(4) He shall understand the construction and operation of the feed water-pump, water-gauges and safety-Valves; he shall know when a boiler is foaming, and how to stop the foaming, and also the danger resulting from neglect to keep a boiler clean, and the usual methods of cleaning it :

2. No person shall be entitled to a third class engineer's Qualifications that is of third class engineer. ^{certificate} unless he has the following qualifications, that is engineer. to say :-

(1) He shall be over twenty-one years of age;

(2) (a) He shall have served an apprenticeship of at least three years in a marine steam engine shop, and have been employed on the making and repairing of marine engines, or if he has not served such apprenticeship, he shall have been employed at least three years as a journeyman mechanic in some workshop in the making and repairing of marine engines, and in either case shall have served one calendar year in the engine room of a steam-boat as engineer on the watch; or-

(b) He shall have served four years at least in the engine

room of a steam-boat as engineer on the watch ;

(8) He shall be able to give a description of boilers, the methods of staying them, and the requisite strength of their several parts, and shall know the means of repairing them, the method of lining the engine, setting the eccentrics and adjusting the slides or valves, and the cause of any derangement and the means of remedying it;

(4) He shall write a legible hand, and understand the

first five rules of arithmetic :

8. A second class engineer shall have the qualifications Qualifications a third class engineer shall have the qualifications of second of a third class engineer shall have the qualifications of second in the engineer, and at least two years' experience class engiin the engine room of steam-boats of not less than thirty neer. nominal horse power, as third class engineer on the watch :

4. A first class engineer shall-

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Qualifications of first class

(1) Have the qualifications of a second class engineer, engineer. and at least three years' experience on one or more steam-hoats of not less than one hundred nominal horse power;

- (2) He shall be competent to calculate the thickness of plates required a of plates required for a boiler of given dimensions and construction to and construction to carry a fixed pressure of steam and also the pressure of steam and also the pressure that the boiler may be allowed to carry it allowed to carry, its dimensions and construction and the thickness of and the thickness of the plates being given;
- (3) He shall be able to calculate the strength of its stavs, connection to calculate the strength and the stays, connections, joints and other parts, and the tensile and complete tensile and crushing strength of the materials used in its constant.
- (4) He shall be able to calculate the required capar city of the fact city of the feed pump, the area of the and the valve for a boiler of given dimensions, and the power of the average work. power of the engine from a diagram of its work-ing, and to define the ing, and to define the position of the crank and eccentrics as indi eccentrics as indicated by diagram;
- (5) He shall know the relative volumes of steam and water at difference of steam and water at different temperatures and pressures, the chemical acception the chemical constituents of coal, its heating and mechanical constituents of coal, its heating air mechanical equivalents, and the quantity of sir
- (6) He shall be competent to make a working drawing of any part of of any part of an engine, and explain the opera-tion of the engine tion of the engine or any of its parts in connection with the whole tion with the whole; and-

(7) He shall be conversant with surface condensation and the work is a surface condensation of the surface condensation and the surface condensation of the surface conden tion and the working of steam expansively. V., c. 85, s. 48;-48-49 V., c. 75, s. 2.

Re-drafted.

APPRAL.

Engineer Aggrieved may appeal to board or its chairman.

Any person may appeal to Minister of Marine when Aggrieved by laspector.

45. Any engineer who feels himself aggrieved by any der or act of an increase order or act of an inspector may, within two weeks there after, appeal therefrom to the may, within two weeks there after, appeal therefrom to the board of steam-boat inspection, of to the chairman when the board of steam-boat inspection, or to the chairman when the board is not sitting, who shall submit the case to the board is not sitting, the board submit the case to the board at its next sitting; and the board may confirm, modify or dial may confirm, modify or disallow such order or act; and soy other person who facts him is a such order or act; aror sot other person who feels himself aggrieved by any order or sol of an inspector, may, within two weeks thereafter, appeal therefrom to the Minister of the may therefrom to the Minister of Marine and Fisheries, who may confirm, modify or disall 45 V., c. confirm, modify or disallow such act or order. 85, s. 49.

INSPECTION FEES.

Inspection foos, scale of.

46. The owner or master of every steam-boat in Canada shall pay, yearly and every year, a rate or duty fixed by the Governor in Council and every year, a rate or duty fixed by the Governor in Council, and not exceeding ten cents for every ton gross which such stars by the stars of the sta ton gross which such steam-boat measures; and the owner of

4N. Every chief officer of customs shall demand of the Continuate or ^{ow}her or master of every steam-boat which he has reason be demanded to think has been of every steam-boat which he has reason be demanded to think has not been inspected as required by this Act, from owner of in reasons to think that such vessel. or in respect of which he has reason to think that such vessel. rate or duty is due and unpaid, the production of the receipt and certificate in that behalf, appertaining to such steam-hoat steam-boat; and if a receipt and certificate as aforesaid, Vessel may to his anti-cand if a receipt and certificate as aforesaid, be detained then such chief seised and to his satisfaction, are not produced, then such chief be detained, same are produced and lawfully to pay same are produced, and any penalty incurred and lawfully to pay imposed in respect of such steam-boat, under the provi-sions of this appet of such steam-boat, under the provisions of this Act, has been paid in full; and in default of payment this Act, has been paid in full; and steam-boat for payment, such chief officer shall sell such steam-boat for the Dayment, such chief officer shall sell such steam-boat for the payment, such chief officer shall sell such steam-boat for manner, and shall deal with the proceeds as if the penalty 68

47. No inspector shall make or deliver a certificate respect- inspector's any store int of a to be gran ing any steam-boat under this Act, unless the receipt of a to be granted respect of such tracks for the rate or duty payable in before fees are paid. respect of such steam-boat for the then current year, has been are paid. produced and the steam-boat for the then current year, has been are paid. produced and shown to him, and unless he is satisfied, by ^{careful} and shown to him, and unless he is satisfied, by ^{careful} examination, that all the conditions and require-ments of the interview of the second complied with, in ments of this Act have been fulfilled and complied with, in respect of respect of such steam-boat; and every inspector shall report inspectors to chief the steam-boat; and every inspector shall report inspector to chief the steam-boat is and every inspector shall report in the officer of customer of the steam officer of customer of the steam officer of customer of the steam officer of customer of the steam officer of customer of the steam officer officer officer officer officer officer officer officer officer officer officer officer officer officer officer to some chief officer of customs any case of omission report to chief inspection as a first of outy, or of omission to apply for such toms, omis-to pay such rate or duty, or of omission to apply for such toms, omis-inspection as a first outy, or of omission to apply for such toms, omis-to the store to the duty and the store to the store t inspection as aforesaid, for more than one year from the date sions to pay of the last in an oresaid, for more than one year from the date sions to pay of the last inspection, or of any refusal to submit to inspec-tion at any time comes to tion at any time, which in any way or at any time comes to his knowledge. 45 V., c. 85, s. 51.

3. The amount of such rate or duty and inspection fees Fees to be all, in analy the chief officer paid to chi ^{shall}, in each case, be paid to and received by the chief officer paid to chief of custom. I Custom. I Canada, customs. of ^{customs}, in each case, be paid to and received by the chief of ^{customs}, who shall at some one of the ports in Canada, customs. who shall, at some one of the ports in the control of the ports in the control of the ports in the control of the ports in the control of the ports in the control of the ports in the control of the ports in the control of the ports in the control of the ports in the control of the ports in the control of the ports in the ports i Governor in Council, from time to time, directs, account for and non-council, from time to time, directs, account for and pay over the same to the Minister of Finance and Receiver (1) over the same to the Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund of Canada. 45 V., c. 85, s. 50.

2. Every ton of the gross tonnage of a steam-boat shall, for No deduction Purposes of the gross tonnage of a steam-boat shall, for No deduction when calculated and no allowance for machinery the purposes of this section, be reckoned, and no allowance for machinery or deduction when the section, be reckoned, and no allowance for machinery and duction when the section of the s or deduction shall be made for the space occupied by the sing tons for fees. ^{en}gine room :

master of every passenger steam-boat exceeding one hundred tons gross, shall pay an inspection fee of eight dollars for each inspection. each inspection made imperative by this Act; and the owner master of one hundred tons or master of any passenger steam-boat of one hundred tons and less or of any passenger steam-boat of one hundred tons and less, or of any passenger steam-boat of one numera fee of five data other steam-boat, shall pay an inspection fee of five dollars for each inspection made imperative by

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45 V., C.

was incurred for violation of the customs laws. 35. 8. 52.

PASSENGERS.

49. The inspectors shall, in their certificate, prescribe the under of cabin or stored number of cabin or steerage or other passengers that may be carried by any steerage beat carried by any steam-boat inspected by them, having regard to the dimensions or topping to the subject to to the dimensions or tonnage thereof, or both, subject to appeal to the Minister of the subject whose appeal to the Minister of Marine and Fisheries, whose decision shall be final and fisheries from that decision shall be final; and if such decision differs from that of the inspectors, they shall of the inspectors, they shall amend their certificate accordingly. 45 V. c. 35 + 59

Inspector may visit any steamer and may report to minister that she is unfit for passengers.

Number of

cabin and

prescribed in certificate.

steerage passengers allowed to be

Penalty for running contrary to order of minister.

50. Every inspector may, at any time, visit, within the and nits assigned to him limits assigned to him, any steam-boat, and inspect and examine the same and it. examine the same, and if he considers such steam-boat unsafe or unfit to carry passance of the considers such steam-boat to the or unfit to carry passengers, he shall report thereon to the Minister of Marina and Electronic to the shall report thereon to the Minister of Marine and Fisheries, who may order that such steam-boat shall not be much steam-boat shall not be used or run until permitted by the minister, or by the image of run until permitted by the minister. minister, or by the inspector who has made such report and any steam-bost and any steam-boat run or used in violation of the order of the minister shall be light of the minister shall be liable to forfeiture and seizure by the chief officer of our the seizure of the seizure by the chief officer of customs at any port, and may thereupon be sold in the same way and any port, and may the goods be sold in the same way and under like provisions as goods liable to forfeiture for nonliable to forfeiture for non-payment of customs duties. V., c. 85, s. 54.

51. The master or owner of any steam-boat, in which ^s eater number of parameters any steam-boat, in a by her carrying more greater number of passengers than that allowed by her passengers certificate are at any time. certificate are, at any time, carried, is guilty of an incur a against this Act. and aball by certificate against this Act, and shall, for each such offence, incur a penalty not exceeding for both the such offence, incur a penalty not exceeding for both the such offence. penalty not exceeding five hundred dollars and not less than fifty dollars. 45 V or 95

Punishment of master allowing more passengers to be carried than allowed by certificate.

Barge, scow, &c., used to sust be certified as ft.

59. The master or person in charge for the time being of any steam-boat who, wilfully or negligently at any greater allows to be carried on board such steam-boat, a greater number of passengers that the number of passengers than that permitted by her certificate, is guilty of a mindowney that the permitted by her certificate. is guilty of a misdemeanor, and liable to a fine not ex-ceeding five hundred dollars ceeding five hundred dollars, or to two years' imprisonment. or to both. 45 V or to both. 45 V., c. 85, s. 56.

58. No tug boat shall be employed to tow any barge, or nassen any boat, bateau, scow or undecked vessel having passen gers on board, unloss and by an carry pass any boat, bateau, scow or undecked vessel having by an sengers when gers on board, unless such vessel has been inspected is being towed inspector of ball. inspector of hulls and equipment, and by him certified properly provided in Schedule C, to this Act, to be fit and properly equipped to carry passent of the fit and properly equipped to carry passengers on the waters on which she is so towed; and no such so towed; and no such vessel shall, while so towed, have on board a greater number of on board a greater number of passengers than she is certified as being fit to carry active as being fit to carry safely; and for any violation

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this provision, the master and the owner of the tug boat, and Penalty for the owner and the master and the owner of the tug boat, bateau, contraventhe owner and person in charge of such barge, bost, bateau, contraven-scow or vessel person in charge of such barge, bost, bateau, contraven-tion. ^{scow} or vessel carrying such passengers, shall each incur a penalty not account of such passengers, shall each incur a Penalty not exceeding two hundred dollars and not less than twenty dollars. 45 V., c. 85, s. 57.

MASTS AND SAILS-AND GANG BOARDS.

54. The Minister of Marine and Fisheries may, from time Regulations to time, by regulations approved by the Governor in masts and sub-able time, by regulations approved by the Governor in masts and sub-Council, require that every or any description of steam-boats sails. above sixty tons registered tonnage, carrying passengers on the sea out tons registered tonnage, carrying the waters of the sea coasts of Canada or on all or any of the waters of Canada, shall, at all or any seasons of the year, be provided with a most at all or any seasons of the year, be provided with a mast or masts, and sail or sails, suitable for such steam-hout of masts, and sail or sails, suitable for such mast steam-boats, and may prescribe the dimensions of such mast or master and may prescribe the dimensions of such mast or masts, and may prescribe the dimensions of such masts. Section contrained or sails respectively; but nothing in this Exception. ^{section} contained shall apply to that portion of the St. Law-rence between the shall apply to that portion of the st. Lawrence between Quebec and Kingston, and the river connecting Lakes Erie and Huron, and the waters between Kingston and Huron, and the waters between Kingston and the head of the Bay of Quinte, and the rivers in the Provinces of Nova Scotia and New Brunswick, and the tributances of Nova Scotia and New Brunswick, or the tributary rivers flowing into the River St. Lawrence, or the lakes not exthe lakes west of Quebec, and any rivers or lakes not ex-^{ceeding one mile in width on any point thereof on the route of such store mile in width on any point thereof on the route} of such steam-boats. 45 V., c. 85, s. 58.

33. Every steam-boat or vessel carrying passengers shall Gang boards. be provided with good and sufficient gang boards, protected at the sides idea is with good and sufficient gang boards, protected at passengers from the sides in a suitable manner to prevent passengers from falling out a suitable manner to prevent passengers from falling overboard; and the master of every such steam-boat or vessel shall, on stopping at any wharf or landing place, Cause a gang board to be firmly secured to the vessel for the safe and constant to be firmly secured to the vessel for the safe and convenient transit of passengers, and shall cause Lights to be affined to be to be affixed to such gangway in the night time good and affixed at night. ^{sufficient} lights; and the owner or occupier of every such wharf or lights; and the owner or occupier of every such wharf or landing place shall also, in the night time, cause to Lightson where. be shown conspicuously, on such wharf or landing place, and at avoing the whole of the and at every angle or turn thereof, during the whole of the time that time that any steam-boat or vessel is approaching the same, or stonnic any steam-boat or vessel is approaching the same. or stopping thereat, a good and sufficient light :

2. For the purposes of this section, the night at all Definition of asons of the purposes of this section, the night at all Definition of ^{seasons} of the purposes of this section, the night at an night after suprot is year, shall be deemed to extend from one hour night. after sunset till one hour before sunrise. 45 V., c. 85, ss. 59, 60 and 81

56. Every person commanding or having charge of any Penalty for infringement of Canada and oner or other vessel, navigating the waters of next in the sector of a wharf or land-preceding of Canada, schooner or other vessel, navigating the visiting ing blace, and every owner or occupier of a wharf or land- preceding section. ing place, and every owner or occupier of a whari or minu-681, who offends against any of the provisions of the section.

next preceding section, shall incur a penalty of twenty dollars, recoverable with dollars, recoverable with costs, and in default of payment shall be liable to imprint shall be liable to imprisonment for a term not exceeding twenty days, unlarge much twenty days, unless such penalty and costs are sooner paid; and in addition shall be light and in addition, shall be liable for all damages sustained by any person or persons for all damages sustained from ing from such any person or persons from any accident happening from anon-compli- non-compliance with any accident happening during ance. non-compliance with any of the said provisions, or during the time the said provisions provisions. the time the said provisions are not complied with, recor-erable in any superior countries and provisions are not complied with, such erable in any superior court in the Province in which such accident happens 45 V

GENERAL PROVISIONS. 57. There shall be placed on board every steam-boat carry

ing passengers in some conspicuous place accessible to all the passengers a converticity of the passengers a converticity of the place accessible state

Printed notice to be pasted up stating number of bosts, pumps, buckets, &c., and with instructions as to fitting life preservers, àc.

Name of vessel to be painted on bosts, Ac.

the passengers, a copy of this Act, and in every cabin, state room and in other constitutions of the set of the state of the set of room and in other conspicuous places about the vessel, a printed paper (to be provided to be places about the owner of printed paper (to be provided and filled up by the owner of master of the steam-head) master of the steam-boat) showing the number of boats, with their capacity, and also the steam boats area and their capacity, and also the number of fire buckets, axes and the life preservers and float life preservers and floats on board of such steam-boat, and a inethod of adjusting such 116 inethod of adjusting such life preservers to the body, and ife statement of the planet of the planet. statement of the places where such buckets, axes and life preservers are kept the preservers are kept: the name of the steam-boat shall be painted or stamped on -11 the painted or stamped on all the boats, fire buckets and floats, axes and life preservers. axes and life preservers on board thereof. $45 \text{ V}_{2} \text{ c. } 35, \frac{8}{5}$ 58. If any damage to any person or property is sustained consequence of the new person or property is sustained

Owner or master of vessel liable for non-observance of this AcL

in consequence of the non-observance of any of the provi-sions of this Act importance of any of master sions of this Act, imposing any duty on the owner or master of any steam-boat, the owner of the owner or master. of any steam-boat, the owner shall, in all civil proceedings, and the master or other and the master or other person having charge thereof shall, in all proceedings, whether circle in all proceedings, whether civil or criminal, be subject to the legal consequences of the legal consequences of such default. 45 V., c. 35, 8, 04, part.

Penalty for inspector giving false certificate.

59. Every inspector who wilfully, or through any cul-able neglect of duty makes pable neglect of duty, makes or confirms any false statement in any certificate under the in any certificate under this Act, shall incur a penalty of two hundred dollars. 45 V

Penalty in non-provided cases under this Act.

Inspector may detain the Vessel.

80. Except when otherwise specially provided, the owner master of any stamphone between the provided of the or master of any steam-boat in Canada shall, for any violation in respect of much tion in respect of such steam-boat, on any one voyage of trip thereof, of any of the trip thereof, of any of the provisions of this Act, or of sub Order in Council made Order in Council made under it, incur a penalty not ex-ceeding two hundred doubter it, incur a penalty twenty ceeding two hundred dollars and not less than detain dollars; and any inspector of steam-boats may detain any steam-boat on board any steam-boat on board or in respect of which the with visions of this Act have not been fully complied with or of which the boilers or of which the boilers or machinery or the hull, by reason of any injury or other commendations of the hull, by hecome of any injury or other cause, have, in his opinion, become

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Writing to any henever any such inspector gives notice in Clearance to writing to any henever any such inspector gives notice in Clearance to be withheld in case of non-Writing to any chief officer of customs that any of the pro- in case of non-visions of the pro- in case of nonvisions of this Act have not been fully complied with in compliance respect to any Act have not been fully complied with in compliance respect to any steam-boat, such chief officer of customs shall with provi-boat grant any steam-boat, such chief officer of customs shall with provi-construction of this deciment Act. for such any clearance, coasting license or other document Act. for such steam-boat, until he receives the certificate in writing of that such provisions Writing of such inspector, to the effect that such provisions have been for the inspector, to the effect that such steam-boat. have been fully complied with in respect to such steam-boat.

61. All penalties incurred under this Act may, when Recovery of penalties No other provision is made in the case, be recovered with by summary Costs in a summary manner under the "Act respecting sum-proceedings. mary proceeding manner under the "Act respecting sum-proceedings. ^{mary} proceedings before Justices of the Peace," in the name of Her Majesty, by any inspector or any person aggrieved by any any inspector or any person aggrieved hy any act, neglect or omission, on the evidence of one "redible with the sector of th ^{(redible} witness who may be the prosecuting inspector himself but witness who may be the prosecuting inspector himself, before any judge of a county court, judge of the sessions of the prosecuting magistrate, or ^{sessions} of the peace, stipendiary or police magistrate, or ^{two} justimetic peace, stipendiary or police magistrate, or $t_{W_0}^{w_0}$ justices of the peace; stipendiary or police magnistrate, or payment of the peace; and in default of immediate in default of indefault of the peace and in default of indefault of payment. Payment of such penalty, such judge, magistrate or justices payment. may commit the offender to gaol for any term not exceed-ing three much offender to gaol for any term not exceeding three months, unless such penalty is sooner paid; and Application of moiety a call. one moiety of all penalties recovered under this Act shall be penalties. Daid to the Minister of Finance and Receiver General, and shall be, by him, placed to the credit of the Consolidated Revennant him, placed to the credit of the consolidated Revenue Fund of Canada, and the other moiety shall belong to the information of Canada, and the other moiety shall belong to the informer unless he is the prosecuting inspector,—in which cannot the informer unless he is the prosecuting inspector,—in Which case the whole shall be paid to the said minister for the said fund. 45 V., c. 85, s. 66.

62. The Governor in Council may order an investigation Investigation be made to the causes of accidents to be made by any person or persons appointed for accidents of life on any structure of any accident involving loss involving loss of life. of life on any steam-boat; and the person or persons so ap-pointed many steam-boat; and the person or persons so appointed may steam-boat; and the person or person before him summon witnesses and compel their attendance before him or them by the same process as courts of justice, and many or them by the same process as courts of justice, and may administer oaths and examine witnesses touching the carrier oaths and examine witnesses touching the carrier of the c the cause of such accident, and report thereon to the Governor General. 45 V., c. 85, s. 67.

68. The chairman of the board of steam-boat inspection Yearly report to the light the Minister Minister of shall, at the end of each calendar year, furnish the Minister Minister of Marine and of each calendar year, furnish the Minister Minister of Marine. of Marine and Fisheries with a report of the proceedings Marine. of the board, and a return of all steam-boats inspected, and of all participant of this Act. of all penalties collected under the provisions of this Act. 45 V., c. 85, s. 68, part.

64. Each inspector shall make monthly returns to the Monthly rechairman of the said board of all steam-boats inspected by inspectors. him, their tonnage and power, with general descriptions of

their machinery and hulls, and a statement of the fees col-lected upon the same of the statement of the fees lected upon the same. 45 V., c. 85, s. 68, part.

65. In the case of every steam-ship which, under the ovisions of the Act and the steam of Her provisions of the Act passed in the fortieth year of for Majesty's reign charter and for Tonnage of re-Majesty's reign, chapter nineteen, has been re-measured for tonnage according to the measured steam-ships. tonnage according to the rules prescribed by "The Mer-chant Shipping Act 1994" chant Shipping Act, 1884," the tonnage of such steam be previously to such reach be previously to such re-measurement shall be deemed to her tonnage for the measurement shall be deemed to 19, s. 1. 40 V., c. 19, s. 1. her tonnage for the purposes of this Act. part.

SCHEDULE A.

Certificate for a steam-boat to carry passengers, or a freight steam-boat of steam-boat of or over 150 tons gross.

Having examined the hull and equipment of the steamat (name) of is (or are) boat (name) of is master, on this owners, and of A.D. 18 ;

The particulars of her gross and registered tonnage, as shown on her certificate of registry, being as follows: Tons.

Tonnage under tonnage deck	
HOUSER ON Deck (somiser them)	
Total gross tonnage	
Deduct for engine room	
Registered tonnage	

I (inspector's name), inspector of hulls and equipment, hereby certify that has been of hulls and equipment, do hereby certify that her hull is in all respects that the seaworthy and in good and it is in all respects that the seaworthy and in good condition for navigation, that the equipment of the versal the equipment of the vessel throughout is in conformity with the requirements of "The Stronghout is in conformity" and that the requirements of "The Steam-boat Inspection Act," and in the said steam-boat has the said steam-boat has on board, properly placed and in good order for immediate good order for immediate service :---

life boats having (together) a carrying (Number) boats having a carrying capacity for life preservers; persons ; capacity for persons; chemical fire extin fire buckets ; wooden floats ; guishers, and one life buoy having a proper heaving traction. attached: And I declare it to be my deliberate conviction, founded on the inspection. founded on the inspection I have made, that the said steam boat, as regards her built and have made, that the said steam ployed boat, as regards her hull and equipment, may be employed on the waters hereined on the waters hereinafter specified, without peril to life

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from any imperfections of or in materials, workmanship, or arrangement of the transformage or use. ^{arrangement} of the several parts, or from age or use.

And I (inspector's name), inspector of boilers and achinery dispector's name), inspector of boilers and machinery, do hereby certify that the engine, boiler and machinery of a hereby certify that the engine, boiler and suitable machinery, do hereby certify that the engine, machinery of the said steam-boat are sufficient and suitable authorized in the carriage to authorize her being lawfully employed in the carriage of passengroup (ar being lawfully employed in the carriage bassengroup) (ar being lawfully employed in the carriage bassengroup) (bassengroup) f passengers her being lawfully employed in the as the a_{ase} man b_{as} (or as a freight boat, or as a ferry boat, as the route on which $r_{ase} m_{ay} b_{e}$, without hazard to life on the route on which h_{e} is to b. Without hazard to life on the route on which she is to be placed as hereinafter mentioned; that the nominal horse engine of the said steam-boat is of power, and that her boiler can carry with safety

pounds of steam pressure per square inch, and no more:--And we further certify that the said steam-boat is permitted to run on the waters between (here insert the places between which the steam-boat is to be employed in running, and the season which the steam-boat is to be employed in running, and the season or period of time during which she may be so em-ployed, and c period of time during which she may be so emplayed, and for which the certificate is granted) and that she is adaptud and for which the certificate is granted) and that she

is adapted and for which the certificate is grantea) and and no more than the carry (here insert the number) passengers and no more (as the case may be). Date (of time and place).

A. B., Inspector of hulls and equipment.

C. D., Inspector of boilers and machinery.

SCHEDULE B.

Certificate for a freight boat under 150 tons gross, or a lug bout, fishing boat, or pleasure yacht, steam dredge,

or elevator, or like vessel.

llaving examined the boiler and machinery of the whereof steam-boat (name, or as the case may be) of is owner (or are owners) and is master, on this day of A.D. 18 ;

The particulars of her gross and registered tonnage, as

Tonnage under tonnage deck..... Houses on deck (naming them)..... Total gross tonnage. Deduct for engine room..... Registered tonnage.....

(If not registered omit this statement of tonnage). I (inspector's name), inspector of boilers and machinery, do

hereby certify that her engine, boiler and machinery are

Tons.

sufficient for a freight boat under 150 tons (or as the case may be) and may be so used with be) and may be so used without hazard to life; that the engine of the said (steam-base) is a f nominal horsepower and that the boiler of the said (steam-boat) can carry with safety pounds (here insert number of Pounds) m provides per square inch of steam pressure, and no more :- and that she is provided with one life she is provided with one life buoy, having a proper heaving line attached and so when the buoy, having a proper heaving line attached and so placed as to be ready for immediate use when required

Date (time and place).

C. D., Inspector of boilers and machinery.

SCHEDULE C.

Certificate for a barge, boat, bateau or scow, to carry passengers

I, (inspector's name) inspector of hulls and equipment, wing examined the base of hulls and equipment. having examined the barge, boat, bateau or scow, (as the case may be), of which , do hereby certify that the said vessel is fit, safe and properly equipped in all respects to carry in all respects to carry passengers in tow of a tug bot on the waters (here decoded) on the waters (here describe the locality on which she is to be employed) and that abain employed) and that she is provided with one life buoy having a proper heaving line attack a proper heaving line attached, and so placed as to be ready for immediate use

Date (time and place).

A. B., Inspector of hulls and equipment.

	and equipme			
Proposed to be Consolidated.	Part Consolidated,	Left for Repeal.	claewhere.	To be Consolidated with.
43 V., c. 29	a . 10	Remainder	Remainder of Aot.	Navigation of C a n a d i an waters.
	Whole, except se. 27 (part), and 69.	as. 27 (part), and 60.		
47 V., c. 20	The whole.			

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CHAPTER 75.

An Act respecting the Navigation of Canadian Waters. HER Majesty, by and with the advice and consent of the Senatory by and with the advice and consent of the

Senate and House of Commons of Canada, enacts as W_{8} :____ follows :-

INTERPRETATION.

1. In this Act, unless the context otherwise requires :-

(a) The expression "vessel" includes every description of "vessel." vessel used in navigation ;

(b) The expression "ship" includes every description of "ship." ressel not propelled by oars;

(c) The expression "steam-ship" or "steam-boat" includes "Steam-boat" "ry vessel and the steam-ship" or "steam-boat" includes "steam-boat" "Very Vessel propelled wholly or in part by steam or by any ship." machinery or power other than sails or oars;

(d) The expression "ordinary practice of seamen," as "Practice of plied to put the ordinary practice of seamen." applied to any case, means and includes the ordinary practice of seamen." the of skilful and careful persons engaged in navigating the waters of comparison of the state o Waters of Canada in like cases ;

(e) The expression "Owner" includes the lessee or char- "Owner." terer of any vessel having the control of the navigation there-43 V of. 43 V., c. 29, s. 8.

REGULATIONS FOR PREVENTING COLLISIONS.

2. The following rules with respect to lights, fog signals, Extent of lakes and sailing and rafts, shall apply to all the rivers, the following with and rafts, shall apply to all the rivers. lakes and sailing and rafts, shall apply to all the inverse within Canada, or rules. Within the intern navigable waters within Canada, or rules. within the jurisdiction of the Parliament thereof: that is to

Preliminary.

Art. 1. In the following rules every steam-ship which is Steam-ships ider sail and a following rules every steam-ship which is Steam-ships under sail and not under steam is to be considered a sailing under steam. ship; and not under steam is to be consumer. whether and every steam-ship which is under steam, whether

Rules concerning Lights.

Art. 2. The lights mentioned in the following Articles, What lights in the following Articles, what lights and no others, shall be earlied. numbered 8, 4, 5, 6, 7, 8, 9, 10 and 11, and no others, shall be carried in all 4, 5, 6, 7, 8, 9, 10 and 11, and no others. shall be carried. carried in all weathers, from sunset to sunrise.

By steamships under WAY.

At foremast head

On starboard side.

On portside.

How to be

fitted.

(d) The said green and red side lights shall be fitted with inboard and red side lights shall be fitted with inboard screens projecting at least three feet forward from the literature forward for the literature forward from the literature forward from the literature for the literature forward from the

rafts, shall, in addition to her side lights, carry two hot less

white lights in a vertical line, one over the other, not less than three feet apart

than three feet apart, so as to distinguish her from other steam-ships; each of the steam-ships : each of these lights shall be of the same the same struction and character, and shall be carried in the same position as the white light shall be carried in the same position as the white light which other steam-ships are required to carry.

By steamships towing.

Lights and shapes, by steam or a ing shipe ba not under com. mand.

Art. 5. A ship, whether a steam-ship or a sailing ship, when employed either in laying or in picking up a telegraph cable, or which from any state of the picking up a telegraph cable, or which from any accident is not under command, shall at night carry, in the shall at night carry, in the same position as the white light

Art. 8. A steam-ship when under way shall carry-

- (a) On or in front of the foremast, at a height above the hull of not be the hull of not less than twenty feet, and if the breadth of the shire breadth of the ship exceeds twenty feet, and it at a height above the ball height above the hull not less than such breadth, a bright white line a bright white light, so constructed as to show are of an uniform and unbroken light over an arc of the horizon of twent the horizon of twenty points of the compass, so fixed as to throw the fixed as to throw the light ten points of the compassion of twenty points of the compassion of the ship to two side of the ship time is to two the light ten points of the ship time is to two the ship time is th side of the ship, viz., from right shead to such points abaft the beam on either side; and of such a character as to be an on either side; and of such a character as to be visible on a dark night, with a clear atmosphere a clear atmosphere, at a distance of at least five miles:
- (b) On the starboard side, a green light so constructed as to show an united side, a green light so constructed as to show an uniform and unbroken light over an arc of the barrier an arc of the horizon of ten points of the right pass; so fixed art pass; so fixed as to throw the light from right shead to two points. ahead to two points abaft the beam on the star to be board side; and of such a character as to visible on a dealer in the beam on the beam of t visible on a dark night, with a clear atmosphere, at a distance of the state of the at a distance of at least two miles;
- (c) On the port side, a red light, so constructed as to show an uniform and light, so constructed as are show an uniform and unbroken light over an arc of the horizon of the of the horizon of ten points of the compass, to fixed as to throw the points of the compass, to fixed as to throw the light from right ahead to two points about the light from right and two points abaft the beam on the port side; and of such a characteristic dark of such a character as to be visible on a night, with a character as to be visible of the second night, with a clear atmosphere, at a distance of at least two miles.
- forward from the light, so as to prevent these lights from being lights from being seen across the bow. Art. 4. A steam-ship, when towing another ship, a raft or fts, shall, in addition to be towing another ship, a bright

Art. 9. A pilot vessel, when engaged on her station on By pilot lotage double duty. pilotage duty, shall not carry the lights required for other duty. vessels, but shall not carry the lights required and all around the shall carry a white light at the masthead, visible around the shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never erceed fifteen minutes :

Uniform and unbroken light visible all around the horizon, and at a distance of at least one mile.

Art. 8. A ship, whether a steam-ship or a sailing-ship, By ships at hen at another, but another. but when at anchor, shall carry, where it can best be seen, but at a height of the hull, a at a height not exceeding twenty feet above the hull, a white light not exceeding twenty feet above then eight white light not exceeding twenty feet above the anity inches in din a globular lantern of not less than eight in a globular lantern of as to show a clear, inches in diameter, and so constructed as to show a clear,

To make the use of these portable lights more certain and Lanterns to be painted by the lantament of these portable lights more certain and be painted outside. easy, the lanterns containing them shall each be painted outside. outside with the color of the light they respectively contain, and shall be provided with proper screens.

Art. 7. Whenever, as in the case of small vessels during By small vessels in bad weather the case of small vessels during weather. had weather, the green and red side lights cannot be fixed, weather, the green and red side lights cannot be fixed. these lights shall be kept on deck, on their respective sides $f_{\rm he}$ vessed to be kept on deck. The spreach of or of the vessel, ready for use; and shall, on the approach of or their respective sides in to other vessel, ready for use; and shall, on the approximation of the sufficient times, be exhibited on their respective sides in such manner as to sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall hot be seen on the port side nor the red light on the star-

Art. 6. A sailing ship under way, or being towed, shall By sailing-try the same time ship under way, or being a for a steam- motion. tarry the same lights as are provided by Article 8 for a steam- motion. the same lights as are provided by Article 5 for a successful she shall needs, with the exception of the white light, which

when making way shall carry them.

(b) The above ships, when not making any way through When to carry the model when to carry the side lights. the water, shall not carry the side lights, but side lights.

(a) These shapes and lights are to be taken by approach. What to increate them is ing ships as signals that the ship using them is not under command, and cannot therefore get out of the way;

which steam-ships are required to carry, and, if a steam-ship, in place of that limb required to carry, and if a steam-ship, in place of that limb required to carry, and if a steam-ship, in place of that light, three red lights in globular lanterns, each not less than ten inches in diameter, in a vertical line ^{one} over the other, not less than three feet spart : and shall ^{hy} day carry : by day carry in a vertical line one over the other, not less than three feet apart : and the set in three feet apart : and the set in three feet apart : and the set in three feet apart is the set in three feet apart is a set in the than three feet apart, in front of but not lower than her dent three feet apart, in front of but not lower than her bremast head, three black balls or shapes, each two feet in ^{diamet}er ;

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When not

on duty.

Open fishing and other boats.

When at anchor.

Fishing vessels when drift net fishing.

Trawlers at work.

Flare-up lights.

The said lights substituted for those under convention with France.

Lanterns for lighte.

Ship overtaken by another.

(a) A pilot vessel, when not engaged on her station of pilotage duty at the station of the stati pilotage duty, shall carry lights similar to those of other ships

Art. 10. (a) Open fishing boats and other open boats when under more boats and other open carry when under way shall not be obliged to carry the side lights the side lights required for other vessels; but every such boat shall every such boat shall, in lieu thereof, have ready at hand a lantern with at hand a lantern with a green glass on the out side and a red glass on the out side and a red glass on the other side; and on the approach of or the other side; laniern the approach of or to other vessels, such lantern shall be exhibited in other vessels, such nrevent shall be exhibited in sufficient time to prevent collision, so that the collision, so that the green light shall not be star on the port side on the port side, nor the red light on the star board side:

(6) A fishing vessel, and an open boat, when at an^{chor}, shall exhibit a boat in the boat. shall exhibit a bright white light;

(c) A fishing vessel, when employed in drift net fish ing, shall means two red ing, shall carry on one of her masts two red lights in a vertical line lights in a vertical line one over the other, not less than three fort

- (d) A trawler at work shall carry on one of her masts two lights in a work shall carry on one of her other, two lights in a vertical line one over the other, not less than three f not less than three feet apart, the upper light red, and the lower group the state of the state and the lower green, and shall also either or, if the side lights required for other vessels, or, st the side lights required for other vessels, or, st the side lights required for other vessels, or, st the side lights cannot be carried, have ready hand the colored light hand the colored lights as provided in Article 7, or a lantern with 7, or a lantern with a red and a green glass as described in parameters and a green glass described in paragraph (a) of this Article;
- (e) Fishing vessels and open boats shall not be pre-vented from unit open boats shall not be prevented from using a flare-up light in addition, if they desire so to do.
- (f) The lights mentioned in this Article are substituted for those mentioned in this Article are substituted for those mentioned in this Article are substituted Articles of the Control of th Articles of the Convention between France and England scheduled England scheduled to the "British Sea Fisherics Act, 1868 ":
- (g) All lights required by this Article, except side lights, shall be in which article, except conlights, shall be in globular lanterns, so structed as to show all round the horizon.

Art. 11. A ship which is being overtaken by another shall ow from her stern to much it overtaken by another white show from her stern to such last-mentioned ship s while light or a flare-up light

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Sound Signals for Fog. &c.

Art. 12. A steam-ship shall be provided with a steam Steam-ships histle or other and shall be provided with a steam Steam-ships $w_{histle}^{art. 12}$ A steam-ship shall be provided with a steam steam steam t_{he}^{the} sound the efficient steam sound signal, so placed that tain sound and signal. the sound may not be intercepted by any obstruction, and signals. also with an efficient bell. A sailing ship shall be provided with a similar fog horn and bell:

In fog, mist, or falling snow, whether by day or night, In fogs, &c. the signals described in this Article shall be used as follows; that is to say :-

(a) A steam-ship under way shall make with her steam Blasts at whistle or other steam sound signal, at intervals by of not more than two minutes, a prolonged

(b) A sailing-ship under way shall make with her fog Signals by horn, at intervals of not more than two minutes, fog horn by when the sailing-ships. when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam, three blasts in succession;

(c) A steam-ship and a sailing-ship, when not under By ringing Way shall, at intervals of not more than two bell. minutes, ring the bell.

Speed of Ships to be moderate in Fog, &c.

Art. 18. Every ship, whether a sailing-ship or steam- speed re-ip, shall inverte moderate for the ship, shall, in a fog, mist, or falling snow, go at a moderate fog, ac.

Steering and Sailing Rules.

Art. 14. When two sailing-ships are approaching one Sailing-ships of them shall meeting. another, so as to involve risk of collision, one of them shall meeting. keep out of the way of the other, as follows, that is to say :--

(a) A ship which is running free shall keep out of the way of a ship which is close-hauled;

- (b) A ship which is close-hauled on the port tack shall keep out of the way of a ship which is closehauled on the starboard tack,

(r) When both are running free with the wind on different sides, the ship which has the wind on the port side shall keep out of the way of the other;

- (d) When both are running free with the wind on the same side the start shall same side, the ship which is to windward shall keep out of the keep out of the way of the ship which is to windward is to leeward :
- (e) A ship which has the wind aft shall keep out of the way of the other. Art. 15. If two ships under steam are meeting end on or shall arly end on. so as to include the shall are meeting end shall

nearly end on, so as to involve risk of collision, each shall alter her course to starburget

Steam-ships meeting.

alter her course to starboard, so that each may pass on the port side of the other. Limitation of this article.

Cases to which it applice.

Cases to which it does not apply.

Steam-ships crossing.

Steam-ships and sailing ships,

her own starboard side shall keep out of the way of the other. Art. 17. If two ships, one of which is a sailing ship sud the other a steam-ship, are proceeding in such directions of to involve risk of collision the steam out of to involve risk of collision, the steam-ship shall keep out of the way of the sailing white

Steamships nearing a Vessel.

Art. 18. Every steam-ship, when approaching another ip, so as to involve risk of the steam of the speed ship, so as to involve risk of collision, shall slacken her speed or stop and reverse, if necessary

(a) This Article only applies to cases where ships are meeting and a such a meeting end on, or nearly end on, in such a manner as to involve manner as to involve risk of collision, and does not apply to two of the risk of collision apply to two of the risk of collisions and the risk of the not apply to two ships which must, if both keep on their respective. on their respective courses, pass clear of each other; (b) The only cases to which it does apply are, when each of the turn of turn of the turn of the turn of the turn of the turn of the turn of the turn of the turn of the turn of the turn of turn o each of the two ships is end on, or nearly which, to the other in additional other which, to the other; in other words, to cases in which, by day, each shirt by day, each ship sees the masts of the other and a line, or nearly in a line, or nearly in a line, with her own; and by night, to came in a line, with her in such by night, to cases in which each ship is in such a position as to such the of the a position as to see both the side lights of the other:

(c) It does not apply by day, to cases in which a ship sees another above day, to cases in which a ship sees another ahead crossing her own course, or by night, to cases where the red light of one ship is opposed to the red light of ther, or ship is opposed to the red light of the other, or where the group light where the green light of one ship is opposed light the green light of the other, or where a red light without a green light without a green light, or a green light without a red light, is seen light, or a green light with green a red light, is seen ahead, or where both green and red lights are ahead, or where both green and red lights are seen anywhere but ahead. Art. 16. If two ships under steam are crossing, so as to volve risk of collision the steam are crossing, ther on

involve risk of collision, the ship which has the other of the

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Art. 19. In taking any course authorized or required by How steam-ese regulation indicate ships may may indicate ships may these regulations, a steam-ship under way may indicate signal by for the bas in sight by the steam. that course to any other ship which she has in sight by the steam. following signal following signals on her steam whistle, that is to say :-One short blast to mean "I am directing my course to ^{Two short blasts to mean "I am directing my course to port".} Three short blasts to mean "I am going full speed astern :" The use of these signals is optional; but if they are used, Signalling to the course of these signals is optional ; but if they are user, made, of the ship must be in accordance with the signal Art. 20. Notwithstanding anything contained in any pre-taking article withstanding anything contained in any pre-taking an-^{ceding} Art. 20. Notwithstanding anything contained in any pre- ^{samp over-ship, overtaking anything contained in any pre- taking an-over overtaking anything contained in any pre- taking an-over overtaking any ship, whether a sailing-ship or a steam- other.} ship, overtaking any other, shall keep out of the way of the Art. 21. In narrow channels every steam-ship shall, when Steam-ships is safe and provide the fairway or channels. it is safe and practicable, keep to that side of the fairway or channels. Midchannel multiplicable, keep to that side of such ship. Midchannel which lies on the starboard side of such ship. Art. 22. When by the above rules one of two ships is to Ship keeping out of the way. keep out of the way, the other shall keep her course. Art. 28. In obeying and construing these rules, due regard Regard to be ^{8hall} be had to all dangers of navigation, and to any special dangers of ^{circumstances} rules. Circumstances which may render a departure from the above navigation. rules necessary in order to avoid immediate danger. No ship, under any circumstances, to neglect proper precau-Art. 24. Nothing in these rules shall exonerate any ship, Rules not to or the owner or master or crew thereof, from the conse-number of any second any second any second any second any quences of any neglect to carry lights or signals, or of any heglect to have neglect to carry lights or signals, or of any heglect to keep a proper look-out, or of the neglect of any precaution heglect to keep a proper look-out, or of the neglect of seamen, or precaution required by the ordinary practice of scamen, or by the special circumstances of the case. Reservation of Rules for Harbors and Inland Navigation.

Art. 25. Nothing in these rules shall interfere with the Rules by retation of the in these rules shall be local authority, local aut ^{operation} of a special rule, duly made by local authority, lice. relative to the navigation of any harbor, river or inland

Special Lights for Squadrons and Convoys.

Art. 26. Nothing in these rules shall interfere with the Squadrons or Peration with the squadrons or the Government of convoys. operation of any special rules made by the Government of convoys.

any nation with respect to additional station and signal lights for two or more shine of lights for two or more ships of war or for ships sailing under convoy.

Rafts and Harbor of Sorel.

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Art. 27. Rafts, while drifting or at anchor on any of the aters of Canada, shall be waters of Canada, shall have a bright fire kept bufning on them from sunset to summer a bright fire kept of is going Rules for them from sunset to sunrise. Whenever any raft is going in the same direction of the sunrise. rafts. in the same direction as another which is ahead, the one shall be so naviorated another which is ahead, vards of the same direction as another which is ahead, vards of the same direction as another which is ahead, vards of the same direction as another which is ahead, the same direction as another which is ahead, the same direction and the sa shall be so navigated as not to come within twenty yards of the other, and every variable the other, and every vessel meeting or overtaking a raft shall keep out of the way there is a range of the maxigaled keep out of the way thereof. Rafts shall be so navigaled and anchored as not to convert and anchored as not to cause any unnecessary impediment or obstruction to varial Not to obstruct vessels. or obstruction to vessels navigating the same waters. Art. 28. Unless it is otherwise directed by the Harbor mmissioners of Montreal Commissioners of Montreal, ships and vessels entering and leaving the harbor of South States and vessels entering and Harbor of leaving the harbor of Sorel shall take the port side, any thing in the precedimentation of shall take the port side, notwith Sorel. thing in the preceding articles to the contrary notwith standing.

Art. 29. The rules of navigation contained in Articles 27 d 28, shall be appiant to determined in Articles 27 and 28, shall be subject to the provisions contained in Articles 28 and 24. 48 V As to articles Articles 28 and 24. 48 V., c. 29, s. 2;-44 V., c. 21, s.

LOCAL BY-LAWS, PENALTIES, &C.

8. No rule or by-law of the Harbor Commissioners of Har on the Trinity Harr Montreal or the Trinity House of Quebec, or Quebec inconbor Commissioners, or other local rule or by-law but so sistent with this Act, shall be of any force or effect; rule of far as it is not inconsistent. far as it is not inconsistent with this Act, any such rule of Mon by-law made by the said to by-law made by the said Harbor Commissioners of Comtreal or Trinity House of Quebec, or Quebec Harbor shall be of missioners, or other computer to the shall be of full for the shall be of the s missioners, or other competent local authority, shall be of full force and effect within the local authority, it applies. full force and effect within the locality to which it applies. 48 V., c. 29, s. 4.

Penalty for wilful disobedience of this Act.

4. All owners, masters and persons in charge of any ship assel, or raft, shall obser the vessel, or raft, shall obey the rules prescribed by this any and shall not carry and arbitit and shall not carry and exhibit any other lights or use and rules other fog signals than any her lights and rules other fog signals than such as are required by the said rules is and in case of wilful definition of the said rules is person it and in case of wilful default, such master or person in fault, charge, or such owner, if it appears that he was in faults is shall, for each occasion shall, for each occasion on which any of the said rule⁶ is violated, incur a penalty not not any of the said rule⁶. violated, incur a penalty not exceeding two hundred. dollars and not less than twenty dollars and not less than twenty dollars and not less than twenty dollars and not less than twenty dollars and not less than twenty dollars and not less than twenty dollars and not less than twenty dollars and not less than twenty dollars and not less than twenty dollars and not less than twenty dollars and not less than twenty dollars and not less than twenty dollars and not less than twenty dollars and how how have that have the set of lars and not less than twenty dollars.

5. If in any case of collision it appears to the court be observance of fore which the case is tried, that such collision was raise. sioned by the non-observance, that such collision was prescribed sioned by the non-observance of any of the rules prescribed

Provision as to local bylaws and rules.

27 and 28.

- Chap. 75.

8. Unless herein otherwise provided, all penalties incurred Recovery of nder this Act rein otherwise provided, all penalties incurred Recovery of penalties. under this Act may be recovered in the name of Her Majesty, by any instruction be recovered in the name of Her Majesty. by any inspector of steam-boats, or by any person aggrieved by any inspector of steam-boats, or by any person agging is incurred in englect or wilful omission by which the penalty is incurred, before any two justices of the peace, on the If not paid. evidence of one credible witness; and in default of payment of such penalty, such justices may commit the offender to gaol for any two such justices may commit the offender to saol for any term not exceeding three months; and, except as hereinafter provided, all penalties recovered under this Application. Act shall be paid over to the Minister of Finance and Receiver (1) paid over to the Minister of Finance and Receiver General, and shall be by him placed at the credit of and shall form part of the Steam-boat Inspection Fund: Provided all form part of the Steam-boat Inspection Fund: provided always, that all penalties incurred for any offence Exception. against this Act shall, if such offence is committed within the jurisdiction of the Quebec Harbor Commissioners, or of the Harbor of the Quebec Harbor Commissioners, or of the Harbor Commissioners of Montreal, be sued for, recov-ered, enformation of the Quebec Harbor Commissioners as penalties imered, enforced and applied in like manner as penalties imposed for the violation of the by-laws of the said Harbor Commissioners within whose jurisdiction the offence is committed. 48 V., c. 29, s. 9.

7. In any cause or proceeding for damages arising out of Case where collision between or proceeding for damages arising out of Case where a collision between two vessels, or a vessel and a raft, if both vessels or both vessels or a vessel and a raft, if are in fault. both vessels or both the vessel and the raft are found to have been in fault, the rules heretofore in force in the Court of Har Majesty's High Admiralty in England, and now in Her Majesty's High Imp. Act. 36, Aurt of Juntimedian and now in Her Majesty's High STV., c. 66. Court of Justice, under the "Supreme Court of Judicature Act, 1873" with the rules in Act, 1878," so far as they are at variance with the rules in force in the force in the courts of common law, shall prevail, and the damages whall unts of common law, shall prevail, and the damages shall be borne equally by the two vessels, or the vessel and the provent of the state of Vessel and the raft, one half by each. 48 V., c. 29, s. 8.

6. If any damage to person or property arises from Liability for prescribed by the any vessel or raft of any of the rules occasioned by the by the second by any vessel or raft of any of the rules occasioned by the second by th prescribed by this Act, such damage shall be deemed to by non-have been over this Act, such damage shall be deemed to by non-of rules. have been occasioned by the wilful default of the person in observance harge of such and by the wilful default of the person in of rules. charge of such raft, or of the deck of such vessel at the time, unless the contract, or of the deck of such vessel at the time, unless the contrary is proved, or it is shown to the satis-faction of the transformed of the case renfaction of the court that the circumstances of the case rendered a departure from the said rules necessary; and the owher of the vessel or raft, in all civil proceedings, and the master or purceased or raft, in all civil proceedings, and the master of the vessel or raft, in all civil proceedings, and appears that the theory of the vessel or raft, in all civil proceedings, and it is appears that the theory of the owner, if it is appears that the theory of the owner, if it is a second s appears that he was in fault,—in all proceedings, civil or riminal shall was in fault,—in all proceedings, civil or criminal, shall be subject to the legal consequences of such default. As w default. 43 V., c. 29, s. 7.

by this Act, the vessel or raft by which such rules have been violated shall be deemed to be in fault; unless it can be shown to all he shown to the satisfaction of the court that the circum-Mances of the satisfaction of the court that the said rules Mances of the satisfaction of the court that the court hat the case rendered a departure from the said rules hecessary. 43 V., c. 29, s. 6.

Chap. 75.

Foreign ships in Canadian WALPER.

9. Whenever foreign ships are within Canadian waters. erules for preventing collision are within Canadian Act, and the rules for preventing collisions prescribed by this Act, and all provisions of this Act and the rules for preventing collisions prescribed by the otherwise all provisions of this Act relating to such rules, or otherwise relating to collisions, shall and the such rules, or otherwise relating to collisions, shall apply to such foreign ships; con in any case arising in a spectrum ary case ary case arising in a spectrum ary case ary ca in any case arising in any court of justice in Canada con-cerning matters happening with a function of the store foreign ships of the store foreign store in the store foreign store in the store foreign store in the store in t cerning matters happening within Canadian waters, foreign ships shall, so far as recorded within Canadian waters, for be ships shall, so far as regards such rules and provisions. treated as if they were bridged treated as if they were British or Canadian ships. 29. 8. 11.

DUTY OF MASTERS; LIABILITY OF OWNERS OF SHIPS.

10. In every case of collision between two ships, the $\frac{per}{far}$ as he in charge of each object the second s son in charge of each ship, shall, if and so far as crew, can do so without days and crew, can do so without danger to his own ship massengers, render to the other ship, her master, crew and passenger, such assistance as in the master, crew and passenger, such assistance as is practicable, and as is necessary in order to save them for the save them for the save them for the save them for the save them for the save them for the save them for the save them for the save them for the save them for the save them for the save them for the save them for the save them for the save them for the save the in order to save them from any danger caused by such col-lision; and shall also mind the danger caused ther person lision; and shall also give to the master or other person in charge of the other ship in charge of the other ship the name of his own ship and of her port of register of the name of his own which she and of her port of registry, or of the port or place to which she belongs, and also the many of the port or place to which from belongs, and also the names of the ports and places from which and to which the ports and fails 50 to which and to which she is bound; and if he fails so the do, and no reasonable count is and if he shown, the do, and no reasonable excuse for such failure is shown, be collision shall, in the shown of such failure is shown, be collision shall, in the absence of proof to the contrary, or deemed to have been caused by the proof to the contrary or deemed to have been caused by his wrongful act, neglect or default. 48 V., c. 29 = 19

11. Every master or person in charge of a British der madian ship, who fails with the charge of a british der Canadian ship, who fails, without reasonable cause, to render such assistance, or to give another reasonable cause, foresaid, is such assistance, or to give such information as aforesaid, is guilty of a misdemeanor. guilty of a misdemeanor; and if he is a certificated officer under Canadian authority under Canadian authority, an inquiry into his conduct may be held, and his certificate be held, and his certificate may be cancelled or suspended. 48 V., c. 29, s. 12, part.

Liability of without their say :--fault

12. The owners of any ship, whether British, Canadian foreign, shall not, when whether British, following or foreign, shall not, whenever all or any of the following events occur without their status of the that is to events occur without their actual fault or privity, that is to say :---

(a) When any loss of life or personal injury is caused ¹⁰ by person being carried in such that the second any person being carried in such ship;

(b) When any damage or loss is caused to any goods, erchandise or other things with merchandise or other things whatsoever on board any such ship;

(c) When any loss of life or personal injury is, by reason the improper navigation of the improper navigation of such ship as aforesaid, caused to any person in any other white

Penalty for default.

Duties of

masters of

in case of collision.

vessels

Further penalty in case of British or Canadian ships.

owners limited in case of collision

14. If Her Majesty, acting on the joint recommendation Provision in the Admirate Majesty, acting on the joint recommendation case of alter of the Admiralty and the Board of Trade, by Order in Council tion of Im-annuls or intervent- perial regulations for prevent- perial regulations. aunuls or modifies any of the regulations for prevent- perial regulaing collisions on navigable waters, which, by Order of Her Majesty in Council of the fourteenth day of August 107 the fourteenth day of August, 1879, were substituted for those theretofore in force for like marks new for like purposes in the United Kingdom, or makes new regulations in addition thereto or in substitution therefor, the Government in addition thereto or in substitution therefor, the Governor in Council may, from time to time, make ^{Corresponding} changes, as respects Canadian waters, in the

case of altera-

18. Insurances effected against any or all of the events As to insur-numerated in cesses in such and occurring cases. enumerated in the section next preceding, and occurring cases. without such actual fault or privity as therein mentioned, shall not be actual fault or privity as therein mentioned, shall not be invalid by reason of the nature of the risk. 48 $V_{\gamma} \approx 20$

the deputy of the Minister of Marine shall, on receiving from tain cases. or by direction of the court hearing the case, such evidence concerning the dimensions of the ship as it is found prac-ticable to find dimensions of the ship as it is hand, stating ticable to furnish, give a certificate under his hand, stating what would be to such what would, in his opinion, have been the tonnage of such the shall in his opinion, have been the tonnage of such the shall in his opinion. ship if she had been duly measured according to Canadian aw, and the been duly measured according to Canadian law, and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship. 48 V., c. 29, s. 18.

^{3.} In the case of any foreign ship which has not been and Tonnage, anot be case of any foreign ship which has not been and Tonnage, cannot be measured according to British or Canadian law, lated in cer-the deputy of the receiving from tain cases.

2. In the case of any British or Canadian ship, such ton- How calcuhage shall be the registered or gross tonnage, according to lated. the British or Canadian law, and in the case of a foreign which or Canadian law, and in the case of a foreign ship which has been or can be measured according to British or Canadian law, and in the case of a British or Canadian law, the tonnage as ascertained by such measure-ment shall flow, the tonnage as ascertained by such measurement shall, for the purposes of this section, be deemed to be the tonnage of such ship:

be answerable in damages in respect of loss of life or personal Extreme injury, either all damages in respect of loss of life or personal Extreme injury, either alone or together with loss of damage to ships, recoverable. boats, goods, merchandise or other things, nor in respect of damage or damage or damage or other things, loss or damage to ships, goods, merchandise or other things, whether the ships, goods, merchandise or other things, whether there is in addition loss of life or personal injury or not, to an or not, to an aggregate amount exceeding thirty-eight dol- Tonnage. lars and ninety-two cents for each ton of the ship's tonnage, such townage in the case of such tonnage to be the registered tonnage in the case of sailing-shime the gross tonnage ^{sailing-ships}; and in the case of steam-ships the gross tonnage without duals Without deduction on account of engine room :

(d) When any loss or damage is, by reason of the improper navigation of such ship as aforesaid, caused to any other ship or boat. or to such ship as aforesaid, caused to any other ship or boat, or to any goods, merchandise or other things what-

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regulations contained in the second section of this Act of any that may be substitute second section of this act sur any that may be substituted for them, or may pend them or any of them. pend them or any of them, and make others in their stead, or may revive all or any of the or may revive all or any of them, and make others in their steam the Parliament of Canada provide regulations in the Act of Her Parliament of Canada passed in the thirty-first year of Her Majesty's reign and intituted in Majesty's reign, and intituled "An Act respecting the maring the tion of Canadian Waters" tion of Canadian Waters," as he deems best for insuring conneil correspondence of the regulations of Her Majesty in 2. with those of the Governor in Council with those of the Governor in Council. 44 V., C. 20, 8. 2.

Norm-The Article corresponding to Article 10 was suspended in the United King m by Order of Her Majesty in Council until the was suspended in the United And it recommended in the Majesty in Council until the was suspended in the 1884 and ther Nors-The Article corresponding to Article 10 was suspended in the 184 and the total of the the total and total and total a suspension under this section, rather than suspend Article 10 by a provision of the statute. _____

	Proposed to be onsolidated.	Part Consolidated.	1	To be Consolidated elsewhere.	i
43 44 44	V., c. 29 V., c. 20 V., c. 21	Whole except s. 1 and s. 10, s. 2.	ø. 1 ø. 1.	 10 	Inspection Steam-boats Act.

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CHAPTER 76.

An Act respecting Pilotage. HER Majesty, by and with the advice and consent of the Standa, enacts the Senate and House of Commons of Canada, enacts $ll_{0w_{R}}$. as follows :-

^{°, 5}4, 8, 1.

I. This Act may be cited as "The Pilotage Art." 36 V., Short title.

2. In this Act, unless the context otherwise requires :---Interpreta-(a) The expression "the Minister" means the Minister of "Minister." Marine and Fisheries; ^(b) The expression "ship" includes every description of "Ships." ^{vessel} used in navigation, not propelled by oars;

(c) The expression "ships belonging to Her Majesty" in- "Ships be-ades ships the ships the longing to Her Majesty." Consolidated Revenue Fund of Canada, and ships described by the one hundred and eighth section of "The British North dmerica Act Theory" and eighth section of "The British North America Act, 1867," as the property of Canada;

(d) The expression "master" includes every person having "Master." command or charge of any ship ;

(e) The expression "pilot" means any person not belong- "Pilot." ing to a ship who has the conduct thereof;

(f) The expression "boat" means every description of "Boat." ^{Vessel used} in navigation not being a ship;

(R) The expression "pilot boat" means any ship or boat "Pilot boat." "mployed in the pilotage service of any district;

(h) The expression "license" includes a branch ; "License." (i) The expression "licensed pilot" includes a branch "Licensed pilot; Pilot;

rates of pilotage, or to exercise any jurisdiction in respect

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"Pilot fund."	lished by a pilotage authority, or by pilotage authors, or of the relief of superannuated or infirm licensed pilots, or of their wives, widows or children, or of any two or more
" Pilotage	(1) The expression "pilotage dues" means the remuner ation payable in respect of pilotage;
dues."	ation payable in respect of pilotage;
Quebec Harbor Com- missioners.	(m) Expressions referring to the pilotage authorities dis- pilotage districts generally, as applied to the pilotage district of Quebec, mean and include only the Quebec Harbor Commissioners;
Nontreal Harbor Oom- missioners.	(n) Expressions referring to the pilotage authorities of the pilots districts for which pilots are licensed, as applied to pilots for and above the harbor of Quebec, mean and include only the Montreal Harbor Commissioners. 36 V., c. 54, s. 2 only the Montreal Harbor Commissioners. 36 V., c. 55, s. 2, part. and s. 18, part :- 38 V., c. 28, s. 4 :- 38 V., c. 55, s. 2, part.
	APPLICATION OF ACT.

8. Nothing in this Act shall apply to ships belonging er Majesty or to him. Majest Her Majesty, or to ships wholly employed in Her Majesty's service while so employed the molecular have been Act not to apservice while so employed, the masters of which have the appointed by Her Major the masters of which have in appointed by Her Majesty's Government, either in

PHOTAGE AUTHORITY.

4. The Quebec Harbor Commissioners shall be the pilot e authority of the pilot age authority of the pilotage district of Quebec, comprising the River St. Lawrence the River St. Lawrence from the basin of Portneuf, inclu-sively, to an imaginary line in the basin of Portneuf, inclusively, to an imaginary line drawn from the eastern anchorage ground off Barnaby Island ground off Barnaby Island to the eastern anchorage ground under Cape Columbia on the eastern anchorage with under Cape Columbia on the north shore, together within those parts of all rivers those parts of all rivers, waters, creeks, bays and coves within the said limits where the tide, creeks, bays and coves w. c. 54, the said limits where the tide ebbs and flows. s. 5 ;---88 V., c. 55, s. 2, part.

5. The Montreal Harbor Commissioners shall be the lotage authority of the million commissioners. pilotage authority of the pilotage district of Montreal, com-prising the River St. I prising the River St. Lawrence, from the basin of Portneuf exclusively, to the Province II exclusively, to the Province line, formerly dividing dividing Provinces of Upper and Lower Canada and now dividing the Provinces of Onterio the Provinces of Ontario and Quebec, and the several rivers falling into the St. Lawrence Quebec, and the several rivers falling into the St. Lawrence within the said limits; also, so far as relates to milder also, so far as relates to pilots and their apprentices, pilots of pilot dues and nilot pilot dues and pilot boats for and above the harbor of Quebec, of that part alon Quebec, of that part also of the pilotage district of Quebec, comprising the River St. T comprising the River St. Lawrence, between St. and that Hole and the basin of Portneuf, both inclusive, and that

Pilotage dis-trict of Quebec.

ply to H. M. ships, &c.

Pilotage dis-trict of Montreal.

2. The name of every person so elected by the city Certificate to uncil to fill ______ of every person so elected by the city Certificate to minister. ^{council} to fill a vacancy shall be, forthwith after his election, ^{minister.} certified to fill a vacancy shall be, forthwith aner me Halifax, and the manner minister under the seal of the city of Halifax, and the name of every person so elected by the executive committee to give person so elected by the executive so that the forthwith after his committee to fill a vacancy, shall be forthwith after his ١ election certified to the minister under the hand and seal of the city distribution the minister under the hand and seal of the city clerk : Provided always, that if the city council proviso : or the events: Provided always, that if the city council neglect to or the executive committee, as the case may be, refuses, elect and for such five committee, as the case may be, refuses, elect and or for such fourteen days neglects to elect a person to fill certify.

(b) If the person whose death or resignation has caused if elected by executive or was committee. the vacancy was elected by the executive committee, or was committee. appointed by the Governor in Council by reason of the refusal or heglect of the executive committee to elect, or by reason of the reference of the executive committee to elect, or by reason of the refusal of any person elected by the executive com-mittee to accut the person elected by the executive committee to accept office, the executive committee shall, within fourteen date of the executive committee shall, within fourteen days after the receipt of due notice of such vacancy, elect a person to fill such vacancy :

ed by the Governor in Council by reason of the refusal council. or neglect of the city council to elect, or by reason of the refusal of any council to elect, or by reason of the refusal of any person elected by the city council to accept office, the air person elected by the city council to accept office, the city council shall, within fourteen days after the city council shall receipt of due notice of such vacancy, elect a person to fill

the vacancy was all whose death or resignation has caused if of commisthe vacancy was elected by the city council, or was appoint- sioner elected by the Government of the refusal council.

7. Every vacancy happening, from time to time, among the Mode of filling alifax Pilot Company happening, from time to time, among the Mode of filling Halifax Pilot Commissioners appointed by the Governor in Council nucleon times in the second Council under this Act (not being commissioners so appoint-ed by reasoner this Act (not being commissioners to elect or refusal to ed by reason of any refusal or neglect to elect or refusal to accept office when elected as herein mentioned), shall be filled by the Governor in Council, by an instrument under the Great Nenloc Gr Great Seal of Canada; and every other vacancy shall be filled ^{up} as follows :--

Council, two persons appointed by the trovenue of Halifar 1, persons elected by the city council for the city and two persons of Halifax, hereinafter called "City Council," and two persons elected by the Chamber of Comelected by the executive committee of the Chamber of Com-merce of the executive committee of the Chamber of Commerce of the executive committee of the Champer of Committee " ity of Halifax, hereinafter called the "Executive Committee," shall be the pilotage authority of the pilotage district of Halifax, the limits of which shall be fixed by an "rder in Council the limits of which shall be fixed by an Order in Council, as hereinafter provided. 86 V., c. 54, ss.

part of all rivers, waters, creeks, bays and coves, within the said last mentioned limits where the tide ebbs and flows. 36 V., C. 54, s. 6. **6.** The Halifax Pilot Commissioners as already constituted, Pilotage dis-^{Insisting} of the Pilot Commissioners as already constituted, Pilotage dis-trict of Hali-

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^{consisting} of three persons appointed by the Governor in fax.

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any such vacancy and to certify the name of such person as aforesaid, the Governor in the aforesaid, the Governor in Council may, within thirty days after the expiration of such a after the expiration of such fourteen days, by an instrument under the Great Seal of Canad under the Great Seal of Canada, appoint a person to fill such vacancy : Provided also at the seal of canada, appoint a person to fill a vacancy : Provided also, that if any person elected to Gov vacancy as aforesaid refused to gov vacancy as aforesaid, refuses to accept the office, the Gov-ernor in Council may build be accept the office, the Great ernor in Council may, by an instrument under the Great Seal of Canada, appoint in the Seal of Canada, appoint, in the place of the person so refusing. some other person to fill some other person to fill such vacancy. $36 V_{-} c. 54, 8.9$.

Proviso ; refusal to accept appointment.

Commissioners incorporated.

8. Such commissioners, and the survivor or survivors of em, and their successful and them, and their successors, so from time to time elected and appointed as aforesaid formation appointed as aforesaid (any three of whom shall be a sufficient quorum for the transmitter of whom shall be a sufficient quorum for the transmitter of whom shall be a sufficient quorum for the transmitter of whom shall be a sufficient quorum for the transmitter of the transmitte cient quorum for the transaction of business and the exercise of all the powers confirmed in the business and the snd ar of all the powers conferred by this Act), shall be and are hereby declared to be a be a beta by this Act). hereby declared to be a body corporate and politic in deed and in name, by the normal corporate and politic Commisand in name, by the name of "The Halifax Pilot Commis-sioners." 36 V a 54 a 10

Pilotage dis-trict of St. John.

9. The St. John Pilot Commissioners as already consti-ted, consisting of the tuted, consisting of three persons appointed by the alder ernor in Council, two persons appointed mayor, alder ernor in Council, two persons elected by the mayor, alder men and commonality of the second by the mayor, per men and commonalty of the city of St. John, and two per sons elected by the connect of St. John, and of Trade. sons elected by the council of the St. John, and two Prade. shall be the pilotage anthonistic for St. John Board of St. shall be the pilotage authority of the pilotage district of St. John, the limits of which the pilotage district of st. John, the limits of which shall be fixed by Order in Council, as hereinafter provided as a second by Order in court. as hereinafter provided. 86 V., c. 54, ss. 12 and 18, part. Restricted Re-drafted.

Mode of filling vacancies.

10. Every vacancy happening, from time to time, among e St. John Pilot Commission of the time to the Gover the St. John Pilot Commissioners appointed by the Governor in Council under this Art nor in Council under this Act, not being commissioners appointed by reason of an alect or reappointed by reason of any refusal or neglect to elect of shall fusal to accept office when elected fusal to accept office when elected as herein mentioned, shall be filled up by the Government be filled up by the Governor in Council, by an instrument under the Great Seal of Great Council, by an instrument under the Great Seal of Canada; and every other vacancy shall be filled up as follows:

If of commissioner elected by city council, &c.

(a) If the person whose death or resignation has caused e vacancy, was elected by the resignation has caused the vacancy, was elected by the mayor, aldermen by commonalty of the city of the resignation has caused by the mayor, aldermen by commonalty of the city of St. John, or was appointed by the Governor in Conneit have a specified by the second sec the Governor in Council by reason of the refusal or neglect of the mayor, alderman of the mayor, aldermen and commonalty of the city of St. John to elect. or hy St. John to elect, or by reason of the refusal of any person elected by the mayor aldown of the refusal of any person of the elected by the mayor, aldermen and commonalty of any perturbed of St. John to accept office, the mayor, aldermen and commonalty of the city of St. John to accept office, the mayor, aldermen fourteen commonalty of the city of St. John shall, within fourteen days after the receipt of days days after the receipt of due notice of such vacancy, elect a person to fill such vacancy.

(b) If the person whose death or resignation has caused to vacancy was elected by the standard she St. John the vacancy was elected by the council of the St. John If of commissioner electad by St. John

12. If any pilotage commissioner for the pilotage district Pilotage com-Halifar Difference of St. John is at of Halifax or of Halifany pilotage commissioner for the pilotage district missioner any time about the pilotage district of St. John, is at of Halifax or by time about the pilotage district of St. John, is at of Halifax or the province in St. John abany time absent for twelve months from the Province in St. John ab-which the sill for twelve months from the province in St. John set twelve which the pilotage district for which he was appointed months with or elected is situate, without having resigned his office, out leave, to and without it without having resigned his office, out leave, to and without leave from the authority by which he was office. appointed or elected, his office shall, ipso facto, be vacant; and upon writer of the shall, ipso facto, be vacant; and upon written notice of the fact given by any member of said with notice of the fact given by which any the said pilotage authority to the authority by which any such vacantic pilotage authority to the authority by which any balled under the prosuch vacancy is to be filled, it shall be filled under the pro-Visions of this Act as if it had been occasioned by the death or resignation of such absentee. 45 V., c. 82, s. 2.

11. Such commissioners and the survivor or survivors of Commis-em and the survivor or survivors of commissioners is a survivor of survivors of commissioners is a survivor of survivor of survivors of commissioners is a survivor of survivor of survivors of commissioners is a survivor of survivor of survivors of commissioners is a survivor of survivor of survivors of commissioners is a survivor of survivor of survivors of commissioners is a survivor of survivor of survivors of commissioners is a survivor of survivor of survivors of su them and their successors so, from time to time, elected and porated. appointed as aforesaid (any three of whom shall be a sufficient quorum for the transaction of business and the exercise of all the powers conferred by this Act), shall be and are by the name of "The St. John Pilot Commissioners." 86 V.,

2. The name of every person so elected by the mayor, Certificate to dermen and compared person so elected by the mayor, minister. aldermen and of every person so elected by the and a vacaney when it is all commonalty of the city of St. John to fill the city of St. John to fill the city of the city of the city of the city of the dection, certified to a vacancy, shall be forthwith, after his election, certified to the minister under the seal of the city of St. John, and the name of the seal of the city of St. John, and the minister under the seal of the city of St. John, set St. John Board of Trade to fill a vacancy, shall be forth-with, after bit of Trade to fill a vacancy the minister under the With, after his election, certified to the minister under the seal of the St. John Board of Trade: Provided always, Proviso: St. John mayor, aldermen and commonality of the city of fault to cer-St. John, or the council of the St. John Board of Trade, dry. as the case may be, refuse, or for such fourteen days the case may be, refuse, or for such fourteen days on the such vacancy, and to heglect to elect a person to fill any such vacancy, and to ^{certify} the name of such person as aforesaid, the Governor in Council may, within thirty days after the expiration of such barteen days, by an instrument under the Great Seal of Canada, appoint a person to fill such vacancy: Provided Proviso: also, that if any person to fill such vacancy: Provided Proviso: refuses to accept to accept in Conneil may, ^{refuses} to accept the office, the Governor in Council may, by an instruction of the office, the Governor in Council may, by an instrument the office, the Governor in Counca-in the place of the office, the Great Seal of Canada, appoint, in the place of the person so refusing, some other person to all such vacancy. 36 V., c. 54, s. 14.

Board of Trade, or had been appointed by the Governor in Board of the council of Trade. (Council by reason of the refusal or neglect of the council of Trade, by reason of the refusal or neglect of the council of the refusal or neglect of the council of the refusal or neglect of the council of the refusal or neglect of the council of the refusal or neglect of the council of the refusal or neglect of the council of the refusal or neglect of the council of the refusal or neglect of the council of the refusal or neglect of the council of the the St. John Board of Trade to elect, or by reason of the trade to elect, or by reason of the St. John Board of Trade to elect, or by reason of the St. John Board of Trade to elect, or by reason of the St. John Board of Trade to accept office, the council of the St. John Board of Trade to accept office, the council of the trade to accept office, the council of the trade shall, within fourteen days after the shall, within fourteen days after the aloct a person to fill ^{neceipt} of due notice of such vacancy, elect a person to fill

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Powers of the Governor in Council, as respects pilotage diatricts and authorities.

And as to compulsory payment of dues.

Secretary-

18. The Governor in Council may fix the limits of pilot either age districts, in any places not included within either of the pilotage districts and of the pilotage districts of Quebec or Montreal, not may constitute pilotage and may constitute pilotage authorities, each consisting of not less than three or more than a less than three or more than five persons in any places not included within either of the included within either of the pilotage districts of Quebeck Montreal, Halifar or State Montreal, Halifax, or St. John (a majority of whom respectively shall be a sufficient tively shall be a sufficient quorum for the transaction of business and the exercise of the transaction of transaction of the transaction of the transaction of transaction of transaction of the transaction of transac business and the exercise of all the powers conferred by this Act), and the Governor in Call the powers conferred time, Act), and the exercise of all the powers conferred by make the payment of milder of may, from time to commake the payment of pilotage dues compulsory or not com-pulsory, within any limits of the compulsory of 17.

14. The pilotage authority of any district other than the lotage authority of Ourpilotage authority of any district other than the pilotage authority of Quebec may, with the sanction of Governor in Council and the sanction of the sanction appointed and Governor in Council, appoint a secretary and treasurer, and paid. pay him such an arrest and a secretary and treasurer dues pay him such salary or remuneration, out of pilotage may or fees for licenses required by the relation of the salary of the sala or fees for licenses received by it, as it sees fit, and other with such sanction and with such sanction and out of such funds, pay any other necessary expenses of conduct such funds, pay any other necessary expenses of conducting the pilotage business of the district. 88 V. c. 28 a. 2

GENERAL POWERS OF PILOTAGE AUTHORITIES.

Powers of pilotage authorities.

15. Subject to the provisions of this Act, or of any Act r the time being in former of this Act, or of any every for the time being in force in its pilotage district, by pilotage authority shall have power, from time to do all or by-law confirmed by the C by-law confirmed by the Governor in Council, to do all or any of the following this any of the following things within its district, that is to say :--

- (a) To determine the qualification in respect of age, time of service dutil time of service, skill, character and otherwise, required of personal service, skill, character and service, skill, character and service, service, skill, character and service, servi required of persons applying to be licensed as pilots;
- (b) To make regulations respecting the approval, license ing, management ing, management and maintenance of pilot boats, and respecting the and respecting the distribution of the earnings that of pilots and pilot boats, and to require that decked pilot hosts boats, and to require hosts to decked pilot boats be provided with life boats to be used in convenience of the ships, be used in conveying pilots to and from ships, and also with such and from vers as and also with such numbers of life preservers as such pilotage authority deems advisable;
- (c) To provide for aiding in the establishment of and participating in the matter for the participating in the profits of companies for the
- (d) To license pilots and (except in the pilotage district of Quebec) appropriation of Quebec) apprentices, and (except in the pilotage districts of Onebec) districts of Quebec, Montreal, Halifax and states John) to grant certificates to masters and mates to act as pilots, as hereinafter mentioned;

To determine qualifications

of pilots.

To make regulations respecting pilot boats.

To aid companies for the support of pilot boats.

To grant liconses and certificates.

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(e) To fix the terms and conditions of granting licenses Tomaks regu-to pilot terms and conditions of granting licenses Tomaks reguto pilots and conditions of granting includes as to Quebech and (except in the pilotage district of lations as to licenses and Quebec) apprentices, and (except in the pilotage certificates, district, apprentices, and (except in the pilotage certificates, and St. districts of Quebec, Montreal, Halifax and St. John) the terms and conditions of granting such pilota the terms and conditions of granting such pilotage certificates, as are in this Act mentioned, to masters and mates, as are in this act much like and mates, and the fees payable for such licenses and certificates, and to regulate the number of pilots ;

(f) To make regulations for the government of the pilots Tomake regu-licenses regulations for the government of the pilots Tomake regulicensed, and the masters and mates, if any, holding government certificates from such pilotage authority, and for of pilots. attendance to and effectual performance of their duty on board and on shore ; and for the government of apprentices, and (elsewhere than in the pilotage district of Quebec) for regulating the number of apprentices ;

(g) To make rules for punishing any breach of such To make rules regulation of the breaches of regulations by the withdrawal or suspension of the breaches of licenso license or certificate of the person guilty of such regulations. breach, or by the infliction of penalties, --but no single penalty shall exceed the sum of forty dollars. with, in case of a continuing breach, a further penalty not exceeding four dollars, for every twentyfour hours during which such breach continues, and much during which such breach continues, and such penalty shall be capable of reduction in the dimension penalty shall be capable of reduction in the discretion of the court by which the same is inflicted;

(h) To fix and alter the mode of remunerating the pilots To fix and line and alter pilot licensed by such authority, and the amount and dues. description of such remuneration, and the person or authority to whom the same shall be paid :

Provided always, that the rates of pilotage for and Provise : as to below the harbor of Quebec, set forth in Tables and below one and two of Schedule A to the Act of the Legis- Harbor of lat. lature of the late Province of Canada, passed in the Quebec. twelfth year of Her Majesty's reign chapter one hundred and fourteen, intituled "An Act to consoli-date the dation of the date the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes,' shall not be altered, unless the share of the net income of the corporation of pilots for and below the harbor of Quebec annually accruing to each member of the said corporation acting and practising as a pilot for and below the harbor of Quebec, has been less than six hundred dollars on an average of the three consecutive years next preceding

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the passing of the by-law hereinafter referred to in which case it shall be the which case it shall be the duty of the Quebec Harbor Commissioners to be the duty of the Quebec in Count Commissioners to submit to the Governor in Coun-cil for approval. cil for approval, a by-law establishing such in creased rates of such in the stablishing such as are creased rates of pilotage or pilotage dues, as are deemed necessary for the deemed necessary for the duest of deemed necessary for the purpose of securing to each such pilot an average of securing to find less each such pilot an average annual share of not less than six hundred doll than six hundred dollars of such net income, and so on for and during so on for and during each successive period of three years thereafter years thereafter :

See Order in Council, 1882, p. cv. 1883, p. xciv.

To provide for the compulnory retirement of aged pilots.

To provide for the compulsory retirement of infirm orintemperate pilota.

To provide for the decision of disputes about pilotage.

To establish and regulate pilot funds, except in Que-bec and Montreal districts.

(i) To provide for the compulsory retirement of licensed pilots having attained in the compulsory retirement of licensed pilots having attained the age of sixty-five years, subject to the provision subject to the provisions contained in section thirty-two of this Act.

- (j) To provide for the compulsory retirement of licensed pilots proved on contract pilots proved on contract pilots proved on contract pilots proved on contract pilots provide pilots proved on contract pilots provide pilots pilots provide pilots provide pilots provide pilots provide pilots provide pilots provide pilots provide pilots provide pilots pilots provide pilots pilots provide pilots pilot pilots proved on oath before the pilotage authority to be incapacitated by to be incapacitated by mental or bodily infirmity of by habits of drunkant by habits of drunkenness before attaining the age of sixty-five years : ,
- (k) To provide for the adjustment and decision of gues-tions and discustor of ships, tions and disputes arising between masters of ships, pilots and others pilots and others, respecting pilotage ;
- (/) To establish (elsewhere than in the pilotage districts of Quebec and Month than in the pilotage districts of Quebec and Montreal), either alone or in con-junction with any statement of the statement of junction with any other pilotage authority or authorities. funde for the pilotage authority of authorities, funds for the relief of superannuated or infirm licensed milet infirm licensed pilots, or of their wives, widows or children, and in and in and in and in and in a state of their wives, widows and the state of their wives, widows and the state of their wives, widows and the state of the st children, and in any pilotage district to make any new regulations with respect to any funds for the time being applicable to the any funds of any of time being applicable to those purposes or any mail them,—with power to determine the amount, man-ner, time and moves to determine the amount, in the ner, time and persons (such persons to be in the service of such pilot service of such pilotage authority) to, and in which, and by and more such pilotage authority) to, and in sulf and by and upon whom the contributions in sup port of such aviations the contributions he made port of such existing or future funds may be made or levied : but or levied; but so that no such contribution to any such fined to that no such contribution to any such fund shall be so made or levied by or upon any pilot to or upon any pilot to any amount exceeding deter per cent. of his earnings; and further, to from mine what persons, or class of persons, among the men in the service of such Pilotage authority, their authority, their wives, widows or children, are and are not respectively entitled to participate in the benefits of such aviation benefits of such existing or future funds, and the terms and conditions upon which, if entitled, they are so entitled ;

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(m) To repeal or alter any by-law made in exercise of To repeal or the the total or alter previous by-law touch-alter previous the powers of this section, or any by-law touch- alter previous in a section of this section, or any by-law touch- alter previous by-laws. ing any of the matters enumerated in this section in force in and for its district, and to make a

new by-law or new by-laws in lieu thereof :

² Nothing in this Act shall be construed to give power the Only in this Act shall be construed to give power to the Quebec Harbor Commissioners to make regulations to specific at the property of the prop respecting the management or maintenance of pilot boats, or respective management or maintenance of the or respecting the management or maintenance or pro-earnings of the administration or distribution of the 24 V c. 54, s. 18, part, earnings of pilots and pilot boats. 86 V., c. 54, s. 18, part,

16. The pilotage authority of the pilotage district of Power to Ontreal more a suthority of the pilotage district of Power to by hy-law confirmed age Auth Montreal, may, from time to time, by by-law confirmed are Authori-make provided with the provided of the pilotage district of Power with the pilotage authori-make pro- ty to grant as provided in the next preceding section, make pro- y to grant such indentured apprentices as are found competent and make a perform a limit, apprentices as are found competent and make a to perform a limited or subordinate class of pilotage duties, pilotage dues. and, from time to time, may fix and alter the pilotage dues payable to the to time, may fix and alter the pilotage dues payable to the holders of such second class licenses; but the employment the holders of such second class licenses shall employment of a pilot holding a second class license shall not be common of a pilot holding a second class license shall remain not be compulsory. Such second class licenses shall remain in force multiplication of a pilot holding a second class licenses shall remain in force until the holders of them become qualified to be licensed as pilots, unless sooner withdrawn or suspended for cause. 42 V., c. 25, s. 2.

17. Every pilotage authority may, in any by-law made Penalues According to the provisions of either of the two sections yext under by-laws preceding, impose a reasonable penalty, not exceeding in covery and any case forty dollar reasonable penalty, not exceeding in covery and any case forty dollars, for the breach of such by-law, with, application. in case forty dollars, for the breach of such by service ing for a continuing breach, a further penalty not exceeding four dollars for every twenty-four hours during which such branch such breach continues; but in no such by-law shall a minimum penalty be imposed. 86 V., c. 54, s. 18, part.

The last part of this section is omitted, inasmuch as it is in conflict with s. 89 of the Art.

18. Every by-law made by any pilotage authority in the Confirmation exercise of the powers conferred upon it by this Act shall, when confirmed powers conferred upon it by this Act shall, when confirmed by the Governor in Council, be published in the Girmed by the Governor in Council, be published in the Canada Gazette, and when so confirmed and pub-lished shall a Gazette, and when so confirmed and published, shall be valid and effectual; and every breach thereof shall he derived and effectual; and every breach thereof shall be valid and effectual; and every present shall be deemed an offence against this Act. 86 V., c. 54,

19. A copy of every by-law made by the Quebec Harbor Special pro-omministic pro-Commissioners under this Act, shall be furnished to the vision for corporation of pilots for and below the harbor of Quebec below Quebec twenty dame by pilots for and below the harbor of Quebec below Quebec twenty days before such by-law is submitted to the Gover-nor in Gays before such by-law is submitted. 86 V., Nor in Council, for the purpose of being confirmed. 86 V.,

20. Every pilotage authority shall, until replaced by the overnor in Conneil is and if not Governor in Council, if subject to be so replaced, and if not subject to be so replaced, and powers diction. Governor in Council, if subject to be so replaced, and in the set of the so replaced, and in the set of the so replaced, continually, retain all powers and jurisdiction. and jurisdiction which it lawfully possesses so far as the same are consistent with the same are consistent with the provisions of this Act. V., c. 54, g. 29 V., c. 54, s. 22.

21. Every by-law, rule, regulation, law or ordinance ade by any pilotage anthropic regulation, law or prencement unued in force made by any pilotage authority before the commencement with subject to this of this Act shall, so far an at subject to this of this Act shall, so far as the same is not inconsistent for any provision of this Act. any provision of this Act, continue to be of the same and effect as if this Act had and effect as if this Act, continue to be of the same repealed or altered by a by-law of the or altered by a by-law of the proper pilotage authority duly made and confirmed proper the proper pilotage authority duty

RETURNS BY PHATAGE AUTHORITIES.

Pilotage authorities to make annual returns.

Names and ages of pilots,

te.

22. Every pilotage authority shall, on or before the tenth y of January in every more than the minister, the day of January in every year, transmit to the minister Act such form as the minister such form as the minister requires, returns, in this with called pilotage returns of the data and the minister requires. called pilotage returns, of the following particulars the the regard to pilotage within it. regard to pilotage within its district, made up to thirty-first day of Durantic district, made up to thirty-first day of December previous, that is to say

(a) The name and age of every pilot, apprentice, master or mate licensed or mate licensed, certificated or authorized to apprentice, apprentice, mastering apprentice, mastering apprentice, apprentice by such authority, and of every pilot or appren-tice acting either modified to an apprentice acting either mediately or immediately under such authority whether such authority, whether so licensed or authorized, or not;

- (b) The service for which each pilot, apprentice, master or mate is licensed
- (c) The rates of pilotage dues for the time being in force, including the sector of the time being the time being the sector of the time being the sector of the time being the time being the sector of the time being the sector of the time being the time being the time being the time being the time being the time being the time being the time being the time being the time being the time bein force, including therein the amounts and description of all charactering therein the amounts and description of all charactering the second se tion of all charges upon shipping made
- (d) The total amount received for pilotage dues, disting the smooth for pilotage dues, dist tinguishing the amounts received from amount ships and from from the amounts ships and from foreign ships, and the amount received in respect of the ships received in respect of different classes of ships paying different paying different rates of pilotage dues for the time being in form time being in force, and the amounts received by for the several classes of service rendered by pilots;

Services of pilots, &c.

Pilotage dues.

Amount of pilotage dues received.

- Receipts and expenditure of all money received.
- (c) The receipt and expenditure of all money received by or on behalf of by or on behalf of such authority, in respect

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(f) Such other particulars as the minister, from Other particu-time time there particulars as the minister, from Other particutime to time, requires to be included in any such lars. return. 36 V., c. 54, s. 24.

APPRENTICES-QUEBEC.

23. Persons desirous of becoming pilots for and below the indentures of of Onut desirous of becoming pilots for and below the indentures of apprenticeharbor of Quebec, shall continue to pass their indentures of spirentice-the entropy of the shall continue to pass their indentures of spirentice-the entropy of the shall continue to pass their indentures of spirentice-the entropy of the shall continue to pass their indentures of spirentice-the entropy of the shall continue to pass the shall be a spirentice of the shall continue to pass the shall be a spirentice of the shall be a spirentice of the shall be a spirentice of the shall be a spirentice of the shall be a spirentice of the spirentice apprenticeship with the corporation of pilots for and below age district of the harbor of Out the corporation of pilots for and below age district of the harbor of Out the corporation of pilots as Quebec. the harbor of Quebec, and not with the individual pilots as Quebec. ^{required} by the said Act passed in the twelfth year of Her ^{Aajesty's minute} and for Majesty's reign, chapter one hundred and fourteen; and for that purpose the chapter one hundred and fourteen; and for that purpose the said corporation shall continue to be subject to the provide the said corporation shall continue to be subject to the provisions of the said Act, as amended by this Act, at to the late Trinity House of and to the by-laws made by the late Trinity House of Quebee or the by-laws made by the late Trinity House to Quebee or the by-laws made by the late Trinity model to pilots taking the Quebee Harbor Commissioners, relative to have power pilots or the Quebec Harbor Commissioners, remained to cause such apprentices, and shall continue to have power in turn on board ships to cause such apprentices, and shall continue to many piloted or on apprentices to serve in turn on board ships piloted, or on board the schooners of the corporation. 86 $V_{,s}$

24. The pilotage authority of the district of Quebec shall Number of pilots for an anilot until the below Que Not grant any new license to any person as a pilot until the below Quebes. number of pilots in the said district is reduced below one to be reduced. hundred and twenty-five, which number shall never be exceeded and twenty-five, which number shall never be erceeded and twenty-five, --- which number shall never us age anthority such reduction : Provided, that the said pilot- Proviso: as to mit authority such reduction : Provided, that the said pilot- apprentices age anthority may grant a license to any apprentice ad- now indenmitted to indenture to the corporation of pilots for and below tured. the harbor of Quebec before the seventh day of May, one thomas of Quebec before the seventh day of May, one thousand eight hundred and eighty-two, and who, on Completing the eight hundred and eighty-two full term prescribed completing by consecutive service the full term prescribed by the regulations of the said corporation of pilots, shall be found qualified; and the said pilotage authority may Number of prescribe the indentured hereafter m prescribe the number of apprentices to be indentured hereafter may to the number of apprentices to be indentation permission of pilots for and below the harbor of be limited. Quebec, having regard to the requirements of the service, and the said regard to the requirements of the service, and the said corporation shall, in each year, make a return of the number of provident of the number the number of its apprentices to the said pilotage authority.

25. Notwithstanding anything to the contrary contained As to appren-Bection the twelfth whose term of in section twenty-one of the said Act, passed in the twelfth whose term of the said Act, passed term of the said Act, passed term of the said Act, passed term of the said Act, passed term of the said Act, passed term of term of the said Act, passed term of year of Her Majesty's reign, chapter one hundred and four-apprentice-dent if the period of apprenticeship of any apprentice in-interrupted. dentured to the said corporation of pilots for and below the harbor the said corporation of pilots for less than the harbor of Quebec has been interrupted for less than four month of Quebec has been interrupted for less than four months in all, or on account of sickness, involuntary absence or other legitimate cause, the Quebec Harbor Com-missionant other legitimate cause, the Quebec Harbor Commissioners shall grant him, if found otherwise qualified and entity, shall grant him, if found otherwise arved a and entitled, a license as pilot, on proof that he has served a regular and in all, provided he regular apprenticeship of seven years in all, provided he mad prenticeship of seven years in the interruption by an has made up for the time lost by such interruption by an

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additional period or periods of service after the lapse of service after th seven years from the commencement of his apprenticeship and has made four voucement of his apprentices by the and has made four voyages to Europe as required by the said Act. 86 V. c. 54 - 57

36 V., c. 54, n. 27. 36 V., c. 54, n. 28, appears to be superseded by 45 V., c. 32, s. 8, slib^{ough noi} ressly repealed. expressly repealed.

LICENSING OF PILOTS.

Contents, form and registra-tion of licenses to pilots.

26. Every pilot on being licensed by any pilotage and ithority, shall receive a literative and by any pilotage and authority, shall receive a license containing his name and usual place of abode a dominant containing his and a speusual place of abode, a description of his person, and s be cification of the limits within cification of the limits within which he is qualified to set, which license may be in the first set of the set which license may be in the form of the first schedule to this Act, or in any like form of the first of customs this Act, or in any like form; and the collector of customs at the principal port of the distinct any pilot at the principal port of the district within which any fee of is licensed to act. shall and his within which shall are been at the state of the stat is licensed to act, shall, on his request, and without fee of reward, register his licensed to the list reward, register his license, and add his name to the hall posted up at the custom house; and a licensed pilot shall not be entitled to act as much a licensed is so regis not be entitled to act as such until his license is so regis-tered :

2. Every licensed pilot who acts beyond the limits for hich he is qualified by the acts beyond the considered which he is qualified by his license, shall be considered an unlicensed pilot. Set V

Copies of this Act, and of tariff and bylaws to be furnished to and produced by pilots.

97. Every licensed pilot shall, on receiving his license, furnished with a convert the be furnished with a copy of this Act, and a copy of the distant of the ball, on receiving his meet the distant of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of the ball, on the distance of th tariff of dues and of the by-laws established within the district for which he is light trict for which he is licensed; and he shall produce such copies to the master of any this is hall produce amploying copies to the master of any ship or other person employing him, when required so that the shall produce sing him, when required so to do, and in case of default shall incur a penalty not exceeding to the state of the s **s. 8**0.

Existing licenses continued in force.

Pilots to produce licenses when offering their services and when amployed.

98. Every pilot who has received a license from a duly natituted authority in the received a license from a duly constituted authority in that behalf, before the commence in this Act. may putched to ment of this Act, may retain the same under and subject of the provisions of this Act the provisions of this Act, and shall, for the purposes of this Act, be a pilot licensed built that the purposes of the this Act, be a pilot licensed by the pilotage authority of the district to which his licensed by the pilotage authority 81. district to which his license extends. 86 V., c. 54, 5. 81.

39. Every licensed pilot, while acting in that capacity all be provided with his while acting in that capacity and use the same whether requested to produce it or not to every person by whom he is employed by whom he is employed, or to whom he offers his services as pilot, at the time when he enters into the employment of, or offers his services to such or offers his services to such person; and shall, at all times, produce his license, at the he is employed as pilot; and if he neglects or refuses to pro-duce his license, he shall and if he neglects or refuses refusel. duce his license, he shall, for each such neglect or refuses in the incur a penalty not area and if he neglect or refused be incur a penalty not exceeding forty dollars and shall be

an. All pilots shall pay to the pilotage authority of the Fees on rerespective districts for which they are licensed, or as such license.

84. The pilotage authority for any district (except the Power to lotage district and St. John, respectively limit a pilotage districts of Quebec, Montreal and St. John, respec-lively) manufactors of Quebec, Montreal and St. John, respec-pilot's tively), may, if it sees fit, limit the period during which any licenary, if it sees fit, limit the period during which any license to a pilot granted by it shall be in force to any term not local a pilot granted by it shall be in force to any term not less than two years from the date thereof, and may, in its dimension that two years from the date thereof, and may, in its discretion after the end of such period, renew such license for the end of such period, renew such license for a further limited term not less than two years; and may all further limited term not less than two years is a pilot and may also, in its discretion cancel any license to a pilot heretofore granted, and substitute for it a license limited and renewable as aforesaid; and in such cases the form of Form of the license in a foresaid; and in such cases the word license in the licens the license shall be altered by inserting after the word license in such a case. th_{θ} the shall be altered by inserting aner the until the first schedule to this Act, the words "until the first schedule to this Act, the words "until the first schedule to the ATL the schedule to the in the meantime this license is cancelled." 45 V., c. 82, s. 5.

38. The board of directors of the corporation of pilots Powers of corfor and below the harbor of Quebec, may make any agree- portion of pilots as to the ment and with drawal of the withdrawal of the withdrawal ment and compromise respecting the withdrawal of the withdrawal of license of any pilot for and below the said harbor, and the members. ^{conditions} of such withdrawal. 45 V., c. 82, s. 9.

32. Every licensed pilot shall, on attaining the age of Pilots 65 years xty-five and bin binance or branch of age to de-Sixty-five years, produce and deliver up his license or branch liver up their to the pilotage, produce and deliver up his license or branch liver up their to the pilotage, produce and deliver up his license or branch liver up their the pilotage. to the pilotage authority of the district to which it extends, licenses, &c. and such authority of the district to when a very year, and so on the may grant him a new license for one of V c. 54, s. 86. year, and so on from year to year. 86 V., c. 54, s. 86.

31. Every licensed pilot, suspended or deprived of his License to be Cense or commute the delivered up his in certain license or compelled to retire, shall produce or deliver up his delivered up license to the product of the retire, shall produce or deliver up his delivered up delivered up delivered up deliver up his delivered up license or compelled to retire, shall produce or deliver up and in our deprived on the authority by whom he is so suspended or cases. deprived or compelled to retire; and on the death of any licensed pilot of the second licensed pilot, the person into whose hands his license comes shall, without delay, deliver it to the pilotage authority of the pilotage discussion of the pilotage discussed is and if any the pilotage district for which he was licensed : and if any Penalty for person, with a strict for which he was licensed : and if any Penalty for the strict for which he was licensed is and if any penalty for the strict for which he was licensed is and if any penalty for the strict for which he was licensed is and if any penalty for the strict for which he was licensed is and if any penalty for the strict fo person, without reasonable cause (proof whereof shall lie on default. him), fails to comply with any requirement of this section, he shall income to comply with any requirement of this section, he shall incur a penalty not exceeding forty dollars; and any court of court o court of competent jurisdiction may, in addition to imposing such penalty, by summary order direct such license to be forthwith data forthwith delivered up to such authority. 86 V., c. 54, s. 85.

30. Every branch pilot or licensed pilot who passes License fortwo full and consecutive years without acting as a pilot, user during by the case of the c except in case of sickness, unavoidable absence or special two years. permission from the pilotage authority of his district, shall forfeit his license. 86 V., c. 54, s. 84.

^{subject} to suspension or dismissal by the pilotage authority by whom he is licensed. 86 V., c. 54, s. 88.

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pilot's license.

authority directs, such fees upon such renewals as are anthority from time to time front e anthority Application.

from time to time, fixed for that purpose by such anth fees with the consent of the fixed with the consent of the Governor in Council; and such fees shall be applied in the consent of the such fees shall be applied in the manner prescribed by section seventy-one of this Act. 45 V and 20

86. The names and addresses of all licensed pilots shall published in the following be published in the following manner :--

(a) Every pilotage authority shall, from time to time, and at least and at least once in every year, prepare a list of the pilots holding list of nilotage the pilots holding licenses for their pilots of district, specifying the district, specifying the name and usual place of abode of every pilot to the name and usual place and abode of every pilot holding such license, and the limits within which it is and to get the limits within which he is licensed to act and shall transmit and shall transmit such list to the collector of customs at the customs at the principal port within such district;

(b) Every collector of customs, to whom any such list is so transmitted to be the after the is so transmitted, shall, immediately after up, receipt thereof receipt thereof, cause the same to be posted up, and shall always it and shall always keep the last received of such lists posted up at the lists posted up at the custom house of the port. 86 V., c. 54. # 27

87. Each of the pilotage authorities of Quebec, Montreal, alifax and St. John shall Halifax and St. John shall cause every pilot's license granted by such authority to be accepted by the such authority to b certain places. by such authority to be registered in a book to be kept and that purpose in the off that purpose in the office of such pilotage authority; and every such book shall every such book shall, at all times, during the usual office hours, be open to all persons for the usual fee or hours, be open to all persons for inspection without fee or reward. 86 V., c. 54 = 29

RIGHTS OF PILOTS GENERALLY.

Retired pilots and widows and children of pilots to bave pensions.

8N. Every pilot compelled to retire under the provisions this Act on account of of this Act on account of age or of mental or bodily infirmity, and every widow and this to retire under the providently infirmity, and every widow and this to retire under the provident of the second seco and every widow and child of a deceased pilot, shall be entitled to such particular of a deceased pilot, pilotage entitled to such pension or assistance as the pilot was authority of the district authority of the district in and for which such pilot was licensed deems it prover licensed deems it proper to grant to him or her out of the pilot fund of anoh district grant to him or on the pilot fund of such district. 86 V., c. 54, s. 89.

Allowances to pilot carried out of his district.

89. No pilot shall, without his consent, be taken to see beyond the limits for any ship or beyond the limits for which he is licensed, in any to whatsoever; and avery silver whatsoever; and every pilot so taken shall be entitled to cabin passage, and over and the shall be entitled other cabin passage, and over and above the pilotage dues other wise payable to him to the wise payable to him, to the sum of two dollars a day, to be computed from, and include computed from, and inclusive of the day on which the her, passes the limit up to which he was engaged to pilot her, and up to and inclusive of the day on which the her, and up to and inclusive of, either the day of his being

Names and addresses of pilots to be published. List of pilots to be transmitted to collectors of customs.

And posted up at custom houses.

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on board on is said ship to the place where he was taken on board in the said ship to the place where ne was such from such or if he is discharged from the ship at a distance from such place, such day as will allow him sufficient time to return thereto; and in such last mentioned case he shall be entitled to it and in such last mentioned case by cabin be entitled to his reasonable travelling expenses by cabin passage or first his reasonable travelling expenses by cabin passage or first class conveyance by land, as the case may be, over and about class conveyance by land, as the case may be, 36 V., ^{over} and above such pilotage dues and other sums. 36 V.,

40. If a licensed pilot is placed in quarantine, owing Allowances to to his having been taken on board any ship, he shall be en-pilot detained at to suitable taken on board any ship, he shall be en-pilot detained at to suitable taken on board any ship, he shall be en-pilot detained titled to suitable board and accommodation, and over and above the pilotage dues payable to him, to the sum of three dollars a day of the base of the day on which he is dollars a day, from and inclusive of the day on which he is placed in quarantine up to and inclusive of the day on which the day on which he is a discharged on which he is discharged therefrom, or, if he is discharged at a distance is discharged therefrom, the was taken on board, at a distance from the place where he was taken on board, such day are write the place where he was taken on board, ^{such} day as will allow him sufficient time to return thereto; and in such later that the entitled to his and in such last mentioned case, he shall be entitled to his reasonable to neutrine to return the shall be entitled to his reasonable travelling expenses over and above such pilotage dues and other states over and above such pilotage of W or 54, s. 41.

dues and other additional sums. 86 V., c. 54, s. 41. 41. Any licensed pilot may quit a ship which he has when a pilot dertaken to all of may quit a ship which be may quit a ship which be

andertaken to pilot as soon as such ship is finally anchored may quit a or moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as such ship is finally anchored may quit a moored about a soon as soon or moored after completion of her voyage or removal, as the has underthe to which his is a she passes out of the pilotage dis- taken to pilot. trict to which his license extends, whichever first happens; whereupon the service for which he was hired shall be held

to be performed. 36 V., c. 54, s. 42.

42. A pilot deprived of his license, or suspended or con-Amount of damage to a damage damage to a damage da demned to pay a penalty for having caused damage to a caused by con-ship, shall not a penalty for having caused damage to a caused by conship, shall not be entitled to any pilotage dues if the amount demned pilot of such damage to the such damage to the such dues, deducted from of ^{P, shall} not be entitled to any pilotage dues if the amount dended to ship to be or, if it is long is equal to or exceeds that of such dues, deducted from or, if it is less, to more than the excess of the amount of his pilotage the dues of the provisions of dues. ^{such} dues over that of such damage; and the provisions of dues. this section shall be deemed to be referred to in section wenty signature of the late Province twenty-six of the Act of the Legislature of the late Province of Canada of Canada, passed in the twenty-third year of Her Majesty's reigh, chapter one hundred and twenty-three, intituled

An Act to incorporate the Pilots for and below the Harbor 23 V., c. 123, Suebec." 86 V., c. 54. s. 48.

48. No licensed pilot shall be hereafter appointed to act, Pilots shall shall and pilot shall be hereafter appointed to act, and be harbo

or shall act, as harbor muster of any port unless he first masters. surrenders his license. 45 V., c. 82, s. 7. RIGHTS OF PILOTS IN PILOTAGE DISTRICTS IN WHICH THE

not be harbor

PAYMENT OF PILOTAGE DUES IS FOR THE TIME HEING COMPULSORY.

44. If any boat or ship having on board a licensed pilot When licensed ads any aby boat or ship having on board a licensed pilot when licensed in entitled to leads any ship which has not a licensed pilot on board when be entitled to such last ship which has not a licensed pilot on board when be entitled to such last mentioned ship cannot, from particular circumpilotage for leading.

stances, be boarded, the pilot so leading such last mentioned ship shall be entitled to the ending such last for the ship shall be entitled to the full pilotage dues for the distance run, as if he had actually and pilotage dues for the distance run, as if he had actually and pilotage days of the had actually and pilotage days of the distance run as if he had actually determined ac distance run, as if he had actually been on board and piloted such ship; and such pilot while the full pilotage dues to pilot while the pilot such ship; and such pilot while leading such last mentioned ship, shall keep his pilot for a ship, shall keep his pilot while leading such last menuous tioned ship, shall, while build flying, and such last menue tioned ship, shall, while being so led, show the ensign of such ship at her fore se v

Penalty on unlicensed persons acting as pilots.

45. If any person pilots a ship in any pilotage district r which he is not a light of a new circum for which he is not a licensed pilot, under any section stances not provided for in the section section of the stances not provided for in the next following dollars of this Act, he shall be liable to a penalty of forty dollars. 86 V., c. 54, s. 45.

46. Any person may, within any pilotage district for him high here is not a licensed within any pilotage district for which he is not a licensed pilot, without subjecting him self or his employer to a subject of the subject of th self or his employer to any penalty, pilot a ship under any of the following circumstrations of the following circumstration of the following circmate circumstration of the following circmat

(a) When no licensed pilot for such district has offered to pilot such abin and such district has pur to pilot such ship, or made a signal for that pur pose, although the made a signal for has dis pose, although the master of the ship has for blaved and continued to react the ship has for s played and continued to display the signal for s pilot in this Act pilot in this Act provided, whilst within the limits prescribed for the

(b) When a ship is in distress, or under circumstances making it necessary to avail making it necessary for the master to sval himself of the heat himself of the hest assistance which can be found at the time. Sa V

47. A licensed pilot may, in any such district upon owing his proper signal and the super h showing his proper signal and exhibiting his license, such sede an unlicensed pilot had the subject of the such and the such and the such and the such and the such and the such and the such as the s sede an unlicensed pilot, but the master shall pay to such unlicensed pilot a sum in master shall pay to such unlicensed pilot, but the master shall pay to suffer his services, and deduct the his services, and deduct the same from the charge of the licensed pilot; and in case of the charge of the charge of the licensed pilot; and in case of dispute, the pilotsge authority of the district for which the licensed, shall of the district for which the licensed pilot is licensed, shill determine the proportionate determine the proportionate sum to which each person is entitled; and if not so supressed to which each person and the so entitled; and if not so superseded, the unlicensed pilot shall be entitled to be paid the full site. be entitled to be paid the full pilotage dues. 86 V., c. 54, 8.

48. Every unlicensed pilot who continues in the charge of ship in any such district a ship in any such district after a licensed pilot has offence, in high light to take charge of the licensed pilot has offence, in in charge after as aforesaid to take charge of her, shall, for each offence, in incharge after as aforesaid to take charge of her, shall, for each offence, in incharge after as aforesaid to take charge of her, shall, for each offence, in licensed pilot. liable to a penalty not are different to the shall of the shall are shall are shall be to a penalty not are different to the shall be to the shall be to the shall be to a penalty not are different to the shall be inval of a storesaid to take charge of her, shall, for each offence, in licensed pilot, liable to a penalty not exceeding one hundred dollars, and ex-default of payment to impose hundred dollars, not exdefault of payment to imprisonment for any term not est

Occasions on which unlicensed persons may act as pilots.

No pilot.

Distress.

Power of licensed pilot to supersede unlicensed pilot.

49. If any master of a ship which is not an exempted moving a ship ship, removes such ship, or causes such ship to be removed ^{Chap.} 76.

from one place to another within the harbor of Quebec at Quebec, without the place to another within the harbor of Quebec at Quebec, place to another within the harbor of Quebec at Quebec, without the assistance of a licensed pilot for and below the without a pilot. harbor of Quebec, he shall pay to the corporation of pilots for and below the harbor of Quebec the same pilotage dues as he would he harbor of Quebec the same pilotage dues as he would have been liable to pay if he had obtained the assistance of how the been liable to pay if he had obtained the assistance of one of such licensed pilots; but this provision shall not an of such licensed pilots; but this provision shall not apply to the master of any ship actually proceed-in charge of one of such licensed pilots; but this provision-ing to Montreal or elsewhere above the harbor of Quebec, the harbor of Quebec. in charge of a pilot for and above the harbor of Quebec.

PILOTAGE DUES.

50. Whenever, under the provisions of this Act, any pilot- What persons dues are dues are ship, the pilotage dues. age dues are made payable by or in respect of any ship, the pilotage dues. following persons shall be liable to pay such dues; that is to say, the owner, the master and the recognized con-^{signee} or agent thereof, if such recognized consignee or agent has agent thereof, if such recognized consignee or agent has moneys in his hands received on account of such ship. 86 V., c. 54, s. 50.

JI. Every recognized consignee or agent of a ship not Consignee or agent, how to agent

being the owner or master of such ship may, out of any re-imburse the owner or master of such ship may, out of any re-imburse the owner of such ship may, out of any re-imburse the owner of such ship may, out of any re-imburse the owner of such ship may, out of any re-imburse moneys in his hands received on account of such ship retain himself. the amount of pilotage dues so paid by him, together with any reason of such

any reasonable expenses he has incurred by reason of such Payment and liability. 86 V., c. 54, s. 51.

52. All pilotage dues may be recovered as a debt due to Recovery of pilot a pilotage dues the pilot or corporation of pilots or pilotage authority, as the pilotage dues. case may be, to whom the same are payable; and all sums made parts to whom the same are payable; and all sums made payable to a pilot over and above the pilotage dues, shall be value to a pilot over and above the pilotage dues. shall be payable to a pilot over and above the phones in the same payable by the same persons, and recoverable in the same manner as if they were part of the pilotage dues payable to such pilot; but the mode of payment of pilotage dues in 41. Such pilot; but the mode of payment of pilotage shall dues in the pilotage districts of Quebec and Montreal shall

AS. No clearance shall be granted to any ship liable to No clearance lotage down and a duly dues, if paypilotage dues at any port in Canada where there is a duly dues, if payconstituted pilotage authority which collects the pilotage able, are paid has been product pilotage dues are payable, until there has been produced to the customs officer granting such clearance, a certificate from the pilotage authority of the district of a certificate from the pilotage authority district or some officer or person authorized by such authority Brant the Brant the pilotage authorized by such authority to grant the same, that all pilotage dues in respect of such ship have h ship have been paid or settled for to the satisfaction of such authority. 40 V., c. 20, s. 4.

54. Whenever any difference arises between the master Settlement of the line to or from any difference as and the licensed pilot of any ship trading to or from any difference as

to draught of ship,

port in Canada, as to her draught of water, the pilotage authority at such most in the draught of water, the pilotage authority at such port shall, upon application by either party made, in case of a sta party made,—in case of a ship in ward bound either within twelve hours after her and the she twelve hours after her arrival or at some time before she begins to discharge her begins to discharge her cargo, and in the case of a ship outward bound before the ward bound before she quits her moorings-appoint some proper person who shall proper person who shall measure the ship, and settle the difference accordingly. difference accordingly; and there shall be paid to the per-son measuring such shire is the shall be paid to the be son measuring such ship, by the party against whom be decides, such remuneration for the party against be pilotage decides, such remuneration for his services as the pilotsge authority appoints. 22 V authority appoints.

Penalty for making a false declaration of draught of ship.

55. If upon any licensed pilot offering or beginning to declare pilot a ship the master thereof refuses or neglects to declare to such pilot her draught of to such pilot her draught of water, or makes or is prive to any other person making water, or makes or is such to any other person making, a false declaration to every pilot as to such draught, he shall incur a penalty for every such offence, not every such offence, not exceeding double the amount of pilotage dues payable by such shirt dues payable by such ship to such pilot or to any $_{g6}^{0000}$ tion of pilots of which such pilot is a member. $_{g6}^{0000}$ 54, s. 54.

Penalty for falsifying marks on ship.

56. Every master or person interested in a ship who akes or is privy to the matrix makes or is privy to the making of a fraudulent alteration in the marks on the store of a fraudulent denot in the marks on the stern or stem post of such ship, 36 V. ing her draught of water, is guilty of a misdemeanor. So Va c. 54, s. 55.

Employment of pilot not compulsory. No owner to be free from liability by reason of employing a licensed pilot.

EMPLOYMENT OF PHOTS NOT COMPULSORY. 57. No owner or master of any ship shall, in any case, be mpelled to employ or to rive any ship shall, in any case of a compelled to employ or to give his ship into the charge of s pilot, either on the ground of the ship into the charge of s pilot, either on the ground of his being compelled to pay pilotage dues to any percent pilotage dues to any person or otherwise, and nothing ship this Act shall exempt this Act shall exempt any owner or master of any ship from liability for any loss from liability for any loss or damage occasioned by his ship to any person or property of damage occasioned by his ship to any person or property, on the ground either of such ship being in the charge of a line the ground either of such loss of being in the charge of a licensed pilot, or of such loss of damage being occasioned better damage being occasioned by the act or default of a licensed pilot, or on any other ground for the act or default of a licensed 69. pilot, or on any other ground. 86 V., c. 54, ss. 56 and 69.

COMPULSORY PAYMENT OF PILOTAGE DUES, AND EXEMPTIONS

Compulsory Payment of pilotage dues in certain districts.

58. Every ship which navigates within either of the lotage districts of Onchpilotage districts of Quebec, Montreal, Halifax or St. John or within any pilotage districts or within any pilotage district within the limits of which the payment of pilotage district within the limits of made the payment of pilotage district within the limits of made compulsory by Order in Grand is, for the time being, lips compulsory by Order in Council under this Act, shall pay pilotage dues, unless either-

Special exceptions.

(a) Such ship is on her inward voyage and no licensed lot offers his services and modified pilot offers his services as a pilot, or

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(b) She is exempted under the provisions of this Act, from Payment of such dues :

2. If such ship is on her outward voyage and the To whom Aner or most ship is on her outward voyage and the payable. ^{owner} or master of such ship does not employ a pilot or give his ship into the of such ship does not employ a pilot or give his ship into the charge of a pilot, such dues shall be paid, if in the pilot if in the pilotage district of Quebec to the corporation of pilots for and if in any pilots for and below the harbor of Quebec, and if in any other pilot. other pilotage district, to the pilotage authority of such district. 36 V., c. 54, s. 57, part.

59. The following ships, called in this Act exempted Exempted ships. ships, shall be exempted from the compulsory payment of pilotage dues :---

(a) Ships belonging to Her Majesty;

(b) Ships wholly employed in Her Majesty's service, while Ships employ-employed at the service appointed by Majesty. ⁶⁰ ⁽⁰⁾ Ships wholly employed in Her Majesty's service, while supervised by Her Her Majesty's (1) Majesty's service, which have been appointed by Majesty. Her Majesty's Government, either in the United Kingdom

^{or} in Canada ;

See See

(r) Ships propelled wholly or in part by steam employed What steam-any one or more stated to port in the same Province, or between be exempt Now Brunswick, from pilotage any one or more of the Provinces of Quebec, New Brunswick, from pilotage Nova Scotia Nova Scotia or Prince Edward Island, and any other or others of the Provinces of Quebec, New Druns, or or others of the Prince Edward Island, and any other or others of them, or employed on voyages between any port or ports in the said Provinces or any of them and the port of New York or any port of the United States of America on the Atlantic or any port of the United States of America on the Atlantic, north of New York; except only in the Exception as ports of Halife North of New York; except only in and Sydney, Ports of Halifax, Sydney pilotage district, Miramichi and Sydney, Picton, as respects each of which ports the pilotage author Miramichi ities of the district, as respects each of which ports the pilotage author Miramichi determine, with ities of the district may, from time to time, determine, with the approval of the Governor in Council, whether any, and which if which, if any, of the steam-ships so employed shall or shall not be what not be wholly or partially, and, if partially, to what extent and under or partially, and, if partially, to compulsory and under what circumstances, exempt from the compulsory Payment of pilotage dues ;

(d) Ships of not more than eighty tons, registered tonnage; Ships of 80 under. tificate granted under the provisions of this Act and then certificated line, force, anthonizing the provisions of this matter. in force, authorizing him to pilot such ship within the master. limits within which she is then navigating;

(f) Ships of such description and size, not exceeding two Certain ships undred and for the description and size, not exceeding two Certain ships hundred and fifty tons, registered tonnage, as the pilotage tons. authority of the district, with the approval of the Governor Council the district, with the approval of the Governor in Council, from time to time, determines to be exempt from the compulsory payment of pilotage in such district: the compulsory payment of pilotage in such district. The River is that this paragraph shall not apply to Provise. the River St. Lawrence, where all ships registered in Canada is St. Lawrence, where all ships and fifty tons (^{anada}, if not more than two hundred and fifty tons

Her Majesty's ships.

36 V., c. 34, s. 51, registered tonnage, shall be exempt. part ;--38 V., c. 28, s. 1 ;-40 V., c. 20, s. 3.

60. When a ship arrives at the limits of any district in hich the payment of piloter the limits of the time being. which the payment of pilotage dues is, for the time being compulsory and within any same dues is, for the time pred compulsory and within any part of which she is an exempted ship under paragraph (a) of the third she is an exempted ship under paragraph (e) of the next. preceding section of this Act, or is at a distance of the next. fing on arrival of this Act, or is at a distance of five miles at least from the which the mouth of the harbor in any such district mentioned in the certificate of her master of the district mentioned in the harbor. certificate of her master or mate (whichever first happens), such master or mate shall be that the such master or mate shall be the state of the sta such master or mate or mate (whichever first happend four feet by six feet at the most a white flag not less that the four feet by six feet at the most a white flag at with the four feet by six feet at the main top mast head, with the number of his certificate in blue top mast head, bas long, in number of his certificate, in black figures six inches long, in the centre as a signal that the act figures six inches master the centre as a signal that the ship has a certificated master or mate on board : and extend that a certificated master or mate on board; and every master or mate hoisting such flag without being authorized flag without being authorized so to do at the time and place and on board the ship when and on board the ship when and where he hoists the same, and every master or mate and where he hoists fiss when and every master or mate neglecting to hoist such flag when and where he is anthonized and where he is authorized so to do and not accepting twenty services of a licensed pilot about the of twenty services of a licensed pilot, shall incur a penalty of twenty dollars; and every shin in security is dollars; and every ship in respect of which such penalty is incurred shall be liable to penalty is the same incurred shall be liable to pay as pilotage dues the same sum as would have been need to pay as pilotage dues if the sum as would have been payable to a licensed pilot if the services of a licensed pilot back services of a licensed pilot had been obtained or accepted and all such penalties when the services of a recover and all such penalties shall be payable to and recover able by the pilotage anthonism for payable to $\frac{1}{26}$ V. C. 54. 86 V., c. 54. **s**. 58.

Certain exempted ships liable to pay pilotage dues.

If signal for pilot is displayed and services are not accepted.

If person un-authorized is employed.

Ships to be liable for pilotage dues.

61. If the master of an exempted ship not belonging Her Majesty, or not whollow the state of t to Her Majesty, or not wholly employed in Her Majesty service, arriving within the limit of in the district service, arriving within the limits of a pilotage being in which the payment of pilotage dues is, for the time being compulsory,-

- (a) Displays and continues to display the signal for the pilot in this Act and display the signal for the pilot in this Act and the pilot in the set of the pilot in the pilot pilot in this Act provided, whilst within the limits prescribed for the data does not limits prescribed for that purpose; and does not accept the services of that purpose; and does not accept the services of any licensed pilot offering them in consequence of such signal; or
- (b) Without displaying or continuing to display the signal for a pilot in the display whilst signal for a pilot, in this Act provided, whilst within the limits within the limits prescribed for that purpose, employs any necessary prescribed for that his crew employs any person not belonging to his quide and not being a light or guide and not being a licensed pilot, to pilot has and has such ship, whether or not a licensed pilot has offered his service.

Master or mate of ship authorized by payment of

Penalty for contravention.

pilotage dues

is compulsory.

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been payable to such licensed pilot if his services had been accepted. 36 V., c. 54, n. 59.

62. When a ship arrives at the limits of any district, in Non-exempted hich the particle arrives at the limits of any district, in Non-exempted where the Which the payment of pilotage dues is, for the time being, where the manufactory (pulse) of pilotage dues is for the time being where the manufactory (pulse) of pilotage dues is for the time being where the manufactory (pulse) of pilotage dues is for the time being where the manufactory (pulse) of pilotage dues is for the time being where the manufactory (pulse) of pilotage dues is for the time being where the manufactory (pulse) of pilotage dues is for the time being where the manufactory (pulse) of pilotage dues is for the time being where the manufactory (pulse) of pilotage dues is for the time being where the manufactory (pulse) of pilotage dues is for the time being where the manufactory (pulse) of pilotage dues is for the time being where the manufactory (pulse) of pilotage dues is for the time being where the manufactory (pulse) of pilotage dues is for the time being where the manufactory (pulse) of pilotage dues is for the time being where the payment of pilotage dues is for the time being and the payment of pilotage dues is for the time being and the payment of pilotage dues is for the time being and the payment of pilotage dues is for the time being dues and the payment of pilotage dues dues and the payment of pilotage dues and the payment of p ^{compulsory} (unless she is an exempted ship or does not payment of have effect.

(1.) Until a licensed pilot has come on board, or until the Signal to be shire to be displayed. ship has passed a point, line or place, from time to time fixed in this behalf by the pilotage authority of the district, the ship shall display such signal for a pilot as in this Act provided; and the master thereof, upon sighting a pilot boat carrying the pilot flag or pilot lights shall, by lying to if the weather permits, or by shortening sail, or Lying to heaving to, or, if the ship is a steamer, stopping his engines or by any other practicable means, facilitate the coming on board of the pilot or one of the pilots of such boat; and in default, such ship Penalty in shall be liable to pay as pilotage dues to the default. pilotage authority of the district, if such district is not the district of Quebec, and if it is, then to the corporation of pilots for and below the harbor of Quebec, a sum not exceeding the amount of pilotage dues which would be payable for piloting such ship :

(2.) If the master of such ship-

Pilotage dues payable in certain cases.

(a) Does not accept the services of the first licensed pilot who, by signal or otherwise, offers his services; or-

(b) If there are two or more pilots offering their services at the same time does not accept the services of such one of them as is entitled by the law or regulations for the time being in force in such district to have his services accepted ; or-

(c) Having signalled for a pilot, does not accept the services of any licensed pilot offering them in consequence of such signal-

Such ship shall be liable to pay, if in the pilotage And to whom. district of Quebec, to the corporation of pilots for and below the harbor of Quebec, and if elsewhere, to the pilotage authority of the district, as pilotage dues, the same sum as would have been payable to such licensed pilot if his services had been accepted :

Application of sums payable as aforesaid.

(8.) All sums received by any pilotage authority in put suance of this and the pilotage authority in section. suance of this and the next preceding section, shall be applied by it (a) In paying all expenses incurred in obtaining payment of the same (b) In paying to the pilot who offered his services to the ship and to that vices to the ship, and if two pilots offered, to that one who was entitled one who was entitled to have his services are cepted, such amount of cepted, such amount, if any, as it by any by laws made under this Art. made under this Act, from time to time, makes (c) The residue shall be carried to and form part of the pilot fund of the district of and form part of the **68.** If any ship requires the services of a pilot, or part having a pilot, has an tornal the services of a pilot, part not having a pilot, has entered or is in any district or pay of a district where anch whin it ing pilow, ac. of a district where such ship is subject to a compulsory pay ment of pilotage duose the subject to a compulsory hall display ment of pilotage dues, the master of such ship shall display the following signals, that is the (1) In the day time, the Jack or other national color usually worn by such or other having round usually worn by merchant ships, having round it a white border one for it a white border one fifth of the breadth of the flag, hoisted at the form

- (2) At night,—
- (a) A blue-light every fifteen minutes; or-

(6) A bright white light, flashed or shown at short or frequent intervals frequent intervals, just above the bulwarks, for about a minute at a time bulwark of the bulwarks of the bulwa about a minute at a time. 86 V., c. 54, s. 61.

(a) Displays such signals for any other purpose than that of summoning a solution 64. Every master of a ship who-

- (b) Uses any other signal for a pilot,-

shall incur a penalty not exceeding one hundred dollars. 86 V., c. 54, s. 62.

65. No ship shall be exempt on any ground whatever any from peymont was. No ship shall be exempt on any ground what any of dues when from the liability to pay pilotage dues earned by the pilot is taken licensed pilot volume and the pilotage dues earned by the licensed pilot voluntarily taken on board of such ship by the master for the purpose of will the master for the purpose of piloting her, whether the payment of pilotage dues is or is not in the payment the payment of pilotage dues is or is not, for the time being, otherwise compulsory in the district in for the time being, dues are compulsory in the district in which such pilotage dues are

Penalty for misuse of signals.

pilot is taken voluntarily.

in Council. 86 V., c. 54, s. 67, part.

70. All masters or mates to or for whom any such pilot- Fees to be paid age Certificates as aforesaid are granted or renewed by any tificate, and pilotage anthe states as aforesaid are granted or renewed by the renewal pilotage authority, shall pay to such authority or as they the renewal the ren the renewals thereof, as are, from time to time, fixed for that purpose by such authority, with the consent of the Governor

from time to time, be done by an indorsement under the hand of the secretary or other officer of the authority by whom such secretary or other officer of the suthority by Whom such certificate was granted. 86 V., c. 54, s. 66.

89. Such pilotage certificate shall not be in force for Renewal of pilotag more than one year, unless the same is renewed, which may, heate.

2. No master or mate of any ship not registered in Canada all have certificate, under shall be examined, or receive a pilotage certificate, under the next preceding section, or act as a pilot under this Act. $36 V_{10} c_{54}$ ³⁶ V, c. 54, s. 65, part ;-42 V., c. 25, s. 1, part.

68. Such certificate shall enable the person therein Form of cerhamed to pilot the ship or any of the ships therein specified, of which he is the ship or any of the ships therein specified, of which he is acting as master or mate at the time, but no other, with: other, within the limits therein described, as if he was a licensed nilet the limits therein described. licensed pilot, and may be in the form of the second schedule to this Act, or any like form :

87. A master or mate of any ship registered in Canada Master or mate, if e. may, upon giving due notice and consenting to pay the amined and the second sec usual expenses, apply to any pilotage authority (other than passed, to re-pilotage authority in a pilotage authority (other than passed, to re-the pilotage authority (other than passed, to re-bilotage authority (other than passed) (other th the pilotage authority of either of the pilotage districts of age certificate biology Montant Try of either of the pilotage districts of age certificate Quebec, Montreal, Halifax or St. John) to be examined as to enabling him his capacity, treal, Halifax or St. John) to be examined as to enabling him his capacity to pilot the ship of which he is master or mate to pilot par-within any to pilot the ship of which he is master or mate to pilot par-tion any to pilot the ship of which he is master or mate to pilot age in certain Within any part of the district over which such pilotage in certain authority h part of the district over which such pilotage in certain authority has jurisdiction; and such master or mate shall places. thereupon be examined, and, if found competent, a pilotage ^{certificate} shall be granted to him, containing his name, a ^{specification} of which he has ^{specification} of the ship or ships in respect of which he has been examined, and a description of the limits within such he is to pilot the same, which limits shall be within such jurisdiction of the same, which limits shall be within such -42 V. c. 25, s. 1, part. jurisdiction. 36 V., c. 54, s. 65, part ;-42 V., c. 25, s. 1, part.

LICENSING OF MASTERS AND MATES.

66. Every master of an exempted ship, when navigating Powers and wh ship with a ster of an exempted ship, when navigating Powers and master of exempted ship, when navigating Powers and ^{such} ship without a pilot in any pilotage district, or part duties of the time being and the limits of which she is for empted ship dn the time being and the limits of the limit and the time being an exempted ship, shall, as regards the con- navigating bet without a maximum shift and maximum exempted ship, shall, as much limits, have pilot. duct and management of such ship, shall, as regards the pilot. all the powers and duties which are by law or usage pos-^{8egsed} by or imposed upon any licensed pilot for such district. 36 V., c. 54, s. 64.

Application of such fees,

71. Such fees shall, in the case of certificates granted of newed by a pilotum renewed by a pilotage authority, be applicable either gen paying the expense of the paying the expense of the examinations, or any the such eral expenses connected eral expenses connected with pilotage incurred by such authority, or to the milet authority, or to the pilot fund of the district, if any, or otherwise for the hencefit otherwise for the benefit of the pilots licensed by such authority, as such authority of the pilots licensed 67. part. authority, as such authority thinks fit. 36 V., c. 54, s. 67, part.

Power to withdraw **bilotage** certificate.

72. If at any time it appears to any pilotage authority that y master or mate to where to any pilotage authority been any master or mate to whom a pilotage certificate has been granted by such anthonism. A pilotage certificate has been granted by such authority, has been guilty of drunkenness or misconduct, or has the set of the guilty of drunken to pilot or misconduct, or has shown himself incompetent to pilot his ship, they may the his ship, they may thereupon withdraw his certificate shall there withdraw his certificate shall there withdraw his certificate shall there are effect such certificate shall thenceforth cease to be of delivered whatever, and shall be forthered to be of delivered whatever, and shall be forth with produced and delivered up by such master or material to the produced and delivered and deliver up by such master or mate to such pilotage authority, liv default of which such default of which such master or mate shall incur a penalty of forty dollars : and of forty dollars; and any court of summary jurisdiction may, besides imposition may, besides imposing such penalty, by summary order direct such license to be forthwith delivered up to such

the district for which he is licensed,-

- (a) Commits any fraud or offence in respect to the laws nues of customs or inland revenue or the laws
- (b) Is in any way directly or indirectly concerned in any corrupt any corrupt practices relating to ships, per tackle, cargoes tackle, cargoes, crews or passengers, or to sons in distress sons in distress at sea or by shipwreck, of to their moneys good
- (c) Lends his license :
- (d) Acts as pilot whilst suspended;
- (c) Acts as pilot when in a state of intoxication;
- (f) Employs or causes to be employed, on behalf of any ship of which have ship of which he has the charge, any steam boat, boat, anchor cable boat, anchor, cable, or other store, matter or thing, beyond what is not other store, matter of such beyond what is necessary for the service of such ship, with the interest for the service of such ship, with the intent to enhance the expenses of any pilotage for his over the expenses of any pilotage for his own gain, or for the gain of any other person ;

Offences by pilots.

Fraud as to revenue.

Corrupt practices.

Lending license.

Suspension.

Intoxication.

Unnecessary expenditure.

Neglect of duty,

(g) Refuses or delays, when not prevented by illness of other research the not prevented by cany ship other reasonable cause, to take charge of any ship

within the limits of his license, upon the signal for a pilot being made by such ship, or upon being required so to do by the master, owner, agent or consignee thereof, or by any officer of the pilotage authority of the district for which such pilot is licensed, or by any principal officer of customs-subject always in the case of a pilot for and below the harbor of Quebec, to the laws relating to the corporation of pilots for and below the harbor of Quebec ;

(h) Upon being so signalled or required, attempts to Salvage. make any special bargain for salvage;

(i) Unnecessarily cuts or slips, or causes to be cut or Outing cables. slipped, any cable belonging to any ship;

(j) Refuses, when requested by the master to conduct Refusal to act. the ship on board of which he is into any port or place into which he is licensed to conduct the same, except on reasonable ground of danger to the ship; or-

(k) Quits the ship which he has undertaken to pilot Quitting ship buck has been bired has before the service for which he was hired has been performed, - without the consent of the master,-

Shall, for each offence, in addition to any liability for Liability to damages, he light there, in addition to any liability for Liability to damages, be liable to a penalty not exceeding two hun- penalty. dred dollars, and suspension or dismissal by the pilotage authority of the dismissal by the pilotage is and every authority of the district for which he is licensed; and every person who procures, abets or connives at the commission of such of procures, abets or connives at the commission of such offence shall, for each offence, in addition to any liability for a shall, for each offence, in addition to any liability for damages, be liable to a penalty not exceeding two hundred dollars, and if he is a licensed pilot, to suspension or dismissal by the pilotage authority of the district for which he is a which he is licensed. 86 V., c. 54, s. 70.

74. Every pilot who, when on board any ship for the Penalty on pi-arpose of pilot who, when on board any ship for the lots endangerpurpose of piloting her, by breach or neglect of duty, or by ing ship, or reason of down to her, by breach or neglect of duty, or by ing ship, or life, or limb of any person on reason of drunkenness, either-

(a) Does any act tending to the immediate loss, destruction or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship ; or-

(b) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from danger to life or limb,-

Is guilty of a misdemeanor and liable to imprisonment hard a term not exceeding twolers of the state of the s a term not exceeding twelve months, with or without hard labor and, if a licensed pilot labor and, if a licensed pilot, to suspension or dismissed by the pilotage authority of the suspension of dismissed by the pilotage authority of the district for which he is licensed 86 V., c. 54, s. 71.

Evidence as to pilots guilty of certain offences.

75. A pilot shall be liable to suspension or dismissal by the pilotage authority of the district, for any of the offennes mentioned in the next me mentioned in the next preceding section of this Act, upon such evidence as the mid such evidence as the said authority deems sufficient, and whether he has or has not be whether he has or has not been convicted of or indicted for such offence: such offence :

Appeal in Quebec.

2. In the pilotage district of Quebec any pilot shall have e right to appeal to the Successful to the the right to appeal to the Superior Court for Lower pilotage from any judgment mudant from any judgment rendered against him by the pilotage authority; and for the superior Court for Lower Cautage authority; and for the superior Court for Lower Cautage authority; and for the superior Court for Lower Cautage authority; and for the superior Court for Lower Cautage authority; and for the superior Court for Lower Cautage authority; and for the superior Court for Lower Cautage authority; and for the superior Court for Lower Cautage authority; and for the superior Court for Lower Court for Lower Cautage authority; and for the superior Court for Lower Court authority; and for the superior Court for Lower c authority; and for the purposes of such appeal the pro-visions contained in mutical and such appeal the the visions contained in section seventy-three of the Act of the Legislature of the late Decision seventy-three of the and in the Legislature of the late Province of Canada, Passed in the twelfth year of Her Mainter twelfth year of Her Majesty's reign, chapter one hundred

Power to substitute fine for suspension of a pilot.

Penalty on person endan-

gering ship by

misrepresent ation of cir-

cumstances.

76. Whenever the pilotage authority of Quebec has power dismiss or suspend a hority of Quebec has power the har to dismiss or suspend a branch pilot for and below the such bor of Quebec, it may instant of a branch pilot for and below the such bor of Quebec, it may, instead of such punishment, fine such pilot in a sum not exceeding. pilot in a sum not exceeding one hundred dollars, if it deems it advisable so to do in line it advisable so to do in lieu of dismissing or suspending him. 40 V., c. 51, s. 7

77. Every person who, by any misrepresentation of by unstances upon which the second provided and the second secon cumstances upon which the safety of a ship depends, or by using a license to which he is not a ship depends of a ship de using a license to which he is not entitled, becomes employed or endeavors to be employed to the initial dependence on a bles of and the second secon or endeavors to be employed to pilot such ship, or enable any other endeavors to be employed to pilot such ship, or enable of obtains or endeavors to obtain other person to be so employed, of other per obtains or endeavors to obtain for himself or any other list son the charge of such ship to the source of such ship son the charge of such ship, shall, in addition to any two bility for damages, he liable bility for damages, be liable to a penalty not exceeding of hundred dollars, and, if a line of the second s hundred dollars, and, if a licensed pilot, to suspension V. dismissal by the authority hundred pilot, to suspension V. dismissal by the authority by whom he is licensed. c. 54, s. 72.

78. Every licensed pilot who demands or receives any sum the respect of pilotage services of ing or receive. in respect of pilotage services greater than the dues for the ing more than time being demandable by laws in the dues incurs ing more than time being demandable by law shall, for each offence, incurs his legal dues. penalty not exceeding forty dollars that for each offence, 78. his legal dues. penalty not exceeding forty dollars. 86 V., c. 54, 8. 78.

Pilot boats to be licensed.

79. Every pilot boat regularly employed (elsewhere and the pilotage district of Orly employed (elsewhere and in the pilotage district of Quebec) shall be approved in which licensed by the pilotage antilicensed by the pilotage authority of the district in which it is employed. 86 V . 6 M Chap. 76.

80. Every pilot boat, wholly or partly decked, shall have Characteris-tics of decke pilot boat. the following characteristics :---

tics of decked (a) On her stern, her name, the name of the owner, or Name,

if owned by more than one person the name of her managing owner, or if owned by a corporation the name of that corporation, and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of her license;

(b) In all other parts, a black color, painted or tarred Color. outside, or such other color or colors as the pilotage authority of the district, with the con-

sent of the minister, directs;

(c) When afloat during the day time, a flag (in this Act Flag. called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colors, the upper horizontal half white, and the lower horizontal half red; and at night one white Light. light (in this Act called a pilot light),-such pilot flag or pilot light respectively to be placed at the mast head, or on a sprit or staff, or in some

other equally conspicuous situation :

- boat shall be responsible for the following particulars :--(a) That the pilot boat possesses all the above characteristics, and that the pilot flag and pilot light are kept clean and distinct, so as to be easily discerned at a reasonable distance;

(b) That the names and numbers aforesaid are not at any time concealed or altered :

And if default is made in any of these particulars, he shall, Penalty in don very such safe for every such offence, incur a penalty not exceeding eighty default. dollars. 36 V., c. 54, s. 75;-40 V., c. 20, s. 1.

81. Every pilot boat, neither wholly nor partly decked, Characteris tics of open pilot boat. shall have the following characteristics :--

(a) On her bow or stern her name, the name of her owner, the port or place at which her owner resides, and the number of her license, painted in white letters, at least two inches long, on a dark ground ;

(b) When affoat during the day time, a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot host, and of two colors, the upper horizontal half white, and the lower horizontal half red :

Responsibility And the master or person in charge of every such pilot boat of master. shall be responsible for the fill shall be responsible for the following particulars

- (a) That the pilot boat possesses all the last above men tioned characteristics tioned characteristics, and that the pilot flag is kept clean and disting kept clean and distinct, so as to be easily discerned at a reasonable dist
- (b) That the names and numbers aforesaid are not at any time convert And if default is made in any of these particulars, he shall, for every such offence income of these particulars, he shall, doi:

Penalty in default.

for every such offence, incur a penalty not exceeding forly dollars. 86 V. c. 54 = 76

Pilot flag under ensign of ship piloted.

*2. Every pilot, when on board and in charge of any up, as such pilot when a board and in charge of the ship, as such pilot, when on board and in charge of the ensign of such ship, or in display a pilot flag under the ensign of such ship, or in the ship of the conspiculty ensign of such ship, or in some other equally conspicuted in situation, and if he fails situation, and if he fails so to do, shall incur a penalty dollars exceeding eighty dollars; and the master of every such shall shall permit such flag to built the master of every such shall shall permit such flag to be displayed, and in default shall incur a penalty not exceeding to be displayed, and in default shall 77 incur a penalty not exceeding eighty dollars. 8. 77.

Licensed pilot boaL.

88. Whenever a licensed pilot, in the exercise of his call g as pilot, goes off in a hard ing as pilot, goes off in a boat or ship not in the pilot fig. service, he shall exhibit door ship not in the pilot fig. fing and ing as pilot, goes off in a boat or ship not in the pilot fist. not in pilot and at night a milet but during the day time a pilot boat and at night a pilot light, in order to show that such bost or ship has a licensed pilot or ship has a licensed pilot on board; and if he fails so u do, without reasonable cannot be board if he fails so to him bin board if he fails so to do, without reasonable cause (proof whereof shall lie of him), he shall, for every and him), he shall, for every such offence, incur a penalty 10 V. exceeding two hundred dollar exceeding two hundred dollars. 86 V., c. 54, s. 78; 40 V. c. 20, s. 2, part.

84. If a boat or ship, not having a licensed pilot of or or bard, displays a pilot flam. board, displays a pilot flag or a pilot light, the owner of master of such boat or which a pilot light, the offence. master of such boat or ship shall, for every such offence. incur a penalty not exceeding of a pilot light, the owner software so Values of the second incur a penalty not exceeding two hundred dollars.

Contributions to Montreal Decayed Pilots' Fund.

***55.** Every pilot for and above the harbor of Guebec, all contribute to the Martin the harbor of Guebec, to the Martin the harbor of Guebec, to the Martin to the Martin the harbor of Guebec, to the harbor of Guebec, to the Martin to the Martin to the harbor of Guebec, t shall contribute to the Montreal Decayed Pilots' Fund five per cent. out of every and the Decayed is ontitled is five per cent. out of every sum of money he is entitled is receive for pilotage, until the brancher Commisreceive for pilotage, until the Montreal Harbor every sioners by by-law otherwise sioners by by-law otherwise determine; after which much such pilot shall contribute such pilot shall contribute to the said fund, which he which is which al -not exceeding seven per cent. of all moneys, to Montreel Harbor C is entitled under this Act for pilotage, as the to time, Harbor Commissioners by be belotage, as the to Harbor Commissioners, by by-law from time to time. 86 V., c. 54 - 20

Contributions to the pilot Quebec.

NG. The treasurer of the corporation of pilots for each slow the harbor of Quahaa abait below the harbor of Quebec shall, on the first day in each

boat or ship not having a pilot on board displaying pilot flag or pilot lights.

Penalty on

91. Every pilot fund shall be applied as follows and in Application of pilot funds. the following order, that is to say :--

BO. Every pilot, by or upon whom any contribution Penalty on any miles pilot, by or upon whom any contribution plot giving to any pilot, by or upon whom any contribution pilot giving to his earning fund is to be made or levied in proportion states to his earnings, under any by-law of any pilotage authority account of his his confirmed under any by-law of any pilotage authority account of his his confirmed under any by-law of any pilotage authority account of his duly confirmed and published, who gives a false account of earnings. his carnings or makes default in payment of any sum due from him sor makes default in payment of any sum due from him as such contribution, shall forfeit double the amount so payable, and shall also be liable, in the discretion of the pilotage authority of his district, to suspension or dismissal, 86 V., c. 54, s. 82.

of their doings in relation to the Decayed Pilots' Fund, for pilot with an original relation to the Decayed Pilots' Fund, fund. with an account of the assets and liabilities of the said fund an account of the assets and liabilities of the ture with showing in detail their receipts and expendi-moneys belonging thereto, with such further information and in such manner and form as the minister, from time to time, prescribes. 38 V., c. 55, s. 5, part, and s. 15.

the minister. 38 V., c. 55, s. 5, part ;-45 V., c. 32, s. 10. N9. The corporation of pilots for and below the harbor Corporation of pilots for and below the first day of pilots to account to of Quebec shall, within seven days after the first day of pilots to of January in each year, make a report to the minister the minister their dointer in pilot to the minister the minister the minister of pilot.

No. The said corporation shall not invest any moneys Proviso: as to longing to the corporation shall not invest any moneys Proviso: as to belonging to the said fund otherwise than in Dominion investments. stock or securities, or in stock of one or more of the chartered banks of Courities, or in stock of one or more of the chartered by banks of Canada, or in such other way as is approved by the minimum anala, or in such other way as is approved by

87. The administration of the fund created by the Act of Decayed the late Decayed the two of pilot functions are two of the transferred to the two of the transferred to the transferred the late Province of Canada, passed in the twelfth year of pilot fund out Majest view of Canada, passed in the twelfth year of pilot fund to fourteen, and corporation Her Majesty's reign, chapter one hundred and fourteen, and corporation other Acts relating thereto, for the support and maintenance of pilots. of Acts relating thereto, for the support and manneal be vested in the pilots, their widows and children, shall be ^{vecayed} pilots, their widows and children, or of Quebeo which of pilots for and below the harbor as a subject which a subjec of Quebec, which shall have the same rights and powers as the Trinity 11 thich shall have the same rights and powers as the Trinity House of Quebec possessed on the eighth day of April, one these of Quebec possessed and seventy-five, in April one thousand eight hundred and seventy-five, in the thousand eight hundred eight hundred and seventy-five, in the thousand eight hundred eight relation to the said fund, and shall administer the same con-formably to the said fund, and shall administer the same conformably to the Acts hereinbefore referred to. 38 V., c. 55,

him during that seven per cent. on all sums received by him during the then next preceding month for pilotage dues or dues for other then next preceding month for pilotage dues or dues for other services provided for by the pilots' tariff, earned by members of the said corporation ; and may, from time to time time to time, examine any such member on oath (which he is oath he is authorized and empowered to administer) all sums so out of any such dues received by him; and all ⁵⁰ the amount of any such dues received by mar, all ⁸⁰ sums 80 set apart by the said treasurer under this ⁸⁰ ction shall feet apart by the said treasurer under this 36 V., c. 54, s. 81. ^{sums so} set apart by the said treasurer unc. ^{section} shall form part of the pilot fund. 36 V., c. 54, s. 81.

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- (a) In payment of such necessary expenses as are duly incurred in the cessary expenses of such duly incurred in the administration of such fund;
- (b) In the payment of superannuation allowances, or other value of superannuation allowances, or other relief, for the benefit of the district. licensed by the pilotage authority of the district. who are incapanity who are incapacitated by reason of age, infirmity or accident, and of the or accident, and of the widows and children of pilots so licensed pilots so licensed, or of such incapacitated pilots only. 36 Vac 54

Investment of surplus of pilot funds.

92. Every sum of money belonging to any pilot fund hich has not been which has not been employed in such payments aforesaid, including such of pilot aforesaid, including sums of money forming part of pilot funds now existing of which funds now existing of which re-investment becomes never sary, shall be invested in the re-investment becomes dovern sary, shall be invested in Dominion stock or other Government, in the ment securities, approved by the Governor in Council, in the name of the pilotage anthonism. name of the pilotage authority having control of the st. s. 84.

94. The board of directors of the corporation of pilots r and below the hasher of the corporation power, for and below the harbor of Quebec, shall have power, from time to time, to subset for a guebec, shall have power, from time to time, to subset for a guebec. from time to time, to select any of the pilots, members of the said corporation, to be meeting of the pilots, members their

said corporation, to be masters of any schooners under their control, and to remove them.

control, and to remove them; and every such pilot so selected who refuses or neglects to

who refuses or neglects to serve as such master until red moved as aforesaid shall

moved as aforesaid, shall incur a penalty of one hundred dollars, which shall be more than a penalty of one number and

as other penalties incurred by pilots, and shall form part of the pilot fund. 86 V or 54

95. Any pilot in charge as such master of a schoonel aployed in the pilotage distance di dist employed in the pilotage district of Quebec, may, for neglect or omission in the discharge district of Quebec, may, complaint or omission in the discharge of his duties, on the complaint brought against him by

brought against him by any person aggrieved, be pen-demned by the Quebec Hasher of aggrieved, be pen-

demned by the Quebec Harbor Commissioners to pay a and alty not exceeding forty dollar

CORPORATION OF PILOTS FOR AND BELOW THE HARBOR OF **98.** The chairman of the corporation of pilots for and low the harbor of Onchar to Doration of pilots for and below the harbor of Quebec shall be ex-officio a member so the corporation of the Orecker and the corporation of the Orecker and the orecker a

the corporation of the Quebec shall be *ex-officio* a member so far as respects pilotage mattered Harbor Commissioners, powers Chairman to he a member far as respects pilotage matters, to which alone his powers as a commissioner shall or the source of of Harbor Commission for pilotage matters.

Directors may appoint and remove masters of **schooners** belonging to the corporation. dollars, which shall be recoverable in the same manner and as other penalties incurred be returned by the same manner of

Penalty on master of schooner neglecting or omitting to do his duty as such.

Payment of directors and masters.

alty not exceeding forty dollars and costs.—recoverable and applicable in the same manual costs.—recoverable neuronalties applicable in the same manner and form as other penalties incurred by pilots. 86 V **96.** The board of directors of the corporation of pilots r and below the harbor of Or the corporation and of the for and below the harbor of Quebec may pay out of funds of the said corporation of Quebec may pay out of and funds of the said corporation funds of the said corporation, to each of its directors, and

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^{shall} pay to each of the masters of the schooners of the said corporation a remuneration not exceeding in any one year one hundred dollars over and above his share in the net income of the said corporation. 86 V., c. 54, s. 87.

97. At all times during the season of navigation in the One director iver Nt 1 times during the season of navigation in the One director River St. Lawrence below Quebec, there shall be on duty on duty at one and personally mence below Quebec, there shall be on duty on duty at one and personally present at one of the pilot stations, one of the of the pilot stations. directors of the said corporation, whose duty it shall be-

(a) To enforce the execution of the duties in regard to Conduct of the embarkation and disembarkation of pilots, pilots. and the conduct of pilots and apprentices on board the pilot schooners;

(b) To keep a journal of occurrences, and note therein Journal of the absence of any schooner from its station, and such director. the time and cause and duration of such absence, and every time when and place where such schooner anchors, and the length of time she remains at anchor :

2. Such journal, or a copy thereof, shall be transmitted Copy for Har-onthly hundled on the commission of the the Quebec Har-sloners. monthly by the said board of directors to the Quebec Har-sioners. bor Commissioners. 86 V., c. 54, s. 88.

INVESTIGATIONS.

98. The pilotage authority for any district shall, in all Pilotage cases of inquiry or investigation made by them under suthorities this Act, or under any other Act or law, have full power to winesses, in mine any power any other Act or law, have full power to winesses, is a mine any power to the state of examine any person appearing before them to give evidence &c., on oath. in such case on oath ; and such oath may be administered by more thanks on oath ; and such oath may be administered by any member of such pilotage authority present at such inquiry or investigation. 45 V., c. 82, s. 1.

99. Whenever any ship sustains damage through the inquiry into ult of annu the harbor of duct above fault of any branch pilot for and above the harbor of duct above the pilota of duct above the harbor of duct above the harbor of duct above the pilotage district of Harbor of Quebec, the pilotage authority of the pilotage district of Harbor of Montreal me pilotage authority of the pilotage district of Harbor of Quebec. Montreal may, in its discretion, and upon such information Quebec. as it deems expedient, and with or without complaint by any person is expedient, and with or without complaint by any person, investigate the matter and declare the branch of such pilot estigate the matter and declare of inward such pilot forfeited: Provided, that in the case of inward Provise: in bound ak: bound ships no investigation shall be had after the expiry ward bound of thirty down of investigation shall be had after the expiry ward bound of thirty days from the happening of the damage or cause ships. of complaint, or ten days from the arrival of the ship at its destination to ten days from the arrival of the ship at its destination; and provided also, that in the case of outward And in case bound shir; and provided also, that in the case of outward of outward bound shir; and provided also, that in the case of outward bound ships. bound ships, no investigation shall be had after the expiry bound ships. of thirty days from the happening of the damage or cause of complaint, unless the owner or master of the ship, within six days in the destination, mails six days after the arrival of the ship at its destination, mails a complaint to the pilotage authority aforesaid, --- which com-plaint to the pilotage authority aforesaid, --- which coming plaint shall be investigated within thirty days after coming 711

to the knowledge of the said pilotage authority. 82, s. 3.

100. When any ship meets with any accident by reason the fault of and while it is with any accident. of the fault of and while in charge of a pilot for and thereof, the harbor of Quebox the harbor of Quebec, the master, owner or consignee thereof, or other interested normality of a pilot for and performance thereof. or other interested person may submit his complaint in respect thereto at any time thereto at any time thereto thereto at any time thereafter, and the pilotage authority of the pilotage district of Outh the pilotage district of Quebec may, upon such information as it deems expedient as it deems expedient and with or without complaint of any person, investigate the second sec any person, investigate the matter and declare the branch of such pilot forfaited. such pilot forfeited : Provided, that in the case of inward bound ships, no investigate bound ships, no investigation shall be had after the expiry of thirty days from the of thirty days from the happening of the damage or cause of complaint, or tan down a state of the damage time at its complaint, or ten days from the arrival of the ship at its destination : and married destination; and provided also, that in the case of outward bound ships, no investigation of the ship are of outward bound ships, no investigation shall be had after the expiry of thirty days from the bound and the range of thirty days from the happening of the damage or cause of within complaint, unless the owner or master of the ship mails six days after the arrival of the ship at its destination, mails a complaint to the milet a complaint to the pilotage authority aforesaid, which com-plaint shall be investigated authority aforesaid, which coming plaint shall be investigated within thirty days after coming to the knowledge of the set of the se to the knowledge of the said pilotage authority. $45 V_{.7} c. 32$, s. 4.

RECOVERY AND APPLICATION OF PENALTIES.

Recovery of penalty.

In Quebec.

101. Every penalty imposed by this Act or by any by w made under this Act law made under this Act, or under any by-law existing at the time of the communication the time of the coming into force of this Act, may be recov-ered or enforced with ered or enforced with costs by civil action or proceeding at the suit of the Crown and the suit of the Crown and the suit of the Crown and the suit of the Crown and the suit of the Crown and the suit of the Crown and the suit of the Crown and the suit of the Crown and the suit of the Crown and the suit of the Crown and the suit of the Crown and the suit of the Crown and the suit of the State the suit of the Crown only, or of any person suing as well for the Crown as for himself for the Crown as for himself,—before any court having juris diction to the amount of the any court having juris diction to the amount of the penalty, or in a summary manner before a stime diameter of manner before a stipendiary magistrate, police magistrate of two justices of the pendiary magistrate, police magistrate An Act two justices of the peace, under the Act intituled peace, respecting summary proceedings before Justices of the peace, -upon the evidence of control of the peace. -upon the evidence of any one credible witness other than the plaintiff or percent the plaintiff or person prosecuting: Provided always, limits of penalties incurred under the limits of lim penalties incurred under this Act shall, within the limits of the pilotage authority of the pilo the pilotage authority of Quebec, be sued for and recovered be fore the Quebec Hasher (as penalties were heretofore recovered and suits brought before the late Trinity Ware recovered and suits s. 18, part ;-40 V., c. 51, s. 6, part. Amended.

Ponalities paid by pliots to go to pliot funds,

109. Every pecuniary penalty paid by a licensed pilot for an offence against the provisions of this Act, or a breach of any by-law made under this Act, or under any by-law existing at the time of the coming into force of this Act, shall be paid into and form part of the pilot fund of the pilots

Inquiry into pilots' conduct below harbor of Quebec.

Proviso : in case of inward bound ships.

And in case of outward bound ships.

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district in which the offence or breach is committed, and if there is no such fund in such district, shall be Daid and is no such fund in such district, shall be paid and applied in such manner as the Gov-ernor in Contract and every ernor in Council, from time to time, directs; and every Those paid by pecuniary penalty paid by any person, other than a applied as the paid and supplied as the for any such offence or breach, shall be Governor in council and supplied in the manner as the Governor directs. paid and applied in such manner as the Governor directs. in Council, applied in such manner as the council, from time to time, directs, except in the pilotage directs, except in the pilotage district of Quebec, in which every such last men-of the funde of the funde of V. of the funds of the Quebec Harbor Commissioners. 86 V.,

LIMITATION OF SUITS AND PROSECUTIONS.

108. No suit shall be brought or proceeding instituted No suit, &c., for the recovery of any penalty or the infliction of any after twelve punishment for any penalty or the provisions of this months from punishment for any offence against the provisions of this months from Act, or for Act, or for any offence against the provisions of this commission or existing at the breach of any by-law made under this Act, of offence. or existing at the time of the coming into force of this Act, after six years from the date of the commission of such offence or breach. 86 V., c. 54, s. 90.

FIRST SCHEDULE.

FORM OF LICENSE TO PILOT.

CANADA

Pilotage District of

We,

examine and license pilots for the pilotage authority in the second seco

This license shall not be lent or transferred.

	D	escription of	of	-		
Age.	Height.	Complexion.	Color of Hair.	Color of Byes.	Marks.	Remarks.

SECOND SCHEDULE.

FORM OF PHIOTAGE CERTIFICATE.

CANADA

Pilotage District of

being the pilotage authority We, having by law power to license pilots for the pilotage district of do bereby certify that the case may be) of the has been found in all respects duly qualified, and is deemed by us any vessel of her class of which he is acting as master (or mate as the case may be) at the time, but no other, within and throughout the following limits in the said pilotage district of describe the limits), and on this A D., 18, is by us licensed in that canacity. A D., 18 , is by us licensed in that capacity. This certificate is good for one year only, and shall not be lent or transforred

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
36 V., c. 54	Whole, except parts in next column.	8, 13 and 18, ss. 28, 32, and 92, and third sche-		
38 V., c. 28 38 V., c. 65	Whole. es. 4, 5, 7 (part), 11, 15	dule.	Norn	÷.
40 V., c. 20 40 V., c. 51	Whole excepts. 5 se. 6 (part) and 7	s. 5.	O o m m i s- sioners. Remainder re- lates to Har- bor of Que-	
43 V., c. 25 45 V., c. 32	Whole. Whole.		bec.	

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CHAPTER 77.

An Act respecting Wrecks, Casualties and Salvage.

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

SHORT TITLE.

1. This Act may be cited as "The Wrecks and Salvage Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires :----Interpreta-(a) The expression "the Minister" means the Minister of "Minister." Marine and Fisheries; (b) The expression "master" includes every person having "Master." command or charge of any vessel; (") The expression "ship" includes every description of "Ship." Vessel used in navigation not propelled by oars; (d) The expression "vessel" includes every description of "Vessel." Vessel used in navigation; (e) The expression "tackle" used in relation to a vessel, "Tackle." includes all furniture and apparel thereof; (f) The expression "goods" includes wares and merchan- "Goods." dise of every description; (x) The expression "receiver" means receiver of wreck ; "Receiver." (h) The expression "shipwrecked persons" includes per- "Shipwrecked hs belonging persons." ⁽⁰⁾ The expression "shipwrecked persons" includes per-"saper vessel wrecked, stranded or in distress at any place within the limits of Canada; (i) The expression "wreck" includes cargo, stores and "Wreck." tackle of any such vessel and of all parts of the vessel ^{beparated} therefrom, and also the property of shipwrecked personal configuration of all parts of the property of shipwrecked and s. 5, part. 82-88 V., c. 88, s. 14 ;--86 V., c. 55, s. 8, s. 4, part,

Minister to have superintendence.

8. The Minister of Marine and Fisheries shall, through it Canada, have the marine and Fisheries shall, umatters out Canada, have the general superintendence of all matters relating to wrocks and find the superintendence of all matters 36 V., c. 55. relating to wrecks and to shipping casualties. 8. 4, part.

INQUIRIES INTO WRECKS.

Inquiry to be instituted in cases of wreck and casualty.

4. In any of the cases following, that is to say :--(a) Whenever any ship is lost, abandoned or materially maged on or near the lot damaged on or near the lake, river or sea coasts of Canada, of any island or place of canada, of

any island or place adjacent thereto;

(b) Whenever any ship causes loss or material damage to any other ship on or near such coasts, island or place;

(c) Whenever, by reason of any casualty happening to or board of any ship or place. on board of any ship on or near such coast, island of place. loss of life ensues

(d) Whenever any such loss, abandonment, damage or sualty happens electric and an and an antimesses casualty happens elsewhere, and any competent witnesses thereof arrive or are found at any place in Canada ;

Who shall make it.

The principal officer of customs residing at or near the casualty place where such loss, abandonment, damage or casualty of occurred, if the same occurred, if the same occurred on or near the coasts of Canada, or any island on or near the coasts of the coasts of the same occurred on or near the coas Canada, or any island or place adjacent thereto, but if else where, at or near the place adjacent thereto, but a sfore where, at or near the place where such witnesses as afore and arrive, or are found said arrive, or are found, or can be conveniently examined. or any officer of the found or any officer of the Government of Canada whom the minister by his name otherwise naming or designating him, appoints, induiry other person appointed by the set of the set other person appointed by the minister, may make inquiry respecting such loss above the minister, may make Hv. 82respecting such loss, abandonment, damage or casualty. 88 V., c. 88, s. 1 ;--87 V., c. 29, s. 4, part.

Powers as to inquiry.

Inspection of ship,

5. Every such officer or person as aforesaid shall have the following powers, that is to say :--

(a) He may go on board any ship, and may inspect the me or any part thereof same or any part thereof, or any of the machinery, ding or equipments, or articles or any of the machinery equipments, or articles on board thereof, the boarding of inspection of which appendix to the the section of the inspection of which appears to him to be requisite for up. purpose of the inquiry he is required to make, not any necessarily detaining any such ship from proceeding on any voyage ; voyage ;

Latey.

(b) He may enter and inspect any premises, the entry the inspection of which appears to him requisite for the purpose of the inquiry he is to make ;

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7. Upon the conclusion of any such inquiry the officer or Report to the minister. for the minister. person who made the same shall send to the minister, for the minister.

6. Every person who wilfully impedes any such officer Penalty for person is the person who wilfully impedes any such officer penalty for or person who wilfully impedes any such oncer remaining any ship on the execution of his duty, whether on board officers in the any ship or elsewhere, shall incur a penalty not exceeding execution of his duty. forty dollars, and may be seized and detained by such officer their duty. or person, or by any person whom the said officer or person (alls to his by any person whom the said officer or person ^{(a)]^{berson}, or by any person whom the said once. ^{Veniently} to his assistance, until such offender can be con-} Veniently taken before some justice of the peace or other officer having a set officer having jurisdiction. 82-88 V., c. 88, s. 8.

do in the manner hereby directed, and after having had a dence. tender made to be hereby directed, and after having had a dence. tender made to him of the expenses, if any, to which he is retitled and to him of the expenses, if any, to make entitled as aforesaid, or who refuses or neglects to make any answer, or to give any return, or to produce any docu-ment in his. ment in his possession, or to make or subscribe any solemn affirmation or declaration which any such officer or person requires 1 of declaration which any such officer or person requires, shall for each such offence incur a penalty not pelled to answer, or incur any penalty for refusing to answer, any question by his answer to which he might ren-der himself question by his answer to which he might render himself liable to a criminal prosecution. 82-88 V., c. 88,

⁸. Every person who refuses to attend as a witness before Penalty for y such officers and so to refusing to any such officer or person, after having been required so to give sviexceeding forty dollars; but no such witness shall be com- Provise.

2. Every witness so summoned shall be allowed such ex- witness to be nses as world be allowed such ex- witness to be needed as a strending on allowed expenses as Would be allowed to any witness attending on allowed ex-subports to minimize the penses. ^{subpœna} to give evidence before any court of record in the as ^{same} Province of Canada; and in case of any dispute as to the amount of such expenses, the same shall be referred by such off such expenses, the same shall be referred by such officer or person to the nearest prothonotary, clerk, master, or other taxing officer of any court of record within the julisdiction taxing officer of any court of record within the jurisdiction of which the attendance is required, who, on a required of which the attendance is required, who, on a request made to him for that purpose under the hand of such officer or person, shall ascertain and certify the proper amount of such expenses :

(e) He may administer oaths, or may, in lieu of requiring Oaths. and administering an oath, require every person examined by him to make and subscribe a solemn affirmation or declaration of the subscribe a solemn affirmation in declaration of the truth of the statement made by him in his examination :

ana and examine for such purpose, and may refer anawers or returns to any inquiries he thinks fit to make; (d) He may require and enforce the production of all Documents. ^(a) He may require and enforce the production stand for such may require and enforce the production stand for such may require and enforce the production stand

(c) He may, by summons under his hand, require the Witnesses. ' attendance of all such persons as he thinks fit to call before him and of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returned for such purpose, and may require to make;

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information of the Governor in Council, a report containing a full statement of the council, a report containing a full statement of the case, and of his opinion the evidence accompanied by such report accompanied by such report of or extracts from the evidence and such observations 82-88 V., C. 88. s. 4.

8. If it appears to the Governor in Council in any such prelim. contain cases case as aforesaid, either upon or without any such preliming in any inquiry as aforesaid. inary inquiry as aforesaid, or in any case of a charge of mis-conduct or incapacity brought is conduct or incapacity brought by any person against is master or mate of any ship that master or mate of any ship, that a formal investigation is requisite or expedient the formal investigation is requisite or expedient, the Governor in Council may any any any spont any officer or officers of the Governor in Council may any body. any officer or officers of the Government of Canada or any body corporate, commission body corporate, commissioner or commissioners, constituted for any public purpose subject to commissioners suthority for any public purpose subject to the legislative name of the Parliament of Canada of the Parliament of Canada, by his, its or their name names or titles of the legislative competent names or title or titles of office, or any other purpose of persons to be a monthly of any other purpose of the person or persons, to be a court or tribunal for the purpose 4, such investigation. 80.00 T such investigation. 82-88 V., c. 88, s. 5; -87 V., c. 29, s. 4, part.

9. Such court or tribunal shall have the power of sum to ming before it any power them to moning before it any persons, and of requiring solemi give evidence on oath orallinvestigation. give evidence on oath, orally or in writing (or on soleming affirmation, if they are affirmation, if they are affirmation. affirmation, if they are persons entitled to affirm as such matters), and to produce maked matters), and to produce such documents and things as such court or tribunal dama court or tribunal deems requisite to the full annointed it is appointed and such court or tribunal shall entresses the same power to enforce the attendance of witnesses and to compel them to give the attendance of in any and to compel them to give evidence, as is vested in shill court of justice in civil court of ju court of justice in civil cases; but no such witness to be compelled to answer and the such witness wer which be compelled to answer any question by his answer to which he might render him function by his answer prowhich he might render himself liable to a criminal be secution; and the providence of the secution is and the providence of the secution is a security where the security is a security where the security is a security where the security is a security where the security is a security where the security is a security where the security is a security where the security is a security where the security is a security of the security is a security of the security is a security of the security is a security of the security of th secution; and the proceedings of such court shall be instituted as far as possible to such court shall be assimilated as far as possible to those of ordinary courts of justice, with the like publicity and the second seco

Privilege of witness.

Proceedings.

Such a court to be a court under section 242 of Merchant Shipping Act.

10. Every court or tribunal constituted under this tion all be in all respects a court of the state of the section of the sect shall be in all respects a court or tribunal under sub-section five of the two hundred and or tribunal under sub-section of "by five of the two hundred and forty-second section of by Merchant Shipping Act 1954" Merchant Shipping Act, 1854," and the amendment made of the twenty-third section of the twenty-third section the twenty-third section of the Act of the Parliament Ad the United Kingdom, known as "The Merchant Shipping" Ad Amendment Act, 1862." 20.00 T Re-drafted.

Nembers to take oath of offer.

11. Every member of such court or tribunal so constituted, aforesaid, before entering court or tribunal so constituted, as aforesaid, before entering upon his duties as such shell take and subscribe an oath how his duties as the period take and subscribe an oath before a justice of the duties well, faithfully and importantly a justice of the duties well, faithfully and impartially, to execute the duties

15. The Governor in Council may, from time to time, Appointment Doint any of receivers it appears to him of receivers appoint any officer of customs or, when it appears to him of wreck. more convenient, any other person, to be a receiver of wreck, and int, any other person, to be a receiver of time remove any such Wreck, and may, from time to time, remove any such the ceiver, and may, from time to time, remove any ('ouncil, establish districts for the pur-('ouncil, and may also, from time to time, by characteristic establish, alter or abolish districts for the purposes of this Act, and assign a district to any receiver, vary vary and of this Act, and assign a district to any wary such district, from time to time, and may,

APPOINTMENT OF RECEIVERS OF WRECK.

pose of defraying unforeseen expenses. 82-38 V., c. 88,

14. The Governor in Council may, from time to time, by Expenses, how to be de-Warrant, order and direct that any expenses incurred under frayed. the provisions of this Act shall be defrayed out of any moneys appropriated to this Act shall be defrayed out of any moneys ^{approvisions of this Act shall be defrayed out of any mon-pose of doc by Parliament for that purpose, or for the pur-ses 82-38 V., c. 88,}

13. Every such court or tribunal may, if it thinks pro-Masters or mates may per, require any master or mate possessing a certificate of required to or petency or some or mate possessing a certificate of required to or a set or mate possessing a certificate of required to on appears to service, whose conduct is called in question, give up con-the description of the description or appears to it likely to be called in question in the held until the of the such close of in the second s ^{appears} to it likely to be called in question in the held unut ^{(ertificate to it investigation before it, to deliver such close of inves-in fight to it is a set of the set} Certificate to it, and it shall hold the certificate so de-that the shall hold the certificate so dethen forward the conclusion of the investigation, and shall then forward the same to the minister; and if any master h mate fail the same to the minister; when so required, or mate fails to deliver his certificate when so required, he shall income to deliver his certificate when so required. he shall incur a penalty not exceeding two hundred dollars.

ht, and his decision shall be final, unless the casualty to which the investigation relates affects a ship registered elsewhere the investigation relates affects a ship registered the pension of the certificate to which the suspension or cancellation relates has been granted under the anthority of "The Merchant Shipping Act, 1854," or any Act amending the Merchant Shipping Act, 1854," or may Act, 1869 "The Merchant Shipping (Colonial) (c. 1869 "The same, or of "The Merchant Shipping Art, 1869,"—in any of which cases "The Merchant Shipping (Country, 1869,"—in any of which cases "The Merchant Shipping, 82-83 V., c. 88, (Colonial Inquiries) Act, 1882," shall apply. 82-83 V., c. 88, 9; 47 V 8. 9:-47 V., C. 22, B. 1.

12. Upon the conclusion of every such investigation or Report to soon afterment or tribunal shall minister. as soon afterwards as possible, the court or tribunal shall minister. send to the minister a full report upon the case investigated, together with the evidence, and its judgment and opin-^{ions} thereon, and such observations, as the court or tribunal this of such observations, as the court or tribunal thereon, and such observations, as the court or the decision fit to make, and shall state in open court Decision to be the decision with respect to court. the decision to which it has come with respect to court. ^{cancelling} or suspending any certificate; and the Minister Minister may ^d Marine and the suspending any certificate is and the Minister Minister may of Marine or suspending any certificate; and the Minister Minister may dence and Fisheries shall, upon the receipt of the evi- confirm, alter have and the confirment of the evi- confirm, alter have after due notice judgment. dence and Fisheries shall, upon the receipt of the evi- confirm, and has been privated of the court thereon, after due notice judgment. has been given and a copy of the opinion of the court has been supplied and a copy of the opinion of the sagent, if he is been given and a copy of the opinion of the court -found could to the person interested, or his agent, if he is the indoment, as he thinks found, confirm, alter or set aside the judgment, as he thinks

from time to time, make and vary regulations for the conduct of receivers, subjust that the vary regulations Action conduct of receivers, subject to the provisions of this Act

2. If, at any time, there is not any receiver appointed r any district in which the not any receiver the city ez officio where for any district in which the city of Quebec, at the district of Halifax. or the city of Quebec, at the district of the city of Halifax. of Halifax, or the city of St. John is included, the the sgent of the Donated St. John is included, wisheries at the agent of the Department of Marine and Fisheries at such city shall be the music such city shall be the receiver for such district; and other any time, there is not any time. any time, there is not any receiver appointed for such district, then the principal district, then the principal officer of customs at the principal port in such district about the principal officer of customs for such district about the principal port in such district about the port in such district about the port in such district about the port in such districts about the p pal port in such district, shall be the receiver for such district. 86 V., c. 55. # 4

Powers of receivers as to inquiries.

16. A receiver acting in execution of his duties, in and ance of this Act when the secution of his duties, in and suance of this Act, shall have all the other person authorities of a principal of the powers person authorities of a principal officer of customs or other performing of appointed under the customs of customs of this acting or appointed under the second of acting or appointed under the foregoing provisions of in Act, and any person who mile it is receiver of Act, and any person who wilfully impedes a receiver of the execution of his daty or wilfully impedes a noesting of the execution of his duty or makes default in appearing of the like per giving evidence before him, shall be subject to the like per alties as if the receiver way and the subject to the customs alties as if the receiver was a principal officer of customs or other person acting or analy a principal officer of customs 36 V or other person acting or appointed under the said provisions. 86 V., c. 55, s. 4. part

VESSELS WRECKED OR IN DISTRESS.

Powers as to vessels stranded or in distress.

17. When any British or foreign vessel is wrecked, strauded the in distress at any place with the Canada, the or in distress at any place within the limits of Canada, with such receiver shall, upon being within the limits of with such receiver shall, upon being made acquainted with such stranding or distress fortherith stranding or distress, forthwith proceed to such place fall upon his arrival there has the proceed to such place fall upon his arrival there he shall take the command of all dimensions present, and shall contain take the command such persons present, and shall assign such duties and issue such directions to each person directions to each person as he thinks fit for the present, and of the person of the thinks fit for the present. tion of such vessel, and of the lives of ship wrecked persons, and of the wreck :

Penalty for disobeying bim.

Not to take charge con-trary to wish of master or owner.

2. Every person who disobeys such directions of the re-iver shall incur a penalter such directions hundred ceiver shall incur a penalty not exceeding two hundred dollars. 86 V., c. 55. s. 5

18. Nothing in this Act shall be construed to suthorise e receiver to take charge of materials the receiver to take charge of any ship, cargo or owner of contrary to the expressed wish of the master of or owner such ship or cargo, or of their contrart of 55. s. 5, part.

Turther power of the wiver.

19. The receiver may, with a view to the preservation of e vessel, or of the shinward view to the preservation all the vessel, or of the shipwrecked persons or wreck, do all or any of the following this - the persons or wreck, do all

(a) Require such persons as he thinks necessary to assist him :

(b) Impedes or hinders the deposit of any wreck; or-(c) Prevents such wreck from remaining so deposited for a reasonable time until the same can be removed to a safe place of public deposit,-

(a) Impedes or hinders such person from so passing or repassing, with or without carriages, horses and servants, by locking his gates, or refusing, upon request, to open the same, or otherwise howsoever; or-

22. Every owner or occupier of any land over which any Penalty for reon is hardland over which any optimized acts who does any obstruction. person is hereby authorized to pass or repass, who does any obstruction. of the acts following, by himself or his servants, that is to

in consequence of any such passing, repassing or deposit passage. aforesaid, shall be a charge on the vessel or wreck in respect of or by which such damage was occasioned, and the same shall, in default of payment, be recoverable in the same manner as salvage is by this Act made recoverable in the and the second amount payable in respect thereof shall, in case of dispute, be determined in respect thereof shall, in case of dispute, he determined in the same manner as the amount of salvage by this A ^{is by} this Act, in case of dispute, directed to be determined : provided, that no such compensation shall be recoverable in Proviso. tespect of damage to any gate, wall, fence or other obstruction which has been unreasonably erected or placed by such has been unreasonably erected or pre-repassing of the passing, ^{repassing} or deposit. 86 V., c. 55, s. 7, part.

possible; and may also, on the like condition, deposit on such lands of the like condition, deposit on such lands any wreck saved. 36 V., c. 55, s. 7, part. 21. All damage sustained by any owner or occupier As to dam-consequences or deposit passage.

20. Whenever any vessel is wrecked, stranded or in dis- Passage over ⁸⁸⁸ Within the land vessel is wrecked, stranded or in dis- Passage over adjoining in the lands. ^{tress} Whenever any vessel is wrecked, stranded or in dis- range adjoining within the limits of Canada, all persons may, for the lands. puppose of rendering assistance to such vessel, or of saving the lives of any wreck, unless the lives of rendering assistance to such vessel, or of an interest there is some shipwrecked persons or any wreck, unless and rethere is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands, without being subject to interruption by the owner or occupier,—so that they do as little damage as possible: and occupier,—so that they do as little damage as

aforesaid, shall for every day on which he refuses, incur a penalty not and the every day on which he refuses, so that the set of t penalty not exceeding twenty dollars. 86 V., c. 55, s. 6.

2. Every person who refuses, without reasonable cause, to Penalty for mply with and who refuses, without reasonable cause, to Penalty for disobedience ⁽⁰mply with any such requisition or demand, so made as ⁽⁰mply, with any such requisition or demand, so made as

ropes or appliances that are near at hand:

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(c) Demand the use of any wagon, cart, horses, tackle,

(b) Require the master of any vessel near at hand to give such aid with his men or vessel as is in his power;

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ages by such

Shall for every such act incur a penalty not exceeding four hundred dollars act w **28.** Whenever any vessel is wrecked, stranded or in discusses within the limits of the

tress within the limits of Canada, and any person plunders creates disorder or obstructure of the vessel creates disorder or obstructs the preservation of the shipwreekad Power of receiver to or of the shipwrecked persons or wreck, the receiver may cause such person to be arrested or wreck, the receiver may Buppress cause such person to be apprehended and kept in custof the until he can conveniently be and september of the plunder and until he can conveniently be taken before a justice of the peace to be dealt with any peace to be deal disorder by force. peace to be dealt with according to law; and may use der of disorder for the suppression of any such plundering, subjects to reaction, and may commented by the subjects obstruction, and may command all Her Majesty's subjects to assist him in the unit of the majesty's subjects

Provision as to persons killed, &c., while resisting.

Power of master to repel boarding by force.

or hurt, and the representatives of any person so killed. V., c. 55, s. 8. **24.** Whenever any vessel is wrecked, stranded or in discusses within the limits of the process of the stranded or in the being a tress within the limits of Canada, every person not beings receiver, or a person active of a receiver, or a person acting for or under the orders such receiver, who, without the draw of such receiver, or a person acting for or under the orders of such versel, endeavors to housed the leave of the master of by vessel, endeavors to board the same, may be repelled by force; and the master and force; and the master and every person under his orders so repelling such person by force is a such person by force is a such person by force is a such person by for so repelling such person by force are hereby indemnified for so doing. 36 V., c. 55. N 9

to assist him in the use of such force; and if, when the receiver or any person action of such force; and if, engaged receiver or any person acting under his orders is engaged in the execution of the dustice in the execution of the duties by this Act committed is and is by this act committee and is by this act committee and is by this act committee and is by this act committee and is by this act committee and is by this act committee and is by this act committee and is by this act committee and is by this act committee and is by this act committee and is by this act committee and is by this act committee and is by this act committee and is by this act committee and is by this act committee and is by the act committee and is by this act committee and is by the

receiver, any person resists such receiver or person, such killed, maimed or hurt hur and receiver or person, such

killed, maimed or hurt by reason of such resistance, as receiver and other parameters of such resistance, as receiver and other parameters of such resistance, as receiver and other parameters of such resistance, as receiver and other parameters of such resistance, as receiver and other parameters of such resistance, as receiver and other parameters of such resistance, as receiver and other parameters of such resistance, as receiver and other parameters of such resistance, as receiver and other parameters of such resistance, as receiver and other parameters of such resistance, as receiver and other parameters of such resistance, as receiver and other parameters of such resistance, as receiver and other parameters of such resistance, as receivers and other parameters of such resistance, as receivers and other parameters of such resistance, as receivers and other parameters of such resistance, as receivers and other parameters of such resistance, as receivers and other parameters of such resistance, as receivers of such resistance, as receivers and other parameters of such resistance, as receivers and other parameters of such resistance, as receivers and other parameters of such resistance, as receivers and receivers of such resistance, as receivers of such resistance, as receivers and receivers of such resistance, as receivers and receivers of such resistance, as receivers and receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such resistance, as receivers of such rec

receiver and other person are hereby fully indemnified well against Her Majority

well against Her Majesty as against every person killed.

25. When a receiver is not present, the following other other the other the other the other the other the other the other other the other other the other other the other ot or persons in succession, each in the absence of the say in the order in which there is not present, the following other in the order in which there is a say in the order in which there is a say in the order in which there is a say in the order is a say in the ord in the order in which they are named, that is to say diary principal officer of contact of the any stipendiary he principal officer of customs, fishery officer, or stipen the magistrate on board of any the state of the stat magistrate on board of any vessel belonging loved in the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the Government of the service of the service of the Government of the service of the Government of the service of the service of the service of the Government of the service of t service of the Government of Canada and employed in the service of protecting the Government of Canada and employed revenue, service of protecting the fisheries, officer of inland revenue, sheriff, justice of the particulation of the parti sheriff, justice of the peace, commissioned officer on full pay in the naval service of Her M in the naval service of Her Majesty, or commissioned officer on full pay in the military and the commissioned officer or light on full pay in the military service of Her Majesty, or commissioned light house keeper employed by the constant of Her Majesty, or may house keeper employed by the Government of Canada, done do all matters and things have the dovernment of to be dod by the do all matters and things by this Act authorized to be done by the receiver, for the matters authorized to be an authorized to be authorized to be authorized to be an authorized to be authorized to be an authorized to be authori by the receiver, for the preservation of vessels, shipwrecked persons and wreck, with this this with respect persons and wreck, with this exception, —that, with respect to any wreck, the delivery and the providet the providet the provi to any wreck, with this exception, that, with respectively required, any officer of which to the hell be che hereby required, any officer or person so acting shall be the sidered as the agent of the sidered as the agent of the receiver, and shall not be sidered as the custody of the receiver, and shall not be antitled same in the custody of the receiver; and he shall not by entitled to any fees payable to the receiver and he shall not by entitled to any fees payable to receivers, or be deprived he would at reason of his so acting of any right to salvage to which he would otherwise be entitled

Certain officers to exercise powers of receiver in his absence.

Saving of fees and right to salvage.

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2. Every person acting under the orders of an officer or Persons act-rson actions in acting under the orders of this section ing under as person acting under the orders of an officer or remons ac-shall, for the purposes of this Act, be deemed to be acting ceivers. under the order of this Act, be deemed to be acting ceivers. under the purposes of this Act, be accused and the orders of a receiver. 36 V., c. 55, s. 10.

WRECK.

26. Whenever any person takes possession of wreck with- Rules for perin the limits of Canada, he shall, as soon as possible, deliver wreck in the same to the Canada, he shall, as soon as possible, deliver wreck in wreck in the same to the receiver : Provided, that the Minister may, Canada, if he thinks the receiver : Provided, that the Minister may, Canada. if he thinks fit, dispense with such delivery in the case of any wreek fit, dispense with such delivery in the case of the thinks fit. 36 V., any Wreck, upon such conditions, as he thinks fit. 36 V., C. 55, 8. 11, part.

27. Every person taking possession of wreck within the Penalty for failing to deliver wret limits of Canada, who-

deliver wreck, ko.

(a) Fails to deliver the same to the receiver, in pursuance of the next preceding section ; or-

(b) Whenever the minister has dispensed with such delivery upon any conditions, does not either comply with such conditions or deliver the wreck to such receiver as soon as possible,-

^{shall} forfeit any claim to salvage, and shall be liable to pay ^{as a penalty} double the value of such wreck, and a further ^{sum} not such wreck, and a further ^{sum} not such wreck, and a further ^{sum} not such wreck, and a further ^{sum} not exceeding four hundred dollars. 36 V., c. 55, s. 11,

2N. Every receiver shall, within forty-eight hours after Notice of king power receiver shall, within forty-eight hours after Notice of wreck to la her power by in given by taking possession of any wreck, cause to be posted up in given by the custom house nearest to the place where such wreck receiver. Was found house nearest to the place where such wreck receiver. Was found or was seized by, or delivered to him, a description or was seized by, or delivered to him, a description of the same and of any marks by which it is distinguish of the same and of any marks by which it is distinguished; and shall also transmit a similar description to the minimized; and shall also transmit a similar description to the minister, who may give such publicity to the same as he sees fit. 36 V., c. 55, s. 12.

29. The owner of any wreck in the possession of the Owner may ^{receiver,} upon establishing his claim to the same to the slaim wreck within one statisfaction of the stabilishing his claim to the same to the slaim wreck. satisfaction of the minister, within one year from the time year. at which such wreck came into the possession of the receiver at the wreck came into the possession of the ^{which} such wreck came into the possession due, he matter, shall, upon paying the salvage, fees and expenses the proceeds thereof due, be entitled to have such wreck or the proceeds thereof delivered if any such wreck is delivered up to him or his agent ; and if any such wreck is Foreign con-proved to him or his agent ; and if any such wreck is sul to be proved, to the satisfaction of the minister, to belong to a deemed agent. loreign owner, the consul general in Canada of the country to which the consul general in Canada or the officer of the owner of such wreck belongs, or any consular officer of the owner of such wreck belongs, or any treaty officer of that country authorized in that behalf by any treaty or arrant that country authorized in that behalf by any treaty or arrangement with such country, shall, in the absence of the owner with such country, shall, in the agent of the the owner or his agent, be deemed to be the agent of the

owner, so far as relates to the custody and disposal of the wreck. 86 V., c. 55 = 19

Power to m. ceiver to sell wreck :

If for general advantage or if goods are dan gerous.

If salvage is not paid.

80. The following provisions shall have effect with spect to the sale of wreat the shall have effect. respect to the sale of wreck, that is to say :-

- (a) If in the opinion of the receiver it is for the advantage of all advantage of all parties to sell wreck in his of a tody or if such tody or if such wreck consists of goods and the dangerous nature dangerous nature, he may sell the same; and the proceeds of such raise proceeds of such sale, after defraying the expenses thereof, shall be the sale of the sale thereof, shall be held by the receiver for the same purposes same purposes and subject to the same number of the same claims, rights and linbilities rights and liabilities as if the wreck had remained unsold;
- (b) If the owner of any wreck is known or has estab-lished his title to be a locks to pay lished his title to the same, but neglects to pay the salvage the salvage, fees or expenses due thereon the twenty days twenty days after notice in writing from the receiver, the remainder of a receiver, the receiver may sell such wreck, or s sufficient part the sufficient part thereof, and may, out of the pro-ceeds of such relation ceeds of such sale, after defraying the expenses of sale, pay the sale. sale, pay the salvage, fees and expenses due, and shall pay or deliver the salvage of the shall pay or deliver the surplus, if any, of the proceeds or of the surplus, if any entitled proceeds or of the wreck to the persons entitled 86 V., c. 55, s. 14.

UNCLAIMED WRECK.

81. If no owner establishes a claim to wreck before has expiration of a year from the date at which the same into the possession of the same wrock, if come into the possession of the receiver, such wreck, if unsold, shall be sold by an a state of the receiver. unsold, shall be sold by such persons and in such manner as the minister director as the minister directs ;-and the proceeds thereof, after payment of expension contact payment of expenses, costs, fees and salvage, shall be paid over to the Minister of Winnersh, to over to the Minister of Finance and Receiver General, form part of the Consult form part of the Consolidated Revenue Fund of Canada 86 V., c. 55, s. 15

CLAIMS TO WRECK.

Delivery of wreak by receivers not to rojudice itie

82. Upon delivery of wreck or payment of the proceeds of wreck by a receiver, in pursuance of the provisions of this Act, such receiver, in pursuance of the provision it liability this Act, such receiver, in pursuance of the provision in respect thereof: but much discharged from all liability hall not in respect thereof; but such delivery or payment shall not prejudice or affect any constitution or payment by third prejudice or affect any question which is raised by third parties concerning such wreck. 86 V., c. 55, s. 16.

Interpleader In case of Track.

38. Whenever two or more persons claim any wrock of occeeds of wrock of any wrock proceeds of wreck of any value or amount in the possession in of a receiver, any community in the possession in of a receiver, any court sitting, and having jurisdiction

Sale of unslaimed Wreck.

^{civil} matters to the value or amount of the wreck or proceeds in question, in the district of such receiver, may, on the application, in the district of such receiver, may, on the application, in the district of such receiver, may, and summon such of such receiver, or of any of such persons, summon such and such receiver, or of any hear and adjudicate summon such persons before it; and may hear and adjudicate upon their claims, and may make such order between the parties in received in the proceedings. parties in respect thereof, and of the costs of the proceedings. as to such court seems fit; and such order may be enforced in like manner seems fit; and such order may be enforced in like manner as any order made in any suit brought in the ^{same court.} 36 V., c. 55, s. 17.

MARINE STORE DEALERS.

84. Every person dealing in, buying and selling any of Regulations $t_{h_{\theta}}^{**}$ Every person dealing in, buying and selling any or regulations sails following, that is to say :---old anchors, cables, for marine sure junk on inverse dealers. sails, junk or iron, or marine stores of any kind, shall be subject to the following provisions :--

(a) He shall have his name, together with the words Name to be "dealer in marine stores," distinctly painted, in shop. letters of at least three inches in length and two inches in breadth, on some conspicuous part of each warehouse, shop, store or place of deposit belonging to him;

(b) He shall keep a book or books fairly written, and Books to be shall enter therein an account of all such articles kept. as he, from time to time, becomes possessed of, and a statement in respect of each article, describing the character thereof and of any marks thereon, and of the time at which and the person from whom he purchased or received the same, and a description of the business and place of abode of such person ;

(c) He shall, at all times when required by the receiver Production of books. for the district in Thich he carries on business, books. whether or not the receiver has a warrant for search or inspection, produce and deliver up to the receiver every book kept in pursuance of the provisions of this Act, and shall allow such receiver to inspect and take copies of the same :

2. Every person who makes default in observing the provi- Penalty for information information information. sions aforesaid, shall, for the first offence, incur a penalty infraction. hot exceeding forty dollars; and for every subsequent offence a penalty not exceeding two hundred dollars. 86 V.,

86. Every person who deals in the purchase of old marine Not to purstores of any description, including anchow, cables, sails, certain per-what, iron, connection including anchow, cables, sails, certain per-Junk, iron, copper, brass, lead and other marine stores, and sons. who, by him per, brass, lead and other marine stores, and sons. Who, by himself or his agent, purchases any old marine 72

	1188	shall
Penalty.	1188 stores from any person under the age of sixteen years on summary conviction, be liable to a penalty of four of for the first offence and of six dollars for every subse offence :	. nur
Pnnishmen for secretin stolen mari stores.	2. Every such person who, by himself or his agri- chases or receives any old marine stores into his premises or places of deposit, except in the day time, be sunrise and sunset, shall, on summary conviction, be to a penalty of five dollars for the first offence and of dollars for every subsequent offence:	shol ⁿ tween liable se ^{ven}
To have suc goods secret ed a misde- meanor,	ch 8. Every person purporting to be a dealer in order to be a dealer in order to be a dealer in order which were to a solution which were to a sol	stolen V.
	OFFENCES IN RESPECT OF WRECK.	anada
Pelonies in respect of wrecks.	OFFENCES IN RESPECT OF WRECH 86. Every person who does within the limits of Ca any of the acts following, that is to say :	r im
Impeding the saving of life	pede any shipwrecked person in his c ende save his life, or prevents, impedes or ende to prevent or impede any person in his ende to save the life of any shipwrecked person;	- in
Or of a vessel.	(b) Prevents, impedes or endeavors to prevent pede the saving of any vessel which is wre stranded, abandoned, or in distress; or prev impedes or endeavors to prevent or in any person in his endeavor to save such ve	ckeu rents, pede, ssel;
Stealing wreck and	(c) oceans or manciously restroys any	jIII lu
Selling wreck.	(d) Sells any vessel or wreck found within the effect.	ont.
Punishment.	is guilty of felony, and liable to seven years' imprim- 82-88 V., c. 20, s. 16;-82-88 V., c. 21, s. 66; -82-88 V.,	C. 20
Misdemonnor in respect of wrecks.	s. 57;-86 V., c. 55, s. 19. 87. Every person who within the limits of Cal does any of the acts following, that is to say:-	
Boarding vessel illegally."	does any of the acts following, that is to say:	

^{Chap.} 77.

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(b) Assaults any receiver or any person acting as a Assaulting receiver in the exercise of his duty for the pre-receiver, &c. servation or assistance of any such vessel, or of Wreck, or assaults any person acting by command of a receiver in the exercise of his duty as aforesaid;

(c) Prevents, impedes or endeavors to prevent or Impeding saving of wrock. impede the saving of any wreck;

(d) Secretes any wreck, or defaces or obliterates the secreting marks thereon, or uses means to disguise the wreck. fact that it is wreck, or in any manner conceals the character thereof, or the fact that the same is such wreck, from any person entitled to inquire into the same ;

(e) Receives any wreck, knowing the same to be megally Wreck, from any person other than the owner wreck, thereof and the same does not within thereof or the receiver, and does not within forty-eight hours inform the receiver thereof;

(f) Offers for sale or otherwise deals with any wreck, Or offering known a lawful wreckforsa knowing it to be wreck, not having a lawful wreckforsale. title to sell or deal with the same;

(5) Keeps in his possession any wreck, knowing it to or retaining he wreck. be wreck, without a lawful title so to keep the wreck. same, for any time longer than the time reasonably necessary for the delivery of the same to the receiver,---

is guilty of a misdemeanor and liable to two years' imprison- Punishment. ^{aunt}, or of an offence against this Act, and liable, on sum-mary conviction of the peace, to a Mary or of an offence against this Act, and liable, on such penalty not viction before any two justices of the peace, to a before any two justices of the peace, to a dollars, or to imprisonpenalty not exceeding four hundred dollars, or to imprison-on t for any two justices of the peace, when t for any two justices of the peace, when the second secon ^{ment} to not exceeding four hundred dollars, or to improve 20, 8, 38 any term not exceeding six months. 82-83 V., c.

20, 8, 38; -86 V., c. 55, 8. 20.

ander this Act may be indicted and prosecuted, and the evidence in prosecuted, and the prosecuted in any for offences in the may be indicted and prosecuted in any for offences. ^{ven}ue this Act may be indicted and prosecuted, and the evidence in ^{indictment} or new prosecutions in any for offences in ^{indictment} or new prosecution of the evidence in ^{indictment} or new prosecutions of the evidence in ^{indictment} or new prosecutions of the evidence in ^{indictment} or new prosecutions of the evidence in ^{indictment} or new prosecutions of the evidence in ^{indictment} or new prosecutions of the evidence in ^{indictment} or new prosecutions of the evidence in ^{indictment} or new prosecutions of the evidence in ^{indictment} or new prosecutions of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment} of the evidence in ^{indictment</sub> of the evidence in ^{indictment of the evidence in ^{indictment of the evidence in ^{indictment of the evidence in ^{indictment of the evidence in ^{indictment of the evidence in ^{indictment of the evidence in ^{indictment of the evidence in ^{indictment of the evidence in ^{indictment of the evidence in ^{indictment of the evidence in ^{indictment of the evidence in ^{indictment of the evidence in ^{indictment of}}}}}}}}}}}}}}</sup></sup></sup></sup></sup></sup></sup></sup></sup></sup></sup></sup></sup> indict may be indicted and protect; and in any for our of misdemean or prosecution under this Act, for any felony or respect of to 1. The mean of the second misdemean or prosecution under this Act, for any felony or wreck. to lay the prosecution wreck, it shall not be necessary wreck to identify the alleged to lay the property in any person, or to identify the alleged by the property in any person, or to identify the alleged by the property in any person, or to identify the alleged by the property in any person, or to identify the alleged by the property in any person, or to identify the alleged by the property in any person, or to identify the alleged by the property in any person, or to identify the alleged by the property in any person, or to identify the alleged by the property in any person or wreck coming the property in any person of the property in any person of the property in a person of the person of th Wreck as part of any particular vessel or wreck coming (b) any part of any particular vessel or wreck coming from any part of any particular vessel or wreck communication of any particular vessel, or as the property of any parti-

^{cular} person. 36 V., c. 55, s. 21, part.

Bo. Every penalty, forfeiture or punishment, for any Trist of against the former deviared to be a felony offender offence against this Act, not hereby declared to be a felony offenders. or misdemeanor, may be imposed, adjudged and recovered, on

summary conviction, before any two justices of the peace or any magistrate having the or any magistrate having the powers of two justices of the peace. 36 V., c. 55, 8–21

Indictmenta for certain offences.

40. In any indictment or prosecution for receiving the post secreting or disguising any wreck, or for having the post session thereof, or for calling session thereof, or for selling or dealing therewith, or for defacing or obliterating model to the accused defacing or obliterating marks thereon (unless the accused shows that he was possed to be accused that shows that he was possessed of the same for more than twelve months before the date twelve months before the date of the indictment or the com-mencement of the prosentiate of the indictment of the scensed mencement of the prosecution), it shall lie upon the accused to show that he did not have to show that he did not know, and had not the means of knowing the same to be used. knowing the same to be such wreck, or that he was law fully possessed of or entitled to be such wreck. fully possessed of or entitled to sell or deal with the same and in any indictment or used to sell or deal with defacing and in any indictment or prosecution for secreting, defacing, receiving, possessing solution for secreting, oncealing receiving, possessing, selling, dealing with or concealing the character of any wroat the character of any wreck, evidence may be given, either before or after verdict before or after verdict, of any former conviction accused for any former conviction In any proceeding under this section the accused may, if he thinks fit, be sword and examined as a witness in the Accused may accused for any of the said offences. and examined as a witness in the case. 36 V., c. 55, s. 21, part. Re-drafted.

Summary procedure for concealment of wreck.

be examined.

Penalty.

Subsequent offence.

Salvage to informer.

41. When a receiver suspects that any wreck is secreted of any concealed by or is wronger in that any wreck is secreted. or concealed by or is wrongfully in the possession of any person, he may apply to prove the possession of a^{β} person, he may apply to any justice of the peace for a search warrant, and such institution of the peace of t search warrant, and such justice shall have power to grant such warrant, by virtue and such warrant, and such justice shall have power to give such warrant, by virtue whereof it shall be lawful for the receiver to enter (and if receiver to enter (and if need be by force) any and building and place, whether building and place, whether enclosed or unenclosed, and whether enclosed or unenclosed, whether enclosed or unenclosed or whether enclosed or whether enclosed or unenclosed or whether enclosed or whether encl any vessel, and to search for, remove and detain any wreck there kept or secreted and it there kept or secreted; and if any wreck is discovered, the the person in whose possibility of any wreck is discovered. the person in whose possession and on whose premises the same is found fails, on being same is found fails, on being summoned, to appear before two justices of the peace the two justices of the peace, to prove to the satisfaction of such justices that he was lawfall. justices of the peace, to prove to the satisfaction of ^{sub} of such wreck, he shall be light such wreck, he shall be liable to a penalty not exceeding eighty dollars for the first of eighty dollars for the first offence, — and for every subsequent offence shall be liable at the difference. offence shall be liable, at the discretion of the justices, to int to a penalty not exceeding the second penalty of to any to a penalty not exceeding two hundred dollars or to ing prisonment, with hard labor of hundred dollars exceeding prisonment, with hard labor, for any term not exceeding the intermediate think if three months; but the justices may, if they his Act of commit him for trial for a misdemeanor under this Act any such discovery any such discovery as aforesaid is made in consequent the information given by any such as a source the such as a source of the information given by any person to the receiver, such informer shall be entitled by informer shall be entitled, by way of salvage, llows under not exceeding eighty dollars not exceeding eighty dollars as the receiver allows under instructions from the minist instructions from the minister. 86 V., c. 55, s. 22.

SALVAGE. 42. When services are rendered within the limits be anada in saving life from Salvage to be payable for saving life. Canada in saving life from any vessel, there shall

^{payable} to the salvor by the owner of the vessel, freight, ^{cargo, store} for salvage; argo, stores and tackle, a reasonable sum for salvage; and expenses, in priority to all other claims for salvage; and in cases in priority to all other claims for same are destroyed on which such vessel, stores, tackle and cargo are the freight, if any, is destroyed, or the value thereof, with the freight, if any, is haufficient, after payment of the actual expenses incurred to pay the amount of such salvage, the minister may, in his dis-⁽¹⁾ the amount of such salvage, the minister may, ... ^[0] p_{0sal} for that purpose, such remuneration as he thinks fit. 36 V., C. 55, 8. 23.

48. When, within the limits of Canada, any vessel is Salvage of recked, aband, the limits of Canada, and services wreck. When, within the limits of Canada, any vessel 18 Cargo or are rendered handoned, stranded or in distress, and services wreck. are rendered, abandoned, stranded or in distress, and services are by any person in assisting such vessel, and when ^{bervices} are rendered as aforesaid by any person in saving any ^{Wreck}, there are rendered as aforesaid by any person in saving any Wreck, there shall be payable to the salvor by the owner of such vessel such vessel or wreck, as the case may be, a reasonable amount of salvage, including expenses properly incurred. 36 V., C. 55, B. 24.

PROCEDURE IN SALVAGE.

44. Disputes as to salvage, whether of life or property, Jurisdiction (a) be heavily at to salvage, whether of life or property, jurisdiction of disshall be heard and determined as follows, and not otherwise, puts as to salvage. that is to say :-

(a) If either the amount claimed does not exceed one hun- If amount drug the amount claimed does not exceed one hun- if amount drug the or not exceed one hun- if amount drug the or not exceed one hundred dollars, or the value of the property liable or not exceed alleged to be a solution of the property liable or not exceed alleged to be liable for the salvage does not exceed \$100 or value two human back and the salvage does not exceed \$250. two hundred and fifty dollars, or if the parties consent in writing, the dispute shall be heard and determined where determined by the receiver of the district where the services were rendered or where the property liable is, at the time of the making of the claim, and his a state the time of the making of the claim, and his award shall include fees and costs : but if any Appeal. Party feels aggrieved by the award of such receiver, the party so aggrieved may appeal to the minister, within thirty days after the decision of the receiver from which the appeal is made: Provided Proviso. always that the appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the receiver of his intention to appeal, and of the grounds of such appeal;

(b) In other cases, the dispute may be heard and deter- In other cases. mined by any court having jurisdiction in civil matters to the amount of the claim or value of the property liable, in the place where the services were rendered rendered, or where the property is at the time of the making of the claim :

2. If in any suit or proceeding for salvage in any court the As to costa. claimant recovers an amount less than the maximum amount which mini vers an amount less than the maximum amount which might be claimed before the receiver, then, unless

the court certifies that such suit or proceeding was unfit to be determined by the receiver the determined by the receiver, the claimant shall have no costs charges or expenses incorrect to the claimant shall have no cost and charges or expenses incorrect to the claimant shall have no cost and the charges of the claimant shall have no cost and the charges of the claimant shall have no cost and thave no cost and the claimant shall have no cost and charges or expenses incurred by him in the prosecution of his claim, and shall pay to the his claim, and shall pay to the other party such costs, charges and expenses, if any as the

Definitions.

3. The amount of the claim means, for the purposes of is section, the amount claim deams, for the purposes of suit this section, the amount claimed in the proceeding or suit before the receiver or in the proceeding suit, of before the receiver, or in the court in which the suit of proceeding is taken and the proceeding is taken; and the value of the property liable means the value of the same of the property into means the value of the property when first brought into safety by the salvors and V

Proceedings for salvage, how to be commenced.

45. Every dispute as to salvage which arises in Canada hen the services have been always which arises in be heard for the services have been always be heard for the services have been always be heard for the services have been always been alway when the services have been rendered therein, may be heard and determined, on the analysis and determined, on the application either of the salvage, or the owner of the property light the owner of the property liable to the claim for salvage of when the property is in the when the property liable to the claim for salvage, is application; and if no many story of the receiver, on his application ; and if no proceedings have been brought by the salvor, the owner proceedings have been aforesaid by the salvor, the owner may make application as aforesaid to the receiver or court baring to the to the receiver or court having jurisdiction, according to the value of the property light. value of the property liable. 36 V., c. 55, s. 26.

Valuation of property.

46. When any dispute as to salvage arises in Canada, the ceiver of the district where the salvage arises in the second receiver of the district where the property liable is situate shall, on the application of situate shall, on the application of either party, appoint a value to value such property, and shall of the value to be va value such property, and shall give copies of the value surporting to both parties; and any copy of such valuation. Purporting to be signed by the valuer to be signed by the valuer, and to be certified as a true copy by the receiver shall be added to be certified as a true subse by the receiver, shall be admissible as evidence in any subsequent proceeding, and that quent proceeding, and shall, for the purpose of giving juris diction in salvage, be could diction in salvage, be conclusive evidence of the value at the time of such valueation to the value of the va time of such valuation ; and there shall be paid in respect of such valuation such find of such valuation ; and there shall be paid in reating, directs. 36 V. c. 55 and 7

Property liable for salvage may be seized and detained by receiver.

47. A receiver may seize any property found within his strict and alleged to be line any property found may detain district and alleged to be liable for salvage; and may detain such property until either the such property until either the salvage, fees and costs the thereon are ascertained and may accurate the salvage, fees and costs the thereon are ascertained and may accurate the salvage fees and costs the thereon are ascertained and may accurate the salvage fees and costs are the thereon are ascertained and may accurate the salvage fees and costs are the thereon are ascertained and may accurate the salvage fees and costs are the thereon are ascertained and may accurate the salvage fees and costs are the the salvage fees and costs are the thereon are ascertained and may accurate the salvage fees and costs are the thereon are ascertained and the salvage fees are the the salvage fees are the the salvage fees are the the salvage fees and costs are the the the salvage fees are the the salvage fees and costs are the the salvage fees are the thereon are ascertained and paid, or process is issued for the arrest or detention thereof arrest or detention thereof by some competent court, or security is given to his sector rity is given to his satisfaction for such salvage, fees and costs. 36 V., c. 55, s. 28

Security.

hundred and fifty dollars, any question as to the amount of the security to be given or any question as to the sure the security to be given or any question as to the sure the security to be given, or as to the sufficiency of the salue ties, may be determined by the sufficiency of the salue ties, may be determined by the receiver; or if such value exceeds two hundred and for exceeds two hundred and fifty dollars, any such question may be determined upon the dollars, any such question may be determined upon the application either of the owner of the property or of the set of the property or of the salvors or any of them, or of such

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receiver, by any court having, in the district of such receiver, by any court having, in the district of the value of the value of the property in question :

2. If the property has not been valued, the value for the Value. urposes of different valued, the value for the Value. purposes of this section shall be determined by such $\frac{V_{ecolver, of}}{V_{v,c,55}}$ of this section shall be determined by $\frac{V_{ecolver, of}}{V_{v,c,55}}$ by a valuer appointed by him as aforesaid. 36 V, c. 55, s. 28, part.

49. Security given for salvage in pursuance of the two Enforcing security. ^{sections} Next preceding may be enforced by a court com-petent to me preceding may be enforced by a court competent to entertain a suit for such salvage, in the same man-her as if her to whenever her as if bail had been given in such court; and whenever under the under the provisions of this Act, the determination of dis-putes as + provisions of this Act, the determination areceiver, any putes as to such salvage is to be made by a receiver, any such such salvage is to be made by a receiver, any ^{such as} to such salvage is to be made by a recorded by any court may be enforced in the manner aforesaid by any court competent to entertain a suit for such salvage, having in: in the manner and the salvage, having jurisdiction in the district of such receiver. 36 V., e. 55, 8, 28, part.

50. Whenever any dispute as to salvage arises before a Procedure in dispute as to salvage arises before a salvage before salvage before any dispute as to salvage arises before as the salvage before any dispute as to salvage arises before as the salvage before as t receiver under the provisions of this Act, the receiver salvage before shall hear and determine the same; and if, after he has a receiver. hade and published his award, the salvage, fees and costs by him an ublished his award, the salvage within fourteen by him awarded to be paid, are not paid within fourteen salvage, fees days, he may sell the property liable for such salvage, fees and costs and costs, or a sufficient part thereof, and out of the proceeds defray the cost of a sufficient part thereof, and out of the proceeds and defray the expenses of the sale and the salvage, fees and costs away the expenses of the sale and the salvage, fees and costs awarded, and shall pay or deliver up the surplus, if any, to the owners of the property or other persons entitled thereto. 36 V., c. 55, s. 29.

51. Whenever the aggregate amount of salvage payable Apportionin respect of any services has been finally determined by vage. a receiver of any services has been finally determined as follows, amount may be apportioned and distributed as follows, that is to say :-

- (a) If the amount has been determined by a receiver, when deterthe receiver may apportion the same among the receiver. persons entitled thereto in such manner as he thinks just ; but any person aggrieved may appeal from his decision to the minister;
- (b) If the amount has been determined by any court when determined by a having jurisdiction, such court may direct the court. amount to be apportioned among the persons entitled thereto in such manner as such court thinks just, and may appoint any person to carry the apportionment into effect; and such court may compel any person in whose hands or under whose control such amount is, to distribute the same, or to bring the same into court, to be dealt

with as the court directs, and may for the purposes aformation purposes aforesaid issue such orders as the court thinks fit • thinks fit:

(c) If the amount has been finally ascertained by admission or admission or agreement, but a dispute arises or is apprehended and the second is apprehended as to the apportionment thereof among several data among several claimants, the person liable to pay such amount means and a post such amount may pay the same, if it does if exceed one hundred dollars (or in any case if the claimants was the claimants so agree), to a receiver, or, if it exceeds one bund exceeds one hundred dollars, into any court having invisition having jurisdiction; and such receiver and court shall receive and apportion the same, and shall grant to the shall grant to the person paying the same sorvices certificate of the amount paid and of the services in respect of which the services in respect of which it is paid; and such cer-tificate shall be a first it is paid; and such certificate shall be a full discharge and indemnity to such person and indemnity to such person, and to all his property liable in respect of such associations respect of such services, against all persons, parties to or bound beto or bound by such admission or agreement. 36 V. c. 55 p. 20 36 V., c. 55, s. 30.

52. When any salvage, fees, charges or costs, in relation salvage, are awarded when the pro- to salvage, are awarded or declared to be due by a receiver and the area to be due by a receiver having a perty is under or any court having jurisdiction in salvage, and the arrest in another suit. property liable on the jurisdiction in salvage, and ar arrest property liable or the proceeds thereof is or are under arrest in a different suit in a court by in a different suit, in a court not being the same court by which such salvage for the same been which such salvage, fees, charges or costs have been awarded, then such astronomic costs have been awarded. awarded, then such salvage, fees, charges or costs have enforced against the second costs shall be arrest. enforced against the property or proceeds so under arrest, by the court in which the by the court in which the same is or are under arrest. V., c. 55, s. 81.

FEES OF RECEIVERS OF WRECK.

Receiver's lees.

another suit.

Recovery thereof.

58. There shall be paid to every receiver the expenses operly incurred by Line duties. properly incurred by him in the performance of his duties, and also in respect of the and also in respect of the several matters specified in the schedule to this Act and several matters specified therein schedule to this Act, such fees, chargeable as menmentioned, and not exceeding the amounts therein men-tioned, as are from the tioned, as are, from time to time, directed by the ddition ernor in Council; and the receiver shall, in addition to all other rights and the receiver shall, in ac such to all other rights and remedies for the recovery of such expenses or fees have the expenses or fees, have the same rights and remedies which a salvor has in respect of all a salvor has in respect of salvage due to him ; and may fees the property in respect of salvage due to him ; and may fees are due, is not under areast in the such expenses detain are due, is not under arrest in any court, seize or detain such property until the court of the seize or detain such property until the same are paid, or until security s. 86 V., c. 55, s. given for the same to his satisfaction. 82, parl.

When disputes arise after admission or agrees ment.

54. Whenever any dispute arises in any part of Canada Disputes as to to the amount any dispute arises in any part of ex-As to the amount payable to any receiver in respect of ex-penses or fees, such dispute shall be determined by the settled. ^{minister}, whose decision shall be final; and all fees received Fees to re-any received dispute shall be final; and all fees received Fees to re-any received decision shall be final; and all fees received fees to reby any receiver appointed under this Act, in respect of schedule. any receiver appointed under this Act, in respon-may be retained in the schedule to this Act mentioned, any be retained in the schedule to this Act mentioned, may be retained by him for his own remuneration.

GENERAL PROVISIONS.

55. The jurisdiction conferred by this Act on any civil Proceedings art may be area or in rem or by personam. ^{court} may be exercised either by proceedings in rem or by personam. proceedings in personam. 36 V., c. 55, s. 84.

56. Nothing in this Act shall be construed to affect the Jurisdiction risdiction of in this Act shall be construed to affect the Jurisdiction Admiralty in Canada of Vice Adm Nothing in this Act shall be construed to affect the Jurisdicuon in any matter of any court of Vice Admiralty in Canada of Vice Admi-13 Ny matter of Vice Admiralty in Canada raty saved. in any matter of any court of Vice Admiralty In Case, 13; 36 V or case, civil or criminal. 82-88 V., c. 88, s. 13; 36 V., c. 55, s. 85.

57. The Ministers of Customs and of Inland Revenue Duties on wreck. may The Ministers of Customs and of Inland Revenue wreck. or wrecked within the saved from any vessel stranded or wrecked within the limits of Canada on its inward ^{vorecked} within the limits of Canada on 115 and and all model to the port of its original destination, and all goods saved from any ship stranded or wrecked Within Canada on her outward voyage to be returned to the port at which the outward voyage to be returned to the port at which the same were shipped, --taking such security Fecurity. for the due protection of the revenue in respect of such goods as they think proper. 86 V., c. 55, s. 86. Act. The first schedule of 36 V., c. 55, is omitted, as it is nowhere mentioned in the

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SCHEDULE.

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Maximu	PEES OF RECEIVERS.	
and m	fees to be charged by Receivers in addition penses properly and necessarily incurred.	to ex-
1. For a res	every inquiry instituted by a Receiver with	\$ cts.
is exc	poet to any shipping casualty, whatever the number of persons examined, a fee not seeding	b 00

exceeding To be charged on the vessel or cargo in respect of which the examination is instituted.

². For furnishing copy of evidence per one hundred Words 0 20

- 4. For all other cases in which salvage disputes are heard and determined by the receiver...... 10^{-00} To be charged on the property saved.
- 5. For wreck received or taken by the receiver into his custody, a percentage of five per centupon the value thereof:

But so that in no case shall the whole amount of percentage so payable exceed eighty dollars.

To be charged on the wreck or derelict.

6. For every sale of wreck conducted by a receiver, a sum not exceeding one per cent. on the value thereof.

To be charged on the proceeds of sale.

- 8. In cases where any services are rendered by a receiver in respect of any vessel in distress, not being wrecked, or in respect of the cargo or other articles belonging thereto, the following fees instead of a percentage; that is to say,—
 - If such vessel with her cargo, equals or exceeds in value three thousand dollars, the sum of eight dollars for the first, and the sum of four dollars for every subsequent day during which the receiver is employed on such service; but if such vessel, with her cargo, is less in value than three thousand dollars, one half of the above mentioned sum :

But so that in no case shall the whole amount exceed one hundred dollars.

To be charged on such vessel or articles.

To be charged on the property valued.

Chap. 77.	
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Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
$\begin{array}{cccccccccccccccccccccccccccccccccccc$	88. 16, 38. 88. 66, 109. 57. The whole except 8. 12. The whole except 88. 2, 33, 37, 38 And 30 cm 10	..	Remainder Remainder Remainder	Criminal Law. Criminal Law. Criminal Law.
³⁷ V., c. 29	88. 2, 33, 37, 38 And 39 and first schedule. 8 4	8. 37	s . 33	▲ct respecting punishments.
47 V. (C. 22	s. L	8. 3.	кешылает	Act respecting Obstructions in Navigable Waters.

CHAPTER 78.

An Act respecting the liability of Carriers by Water. ER Majesty, by and with the advice and consent of the Senate and House of the Senate and House of Commons of Canada, enacts as follows :---In this Act, unless the context otherwise requires :-(a) The expression "goods" means and includes goods, area, merchanding and includes goods. "Goods;" wares, merchandise, and articles of any kind whatsoever; (b) The expression "valuable securities" includes every prodocument forming the title or evidence of the title to any pro-perty of any kind substantian "Valuable perty of any kind whatsoever. 37 V., c. 25, s. 3. 2. Carriers by water shall, at the times and in the manner id on the terms of which of and on the terms of which they have respectively given public notice receiver and Carriers by public notice, receive and convey according to such notice, all persons applying for all persons applying for passage, and all goods offered and conveyance, unless in with same and all goods offered and conveyance, unless in either case there is reasonable and sufficient cause for not dain goods. board their vessels, but also for goods delivered to them for conveyance by any such that for goods delivered to bound to Responsibility conveyance by any such vessel, and they shall be bound to use due care and diligence in the use due care and diligence in the safe keeping and punctual conveyance of such goods and punctual conveyance of such goods, subject to the provisions herein after made : to them. 8. They shall be liable for the loss of or damage to g^{oods} trusted to them for accurate damage. intrusted to them for conveyance as aforesaid : 4. Provided, that they shall not be liable to any extent what bever to make good any line is the liable to any extent what soever to make good any loss or damage happening without their actual fault or privite or damage happening of their Proviso: their actual fault or privity, or the fault or neglect of their agents, servants or application certain cases. agents, servants or employees,---(a) To any goods on board any such vessel, or delivered to them for a second se to them for conveyance therein, by reason of fire or the dangers of Fire, &c. (b) Arising from any defect in or from the nature of the prode theme is the product of the produ or the dangers of navigation ; Nature of the goods themselves, or from armed robbery or other irresistible for goods. Robother irresistible force ; (c) To any gold, silver, diamonds, watches, jewels or precious stores or Valuables. precious stones, money or valuable securities or unless value has been de-

Interpretation.

securities."

water to receive and convey passengers and

as to goods received by and delivered

Loss or

exception in

clared.

article of great value not being ordinary merchandise, by reason of any robbery, theft, embezzlement, removal or secreting thereof, unless the true nature and value thereof has, at the time of delivery for conveyance, been declared by the owner or shipper thereof to the carrier or his agent or servant, and entered in the bill of lading or otherwise in writing. 87 V., c. 25, s. 1.

8. Carriers by water shall be liable for the loss of or As to loss or mage to the index of the shall be liable for the loss of the index of the state of the stat damage to the personal baggage of passengers by their damage to vessels: and the personal baggage of passengers by their baggage of vessels; and the personal baggage of passengers by their personal shall be prime outh or affirmation of any such passenger baggage of shall be prima facie evidence of the loss of or damage to such passengers. articles, and of their value: Provided that such liability dollars, or to the loss of or damage to such articles as an of the loss of or damage to any such valuable limited. articles as are mentioned in the next preceding section, unless the target to any such articles so lost or unless the true nature and value of such articles so lost or damagood here and value of such articles are provided by damaged have been declared and entered, as provided by the said section. 87 V., c. 25, s. 2.

	ion. 87 V., c	с. 25, в. 2.		
Proposed to he Consolidated.		Left for Repeal.	To be Oonsolidated elsewhere.	To be Consolidated with.
³⁷ V., c. 25	The whole.			

CHAPTER 79.

An Act respecting the Coasting Trade of Canada.

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

1. In this Act, unless the context otherwise requires, the pression " Residue and the context otherwise requires, the expression "British ships," means and includes all ships belonging wholly the belonging wholly to persons qualified or entitled to be owners of British owners of British ships, under the provisions of the Merchant Shinning Astronomy of the Merchant Shipping Act, 1854," or any other Act of the Parliament of the United V. Parliament of the United Kingdom in that behalf, in force for the time being 22 V

2. No goods or passengers shall be carried by water, om one port of Coundant from one port of Canada to another, except in British ships; and if any groups of the state of t and if any goods or passengers are so carried, as aforesaid, contrary to this A.4.4 contrary to this Act, the master of the ship or vessel so carrying the same shall a carrying the same, shall incur a penalty of four hundred dollars, and any growthe incur a penalty of four stied, as dollars, and any goods so carried shall be forfeited, as smuggled, and such shire. smuggled, and such ship or vessel may be detained by the collector of ensternes at collector of customs, at any port or place to which such goods or passengers are bounded. goods or passengers are brought, until such penalty is paid, or security for the penalty of the or security for the payment thereof given to his satisfaction, and until such goods and thereof given to his satisfaction. and until such goods are delivered up to him, to be dealt with as goods forfaited with as goods forfeited under the provisions of *Customs Act* " 33 V = 14 Customs Act." 33 V., c. 14, s. 1, part.

Penalties on foreign steamers towing ves-sels, kc., from place to place in Canada.

Penalties and forfeitures, how recoverable and enforceable.

8. The master of any steam-vessel, not being a British up, engaged or begins h ship, engaged, or having been engaged, in towing any ship, vessel or raft from one of the ship any steam of the ship wessel or raft from one of the ship any steam of the ship any ship vessel or raft, from one port or place in Canada to another, except in case of distance of place in Canada to another except in case of distress, shall incur a penalty of four hundred dollars and much hundred dollars, and such steam-vessel may be detained by the collector of customer to the collector of customs at any port or place to or in which such ship, vessel or of such ship, vessel or raft is towed, until such penalty is paid. 38 V. e. 27 38 V., c. 27, s. 1, part.

4. Penalties and forfeitures under this Act may be covered and enformed in the recovered and enforced in the manner provided by "The Customs Act." with an anticipation of the manner provided by "The Customs Act," with respect to penalties and forfeitures incurred under it and incurred under it, and as if imposed by it; and this said shall accordingly be construed with reference to the said Act, and as forming and the said and Act, and as forming one Act with it, and all words and expressions in this Act at 11 t expressions in this Act shall have the same meaning as the like words and associational have the same meaning 11.8. 33 V., v. 14, 8. like words and expressions in the said Act.

Interpretation. " British ships."

No goods or passengers to be carried constwise, &c., in Canada except in British ships Penalty for contravention.

5. The Governor in Council may, from time to time, Governor in Council may, from this Act shall not Council may declare this declare that the foregoing provisions of this Act shall not declare this apply to the ships or vessels of any foreign country in which Act not to british ships are vessels of any foreign country in which apply to ship of certain British ships or vessels of any foreign country in which Act not to Country, and the admitted to the coasting trade of such apply to ships in the ships are admitted to the coasting trade of such of certain the ships are admitted to the coasting trade of such of certain one port countries. country, and to carry goods and passengers from one port countries. ^{or place} to another, in such country. 33 V., c. 14, s. 2;— 38 V., C. 27, 8. 2, part.

6. In cases in which by treaty made before the passing of Imp. Act, thirty second Parliament of the United Kingdom, in the situation intituled "An thirty-second year of Her Majesty's reign, intituled "An Act for amounts of Her Majesty's reign, intituled "An Act for amending the Law in respect to the Coasting Trade and Merchant St. " Her Majesty's reign, intituted Merchant Shipping in British Possessions," Her Majesty has As to foreign agreed to grant in British Possessions, any rights leged by agreed to grant to any ships of any foreign state, any rights leged by or privileges in respect of the coasting trade of Her Majesty's treaty. possessions, such rights and privileges shall be enjoyed by such ships, for so long as Her Majesty has already agreed, hereafter any or hereafter agrees to grant the same,—anything in this Act to the matter agrees to grant the same, anything in this Act to the contrary notwithstanding. 33 V., c. 14, s. 8, part;

	1, 8. 2, part.	matanqing.	99 V ., C. I.	•, s. o, part ,
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
³ 3 V., c. 14 ³⁸ V., c. 27	All except the first part of s. 3. All except s. 3	The first papt of s. 3. Section 3.	ng galangan di pang seri seri seri seri di And	

CHAPTER 80.

An Act respecting the Government Harbors, Piers and

HER Majesty, by and with the advice and consent of the Senate and House of Classical Advice and consents as Senate and House of Commons of Canada, enacts as follows :---

Certain works Fisheries.

1. All harbors, wharves, piers and breakwaters con-ructed or completed at the structed or completed at the expense of Canada, or other wise the property of Canada, or on or the Minister of Wise the property of Canada, except only such as are on of Marine and Fisheries. connected with construction of the such as are on of the such and such as a such and such as a such as a such as a such a such a such as a such connected with canals, shall be under the control and management of the Minister management of the Minister of Marine and Fisheries re-specting the use maintainster of Marine and Fisherieof. specting the use, maintenance and ordinary repairs thereof, the making and enforcing the such the making and enforcing of regulations concerning such use, maintenance and ordinary repairs used use, maintenance and ordinary repairs, and the collection of tolls and dnes for such

Construction and repairs under Minister of Public Works.

2. The construction and repairs, and the works connected erewith, other than more than a second the second the second terms of the second terms of the second terms of the second terms of the second terms of the second terms of the second terms of the second terms of the second terms of the second terms of the second terms of the second terms of the second terms of the second terms of the second terms of the second terms of the second terms of terms therewith, other than maintenance and ordinary repairs, shall be under the control shall be under the control and direction of the Minister of Public Works. 40 V or 17

Appointment of officers to collect tolls, άc.

2. The Governor in Council may appoint or direct such licers or persons as he think officers or persons as he thinks proper, who shall have, under the direction of the Minister proper, who shall have, under the direction of the Minister of Marine and Fisheries, the charge of the works have the charge of the works hereby placed under the management and control of the work ment and control of the said minister, and who shall collect the tolls and dues thereas the tolls and dues thereon, and the Governor in Council may determine the reasonant the Governor in Council may determine the renuneration to be allowed them respec-tively for such services to T tively for such services. 40 V., c. 17, s. 2.

Governor in Council may tariff of tolls; and may im-

Collection of tolis, ac., how enforced.

8. The Governor in Council may, from time to time, on recommendation of the may, from time to time, and Marine and tions for use of Fisheries, make rules and regulations for the use and tariff of the management of such but management of such harbors, wharves, piers and break waters, and a tariff or tariff. waters, and a tariff or tariffs of the tolls and dues to be paid for the use of the tolls and dues to be pose penalties paid for the use of the same, and levied on persons or vessels to ded or then. using them, and on goods, wares or merchandise landed or shipped on or from off the shipped on or from off them, and may, by such rules and regulations, impose paralling and may, by such rules hundred regulations, impose penalties not exceeding two hundred dollars, and punishment here are exceeding two hundred dollars, and punishment by imprisonment not exceeding dues sixty days, for any violetic time to the size dues sixty days, for any violation thereof; and such tolls, aressels and penalties shall be a lien on the goods and on the vessels with their tackle in respect to the goods and on the vessels or with their tackle in respect of which they are payable or incurred; and the officer of which they are payable the incurred; and the officer or person appointed to collect the same may detain such an entry person appointed to collect and same may detain such vessel or goods until they are paid;

7. Nothing in this Act shall be construed to impair or Certain powers of the Minister of Public Minister affect any of the powers or duties of the Minister of Public Minister of Works under a powers or duties of the Minister of Public Works of Pub Works under the "Act respecting the Public Works of Public Works and an and an Act respecting the Public Works of Public Works of the impaired: Canada," respecting the Public Works of the impaired: or maintenance in the construction, improvement, repair not that of before mentioned, or the Governor in or maintenance of the works hereinbefore mentioned, or the Governor in bower of the works hereinbefore mentioned, or the Governor in the make regulations for make regulations for make regubower of the Governor in Council to make regulations for make regu-the proper in Council to make regulations for make reguthe proper use of the said works, concerning their safety lations.

and shall belong to Her Majesty for the public uses of ('anada, 40 V., c. 17, s. 4.

6. All pecuniary penalties imposed under the authority Recovery and this Act many penalties imposed under the "Act application of penalties." of "All pecuniary penalties imposed under the authority Recovery and respecting Act, may be recovered with costs, under the "Act application of and costs, under the "Act application of the Peace," respecting summary proceedings before Justices of the Peace,"

to Her Majesty for the public uses of Canada, and shall be of tolls. paid over by the person receiving them to the Minister of Finance and Receiver General, at such times and in such hanner and Receiver General, at such times and in such thereof shall all overnor in Council directs; but an account Accounts to kinger of shall all overnor in Council directs of Marine and be rendered. thereof shall also be rendered to the Minister of Marine and be rendered. Fisheries, at such times and in such manner as he directs; and an account of all such moneys, and of all expenditure incurred in the collection thereof, or otherwise under this Act, shall be laid before Parliament at the session next after the close of the base of the same have been the close of the fiscal year in which the same have been received or incurred. 40 V., c. 17, s. 6.

^{over} the such constable shall accordingly do, and such and another the amount made, less the costs, to the officer or person 40 V., c. 17, s. 5. anthorized to collect such tolls or dues. 40 V., c. 17, s. 5. 5. All tolls and dues received under this Act shall belong Application

4. If any tolls or dues imposed, and payable on any How unpaid a under this A dues imposed, and payable on any How unpaid during four weeks tolls may be koods any tolls or dues imposed, and payable on any how unpain after they are due this Act, remain unpaid during four weeks levied. after they are due, the officer or person to whom they are ^{payable} may apply to any justice of the peace for an order ¹⁰ levy the same; and, upon such application, accompanied by the same; and, upon such application, made before anth or solemn affirmation of the applicant, the stating hade before such or solemn affirmation of the approximation of the appro the amount thereof, are due on such goods, describing them ^{amount} thereof, are due on such goods, descriming the during twonthing twonthis identify them, and have remained unpaid during twenty-eight days or more, as the case may be, the said lustice shall issue his warrant to some constable to sell sale of goods such goods or so much thereof as is sufficient to pay the Hable. Sum due, with reasonable costs, not exceeding five dollars, which such which such constable shall accordingly do, and shall pay

and no vessel leaving any port at which any such tolls or he are parally in port at which any such tolls or dues are payable shall receive a clearance at the custom house thereat, unless the master produces to the collector or proper officer of the customs a certificate that the tolls or the such as the state of the customs a certificate that the tolls or that none are paydhes on such vessel have been paid, or that none are payable thereon: but no such regulations shall be in force Proviso. Until thereon: but no such regulations shall be in 17, 8, 3, 17, 8, 3, published in the Canada Gazette. 40 V., c.

Act not to apply to cer-tain harbors.

8. Nothing in this Act shall apply to the harbor any uebec, Montreal. Toronto St. T.L. apply to proton or any Quebec, Montreal, Toronto, St. John, N. B., or Pictou, or any harbor under the management harbor under the management of commissioners appointed under any Act of the Porliant 8.8. and a start of the

2 III S. State State and state of st		annon Marse – soo na Alara yo affaraataa yo ahaa rafa – ^{aha} ^{aha} ^{ah} aa ahaa ahaa yo ahaan yo ahaan ahaa	en provenski star (* 1997) L	To be ust
Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere,	Consolidation
40 V., c. 17	The whole.			

^{Chap.} 81.

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CHAPTER 81.

An Act respecting Port Wardens. HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :-

L This Act may be cited as "The Port Wardens' Act." Short title. SHORT TITLE. 37 V. C. 32, N. 30.

INTERPRETATION.

2. In this Act, unless the context otherwise requires :- Interpreta-tion.

(a) The expression "the harbor" means the harbor for "Harbor." ^{W) The expression "the harnor Which the Port warden is appointed;}

(b) The expression "the board of trade" or "chamber of "Board of minerce" "maner of com- Trade." ⁽⁹⁾ The expression "the board of trade" or "chamber of "com-herce" means the board of trade or chamber of com-why for the mitrate of trade or chamber of com-^{hamerce}, means the board of trade or champer of the which the city or town or place adjoining the harbor for 87 V., c. 32, s. 29.

determine at what ports in Canada port wardens shall be wardens.

4. The port warden may appoint a deputy or deputies, Power to for whose conduct as such deputy or deputies he shall be deputies.

appointed, and at and for every such port a port warden may

responsible, and whenever the port warden is mentioned in any provision shall be deemed ^{any} provision in this Act, such provision shall be deemed ^{apply} to apply to be apply t

he appointed. 37 V., c. 32, s. 1, part.

PORT WARDENS AND DEPUTIES. 3. The Governor in Council may, from time to time, Governor may

which the port wardén is appointed. 87 V., c. 32, s. 29.

to apply to every deputy he appoints. 45 V., c. 46, s. 2. 5. The Port warden shall receive no fees other than such Fees to port warden. as strictly appertain to the business of his office; all such warden. days after the third in his books; and he shall, within seven Annual return. days after the entered in his books ; and he shall, within seven return. Make to the thirty-first day of December in each year, and Fisheries a certified make to the thirty-first day of December in escury annual roture Minister of Marine and Fisheries a certified

annual return of the receipts and expenses of his office and report of the receipts and expenses of his office and 97 V., c. 82, s. 2. a report of the proceedings therein. 87 V., c. 82, s. 2. 6. The port warden shall, at his own expense, keep an His office. during the warden shall, at his own expense, keep an His office. ^{office} during the season of navigation, and shall have a seal seal. of office, and the necessary books, in which all his acts as port warden shall be recented port warden shall be recorded, which books shall be open for inspection on payment of for inspection on payment of a fee of twenty-five cents. $V_{\rm s}$, c. 32, s. 3.

DUTIES AND POWERS OF PORT WARDEN.

Port warden on request to examine and note the condition of cargo, &c., on any vessel.

7. The port warden shall, at the request of any person terested, proceed in a shall, at the request of any for the interested, proceed in person on board of any vessel for the purpose of examining the purpose of examining the condition and stowage of her cargo; and if there are cargo; and if there are any goods damaged on board of such vessel, he shall incurie such vessel, he shall inquire, examine and ascertain the cause of such damage and the cause of such damage, and make a memorandum thereof, and enter the same in 6-11 and enter the same in full on the books of his office. 37 V. c. 32, s. 4, 8. The master of any vessel which has broken bulk for a purpose of lightania

What shall be primå facie evidence of improper stowage.

broken before the purpose of lightening such vessel or other necessary arrival in purpose, previous to her arrival for the purpose for which purpose, previous to her arrival in any harbor for the disthere is then a port warden, shall, immediately on the discovery of any damaged covery of any damaged cargo, proceed to have a survey held on the same in the manual proceed to have a survey held on the same in the manner herein prescribed, before the same is moved out of the same is moved out of the place in which it was origin ally stowed: and if ally stowed; and if, after the arrival in port of any of vessel from beyond the vessel from beyond the seas, or from a passage over any of the great lakes contiguous to the seas, or from a passage over which the great lakes contiguous to the Province of Untario, which has not had occasion to highly has not had occasion to lighten, break bulk, or otherwise discharge any portion of break bulk, or into the discharge any portion of her cargo before coming into the harbor, the hatches of much harbor, the hatches of such vessel have been first opened by any person not a norther thank the been first opened by any person not a port warden, and the cargo or any part thereof comes from on heard thereof comes from on board such ship in a damaged such tion, such facts shall be such tion, such facts shall be primd facie evidence that such damage occurred in command facie evidence damage occurred in consequence of improper stowage the negligence on the part of the negligence on the part of the persons in charge of why vessel; and such default -1. vessel; and such default shall, until the contrary is shown, be chargeable to the owned be chargeable to the owner, master or other person interested as part owner or master. as part owner or master of the said vessel. **s**. 5.

Chap. 81.

Port warden on request to Ascertain cause of damage to any goods

9. The port warden shall, when required, proceed to say ship, steamer or other vessel, warehouse, dwelling or whark and examine any marchand and examine any merchandise, vessel, material, produce of other property, said to be any other property, said to have been damaged on board of such vessel, and inquire vessel, and inquire, examine and ascertain the cause of such damage, make a memory damage of such damage, make a memorandum thereof, and of such property, and record, in the books of bit and record, in the books of his office, a full and correct state ment thereof. 87 V and and correct state ment thereof. 87 V., c. 82, s. 6.

To be sur-Veyor of wrecks or damaged Vessela.

10. The port warden shall, when required, be surveyor any vessel which has an the surveyor which on any vessel which has suffered wreck or damage, or which is deemed unfit to promod first wreck or damage. is deemed unfit to proceed on her voyage; he shall examine the hull, spars, rigging and the the hull, spars, rigging and all appurtenances thereof, shall

13. The port warden shall, when required, decide what Duty of port warden as to the placed below the dunnage. anount of dunnage is necessary to be placed below the dunnage. cargo, and also between wheat or other grain, and the flour barwed over in between wheat or other grain, and the flour stowed over it, and his certificate that such dunnage has of a used about the certificate that such dunnage has of a used about the certificate that such dunnage has been used over it, and his certificate that such dunuage of the care concerned. 87 V., c. of the cargo so far as these facts are concerned. 87 V., c.

2. Every person who violates any of the provisions of this Penalty for bhall in the violates any of the provisions of this Penalty for ^{section} shall incur a penalty of eight hundred dollars. 87 violation. V^{ction} shall incur a principal of the shall incur a principal of the shall incur a principal of the shall be
the port warden shall, in such case, ascertain whether such Duty of port the cargo intended warden. ^{bes} Port warden shall, in such case, ascertain whether such pury a for her to its doubt to receive and carry the cargo intended warden. for her to its destination; he shall record in his books the condition of the vessel; if he finds she is not fit to carry the cargo in safety, he shall state what repairs are necessary to render he shall state what repairs are necessary and her he shall state what repairs are necessary to render her seaworthy; before beginning to load each hamber her seaworthy; before beginning to load each thamber her seaworthy; before beginning to loss and lined, and be shall see that it is properly dunnaged and the shall see that it is properly dunnaged and ined, and provided with shifting boards, and shall also see that the boards and planks used for such purposes have been properly seasoned; he shall examine the pumps and see that they are properly lined and dunnaged; he shall enter they are properly lined and dunnaged; he snam our to the books of his office all particulars connected with such with each difficates : thrveys, and grant the necessary certificates :

12. The master of any vessel intending to load grain in Duty of master of any vessel intending to load grain in Duty of master of any vessel in the finland navigation vessel in bulk. The master of any vessel intending to load grain in Duty or and not within the limits of inland navigation master of kn: not within the limits of inland navigation with grain in bulk, for and not within Canada, shall, before taking in any of such with grain in different chambers are being prepared, to survey and inspect Uanada, sc. the said vessel as well as the damage and lining boards; the said vessel as well as the dunnage and lining boards;

11. The port warden shall have cognizance of all matters Surveys of damaged to the the matter shall have cognizance arriving in damaged vessels and ¹^{elating} The port warden shall have cognizance of all matters surveys on port damaged to the surveys of vessels and cargoes arriving in damaged the damaged and cargoes arriving of cargoes. bort damaged, and when requested shall, on payment of cargoes. the regular fee, give certificates of such surveys. 37 V., c. ⁸², • 8.

2. The Port warden shall also, if required, be surveyor of To see that the repairs normal shall also, if required, be surveyor of To see that seaworthy, and seaworthy. the repairs necessary to render such vessel seaworthy, and reavorthy. his certificate that such repairs have been properly made ^{shall} be evidence that the vessel is seaworthy. 37 V., c.

^{specify} what damage has occurred, and record, in the books of his office, a full and particular account of all surveys held on such vessel; he shall call to his assistance, if neces-^{sary} on such vessel; he shall call to his assistance, it makers, ^{riggers, shine, it was, one or more carpenters, sail-makers, ^{riggers, shine, it was, one or more carpenters, sail-makers, shine, it was a state of the state}} ¹⁹ In such survey, one or more carpenters, sall-manning, seach of the survey of the ^{Sgers}, shipwrights or other persons skilled in then five dollars whom shall be entitled to a fee not exceeding ^{18, each of whom shall be entitled to a fee not exceeded which has but no such surveyor shall act in any case in}

Further duties of master and port warden as to vessels laden with grain.

14. The master of any vessel wholly or partly laden with ain bound to any port grain bound to any port not within the limits of inland navigation or within Canad navigation or within Canada, shall, before proceeding or his voyage, or clearing at the his voyage, or clearing at the custom house, notify the port warden, who shall then proceeding and warden, who shall then proceed on board such vessel, and examine whether she is in a fit examine whether she is in a fit state to proceed to see in not; if she is found unfit a not; if she is found unlit, the port warden shall state in what particulars and country the port warden shall state will be what particulars, and on what conditions only she will be deemed in a fit state to low deemed in a fit state to leave, and shall notify the master not to leave the port multiplication of the state fulnot to leave the port until the required conditions are ful-filled:

2. If the master refuses or neglects to fulfil such conditions, e port warden shall the port warden shall notify the collector of customs, in order that no closer in order that no clearance may be granted for the vessel until the same are fulfilled and be granted for the effect is until the same are fulfilled, and a certificate to that effect is granted by the port

Penalty for violation.

Clearance not to be granted to any vessel carrying grain, unless the requirements of this Act have been complied with.

Valuing and measuring vessels by port warden.

Duty of auctioneer selling condemned vessels, materials or goods.

3. Every person who violates any of the provisions of this 37 ction shall incur a penalter of section shall incur a penalty of eight hundred dollars. V., c. 32. s. 11 and a 20 V., c. 32, s. 11 and s. 26, part.

15. No officer of customs shall grant a clearance to any essel wholly or partly local shall grant a clearance of vessel wholly or partly loaded with grain, for the purpose of enabling her to leave the bard enabling her to leave the harbor for any port not within the limits of inland navigation and limits of inland navigation and not within Canada, unless the master of such vorunt the master of such vessel produces to him a certificate from the port warden, that all the the port warden, that all the requirements of this Act have been fully complied with the been fully complied with if such grain is laden in bulk; nor unless such master with if such grain is laden from nor unless such master produces to him a certificate have the port warden, that all the requirements of this Act have been complied with if such been complied with, if such vessel is wholly or partly laden with grain, otherwise that Vessel may be with grain, otherwise than wholly or partly in bulk; and detained. if any vessel wholly or partly local to the area attempts if any vessel wholly or partly loaded with grain attempts to leave the harbor for survey loaded with grain limits of to leave the harbor for any port not within the limits of inland navigation and not within the sclear inland navigation and not within Canada, without a clear ance, any officer of custom ance, any officer of customs, or the chief officer of the river police, or any person police, or any person acting under the direction of the Minister of Marine and Fight Minister of Marine and Fisheries, may detain such vessel until such certificate is produced may detain such 32, 8, 28,

16. The port warden shall, when required, estimate the judice and measurement of any state is in the same is in value and measurement of any vessel, when the same is in dispute or otherwise product dispute or otherwise needed, and shall record the same is the books of his office 37 V

17. Every auctioneer who makes a sale of any condemned ssel, or ship's material. vessel, or ship's materials, or goods damaged on board a ship or vessel, whether second or vessel, whether sea-going or navigating inland waters, sold for the benefit of undarread in sold for the benefit of underwriters or others concerned, is any harbor for which there is an in the solution of the solution any harbor for which there is a port warden, shall file a statement of the same of the statement of the same at the office of the port warden, within ten days after such sale :

28. If any dispute arises between the port warden and Disputes with person interview in the port warden, bis presence has been to be settled any person interested in any case where his presence has been to be settled of the council of the board by board of trade. required, either party may appeal to the council of the board by board of and ade or observed in any case where his presence has need by board of and trade or observe may appeal to the council of the board by trade. of trade, either party may appeal to the council of the board of trade, and the secretarian of commerce, if there is one at the port; bain the secretarian of commerce, if there is one a requisition and the secretary of such board or chamber, on a requisition being present of such board or chamber, on a requisition being presented to him to that effect, shall summon forthwith a meeting of the said council,—who, or not less than three of whom, shall it is said council,—who, or not less than three of whom, shall immediately investigate and report on the case submitted to the said council, who, or not less than the case submitted to them; and the determination of a majority of

⁸⁰ If the consignee of a vessel or cargo, or other per- When the under this Act consistion any proceedings should be taken may initiate with this Act constraints any proceedings should be taken proceedings. With by the sector of the found or cannot be communicated proceedings. with by the port warden before or at the time at which it is hecessary that such proceedings should be taken to avoid loss or damage to the persons interested in such vessel or argo, the next to the persons interested in such vessel or cargo, the port warden may initiate proceedings in such (ase and hold warden may initiate proceedings under this Act, rase and hold surveys and obtain proceedings in Act, as if required buryeys and obtain process under this Act. 45 V., as if required by the proper persons under this Act. 45 V.,

22. If the consignee of a vessel or cargo, or other per-When the hypon whose of a vessel or cargo, or other may initial may initial may initial the second

21. All notices, requests or requirements to or from the And to him. Port Warden, shall be given in writing a reasonable time before action is required or taken. 37 V., c. 82, s. 17.

20. Before proceeding to act in any case in the perform- Notice by ance of his duties, the port warden shall give reasonable port warden. hotice, when Practicable, to all parties interested or concerned in the case. 87 V., c. 82, s. 16.

Warden a regular survey and condemnation, and the $V_{\rm warden}$ shall, in all such cases, be one of the surveyors. 37 V. 32, 8. 15.

19. No goods, vessels or other property at a place where Sals of dam-lere is a post start or the property at a place where sals of dam-behefit of underwriters or others concerned, unless there account of been a month writers or others concerned, and the port underwriter has been a regular survey and condemnation, and the port underwriters.

In The port warden, when required in writing by all Port warden to arbitrate in intervention any between mass parties in interest, shall hear and arbitrate upon any between mas-single ty or matter to shall hear and arbitrate upon any between masdifficulty or matter in dispute between the master or con- ter and consignee of any vessel, and any proprietor, shipper or con- signee, &c. signee of any vessel, and any proprietor, shipper of the cargo, and shall keep a record of the proceedings. 37 V., c. 32, s. 14.

³. Every person who violates any of the provisions of this Penalty for ^{bion} shall in who violates any of the provisions of this Penalty for $\frac{s_{ection}}{s_{2,8}}$ shall incur a penalty of twenty dollars. 37 V., c.

2. No such sale shall take place until after at least two Notice and ive public advection of sale time of sale days, No such sale shall take place until after at least two nouce and shall not take all take place until after at least two nouce and in it not take all take place until after at least two nouce and the shall not take all take all take place until after at least two nouce and the shall be take all take all take place until after at least two nouce and shall not take all take all take place until after at least two nouce and the shall be taken all take all take all take place until after at least two nouce and the shall be taken all take all take place until after at least two nouce and the shall be taken all take all take all take all take all taken all taken all taken all taken all taken all take all taken all tak shall not take place at an hour earlier than eleven o'clock in the forence. in the forenoon, or later than three o'clock in the afternoon :

^{('hap.} 81.

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them, made in writing, shall be final and conclus^{ive.} V., c. 32, s. 22.

Costs in such сазе

24. The person against whom the council of the board of all the trade or chamber of commerce decides, shall pay all the expenses; and the committee decides. expenses; and the council shall determine the amount of feet or charges payable in the second shall determine the second sharges or charges payable in each case,—but such fees and charges shall never exceed to water 1.11 shall never exceed twenty dollars. 37 V., c. 32, s. 23.

Further Council.

25. The port warden shall perform such other duties as made are assigned to him, from time to time, by regulations made by the Governor in Court it under regula- by the Governor in Council; and the council of the board Governor in of trade or chamber of of trade or chamber of commerce may, from time to time, make suggestions to the fill make suggestions to the Governor in Council with respect to any such other duties any such other duties, or any modification of the duties here inbefore assigned to the inbefore assigned to the port warden for the harbor; and such other duties may be assigned by other duties may be assigned or such modification made by the Governor in Connect the Governor in Council accordingly; and every regulation made under this Act when the made under this Act shall have the force of law. $37 V_{,c}$. 32, s. 27.

Port warden to furnish copies of documents. &c., in his office.

26. On the demand of any person interested, the port arden shall furnish mostly warden shall furnish certificates in writing, under his hand, of any matters of record in bit of any matters of record in his office; and he shall also furnish, when required conjugate when required, copies of any entries in his books or docu ments filed in his office ; and he shall also in the books or docu ments filed in his office, upon payment of a reasonable compensation. 87 V a 22

Certificates of port warden to be evidence.

27. All certificates issued under the hand of the port arden, and sealed with the warden, and sealed with the seal of his office, referring normal matters recorded in his books, shall be received as primit facie evidence of the aviet facie evidence of the existence and contents of such record in any court of instice in any court of justice. 87 V., c. 82, s. 24.

Copies of harhor regulations to be furnished.

28. On application the port warden shall supply, once in harbor, ch year, to any master of each year, to any master of a vessel arriving in the harbor, a copy of the reconlations - 1 to the arriving in the war a copy of the regulations relating to the office of port warden. 87 V₁₀ c. 82, ≈ 20

Regulations of Lloyd's to govern.

29. In all matters regarding surveys, and other matters concerning the value, state or classification of vessels and like subjects, the port worder of the subjects of the port worder of the subjects of the port worder of the subjects of the port worder of the subjects of the port worder of the subjects of the port worder of the subjects of the port worder of the subjects of the port worder of the subjects of the port worder of the subjects of the port worder of the subjects of the port worder of the subjects of the port worder of the subjects of the port worder of the port wo subjects, the port warden shall conform to, and be governed by, the regulations of Light by, the regulations of Lloyd's, so far as they are applicable to the circumstances of the case. 37 V., c. 32, s. 21.

FEES.

Tariff of fees, to be paid to port warden, to be made by board of trade or Governor in Council.

80. The council of the board of trade or chamber of commerce, if there is one at the port, may, from time to time, establish a tariff of from the port, may, from time to for establish a tariff of fees to be paid to the port warden for services performed by him services performed by him and his deputies, by the masters of or owners of sea-groing or owners of sea-going vessels, and by others in respect of

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated with.
45 V'' C. 82	The whole. The whole except s. 3.	s. 3.	

32. This Act shall not apply to the ports of Quebec, Ports ex-Montreal and St. John, N.B. 87 V., c. 82, s. 1, part.

81. The whole of any penalty recovered under this Act Recovery and belong to the of any penalty recovered over to the penalties. shall belong to the Crown, and shall be paid over to the penalties. Minister of Finance and Receiver General by the officer or person receiver and Receiver General by the officer or person receiving it. 87 V., c. 82, s. 26, part.

2. The foregoing maximum rates, including the fees for Bates may be incidental proceedings, certificates and copies, may be altered by board of and apportion distinguished, trade or Gov and apportioned, and the particular service distinguished, trade or Govand the fee therefor assigned, and the person by whom the Council. ^{same} shall be paid may be indicated in such a way as the council of the board of trade or chamber of commerce, from time to time time to time, appoints; and all rates and fees so established shall be subject to the approval of the Governor in Council, who may abject to the approval of the Governor in rates and who may, from time to time, disallow or alter such rates and lees. 87 V., c. 82, s. 25.

(c) For hearing and settling disputes of which the port Hearing and settling dis-Warden is authorized to take cognizance, and for the fees on putes. appeal to the council of the board of trade or chamber of commerce, a sum to be graduated according to the value of the thing of the board of trade or chamber of the thing of the begraduated according to the value of the thing or the amount in dispute, but in no case to exceed twenty dollars :

(b) For every valuation of a vessel for average, and every Valuation and according to the test intended to load, a fee to be graduated vessel. according to the tonnage of such vessel, but in no case to erceed ten dollars;

(a) For every survey and the certificate thereof by the port Survey of ves-arden and Ly survey and the certificate thereof by the port Survey of amaged ^{warden} and his assistant, of the hatches and cargo of any goods, &c. ^{vessel}, or of the hull, spars and rigging thereof, or of damaged and such further goods, a fee not exceeding eight dollars, and such further ^{sum}, not exceeding eight dollars, and such a such wright or other dollars, as is payable to each ship-Wright or other skilled person employed by him;

whom the duties of the said port warden are required to be performed, which tariff shall be subject to the approval of the Government that the subject to the approval of the Governor in Council; and when there is no board of trade or charit Council; and when there is no council trade or chamber of commerce, the Governor in Council shall make make the commerce of the comm shall make such tariff; but such fees shall not exceed the Maximum rates hereinand rates hereinafter mentioned, that is to say :--

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CHAPTER 82.

	An Act respecting Harbor Masters.
	HER Majesty, by and with the advice and consent the Senate and House of Commons of Canada,
Short title.	enacts as follows : I. This Act may be cited as "The Harbor Masters' Act." New.
Interpre- tation.	2. In this Act, unless the context otherwise requires:
" Ship.''	(a) The expression "ship" includes every description
" Master."	(b) The expression "master" includes every person (
" Harbor master."	(c) The expression "harbor master" means a harbor master appointed under this Act;
" Port.''	appointed under this Act; (d) The expression "port" means a port to which this Act applies. 36 V., c. 9, s. 1;37 V., c. 84, s. 1.
Application of foregoing provisions. Ports excepted.	 applies. 36 V., c. 9, s. 1;-37 V., c. 84, s. 1. 8. This Act shall apply to such ports only as are, from time to time, designated for that purpose by proclamation; but this Act shall not apply to the ports of Quebec, the Montreal and Three Rivers, in the Province of Quebec, the Montreal and Three Rivers, in the Province of Ontario, the ports of port of Toronto, in the Province of Ontario, the ports of St. Halifax and Pictou, in Nova Scotia, and the port of St. John, in New Brunswick. 86 V., c. 9, s. 14;-37 V., c. 84, s. 14.
Governor may appoint har- bor masters.	4. The Governor in Council may, from time to time, appoint a fit and proper person to be harbor master for any port to which this Act applies. 86 V., c. 9, s. 2; -37 V.
Annual report of harbor masters to Minister of Marine, &c.	5. Every harbor master shall be under the control of the Minister of Marine and Fisheries, to whom he shall, as soon as possible after the thirty-first day of December in each year, furnish a report in writing, on oath, of his doings in office, and of the fees of office received by him during such user 26 W to 0 a 27 V c 84, s. 3.
Duties and powers of harbor	6. The Governor in Council may, from time to time, by regulation, define the rights, powers and duties of

For every ship of fifty tons register or under, fifty cents ;

For every ship over fifty tons and not over one hundred

tons register, one dollar;

For every ship over one hundred tons and not over two hundred tons register, one dollar and fifty cents;

ing fees, that is to say :--

services solely by the fees hereinafter mentioned, or such and on what Portion thereof as he is, from time to time, authorized to ships and retain by the fees hereinafter mentioned, or successful and to ships and retain by the fees hereinafter mentioned, or successful and the ships and retain by the fees hereinafter mentioned, or successful and the ships and retain by the fees hereinafter mentioned, or successful and the ships and retain the ships and the ships and the ships and the ships and the ships and the ships and the ships and the ships and the ships and the ships and the ships and the ships and the ships and the ships and the ships are ships and the ships are s retain by the regulations made by the Governor in Council able. under this Act: and for and in respect of all ships entering a port to this Act: and for and in respect of all ships entering a port to which this Act applies, and at which a harbor master is which this Act applies, and at which a harbor master is appointed, and discharging or taking in cargo, ballast appointed, and discharging or taking the followballast, stores, wood or water, there shall be paid the follow-

10. Each harbor master appointed under this Act shall Duties of harbor master appointed under this Act shall Duties of taking masters a direct and superintend the placing, maintaining and taking masters as to bp of buows in the placing, maintaining and per- buoys, &c. up of buoys in the port for which he is appointed, and per-buoys, &c. Port or harbor as he is directed to perform by the Minister of Marine and Fisheries, or by the proper officer, without any additional remuneration beyond the amount allowed him out of a him out of fees received by him under this Act. 88 V., c.

9. The harbor master of any such port shall prosecute Prosecution Person minimum of any such port shall prosecute for violation Rev. c. 9, s. of regulation every person violating any such regulation. 36 V., c. 9, 5. of regulations.

8. The harbor master of any such port shall furnish Copies of regulation be furnish ^{copies} of such regulations to every licensed pilot of the befurnished port, who shall give one of such copies to the master of to pilots and every ship will give one of such copies to the master of to pilots and a V. c. 9, s. 6 ;- ship masters. every ship which he takes in charge. 36 V., c. 9, s. 6; - ship masters.

7. The Governor in Council may, in and by any regula- Penalties on made under in Council may, in and by any regula- for breach regulation tion made under the next preceding section, impose any regulations. penalty, not exceeding in any case one hundred dol-are, for the violation of the violation ^{are,} for the violation of such regulation, and in case of ^{a continuine} violation of such regulation, and in case of a continuing violation of such regulation, and in the say case ton dollation a further penalty, not exceeding in bours during which any case ten dollars for every twelve hours during which such violation shall im-^{such} violation continues,—but no such regulation shall impose a minimum penalty; and every violation of any such regulation when the penalty; and every violation of this Act, and regulation shall be deemed a violation of this Act, and every such penalty shall be held to be a penalty imposed by this Act. 201 T this Act. 86 V., c. 9, s. 5;—87 V., c. 84, s. 5.

harbor master for any port in respect of the government master how be office and of its port in respect of the government master how of his office and of the port for which he is appointed, and defined. his remuneration. 86 V., c. 9, s. 4;--37 V., c. 34, s. 4.

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11. The harbor master shall be remunerated for his Fees to har-trvices colubry master shall be remunerated or such and on what rhere pay

For every ship over two hundred tons and not over three hundred tons register, two dollars;

For every ship over three hundred tons and not over four hundred tons register, two dollars and fifty cents;

For every ship over four hundred tons and not over five hundred tons register, three dollars;

For every ship over five hundred tons and not over seven hundred tons register, four dollars;

For every ship over seven hundred tons register, five dollars. 38 V., c. 30, s. 1, part.

12. Such fees shall also be payable for ships with cargo As to certain and steamers passing through or arriving at the harbors of Sorel St John's The D Sorel, St. John's, Three Rivers or Lachine, in the Province of Quebec; and the Governor in Council may, from time to time, appoint a fit and proper person to be harbor master at each of the said harbors. 38 V., c. 30, s. 1, part.

> 13. Such fees shall not be payable for any ship more than twice in each calendar year (that is the year commencing on the first day of January and ending on the last day of December), whatever is the number of ports at which she arrives or through which she passes, or the number of times of her so arriving or passing; such fees shall be payable by the master of the ship to the harbor master immediately on her entering or arriving at the first and second ports where there is a harbor master, and the collector or principal officer of customs thereat shall not grant any clearance, transire or let-pass to any ship on which they are payable, until the master thereof produces to him a certificate of the payment of such fees or certificates of the payment of formation in the payment of formation in the payment of formation in the payment of formation in the payment of formation in the payment of formation in the payment of formation in the payment of formation in the payment of formation in the payment of formation in the payment of formation in the payment of the pa ment of fees under this Act once or twice within the then 38 V., c. 30, s. 2. current year as the case requires.

Salary of har-

14. The salary or remuneration of each harbor master shall, from time to time, be fixed by the Governor in Council. but shall not exceed the rate of six hundred dollars per annum, and shall be subject to the provisions hereinafter 36 V., c. 9, s. 9;-37 V., c. 34, s. 9. made.

as possible after the thirty-first day of December in each year, to the Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund, all moneys received by him for fees under this Act during such year. after deducting therefrom the sum allowed him as aforesaid for his own remuneration; and if the moneys received by him for fees in any year amount to a less sum than is so

When and how often fees are payable.

harbors.

bor master, how fixed.

Balance of fees received to be paid over to Con. Rev. Fund.

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allowed him, then such less sum shall be his remuneration for that year. 36 V., c. 9, s. 10;-37 V., c. 34, s. 10.

16. The harbor master of each port shall keep a book in Book to be which he shall enter, from day to day, the name of every bor master. ship, not exempt from the payment of fees under this Act, and what it enter the payment of fees under this Act, and what it entering such port, the name of her master, her registered must show. tonnage, the date of her entering the port and the sum, if any, received by him for his fee on her entering; and such book shall be at all times, during office hours, open for inspection by any person, on demand, without fee or reward. ³⁶ V., c. 9, s. 12;-37 V., c. 34, s. 12.

17. The penalty imposed by any regulation made by the Penalties imposed under Governor in Council under this Act, and incurred by any posed under violation or continuing violation of such regulation, may be Council, how recoverable, recovered under the "Act respecting summary proceedings &c. before Justices of the Peace;" and a moiety of such penalty shall belong to the informer—not being the harbor master, and the other moiety to Her Majesty; but if the harbor master is a shall belong to Her master is the informer, the whole shall belong to Her Majesty. 38 V., c. 30, s. 4.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To bc Consolidated elsewhere.	To be Consolidated with.
³⁸ V., 0, 20	The whole except s. 13. The whole except s. 13. The whole.	s. 13. s. 13.		•

An Act respecting tonnage dues levied in Canadian ports.

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

Tonnage, how dues.

1. Whenever, under any Canadian Act or law, any tax calculated for duty or due is to be levied on any ship in a Canadian port, payment of according to the tonnage of such ship, such tonnage shall be exclusive of any space added to the ship's registered tonnage by the twenty-third section of the Act of the Parliament of the United Kingdom, known as "The Merchant Shipping Act, 1876." 42 V., c. 24, s. 1.

Proposed to be Consolidated.	Part Consolidated.	Lefl for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
42 V., c. 24	The whole.			

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CHAPTER 84.

An Act respecting the Exemption of Transports from Port and Harbor Dues.

 $H^{\rm ER}$ Majesty, by and with the advice and consent of the foll-Senate and House of Commons of Canada, enacts as follows :---

1. All transports or vessels employed exclusively in Transports carrying troops shall be exempt from any port or harbor from all port duties, at any port or harbor in Canada, whether the same and harbor are imposed directly by the Parliament of Canada, or by dues. any local or other authorities subject to its control. 37 V., ^c. 24, s. 1.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere,	To be Consolidated with,
37 V., c. 24	The whole.			

An Act respecting the Harbor and River Police of the

Province of Quebec.

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

1. In this Act, unless the context otherwise requires, the expression "vessel" includes every description of vessel used Interpretain navigation not propelled by oars. 45 V., c. 48, s. 10. "Vessel."

Governor may Montreal and Quebec.

Extent of jurisdiction.

Appointment

powers and

Rules and regulations.

Their

duties.

tion.

2. The Governor in Council may, from time to time, establish police force at establish, at the ports of Montreal and Quebec respectively, to a harbor and river police force, and may, from time to time, appoint one or more superintendents of such force, with jurisdiction over such part or parts of the Province of Quebec as are defined built of V. Quebec as are defined by the Governor in Council. c. 48. s. 1.

8. The Minister of Marine and Fisheries may, from time to time, appoint harbor and river police constables under of constables. and within the jurisdiction of such superintendents of har bor and river police; and such constables shall be subject to all lawful directions of the superintendents and shall have and be charged with all the powers, rights and responsibilities of police constables. 45 V., c. 48, s. 2.

> 4. The Governor in Council may, from time to time, make rules and regulations for the government of the superintendents and constables of harbor and river police, and for the general and for the general management of the force. 45 V., c. 48, s. 3.

Penalty for disobedience of orders.

5. Every constable appointed under the authority of this Act who is guilty of any disobedience of orders, neglect of duty or any misconduct duty or any misconduct as such constable, and is convicted thereof in a summary and is convicted thereof in a summary way before any police magistrate, judge of the sessions of the magistrate judge of the sessions of the peace, or two justices of the peace, shall be light the peace, shall be liable to a penalty not exceeding twenty dollars and costs and in definition of exceeding twenty dollars and costs, and in default of immediate payment thereof to imprison the second thereof, to imprisonment for any term not exceeding, 45 months, unless the penalty and costs are sooner paid. V., c. 48, s. 4.

Superintendent or constable may

6. Any superintendent of harbor and river police, and by constable appointed under the any constable appointed under the authority of this

may, at any time, board any vessel for the purpose of arrest-board ing or searching for any person for whose arrest a warrant vessels for certain purhas been issued, or for the purpose of assisting or protecting poses. any officer of customs or other officer of the Government of Canada in the performance of his duties. 45 V., c. 48, s. 5.

7. There shall be levied upon every vessel, whether enter- Duty on vessels at ing at the port of Quebec or at the port of Montreal, a ton- Quebec and hage duty of three cents per ton register of such vessel, for Montreal. the purposes of this Act; and the said duty shall be a lien apon the vessel, and shall be payable by the master of such ressel to the collector of customs at the port: Provided, that any vessel of one hundred tons register, or less, shall Proviso : as to be subject to the payment of such tonnage duty on her first vessels not ent. entry in either of the said ports in any calendar year, but Not on any subsequent entry at the same port in the same year; and that any vessel of more than one hundred tons As to larger register, shall be subject to the said duty on her first and vessels. second entry at either of the said ports in any one calendar year, but not on any subsequent entry in the same year, and that no vessel bound to or from the port of Montreal shall None to pay be 1510 vessel bound to or from the port of Ouches for the at both port be liable to pay such duty at the port of Quebec for the same voyage. 45 V., c. 48, s. 7.

8. No entry inwards or clearance outwards at either of No entry or clearance til the said ports shall be granted by the collector of customs duty is paid. to any vessel which requires to make such entry or clearance until the tonnage duty payable on such vessel under this Act has been paid; and the master of any vessel liable to such t to such duty, and not requiring any entry or clearance, who leaves the port at which it ought to be paid, without having baid is the port at which it ought to be paid, without having 45 V c 48, 8, 8, paid it, shall incur a penalty of fifty dollars. 45 V., c. 48, s. 8.

9. All moneys arising from penalties under this Act, or Application levied at either of the said ports under the authority of this of moneys levied. Act, shall be paid over by the collector receiving the same to the Minister of Finance and Receiver General, and the Minister of Finance and Receiver General, and 45 V. shall form part of the Consolidated Revenue Fund. 45 V., c. 48, ss. 6 and 9. Re-drafted.

10. The Minister of Marine and Fisheries shall annually Annual report y before D minister. lay before Parliament, within fifteen days after the meeting thereof, a report of the receipts and expenditures under this Act down 45 V. c. 48, s. 11. Act during the year then next preceding. 45 V., c. 48, s. 11.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
45 V., c. 48	The whole, ex- cept s. 12.	s. 12.		

An Act respecting the discharging of the Cargoes of Vessels arriving at Ports in Quebec.

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

1. Whenever any sailing vessel or steamer has arrived at its destination in any port in the Province of Quebec, and the master thereof or his agent has notified the person to whom the cargo is consigned or his agent, either by public advertisement or otherwise, that such cargo has reached the place designated in the bill of lading, the person to whom the cargo is consigned shall be bound to receive the same within twenty-four hours after notice to that effect has been given to him as aforesaid ;--and thereafter such cargo, as soon as placed on the wharf, either direct from the vessel or otherwise, shall be at the risk and charges of the consignee or owner. C. S. L. C., c. 60, s. 1.

2. When the cargo of any vessel or steam-ship arriving at any port in such Province consists of coal, such coal shall be charged daily. discharged at the rate of fifty-one tons per diem; when the cargo consists of metal, the freight of which is estimated by the ton, not less than sixty tons shall in like manner be discharged daily; if the cargo consists of salt or grain, not less than two thousand one hundred and forty-six bushels shall be discharged daily; if it consists of salt in sacks, not less than one thousand sacks shall be discharged daily; if of sawed lumber, not less than fifty thousand feet shall be discharged daily; and if of bricks, not less than twenty thousand of such bricks shall be discharged daily. C. S. L. C., c. 60, s. 2.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
C.S.L.C., c. 60	The whole.			

Cargo to be received within 24 hours after notice of arrival.

To be at owner's risk thereafter.

What quan-tity of cargo shall be disСћар. 87.

CHAPTER 87,

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An Act respecting the Protection of Navigable Waters.

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

1. In this Act, unless the context otherwise requires, the Interpretaexpression "vessel" includes every description of ship, boat tion. or craft of any kind, and whether propelled by steam or "vessel." otherwise, and whether used as a sea-going vessel or on inland waters only. 37 V., c. 29, s. 5.

2. Whenever, in the opinion of the Minister of Marine Minister of Marine and and Fisheries, the navigation of any river, lake, bay, creek, Fisheries may barbor or other navigable water, over which the jurisdic- cause removal tion of the Parliament of Canada extends, is obstructed, of obstrucimpeded or rendered more difficult or dangerous by reason by wrecks, of the wreck, sinking or lying ashore or grounding, of any &c., in navi-vessel or craft whatever, or of any part thereof, or other this thing, the said minister may, under the authority of the Governor in Council, if such obstruction continues for more than twenty-four hours, cause the same to be removed or destroyed in such manner and by such means as he thinks at, and may use gunpowder or other explosive substance for that purpose if he deems it advisable, and may cause May sell Such vessel, craft, or its cargo, or the material or thing obstruction, or causing or forming part of such obstruction to be conveyed its cargo, &c., to such place as he thinks proper, and to be there sold by to defray anotice and the such obstruction of the such place as he thinks proper, and to be there sold by to defray anotice as the thinks proper, and to be there sold by to defray expenses of auction or otherwise as he deems most advisable, and may removal. apply the proceeds of such sale to make good the expenses plus of such proceeds to the owner or owners of the things sold, or other persons entitled to such proceeds or any part thereof, respectively. 37 V., c. 29, s. 1.

8. The owner, master or person in charge of any vessel or Notice to be craft or other thing, by which any such obstruction or ob- ence of obstacle as aforesaid is caused, shall forthwith give notice of struction. the existence of that obstacle to the said minister, or to the collector of customs, at the nearest or most convenient port, and in default of so doing shall incur a penalty of forty Penalty for dollars for every day during which he neglects so to do neglect. Without lawful or reasonable excuse; but neither such Proviso: as to notice nor anything in this Act shall be construed to existing laws erempt such owner, master or person from any obligation or responsibility with respect to such obstruction imposed

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on him by any other law then in force, or to derogate from or impair any power or right vested by any such law in the Quebec Harbor Commissioners or Montreal Harbor Commissioners, or other authority with respect to such obstruction, and not incompatible with the powers hereby vested in the Minister of Marine and Fisheries. 37 V., c. 29. s. 2.

Cost of removal may be recovered from owner in certain Cases

4. Whenever, under the provisions of this Act, the Minister of Marine and Fisheries has, with the authority of the Governor in Council, caused to be removed or destroyed any obstruction or impediment to the navigation of any navigable water by the wreck, sinking or lying ashore or grounding of any vessel, craft or part thereof, of other thing, and the cost of removing or destroying the same has been defrayed out of the public moneys of Canada, and the net proceeds of the sale under this Act of such vessel, craft or its cargo, or the material or thing. which caused or formed part of such obstruction, are not sufficient to make good the expenses incurred for the purposes afore said and the costs of sale, the amount by which such Proceeds fall short of the expenses so defrayed as aforesaid, and such costs-or the whole amount of such expenses, if there, is nothing which can be sold as aforesaid—shall be recover able with costs by the Crown from the owner or owners of the vessel, craft or other thing which caused such obstruc tion or impediment; and the sum so recovered shall form 43 V., part of the Consolidated Revenue Fund of Canada. c. 30, s. 1.

5. No owner or tenant of any saw-mill, or any workman therein or other person shall throw or cause to be thrown, or suffer or permit to be thrown, any sawdust, edgings, slabs, bark or rubbish of any description whatsoever, into any navigable stream or river either above or below the point at which such stream or river ceases to be navigable; and every person who violates the provisions of this section shall, for the first offence, incur a penalty of not less than twenty dollars, and for each subsequent offence, a penalty of not less than fifty dollars:

Fishery tion.

2. The several fishery officers shall, from time to $time_{12}$ force this sec. examine and report on the condition of such navigable streams and rivers, and prosecute all persons violating the provisions of this section; and for enforcing the said provisions, such officers shall have and exercise all the powers conferred upon them for like purposes by "The Fisheries 36 V., c. 65, ss. 1, 2, part, and 3. Act."

Exemptions cases.

6. The Governor in Council, when it is shown to his by proclama-tion in certain satisfaction that the public interest would not be injuriously affected thereby, may, from time to time, by proclamation



Penalty for contravention.

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Published in the Canada Gazette, declare any such stream or river, or part or parts thereof, exempted from the opera-tion of the next preceding section, in whole or in part, and may, from time to time, revoke the said proclamation. 36 V., c. 65, s. 4. Amended.

* Every pecuniary penalty imposed by this Act shall Recovery and be recoverable and payment thereof enforced in a summary apportionmanner, with costs, before any two justices of the peace, penalties. under the "Act respecting summary proceedings before Justices of the Peace;" and one moiety of such penalty shall belong to the prosecutor and the other moiety to the Crown for the Public uses of Canada, unless the same is recovered on the evidence of such prosecutor alone,—in which case the whole shall belong to the Crown for the uses aforesaid. 37 V., c. ²⁹, s. 3.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated clsewhere.	To be Consolidated with.
³⁶ V., c. 65 ³⁷ V., c. 29 ⁴³ V., c. 30	The whole except	Part of s. 2.	s. 4	Wrecks and Salvage Act.

CHAPTER 88.

An Act respecting certain Structures in and over Navigable Waters.

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

1. In this Act, unless the context otherwise requires :--

(b) The expression "dam" includes the works necessary

(c) The expression "aboiteau" includes dykes and other

works of a similar character constructed thereon.

(a) The expression "boom" includes works necessary and appurtenant thereto;

and appurtenant thereto;

43, s. 7;-46 V., c. 44, s. 1.

" Dam."

Interpretation.

"Boom."

"Aboiteau."

Certain structures not to be built hereafter in navigable waters unless authorized.

In what cases only existing structures of like kind shall be lawful.

Plans with description of to site, to be deposited and notice given.

Deposit of bridge plans required.

Application for approval,

2. No bridge, boom, dam or aboiteau shall be constructed so as to interfere with navigation, unless the site thereof has been approved by the Governor in Council, and unless such bridge, boom, dam or aboiteau is built and maintained in accordance with plans approved by the Governor in 45 V., c. 37, ss. 1 and 2;-46 V., c. 43, s. 1. Council.

3. No boom, dam or aboiteau heretofore constructed, shall, so far as the same interferes with navigation, be lawful boom, dam or aboiteau, unless the site thereof has been approved, and unless the boom, dam or aboiteau is built and maintained in accordance with plans approved by the Governor in Council. 46 V., c. 43, s. 2.

4. The local authority, company or person proposing construct a boom, dam or aboiteau, in navigable waters, shall deposit the plans thereof and a description of the proposed site with the Minister of Marine and Fisheries, and may apply to the Governor in Council for approval thereof, and shall give one month's notice of the said deposit of plans and application, by advertisement in the Canada Gazette, and in two newspapers published in or nearest to the locality where the said boom, dam or aboiteau is to be constructed. 46 V., c. 43, s. 3.

5. The local authority, company or person proposing to construct a bridge over navigable waters shall deposit the plans thereof and a description of the proposed site with the secretary of the railway committee of the Privy Coun cil, and may apply to the Governor in Council for approval of the site, and to the railway committee of the Privy Council for approval of the plans. 45 V., c. 37, ss. 3 and 4.

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6. The Governor in Council may, from time to time, make Regulations such orders or regulations as he deems expedient for the pur- to be made by pose of maintaining existing facilities for navigation, or for Council as to securing better facilities therefor, respecting any work to works. which this Act applies, or of which the plan and site have been or are hereafter approved under any Act of the Parlia-Ment of Canada; and the local authority, company or person constructing, owning or in possession of any such work shall be subject to such orders or regulations. 48-49 V., c. 6, 8. 2.

7. Any bridge to which this Act applies, which is built Governor in apon a site not approved by the Governor in Council, or order removal which is built for the council of the down of Which is not built in accordance with plans so approved, or of bridges which, having been so built, is not maintained in accordance travention of with With such plans, may, in so far as the same interferes with this Act. Navigation, be lawfully removed and destroyed under the authority of the Governor in Council. 45 V., c. 37, s. 6.

8. No approval shall be given under this Act of the site Act not to apor plans of any bridge over the River St. Lawrence. 45 V., St. Lawrence. c. 37, s. 9 ;---48-49 V., c. 6, s. 3.

9. This Act shall not affect any bridge constructed before As to certain bridges. the seventeenth day of May, one thousand eight hundred bridges. and eighty-two, which hereafter requires to be rebuilt or repaired, if such bridge, when so rebuilt or repaired, does not interfere to a greater extent with navigation than on the said day or theretofore. 45 V., c. 37, s. 11.

10. Nothing herein contained shall apply to any boom, Exception as dam or aboiteau constructed under the authority of any Act structed unof the Parliament of Canada, or of the Legislature of the der certain late Province of Canada, or of the Legislature of any Acts. Province now forming part of Canada, passed before such Province became a part thereof. 46 V., c. 44, s. 2.

11. Parliament may, at any time, annul or vary any Powers of order of the Governor in Council made under this Act; reserved. and any action of Parliament in that behalf shall not be deemed an infringement of the rights of the local authority, company or person concerned. 45 V., c. 37, s. 8;-46 V., c. 43, s. 5.

Proposed to be Consolidat d.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
45 V., c. 37 46 V., c. 43 46 V., c. 44 48-49 V., c. 6	The whole except	8. 6.	ŧ	

CHAPTER 89.

An Act respecting Bridges.

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

INTERPRETATION.

Interpreta- tion.	1. In this Act, unless the context otherwise requires.
"Bridge."	(a) The expression "bridge" means and includes every bridge to which this Act applies ;
"Railway Committee."	(b) The expression "railway committee" means the railway committee of the Privy Council appointed under "The Railway Act." 35 V., c. 25, s. 2, part.
"Engineers."	(c) The expression "engineer" includes engineers, when more than one are appointed.

APPLICATION OF ACT.

To what works the Act applies. New.

2. This Act applies to every bridge and the approaches thereto, and the appliances or works appurtenant thereto, built or constructed, whether before or after the passing of this Act, by any company incorporated under the authority of, or which is within the jurisdiction of the Parliament of Canada, and which is not a railway company or subject to the control of the railway committee of the Privy Council, under "The Railway Act." 35 V., c. 25, s. 2, part.

GENERAL PROVISIONS.

Notice to be given before bridge is opened. **3.** No bridge shall be opened for public use until one the month after notice in writing of the intention to open the same has been given by the company to whom the bridge belongs, to the railway committee, nor until ten days after notice in writing has been given by the company to the railway committee, of the time when the bridge will, in the opinion of the company, be sufficiently completed for the use thereof with safety, and ready for inspection. 35 V., c. 25, s. 3.

Proceedings on receipt of such notice.

4. The railway committee, upon receiving such notice, shall direct an engineer attached to or employed by

the Department of Public Works, to examine the bridge proposed to be opened; and if the inspecting engineer reports; in writing, to the railway committee, that, in Postponement his opinion, the opening of the bridge would be attended if the bridge with danger to the public using the same, by reason of unsafe. incompleteness or insufficiency thereof, together with the ground of such opinion, the railway committee, with the sanction of the Governor in Council (and so on, from time to time, as often as such engineer, after further inspection thereof, reports to the same effect) may order the company to whom the bridge belongs to postpone such opening for a period not exceeding one month at any one time, until it appears to the committee that such opening may take place without danger to the public. 35 V., c. 25, s. 5.

5. No such order shall be binding upon any bridge com- Copy of repany unless a copy of the report of the inspecting engineer part to accomon which the order is founded is delivered to the company With the order. 35 V., c. 25, s. 7.

6. The railway committee, whenever it receives informa-Inspection of tion to the effect that any bridge is dangerous to the public bridge reported unsafe using the same, through want of repair, insufficiency, or may be erroneous construction, or from any other cause, or whenever circumstances arise which, in its opinion, render it expedient, may direct any such engineer, as aforesaid, to eramine and inspect the bridge, and upon the report of the engineer, may condemn the bridge or any portion thereof, or any of the works or appliances connected therewith, and, with the approval of the Governor in Council, may require Changes or any change or alteration therein, or in any part thereof, or may be re-the substitution of a new bridge or of any portion thereof, quired to be or the use of any materials for any part of the said bridge; made. and thereupon the company to which such bridge belongs, or the company using or controlling the same, shall, after notice thereof in writing, signed by the chairman of the railway committee, and countersigned by the secretary thereof, proceed to make good or remedy the defects in the bridge, or portions of the bridge which have been reported as insufficient, or shall make the change, alteration or substitution required as aforesaid by the committee. 35 V., e. 25, s. 8.

7. Any engineer authorized to inspect any bridge may, at Power of all reasonable times, upon producing his authority, if re- engineer. quired, enter upon and examine such bridge. 35 V., c. 25, 8. 11.

8. Every bridge company, and the officers and directors Company to thereof, shall afford to the inspecting engineer such infor-^{furnish} infor-mation as is within their knowledge and power, in all matters enquired into by him, and shall submit to such inspecting

pany order.

engineer, all contracts, plans, specifications, drawings and documents relating to the construction, repair, or state of repair of such bridge. 35 V., c. 25, s. 12.

Evidence of authority.

9. The production of instructions in writing signed by the chairman of the railway committee and countersigned by the secretary thereof, shall be sufficient evidence of the authority of any such inspecting engineer. 35 V., c. 25, s. 13. Re-drafted.

10. If, in the opinion of the inspecting engineer, it is dangerous for railway trains (if the bridge is intended for the passage of such trains) or vehicles, or passengers to pass over the bridge until alterations, substitutions or repairs are made therein, the engineer may forthwith forbid the run ning of any railway train or vehicle, as the case may be, or the passage of any passenger over such bridge, by deliver ing, or causing to be delivered to the president, managing director, or secretary, or superintendent of the company owning, using or controlling such bridge, a notice in writing to that effect, and his reasons therefor, in which he shall distinctly specify the defects or the nature of the danger to be apprehended. 35 V., c. 25, s. 9.

11. The inspecting engineer shall forthwith report the circumstances of the case to the railway committee, who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the inspecting engineer, and notice of such confirmation, modification or disallowance shall be duly given to the bridge company affected thereby. 35 V., c. 25, s. 10.

12. No inspection had under this Act, nor anything in this Act contained or done, or ordered, or omitted to be done, from liability. or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any bridge company of or from any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative of any person, for anything done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or non-feasance of such company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such company, under the laws in force in the Province in which such liability or responsibility arises. 35 V., c. 25, s. 14.

Orders of railway committee, how notified.

13. Every bridge company shall be deemed to have received sufficient information of any order of the railway committee, if a notice thereof, signed by the chairman and

Engineer may order use of bridge to be suspended.

Report to the railway committee

Inspection not to relieve company

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countersigned by the secretary of the committee, is delivered to the president, vice-president, managing director, secretary or superintendent of the company, or at the office of the company, and every such company shall be deemed to have received sufficient information of any order of the inspecting engineer, if a notice thereof signed by the engineer, ¹⁸ delivered, as hereinbefore provided. 35 V., c. 25, s. 15. Re-drafted.

14. Every bridge company shall, as soon as possible and Company to report Within at least forty-eight hours after the occurrence, upon accidents. the bridge belonging to such company, of any accident attended with serious personal injury to any person using the same, or whereby its bridge has been broken or so dam damaged as to render its bridge impassable or unsafe or unfit for immediate use, give notice thereof to the railway ^{com}mittee. 35 V., c. 25, s. 16, part.

15. Every bridge company shall, within one month after Return of accidents the first days of January and July, in each year, make to the be made twice railway committee, under the oath of the president, secretary a year. or superintendent of the company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the bridge of the company during the half year next preceding each of the said Periods respectively, setting forth,-

(a) The causes and natures of such accidents and casualties :

(b) Whether they occurred by night or by day;

(c) The full extent thereof, and all the particulars of the same:

And the company shall also, at the same time, transmit a true copy of the existing by-laws of the company, and of its rules and regulations for the management of the com-Pany and of its bridge. 35 V., c. 25, s. 17.

16. The railway committee may, from time to time, order Form of and direct the form in which such return shall be made up, return. and may order and direct any bridge company to make up and deliver to such committee, from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the bridge belonging to such company, whether attended with personal injury or not, in such form and manner as the committee deems necessary and requires for its information, with a view to the public safety. 35 V., c. 25, s. 18.

17. All such returns shall be privileged communications, Returns and shall not be evidence in any court whatsoever. 35 V., privileged. ^{c. 25}, s. 20.

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PENALTIES.

Penalty for opening bridge without notice. 18. Every bridge company which opens its bridge contrary to the provisions of the *third* section of this Act, shall incur a penalty of two hundred dollars for every day during which the same continues open until the notices have been duly given and have expired. 35 V., c. 25, s. 4. Re-drafted.

Or contrary to order of railway committee. 19. Every bridge company which opens its bridge contrary to an order of the railway committee, issued under the fourth section of this Act, shall incur a penalty of two hundred dollars for every day during which the same continues open contrary to such order. 35 V., c. 25, s. 6. Re-drafted.

For omitting to report accidents. 20. Every bridge company which wilfully omits to give the notice to the railway committee required by this Act, of an accident on or to its bridge, shall incur a penalty of two hundred dollars for every day during which the omission to give such notice continues. 35 V., c. 25, s. 16, part.

Re-drafted

For neglecting to deliver returns.

21. Every bridge company which neglects to deliver any return required by this Act, verified as herein provided, within the respective times herein prescribed, or within fourteen days after the same have been so required by the railway committee, shall incur a penalty of one hundred, dollars for every day during which the company neglects to deliver the same. 35 V., c. 25, s. 19. Re-drafted.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
35 V., c. 25	The whole, ex- cept s. l.	s. l.		

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CHAPTER 90.

An Act respecting fishing by Foreign Vessels.

 H_{foll}^{ER} 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, from time to time, Governor may stant to any foreign ship, vessel or boat, or to any ship, to foreign vessel or boat not navigated according to the laws of the vessels, &c., United Kingdom or of Canada, at such rate and for such to fish in taxa term not exceeding one year, as he deems expedient, a waters. license to fish for, take, dry or cure any fish of any kind whatsoever, in British waters, within three marine miles of any of the coasts, bays, creeks or harbors of Canada, not included within the limits specified and described in the Bret article of the convention between His late Majesty King G_{eorge} the Third and the United States of America, made and signed at London, on the twentieth day of October, one thousand eight hundred and eighteen. 31 V., c. 61, s. 1;-46 V., c. 27.

2. Any commissioned officer of Her Majesty's navy, serv- Certain ing on board of any vessel of Her Majesty's navy cruising and British or Canadian being in the waters of Canada for the purpose of affording officers may protection to Her Majesty's subjects engaged in the fisheries, hovering in or the fisher of the purpose of affording officers may board vessels board vessels board vessels or the purpose of affording officers may board vessels board vessels board vessels board vessels board vessels board vessels or the purpose of affording officers may board vessels board vessel or any commissioned officer of Her Majesty's navy, fishery such waters. officer or stipendiary magistrate, on board of any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, or any officer of the customs of Canada, sheriff, justice of the peace or other person duly commissioned for that purpose, may go on board of any ship, vessel or boat within any harbor in Canada or hovering in British waters within three marine miles of any of the coasts, bays, creeks or harbors in Canada, and stay on board so long as she remains within such harbor or distance. 31 V., c. 61, s. 2.

8. Any one of the officers or persons hereinbefore men-vessels found tioned may bring any ship, vessel or boat, being within any British waters harbor in Canada, or hovering in British waters, within may be three marine miles of any of the coasts, bays, creeks or har- brought into bors in Canada, into port, and search her cargo, and may examined. also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of four hundred dol-

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Forfeiture for fishing without a license, &c. lars; and if such ship, vessel or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and has been found fishing or preparing to fish, or to have been fishing in British waters within three marine miles of any of the coasts, bays, creeks or harbors of Canada, not included within the above mentioned limits, without a license, or after the expiration of the term named in the last license granted to such ship, vessel or boat, under the first section of this Act, such ship, vessel or boat and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited. 33 V., c. 15, s. 1.

4. All goods, ships, vessels and boats and the tackle, rigging, apparel, furniture, stores and cargo liable to forfeiture under this Act, may be seized and secured by any officers or persons mentioned in the second section of this Act; and every person opposing any officer or person in the execution of his duty under this Act, or aiding or abetting any other person in any such opposition, is guilty of a misdemeanor, and liable to a fine of eight hundred dollars and to two years' imprisonment. 31 V., c. 61, s. 4.

5. Goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized as liable to forfeiture under this Act, shall be forthwith delivered into the custody of such fishery officer, or customs officer or other person, as the Minister of Marine and Fisheries, from time to time, directs, or shall be retained by the officer making the seizure in his own custody, if so directed by the minister, and in either case shall be secured and kept as other goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized are directed by the laws in force in the Province in which the seizure is made, to be secured and kept. 34 V., c. 23, s. 1.

6. All goods, vessels and boats, and the tackle, rigging apparel, furniture, stores and cargo condemned as forfeited under this Act, shall be sold by public auction, by direction of the officer who has the custody thereof, under the provisions of the next preceding section of this Act, and under regula. tions made, from time to time, by the Governor in Council; and the proceeds of every such sale shall be subject to the control of the Minister of Marine and Fisheries, who shall first pay thereout all necessary costs and expenses of custody and sale; and the Governor in Council may, from time to time, apportion three-fourths, or less, of the net remainder, among the officers and crew of any of Her Majesty's ships or Canadian Government vessel, from on board of which the seizure was made, as he thinks right, reserving to the Crown and paying over to the Minister of Finance and Receiver General, at least one-fourth of such net remainder, to form part of the Consolidated Revenue Fund of Canada: But the

Vessels, &c., forfeited may be seized.

Penalty for resisting seizure.

Custody of vessels, &c., seized.

Sale of goods, vessels, &c., seized.

Application of proceeds.

Proviso.

Governor in Council may, nevertheless, direct that any goods, ressel or boat, and the tackle, rigging, apparel, furniture, stores and cargo seized and forfeited, shall be destroyed, or be reserved for the public service. 34 V., c. 23, s. 2.

7. Every penalty or forfeiture under this Act may be Forfeiture, recovered or enforced in any court of vice-admiralty within Canada. 31 V., c. 61, s. 7.

8. The judge of the court of vice-admiralty may, with the Vessel, &c., consent of the person who seizes any goods, ship, vessel or may be boat and the tackle, rigging, apparel, furniture, stores and security being carpo cargo, forfeited under this Act, order the re-delivery given. thereof, on security by bond to be given by the party, with t_{W_0} sureties, to the use of Her Majesty; and if any goods, ship, vessel or boat, or the tackle, rigging, apparel, Value to be furniture, stores and cargo so re-delivered are condemned as distributed in forfaithered are condemned as distributed in case of conforfeited, the value thereof shall be paid into court and dis- demnation. tributed as hereinbefore directed. 31 V., c. 61, s. 8.

9. The Attorney General of Canada may, in Her Majesty's Attorney name, sue for or enforce any penalty or forfeiture incurred General of Canada to under this Act. 31 V., c. 61, s. 9. sue.

10. If a dispute arises as to whether any seizure has or has As to proof of bot been legally made or as to whether the person who seized $\frac{\text{legality of}}{\text{seizure}}$ Was or was not authorized to seize under this Act, oral evidence may be taken and the burden of proving the illegality of the seizure shall lie upon the owner or claimant. 81 V., c. 61, s. 10.

1. No claim to anything seized under this Act and Claims must Returned into any court of vice-admiralty for adjudication oath. shall be admitted unless the claim is entered under oath, with the name of the owner, his residence and occupation, and the description of the property claimed; which oath shall be made by the owner, his attorney or agent, and to the best of his knowledge and belief. 31 V., c. 61, s. 11.

12. No person shall enter a claim to anything seized $\frac{\text{And security}}{\text{must be}}$ under this Act until security is given, in a penal sum not ex- given. ceeding two hundred and forty dollars, to answer and pay costs occasioned by such claim; and in default of such security, the things seized shall be declared forfeited, and shall be condemned. 31 V., c. 61, s. 12.

18. No writ shall be sued out against any officer or other Protection of person authorized to seize under this Act for anything done acting under under this Act, until one month after notice in writing has this Act. been delivered to him or left at his usual place of abode by the person intending to sue out such writ, his attorney or agent,—in which notice shall be contained the cause of

be made on

action, the name and place of abode of the person who $\frac{is}{1}$ to bring the action, and of his attorney or agent; and no evidence of any cause of action shall be admitted except such as is contained in such notice. 31 V., c. 61, s. 13.

Limitation of suits.

14. Every such action shall be brought within three months after the cause thereof has arisen. 31 V., c. 61, s. 14.

15. If on any information or suit brought to trial under this Act on account of any seizure, judgment is given for the claimant, and the court or judge certifies that there was probable cause for seizure, the claimant shall not be entitled costs allowed. to costs, and the person who made the seizure shall not be liable to any indictment or suit on account thereof; and if any suit or prosecution is brought against any person on account of any seizure under this Act, and judgment is given against him, and the court or judge certifies that there was probable cause for the seizure, the plaintiff, besides the thing seized or its value, shall not recover more than four cents damages, and shall not recover any costs, and the defendant shall not recover any costs, and the defendant shall not be fined more than twenty cents. 31 V., c. 61, s. 15.

Tender of amends.

16. Every officer or person who has made a seizure under this Act may, within one month after notice of action received, tender amends to the person complaining, or to his attorney or accent and attorney or agent, and may plead such tender. 31 V., c. 61, s. 16.

Limitation of suits for penalties.

under this Act.

17. All actions for the recovery or enforcement of penalties or forfeitures imposed by this Act shall be commenced within three ways of the state of the 31 V., c. 61, within three years after the offence committed. 8.17.

18. No appeal shall be prosecuted from any decree, or As to appeals sentence of any court, in respect of any penalty or forfeiture from decrees imposed by this Act, unless the inhibition is applied for and decreed within twelve months from the decree or sentence being pronounced. 31 V., c. 61, s. 18.

Governor in Council may relieve from penalty.

Act to apply to inland waters; and other courts substituted for viceadmiralty in such case.

19. In cases of seizure under this Act, the Governor in Council may direct a stay of proceedings; and in cases of condemnation, may relieve from the penalty, in whole or in part and on much or in part, and on such terms as are deemed right. 61, s. 19.

20. This Act shall apply to every foreign ship, vessel or boat in or upon the inland waters of Canada; and the provisions hereinbefore contained in respect of any proceedings in a court of vice-admiralty shall, in the case of any such foreign ship, vessel or boat, apply to the Maritime Court of Ontario and to the superior courts, and any penalty or for

If judgment is for the claimant but there was probable cause of feiture under this Act may be recovered or enforced in any of such courts in the Province within which the cause of prosecution arises. 31 V., c. 61, s. 20.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
31 V., c. 61 33 V., c. 15 34 V., c. 23 46 V., c. 27	The whole, ex- cept s. 21. s. 1 and 2 The whole.	s. 21. s. 2. s. 3.		¢

CHAPTER 91,

An Act respecting Fisheries and Fishing.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "The Fisheries Act." 31 V. c. 60, s. 24.

FISHERY OFFICERS.

Fishery officers may be appointed.

Powers and duties.

2. The Governor in Council may appoint fishery officers, whose powers and duties shall be as defined by this Act and the regulations made under it, and by instructions from the Department of Fisheries; and every such officer, if he is authorized by the Governor in Council to exercise the powers of a justice of the peace, shall for all the purposes of this Act and the regulations made under it, be *ex-officio* a justice of the peace, within the district for which he is appointed to act as such fishery officer. 31 V., c. 60, s. 1, *part*.

Oath of office.

Form

3. Every fishery officer shall take and subscribe an oath in the form following, that is to say:— "I, A. B., a fishery officer in and for the district described in my appointment, do solemnly swear, that to the best of my judgment, I will faithfully, honestly and impartially fulfil, execute and perform the officer and duty of such officer

fulfil, execute and perform the office and duty of such officer according to the true intent and meaning of the Fisheries Act and regulations, and in accordance with my instructions. So help me God." 31 V., c. 60, s. 1, part.

FISHERY LEASES AND LICENSES.

Fishery leases and licenses.

If for more than nine years. 4. The Minister of Marine and Fisheries may, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued fishery leases and licenses for fisheries and fishing wheresoever situated or carried on; but leases or licenses for any term exceeding nine years shall be issued only under authority of the Governor in Council. 31 V., c. 60, s. 2.

COD FISHERY.

Nets for taking cod.

5. No one shall use mackerel, herring or caplin seines for taking codfish, and no codfish seine shall be of a less

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 a_{1}^{sized} mesh than four inches in extension in the arms, and three inches in the bunt or bottom of the seine. 31 V., c. ⁶⁰, s. 4.

WHALE, SEAL AND PORPOISE FISHERY.

6. Every one who hunts or kills whales, seals or porpoises Seals, &c., not by means of rockets, explosive instruments or shells, to be killed by shall or shells, rockets or shall be liable to a penalty not exceeding three hundred shells. dollars, and in default of payment to imprisonment for a Penalty. term not exceeding six months. 31 V., c. 60, s. 5.

This provision is suspended as to "whales" by O. C., 24th April, 1882.

7. Every one who, with boat or vessel, during the time of Sedentary fishing for seals, knowingly or wilfully disturbs, impedes fisheries not to be disturbed. or injures any sedentary seal fishery, or prevents, hinders or fightens the shoals of seals coming into such fishery, shall, Penalty. for each offence, be liable to a penalty not exceeding sixty dollars and, in default of payment, to imprisonment for a term not exceeding one month; and shall also be liable to pay such damages as are assessed by the fishery officer or justice of the peace before whom the person injured complains:

2. Disputes between occupiers of seal fisheries concerning Disputes as to limits and the mode of fishing or setting nets, shall be how settled. decided summarily by any fishery officer or justice of the Peace, by whom arbitrators may be appointed to assess damages, and any damages assessed or which arise out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any fishery officer or justice of the peace. 31 V., c. 60, s. 6.

tee words in italics are inserted at the suggestion of the Parliamentary Commit-

SALMON FISHERY.

8. Salmon shall not be fished for, caught or killed, Close season between the thirty-first day of July and the first day of May, in the Provinces of Ontario and Quebec, and in the River Restigouche; or between the fifteenth day of August and the first day of March, in the Provinces of New Brunswick and Nova Scotia; or between the first day of September and the thirty-first day of December, in the Province of Prince Edward Island: Provided always, that it shall be lawful to fish for, catch and kill salmon with a rod and line, in the manner known as fly-surface-fishing, between the thirtieth day of Proviso: as to April and the thirty-first day of August, in the Provinces of Ontario and Quebec, and between the first day of February and the fifteenth day of September, in the Provinces of $N_{\rm N}$ New Brunswick and Nova Scotia :

The words in italics are inserted from O.C., 8th October, 1875. 75;

2. Foul or unclean salmon shall not be at any time caught or killed:

3. Salmon fry, parr and smolt shall not, at any time, be Fry, parr and smolt not to fished for, caught or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed; but be killed. if caught by accident in nets lawfully used for other fish, they shall be liberated alive, at the cost and risk of the owner of the fishery, on whom, in every case, the proof of such actual liberation shall devolve:

Size of meshes of salmon nets.

4. Meshes of nets used for capturing salmon shall be at least five inches in extension, and nothing shall be done to practically diminish their size :

Use of nets regulated.

Ontario, &c.

Proviso: as to swing nets.

5. The use of nets or other apparatus for the capture of salmon shall, except in the Provinces of Nova Scotia and New Brunswick, be confined to tidal waters, and any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of Canada; shall prevent Proviso: as to but nothing contained in this section the use of nets for catching salmon in the lakes of the Province of Ontario, or preclude the Minister of Marine and Fisheries from authorizing, by special fishery licenses or leases, the capture of salmon by nets in fresh water streams Provided, that no one shall fish for or catch salmon with swing nets in any of the waters of Canada : O.C., 28th April, 1868.

Boundaries of estuary fishing may be defined.

Penalty for fishing above limits, except with a rod and line, &c.

Distance of nets apart, & c.

7. All nets, or other lawful appliances for the capture of salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing materials of any kind being set or used in and about any other part of the stream:

8. No one shall drift for salmon, except in British Columbia, where drifting with salmon nets shall be confined to tidal waters; but drift nets for salmon in the said Province shall not be so set or used as to obstruct more than one-third of the width of any river:

O.C., 30th May, 1878.

The words "set or used" substituted for "fished" in line p nult, at the suggestion of the Parliamentary Committee.

6. The minister, or any fishery officer authorized to such effect, shall have power to define the tidal boundary of estuary fishing for the purposes of this Act; and every one who, without the special fishery lease or license above $p_{1,1}^{ro}$ vided for, fishes for salmon above the actual limit so laid down, except with a rod and line, in the manner known as fly-surface-fishing, shall be liable to a penalty not exceeding one hundred dollars, and in default of payment to imprison-

ment for a term not exceeding two months:

No one to drift for salmon. Exception.

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9. Any fishery officer may direct, either in writing or orally Further dison sight, that a greater space than two hundred and fifty yards tance between shall shall be left between salmon nets, or other fishing appar- prescribed. atus, and may prescribe their dimensions and extension: but gill or float nets shall not be used to lengthen, extend Proviso. or enlarge any other kind of fishery :

10. No salmon shall be captured within two hundred As to spawnyards of the mouth of any tributary, creek or stream which salmon frequent to spawn:

11. Except in the manner known as fly-surface-fishing Mode of kill-With a rod and line, salmon shall not be fished for, caught places. or killed at any artificial pass or salmon leap, or in any pool where salmon spawn:

12. Except under the authority and for the special pur-Salmon pose provided for in this Act, no one shall take, buy, sell, destroy, use or possess any salmon roe, or injure any spawning bed. 31 V., c. 60, s. 7;-38 V., c. 33, s. 1.

TROUT AND WHITEFISH FISHERY.

9. The following provisions shall be observed with respect to As to trout. trout, that is to say :-

(a) In the Province of Ontario, no person shall fish for, In Ontario. catch, kill, buy, sell or have in his possession any speckled trout, ,salmo fontinalis," between the fifteenth day of September and the first day of May, or any salmon trout between the first and tenth days of November, both days inclusive, in each year; or any lake trout between the fifteenth day of October and the first day of December, or any brook or river trout between the fifteenth day of September and the first day of January in each year;

O.C., 3rd April. 1875 ;-19th September, 1876 ;-8th October, 1877.

(b) In the Province of Quebec, no person shall fish for, catch, In Quebec. kill, buy, sell or have in his possession any salmon trout, lake trout or lunge, between the fifteenth day of October and the first day of December, or any speckled trout, between the first day of October and the thirty-first day of December, or any brook or river trout, between the fifteenth day of September and the first day of January in each year;

O. C., 3rd April, 1875; -8th October, 1877.

(c) In the Province of Prince Edward Island, no person In Prince Edshall fish for, catch, kill, buy, sell or have in his possession any ward Island. trout between the first day of October and the first day of December in each year, and they shall not. at any time, be fished for or taken by spears, sweep nets or seines in any river, stream or pond;

0. C., 8th October, 1875.

In other parts of Canada.

(d) In all other parts of Canada no person shall fish for, catch, kill, buy, sell or have in his possession any kind of trout or lunge in any way whatever, between the first day of October and the first day of January:

In inland waters. 2. No one shall at any time fish for, catch or kill trout by other means than angling by hand with hook and line, in any inland lake, river or stream, except in tidal waters:

Exception as to Indians.

3. In the Province of Manitoba and the North-West Territories, Indians may at any time catch or kill speckled trout for their own use only, and not for purposes of sale or traffic:

O. C., 3rd October, 1881.

Exception as to fish used for bait, &c.

4. Nothing in this section shall prevent the use of small sized trout for the purpose of baiting traps, or affect the taking and using the same by fishermen as bait for cod fishing in tidal waters, or subject fishermen to penalty if by accident in fishing for herrings or whitefish by means of nets, trout are inclosed or taken. 31 V., c. 60, s. 8.

This and the following sections have been amended by Orders in Council, and the amendments are inserted to show what the law now is.

10. No one shall fish for, catch, kill, buy, sell or have in his possession, whitefish—

In Ontario.

Close season for whitefish.

> (a) In the Province of Ontario, between the first and tenth days of November, both days inclusive, in each year, or by means of any kind of seine, between the thirteenth day of May and the first day of August;

O. C., 19th September, 1876.

In Quebec.

(b) In the Province of Quebec, between the tenth day of November and the first day of December in each year, or by means of any kind of seine between the thirty-first day of July and the first day of December;

O. C., 3rd April, 1875.

In Manitoba and N.-W.T.

(c) In the Province of Manitoba and the North-West Territories, between the twentieth day of October and the first day of November, in each year: Provided, that Indians may there catch or kill the same for their own use only, but not for purposes of sale or traffic, and provided that whitefish shall not be taken or used, bought, sold or possessed for making oil or feeding domestic animals;

O. C., 3rd October, 1881.

In other parts (d) In any other part of Canada, between the nineteenth day of November and the first day of December in each year:

Fry not to be 2. The fry of whitefish shall not be, at any time, des⁻ destroyed. troyed:

Gill nets.

3. Gill nets for catching salmon trout or whitefish shall have meshes of at least five inches extension measure; and

gill nets shall not be set within two miles of any seining ground :

4. Seines for catching whitefish shall have meshes of not Seines. less than four inches extension measure. 31 V., c. 60, s. 9.

OTHER FISHERIES.

11. Close seasons for bass, pike, pickerel (*dorée*), maski-Close season hongé and other fish, may be fixed by the Governor in for bass, &c. Council to suit different localities. 31 V., c. 60, s. 10.

POSSESSION OF FISH.

12. No one shall, without lawful excuse, the proof whereof Prohibition to shall lie on him, buy, sell or possess any fish, or portion of any have in close fish named in this Act, caught or killed at a time or in a season. manner prohibited by law:

2. Every customs officer, excise officer, police officer or con- Certain stable. clerk of a market or other person in charge of any mar-seize fish ket-place in any village, town or city, shall seize and, upon exposed for view, confiscate to his own proper use, any fish mentioned in sale in close season. this Act, caught or killed during prohibited seasons, or which appears to have been killed by unlawful means; but every such seizure and appropriation, with the date, place and And report circumstances thereof, shall be duly reported, together with the same. the name, residence and calling of the person in whose possession such fish was found, to the fishery officer who has jurisdiction over the district within which such seizure, confiscation and appropriation took place. 31 V., c. 60, s. 11.

CONSTRUCTION OF FISH-WAYS.

13. Every dam, slide, or other obstruction across or in Fish-ways any stream where the Minister of Marine and Fisheries where and in determines it to be necessary for the public interest that a such manner fish-pass should exist, shall be provided by the owner or officer directs. Occupier with a durable and efficient fish-way, which shall be maintained in practical and effective condition, in whatever place and of whatever form and capacity will admit of the passage of fish through the same; and the place, form and capacity of the fish-way may be prescribed by any fishery officer by notice in writing :

2. Every one who violates the foregoing provisions of this Penalty for section shall incur a penalty of four dollars for each day during which any such obstruction remains unprovided with a fish-way, after three days' notice in writing to the owner or occupier thereof :

³ Fish-ways shall be kept open and unobstructed and shall To be kept be supplied with a sufficient quantity of water to fulfil the open, &c.

purposes of this enactment, during such times as are required by any fishery officer:

Minister may pay one half the cost.

May construct

and recover

the cost in certain cases.

4. The minister may authorize the payment of one-half of the expense incurred by such owner or occupier in constructing and maintaining any fish-way:

5. The minister, in order to procure the construction of any fish-way, pending proceedings against any owner or occupier for the penalty imposed by this Act, may give directions to make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and materials, and may recover from the owner or occupier the whole expense so incurred by action before any competent tribunal:

6. No person shall injure or obstruct any fish-way, or do anything to deter or hinder fish from entering and ascending or descending the same, or injure or obstruct any authorized barrier. 31 V., c. 60, s. 12.

GENERAL PROHIBITIONS.

14. Every one who fishes for, takes, catches or kills fish in any water, or along any beach, or within any fishery limits described in any lease or license, or places, uses, draws or sets therein any fishing gear or apparatus, except by permission of the occupant under such lease or license for the time being, or disturbs or injures any fishery, shall be liable to a penalty not exceeding one hundred dollars and costs, or to imprisonment for a term not exceeding two months; and the fishing apparatus so used, and all fish taken or caught, shall be forfeited, and any fishery officer or the holder of any such lease or license may, on view, forthwith seize and remove any net or apparatus so used. to be dealt with according to law: Provided always, that the occupation of any fishing station or waters so leased or licensed for the express purpose of net fishing shall not interfere with the taking of bait used for codfishing, or prevent angling for other purposes than those of trade and commerce :

2. Seines, nets or other fishing apparatus shall not be set in such a manner or in such places as to obstruct the navigation with boats and vessels, and no boats or vessels shall be permitted to destroy or wantonly injure in any way any seines, nets or other fishing apparatus lawfully set:

3. Every person using stakes or other timber placed for fishing purposes in any water shall remove the same within forty-eight hours after ceasing to use them, and in all cases at the expiry of the fishing season :

Not to be obstructed or injured.

Penalty for fishing in limits leased to another.

Apparatus, &c., may be seized.

Proviso: as b to taking bait o or angling.

Navigation not to be obstructed.

Stakes to be removed.

4. The main channel or course of any stream shall not be Main channels obstructed by any nets or other fishing apparatus; and one- obstructed. third of the course of any river or stream, and not less than two-thirds of the main channel at low tide, in every tidal stream, shall be always left open, and no kind of fishing apparatus or material shall be used or placed therein : Provided that the use of weirs for catching eels exclusively, Proviso: as and the use of mill-dams for catching eels, shall be pre- to eel fishing. rented only in cases where, and at times when they injure other fisheries, or by completely barring any passage, they deprive other weirs of a share in the run of eels : and such place, time and circumstances may be determined by any fishery officer :

5. No net or other device shall be so used as entirely to No net, ac., obstruct the passage of fish to or from any of the waters of to obstruct Canada, by any of the ordinary channels connecting such passage of Waters, or prevent their passage to and from accustomed resorts for spawning and increasing their species :

⁶. No one shall catch, kill or molest fish when passing or Killing fish at attempting to pass through any fish-way, or fish-pass, or in forbidden. surmounting any obstacle or leap,--or shall use any invention to catch, kill or molest fish in the mill-dams, fish-ways, mill-heads and water courses appurtenant thereto :

7. No one shall use a bag-net, trap-net or fish-pound, ex- Certain nets Cept under a special license, granted for capturing deep-sea forbidden. fish other than salmon :

8. No one shall fish for, catch or kill salmon, trout or Fish not to be lunge of any kind, maskinongé, winnoniche, bass, bar-sish, pickerel, whitefish, herring, or shad, by means of spear, grapnel hooks, negog, or nishagans: Provided, that the Minister of Marine and Fisheries may appropriate and to Indians. license or lease certain waters in which certain Indians shall be allowed to catch fish for their own use in the manner and at the time specified in the license or lease, and may permit ^{spearing} in certain localities :

9. No one shall fish for, catch, kill, buy, sell or possess Young of fish the young of any of the fish mentioned in this Act, or in not to be any any regulation under it :

10. Seines for barfish shall have meshes of not less than Seines for three inches, extension measure : barfish.

11. Fishery officers may determine or prescribe the dis-Distance tance between each and every fishery (*pècherie*), and between fish-shall forthwith remove any fishery which the owner eries. neglects or refuses to remove; and such owner shall be moreover liable for a violation of this Act, and for the cost and damages of removing such fishery:

Fascine fisheries with box-traps.

Nets, &c., in small rivers.

Fish to be

allowed free

passage on Sunday.

12. Every fascine fishery with a box-trap (coffre), instead of pound, shall have across the outside end of such box-trap a wire covering or a net work, the meshes of which shall be at least one inch square; but this shall not apply to eel weirs during autumn :

13. Nets or other fishing apparatus shall not be so used as to impede or divert the course of fish in any small river:

certain fisheries in tidal waters.

14. From the time of low water nearest six of the clock in the afternoon of every Saturday, to the time of low water nearest six of the clock in the forenoon of every Monday, of tidal waters, and from six of the clock in the afternoon of every Saturday to six of the clock in the forenoon of the following Monday in non-tidal waters-seines, nets or other apparatus used for catching fish shall be so raised or adapted as to admit of the free passage of fish through, by or out of the same, for the purpose of affording a free passage from six of the clock on every Saturday afternoon to six of the clock on every following Monday forenoon, and during such And forfeited close time no one shall catch fish by such means; and any if then taken. fish so taken, caught or killed, together with the nets Proviso: as to or other apparatus used, shall be forfeited : Provided always, that this sub-section shall, as affects the deep-sea and coast fisheries in tidal waters, apply only to salmon, and the salmon fishery with nets and other apparatus, within a distance of three miles on either and other apparatus, within a distance of three see miles on either side of the mouth of any river or harbor frequented by salmon. 31 V., c. 60, s. 13.

O. C., 29th April, 1878.

INJURIES TO FISHING GROUNDS AND POLLUTION OF RIVERS.

Penalty for throwing overboard certain substances prejudicial to fisheries.

Proviso: as to the disposal of offal.

15. Every one who throws overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or any water where fishing carried on, or throws overboard or lets fall upon any fishing bank or ground, or leaves or deposits or causes to be thrown left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, inside of any tidal estuary, or within two hundred yards of the mouth of any salmon river, remains or offal of fish, or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, shall be liable, for each offence, to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding two months; and every one so offending, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offal, or other prejudicial substance is thrown, shall be liable for each such offence : Provided always, that such remains or offal may be buried ashore, beyond high water mark, and that at establishments situated inside of the mouths of rivers for carrying on deep-sea fisheries, the same

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may be dropped into perforated boxes or inclosures built apon the beach, or under stage-heads, in such manner as to prevent the same from being floated or drifted into the treams, or may be disposed of in such other manner as any f_{sl} fishery officer prescribes :

². Lime, chemical substances or drugs, poisonous matter, Poisonous dead or decaying fish, or any other deleterious substance, substances. shall not be thrown into, or allowed to pass into, or be left or temain in any water frequented by any of the kinds of fish mentioned in this Act; and every one who throws or allows Mill rubbish. to drift into any stream frequented by fish, saw dust or mill Saw dust. ubbish, shall incur a penalty not exceeding one hundred dollars: Provided always, that the Minister of Marine and Proviso: Fisheries may exempt from the operation of this sub-section, exempt any Wholly or partially, any stream or streams in respect to stream, &c. which he considers that its enforcement is not requisite in the public interest. 31 V., c. 60, s. 14.

31 V., c 60, s. 14, sub-s. 3, is omitted as being Provincial.

FISHERY REGULATIONS.

16. The Governor in Council may, from time to time, Governor in Council may make regulations for the better management and regulation make fishery of the sea-coast and inland fisheries, to prevent or remedy regulations. the obstruction and pollution of streams, to regulate and prevent fishing, to prohibit the destruction of fish and to forbid fishing except under authority of leases or licenses, which regulations shall have the same force and effect as if herein enacted, notwithstanding that such regulations And may extend, vary or alter any of the provisions of this Act re-specting the places or modes of fishing or the times specified visions of this as which the places of th as prohibited or close seasons, and may fix such other modes, Act. times or places as are deemed by the Governor in Council adapted to different localities, or otherwise expedient :

 $\frac{2}{2}$, Such regulations shall take effect from the date of the Publication of regulations. Publication thereof in the Canada Gazette : regulations.

3. Every offence against any regulation made under this Stating Act may be stated as in violation of this Act. 31 V., c. 60, against regu-8. 19. lations.

POWERS OF FISHERY OFFICERS AND OTHER JUSTICES.

17. Any fishery officer or other justice of the peace may, Fishery officer on view, convict of any of the offences punishable under the may convict provisions of this Act, and may remove instantly and detain any materials unlawfully in use:

2. Any fishery officer or other justice of the peace may Search may search, or grant a warrant to search, any vessel or place be made.

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where there is reason to believe that any fish taken in r_{e}^{io} lation of this Act, or anything used in violation thereof, is concealed :

In what locality offence shall be prosecuted.

ery officer to

pass over lands.

3. If any offence under this Act is committed in, upon or near any waters forming the boundary between different counties or districts, or fishery districts, such offence may be prosecuted before any justice of the peace in either of such counties or district such counties or districts, or before the fishery officer for either fishery district:

4. In the discharge of his duties any fishery officer, or Right of fishother person or persons accompanying him or authorized to such effect, may enter upon and pass through or over private property without being liable for trespass:

5. Disputes between persons relative to fishing limits of Disputes as to claims to fishery stations, or relative to the position and use of nets and other fishery boundaries nets and other fishing apparatus, shall be settled by the local fishery officer:

Gurry grounds.

6. Gurry grounds may be designated or defined by any fishery officer:

Certain officers to have powers of a justice of the peace under this Act.

7. Any fishery officer, stipendiary magistrate, or commissioned officer of Her Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, employed in the service of protecting fisheries, and every commissioned officer of Her Majesty's navy serving on board of any vessel cruising and being in the waters, harbors of ports of Canada, shall, for the purpose of affording protection to Her Maintain tion to Her Majesty's subjects engaged in the fisheries, and of enforcing any laws relating to such fisheries, exercise the powers of a justice of the peace without property qualification, and without taking any oath of office, in all the waters, harbors or ports, and on all the coasts of Canada where, hav the time being and for the purposes above described, they are so engaged :

Property seized, how dealt with.

8. Property seized by any fishery officer, stipendiary magistrate or naval officer, acting as aforesaid, may be removed for disposal to the nearest or most convenient port where any revenue officer or other public officer empowered to deal with the matter resides :

Powers of officer. &c., as to detention of prisoners.

9. Whenever it is impracticable for any fishery officer, stipendiary magistrate or naval officer, acting in such capa city, to cause any prisoner to be conveyed to, and committed to the nearest common gaol, he may detain him on board of the vessel, or transfer him to another vessel for conveyance to and delivery at the most convenient place, and with all convenient dispatch, where he can be duly committed

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into the custody of the sheriff or other officer of the county or district in which the common gaol is situated to which be is ordered to be committed; and until such prisoner is so dal. delivered into the immediate custody of any sheriff or gaoler Conveyance the officer of prisoners. the fishery officer, stipendiary magistrate or naval officer of prisoners. having him in charge, shall have, in all places through which it is not a start of the it is necessary to convey such prisoner, the same authority and power in regard to such prisoner, and to command the aid of any of Her Majesty's subjects in preventing his escape, or in retaking him in case of escape, as any county or district sheriff or peace officer has while lawfully conveying a prisoner from one part of his own district to another :

10. Every such offence shall be deemed to have been where the committed in the county or district to the common gaol of offence shall which the county or district to the common gaol of be held to which the commitment has been actually made. 31 V., c. have been committed ⁶⁰, s. 18. committed. Re-drafted.

PENALTIES AND FORFEITURES.

18. Except as herein otherwise provided, every one who Penalty in violates any provision of this Act, or of the regulations under cases where it all any provision of this Act, or of the regulations under no other is it, shall be liable to a penalty not exceeding twenty dollars provided. and costs, and in default of payment, to imprisonment for a term not exceeding one month and not less than eight days; and any fishery officer or justice of the peace may grant a Warrant of distress for the amount of such penalty and costs : but whenever it appears to the satisfaction of the justice of the peace or fishery officer that the offence was committed in ignorance of the law, or that because of the poverty of the defendant the penalties imposed would be oppressive, a discretionary power may be exercised : Sub-s. 2 omitted.

2. If any defendant has goods and chattels whereon the Distress for Costs may be levied, the complainant may distrain for the penalty, &c. amount under warrant by any fishery officer or other justice of the peace, notwithstanding the imprisonment of the person convicted :

 $\frac{3}{r}$. All materials, implements or appliances used, and all Forfeiture of fish caught, taken or killed in violation of this Act or any inviolation regulation under it, shall be confiscated to Her Majesty, of this Act. and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any justice of the peace, and the proceeds arising from the disposal thereof may be applied towards defraying expenses under this Act:

4. A moiety of every penalty levied by virtue of this Application Act shall belong to Her Majesty, and the other moiety penalties.

shall be paid to the prosecutor not being a fishery office, together with costs taxed to him in respect thereof; but if a fishery officer is the informer, the whole shall belong to Het Majesty:

5. Her Majesty's share of each penalty and all proceeds derived from the sale of confiscated articles under this Act, shall be paid to the Minister of Finance and Receiver General through the Department of Fisheries, and be ap plied towards the expenses incurred for the protection of the fisheries :

6. Persons aggrieved by any such conviction may appeal by petition to the Minister of Marine and Fisheries, Act. may remit penalties and restore forfeitures under this Act. 31 V., c. 60, s. 16, part.

MODE OF RECOVERY.

Before whom

19. Every penalty or forfeiture imposed by this Act, or to be sued for. regulations made under it, may be recovered or enforced on parol complaint, before any fishery officer, stipendiary magistrate or justice of the peace, in a summary manner, on the oath of one credible witness:

> 2. Three days shall elapse between the service and the turn down for freturn day of the summons to any defendant served within fifteen miles, and one day more for each additional fifteen miles of the distance between the place at which the sum mons is issued and the place of service : Provided, that if it is expedient to proceed against a defendant without delay, any fishery officer or justice of the peace may issue a summons, returnable immediately, to compel the defendant to appear before him forthwith, or may issue a warrant for the apprehension of such defendant simultaneously with the sum. mons:

3. Penalties incurred under this Act, or the regulations Limitation of made under it, shall be sued for within two years from the commission of the offence:

Who shall be liable.

suits.

4. When not otherwise specified, every proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for any penalties or moneys recoverable under any of the provisions of this Act or of any regulation made under it:

No quashing for want of form, &c.

5. No proceeding or conviction under this Act or under any regulation made under it shall be set aside or quashed for irregularity or defect in form, and no warrant of arrest of commitment shall be held void by reason of any defect therein, if it is therein alleged that the defendant has been

Crown's share.

Appeal to

minister.

Service of summons, &c.

Proviso: for cases not admitting of delay.

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 $\frac{convicted}{h_{o}}$, and there is a good and valid conviction to sustain the same. 31 V., c. 60, s. 17.

FORMS OF PROCEDURE.

20. The forms in the schedule to this Act may be used Forms of proceeding $\mathbf{F}_{\mathbf{k}}$ when applicable; and the "Act respecting summary proceed- under this ings before Justices of the Peace" shall apply to proceedings Act. under this Act. 31 V., c. 60, s. 23.

It is recommended that the forms in the schedule to this Act should be omitted, that the forms to recover penalties in a summary way may be uniform.

GENERAL PROVISIONS.

21. The Minister of Marine and Fisheries may authorize Waters may to be set apart, and to be leased, any river or other water for the prothe natural or artificial propagation of fish; and every person pagation of who wilfully destroys or injures any place set apart or used fish. For the fisher without trespass. for the propagation of fish, or who fishes therein without trespass. Written permission from a fishery officer, or from the holder thereof under lease or license, or uses therein any fishing ight or other implement for fishing, during the period for Which such waters are so set apart, shall be liable to a penalty Not exceeding two hundred dollars, and in default of payment, to imprisonment for a term not exceeding four months :

2. Nothing contained in this Act shall preclude the grant-Licenses to ing by the minister of written permission to obtain fish and take spawn, ash spawn for purposes of stocking or artificial breeding, or for scientific purposes :

3. Lessees or licensees of fisheries shall have no claim to Fishery renewal of leases or licenses if in arrears of rent or percent-age during four months after the same is due, and any lessee or 1: or licensee convicted of a violation of this Act, or any regulation under it, shall be liable to forfeit his lease or license:

4. Special licenses and leases for any term of years may be Special granted to any person who wishes to plant or form oyster oyster beds. beds in any of the bays, inlets, harbors, creeks or rivers, or between any of the islands on the coast of Canada; and the holder of any such lease or license shall have the exclusive right to the oysters produced or found on the beds within the limits of such lease or license:

5. The minister may authorize to be expended annually Minister may any sum appropriated by Parliament for the formation of mentary over a sum appropriated by Parliament for the formation of mentary oyster beds in various waters and places found adapted for grant for that purpose, and for transplanting oysters and re-stocking re-stocking exhausted fisheries by natural or artificial means, and for oyster beds. improving streams where natural obstructions exist, and may authorize the construction, erection or placing of any artificial

barrier or grating in any stream or river, or in any water course, and in the channels or beds thereof :

Protection of oyster beds.

Penalty for injuring them.

6. Every one who takes oysters from the oyster beds, or in any way injures or disturbs such oyster beds, except during the times and on the terms permitted by regulation under this Act, shall be liable to a penalty not exceeding one hundred dollars and not less than forty dollars, and in default of payment, to imprisonment for a term not exceeding two months and not less than one month ; and the vessel and all apparatus used in the taking of such oysters, or the injury or disturbance of such oyster beds, shall be forfeited:

Shell-fish fisheries.

use vacant

bait, &c.

Proviso.

7. Shell-fish fisheries shall be subject to the provisions $_{60}^{\text{of}}$ this Act, and any regulations made under it. 31 V., c. 60, s. 15.

22. Every subject of Her Majesty may use vacant public As to right to property, such as by law is common and accessory to public rights of fishery and navigation, for the purposes of landpublic property for fishing ing, salting, curing and drying fish, and may cut wood purposes and thereon for such purposes, and no other person shall occupy as to taking the same station unless it has been abandoned by the first occupant for twelve consecutive months; and at the expiration of that period any new occupier shall pay the value of flakes and stages and other property thereon, of which he takes possession, or the buildings and improvements may be removed by the original owner; and all subjects of U = M all subjects of Her Majesty may take bait or fish in any of the harbors or roadsteads, creeks or rivers, subject to the provisions of this Act respecting the leasing or licensing of fisheries and fishing stations; but no property leased or licensed shall be deemed vacant. 31 V., c. 60, s. 3.

As 16 V., c. 69, N. B., and c. 94, Rev. Stat. 3rd Se ies, N. S., and 29 V., c. 35. N. S., are suspended by 35 V., c. 2, s. 1. D., so much of s. 21 of the original Act as relates thereto is omitted here.

SCHEDULE.

Form of Complaint.

Province of County (or District) of

This

, 18

To J. S.,

a Justice of the Peace

for the said County (or District).

day of

, hath A. B., of , complains that C. D., of (state the offence briefly in any intelligible terms, with the time and place at which it was committed), in contravention of "The Chap. 91.

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Fisheries Act;" Wherefore the complainant prays that judgment may be given against the said C. D., as by the said Act Provided.

(Signature) A. B.

Summons to Defendant.

County (or District) of 18 .

To C. D., of , &c.

Whereas complaint has (this day) been made before me that you (state the offence in the words of the complaint, or to fore you are hereby commanded to come before me, at on the complaint of the state of the complaint of the state of the st

on the day of , at o'clock in the according to law.

Witness my hand and seal, this day of , 18

Justice of the Peace for

[L. S.]

Subpana to a Witness.

&c.

Province of County (or District) of

To E. F., of

Whereas complaint has been made before me that C. D. did' (state the offence as in the summons), and I am informed that you can give material evidence in the case: Therefore you are day of , at , on the testify what you know concerning the matter of the said complaint.

 $W_{
m itness}$ my hand and seal, this day of , 18 .

J. S., (as in summons.) [L. S.]

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Province of County (*or* District) of

Be it remembered, that on this day of 18 , at in the said County (or District), C. D. of , is convicted before me, for that he did, &c. (stating the offence briefly, and the time and place where committed), in contravention of "The Fisheries Act"; and I adjudge the said C. D. to forfeit (and pay) the sum of (or mention the thing forfeited under this Act), to be applied according to law, and also to pay to A. B. (the complainant) the sum of for costs:

(If the penalty be not forthwith paid, add), and the said C. D. having failed to pay the said penalty and costs forthwith after the said conviction, I adjudge him to be committed to and imprisoned in the Common Gaol of the County (or District) of for the period of

Witness my hand and seal, this day of

J. S., (as in summons.)

, 18 ·

Form of Warrant of Commitment for non-payment of penally or forfeiture and costs.

Province of County (or District of)

To the Constable and Peace Officers of the County (of District) of and the Keeper of the Common Gaol

of the said County or District), at

day Whereas C. D., of , was on the , 18 , convicted before me, for that he, &c. (as of in conviction), and I did thereupon adjudge the said C. D. to forfeit and pay to A. B., &c. (as in conviction); And whereas the said C. D. hath not paid the said penalty or forfeiture and costs: Therefore, I command you, the said Constables and Peace Officers, or any of you, to convey the said C. D. to the Common Gaol for the , at of and deliver him to the keeper thereof with this warrant; and I command you the said keeper of the said gaol to receive the said C. D. into your custody, and keep him safely

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^{mprisoned} in the said gaol for the space of , and for so doing this shall be your sufficient warrant.

Witness my hand and seal, this day of , 18 .

(as in summons.) [L.S.]

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
³¹ V., c. 60	The whole, ex- cept sub-s. 3 of s. 14, sub-s. 2	Sub-s. 3 of s. 14; sub-s.2 of s. 16; ss. 20, 21 and		
³⁸ V., c. 33	of s. 16, ss. 20, 21, 22. s. 1	22. ss. 2, 3 and 4.		

CHAPTER 92.

An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels.

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

Annual grant of \$150,000 in aid of sea fisheries.

1. The Governor in Council may authorize the payment, out of the Consolidated Revenue Fund of Canada, of an annual grant not exceeding one hundred and fifty thousand dollars, to aid in the development of the sea fisheries of Canada, and the encouragement of the building and fitting out of improved fishing vessels, and the improvement of the condition of the fishermen. 45 V., c. 18, s. 1, part.

How to be

2. Such grant shall be appropriated for the said purposes appropriated at such times and by such instalments, in each year, as the Governor in Council directs. 45 V., c. 18, s. 1, part.

Yearly statement for Parliament and what it shall show.

and what it

shall show.

3. During each session, a statement shall be laid before both Houses of Parliament, of the mode in which it is P_{1LA}^{ro} posed to distribute the grant in the ensuing year, and the assent of Parliament shall be obtained thereto. 45 V., c. 18, s. 2, part.

4. A statement shall be laid before both Houses of Par-Yearly report liament within the first twenty days of each session, of the to Parliament mode in which the said grant has been expended, together with copies of all Orders in Council relating to such grant and expenditure. 45 V., c. 18, s. 2, part.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
45 V., c. 18	The whole.			

CHAPTER 93.

An Act respecting Ferries.

 $\mathbf{H}_{\text{four}}^{\text{ER}}$ Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :---

1. In this Act, unless the context otherwise requires :- Interpreta-

(a) The expression "ferry" means any ferry between any "Ferry." Province and any British or foreign country, or between any two Provinces ;

(b) The expression "license," or "renewal," includes all "License" or ferry licenses or renewals thereof. 33 V., c. 35, ss. 1 and 12.

2. Every license of ferry shall be under the Great Seal, Licenses to be and shall be issued by the Governor in Council, after public Great Seal. competition, as hereinafter provided. 33 V., c. 35, s. 2.

3. Whenever any ferry is established or becomes vacant, Licenses to be the Minister of Inland Revenue shall offer the license or granted only renewal of license for such ferry to public competition, and tition. for that purpose give notice in the English and French languages in the Canada Gazette, and in one or more newspapers published or circulated in the locality in which the ferry is situate, of the time and place at which tenders will be received for the license, or renewal of license, for such ferry; and the Minister of Inland Revenue shall report the result of such competition to the Governor in Council, and the license, or renewal thereof, shall be granted accordingly. 33 V., c. 35, s. 3.

4. Ferry licenses issued after such public competition, Duration of may be granted for any period not exceeding five years. $33^{\text{license.}}$ V., c. 35, s. 4.

5. The Governor in Council may, from time to time, Power to Govmake such regulations as he deems expedient, for any of the cil to make following purposes, that is to say :regulations.

(a) Establishing the extent and limit of all, or any such Extent of ferries as aforesaid; ferries.

 $\binom{(b)}{(b)}$ Defining the manner in which, the conditions Conditions. (including any duty or sum to be paid for the license) under which, and the period for which, licenses shall be

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granted in respect of such ferries, or any one or more of them;

Vessels to be used. (c) Determining the size and description of the vessels to be used on any such ferries by the persons holding licenses in respect thereof, and the nature of the accommodation and conveniences to be provided for passengers carried in such vessels;

Tolls.

(d) Fixing the tolls or rates at which persons and chattels shall be carried over such ferries, and the manner and places at which such tolls or rates shall be published or made known;

Enforcing payment. (e) Enforcing the payment of such tolls or rates, by the persons carried, or for whom chattels are carried, over such ferries;

Conducting (f) Regulating the conduct of persons holding licenses, in respect of such ferries, and fixing the times and hours and parts of hours during and at which vessels employed on such ferries shall cross and recross, or depart from either side of any such ferry for that purpose;

Forfeiture of (g) Annulling and declaring the forfeiture of any ferry license. (g) Annulling and declaring the forfeiture of any ferry license, in consequence of the conditions thereof, or any of them, not having been fulfilled, or in consequence of such license having been obtained by fraud or misrepresentation or through error;

Penalties.

Effect of

regulations.

(h) Imposing penalties, not exceeding ten dollars in an^{y} case, for the violation of any such regulation:

And all such regulations shall, during the time for which they are intended to be in force, have the same force and effect as if contained in and enacted by this Act. 33 V., c. 35, s. 5.

Regulations to be published in English and French.

6. The Minister of Inland Revenue shall cause all $regularised{regularised}$ lations made as aforesaid, to be published in the English and French languages, in the *Canada Gazette*, at least three times during the three months following the date thereof. 33 V., c. 35, s. 6, part.

Minister may make inquiries.

Powers for that purpose.

7. Whenever reasonable grounds are shown to the Minister of Inland Revenue, he may, either himself or by any person specially appointed by him for that purpose, make inquiry under oath, as to any matter connected with any ferry or ferry license; and the said minister or such person shall have the same power as is vested in any court of justice in civil cases, of summoning witnesses, of enforing their attendance, and of requiring and compelling them Chap. 93.

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to give evidence on oath, whether orally or in writing, and to produce such documents and things as he deems requisite to the full investigation of such matter. 33 V., c. 35, s. 13, part.

8. Every person who interferes with the rights of any li-Penalties on persons inter-Censed ferryman, by conveying passengers or goods, for hire fering with or profit, or with intention to lessen the tolls or revenue ferry rights. of any ferry, within the limits assigned to such ferryman by the Crown, shall, upon conviction thereof before a justice of the peace for the county, city or district in which either terminus of the ferry is situate, incur a penalty not exceeding twenty dollars. 33 V., c. 35, s. 9.

9. All fines or penalties imposed by this Act, or by any Recovery of regulations under the authority thereof, shall be recoverable penalties. in a summary manner before any one justice of the peace, on the oath of any credible witness other than the informer; and one moiety of every such penalty shall be paid to the informer, and the other moiety shall belong to the Crown. 33 V., c. 35, s. 7.

10. All moneys arising out of such ferry licenses, and out Application of of fines and penalties incurred in regard to the same, or proceeds and otherwise, under this Act, shall form part of the Consolidated Revenue Fund of Canada. 33 V., c. 35, s. 8.

1. Nothing in this Act shall extend to the owner or This Act not master of any vessel plying between two ports in Canada, certain vesor regularly entered or cleared by the officers of Her Majesty's sels, bridges, Customs at any such port, or shall, in any way, affect any railways, &c. privilege in respect to ferries heretofore granted by the Parliament of Canada, or granted by the Legislature of any of the Provinces now composing Canada, before such Province became a part of Canada, to the proprietor of any bridge, or to any railway or other company. 33 V., c. 35, 8. 10.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.	
33 V., c. 35	The whole, ex- cept part of s. 6, s. 11 and part of s. 13.				

An Act respecting Tolls on Government Works for the transmission of Timber.

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

1. In this Act, unless the context otherwise requires :-

(a) The expression "works" means and includes the slides, booms, dams, bulkheads, and other works and improvements for facilitating the transmission of timber and lumber down any river or stream, which is under the control of the Government of Canada;

"Collector of tolls and dues."

Interpretation.

"Works."

(b) The expression "collector of tolls and dues" means and includes every officer authorized by competent authority to receive any tolls, dues or charges whatsoever, payable by any person using or taking advantage of any works to which this Act applies. 46 V., c. 16, s. 1.

2. The collection of tolls and dues on any timber, lumber

or saw-logs passing through or using any works to which this Act applies, shall be under the control of the Minister

ters relating to such works as aforesaid, and not specially

provided for by this or any other Act, and for fixing the rates of toll and the dues to be charged for the use of any such works, or of any series of such works (the rates in such latter case to be denominated through rates), and providing for the manner in which such tolls and dues shall be ascer tained and collected, and also for imposing fines and penalties for any violation of such regulations, not exceeding, in any one case, five hundred dollars; and such fines and

of Inland Revenue. 46 V., c. 16, s. 2, part.

jurisdiction. 46 V., c. 16, s. 3, part.

Control.

Provision respecting construction, maintenance, &c., omitted as covered by Public Works Act. 3. The Governor in Council may, from time to time, Regulations make, revoke, alter or amend regulations as respects matmay be made

for certain

purposes.

Recovery of penalties,

Statement may be required to be under oath.

4. The Governor in Council may make regulations author izing a collector of tolls and dues on any works, in any case or class of cases specified in the regulation, to require any assertion of fact or any statement in relation to any matter to which this Act, or any regulation made under it.

penalties shall be recoverable in any court of competent

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relates, to be verified by the oath of the person making such assertion of fact or statement; and the oath so authorized may be administered by any judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits for use in any court in Canada, or by the collector of tolls and dues. 46 V., c. 16, ⁸. 3, part.

5. All tolls and dues chargeable for the transmission of Tolls and dues a first timber, lumber or saw-logs through or over any works charge on the shall be a first charge or lien on all or any part of such timber. timber, lumber or saw-logs (each part being liable for the whole), and the same shall be liable for the payment of the tolls and dues thereon, so long as and wheresoever the said timber, or any part of it, is found, whether it is or is not converted into deals or boards; and all officers or agents, Seizure for employed in the collection of such tolls and dues, and all non-payment. persons acting under the authority of such officers or agents may follow all such timber and may seize and detain the same wherever it is found, until the dues thereon are paid or secured, as provided by this Act or by any regulation made thereunder; and no transfer, assignment, sale, mort- Lien not sage or delivery to another person, or change of owner, shall affected by affect the claim or lien of the Crown on any timber, lumber or saw-logs, or sawn lumber, in respect of which, or of the timber, lumber or saw-logs, out of which such sawn lumber was manufactured, any tolls or dues for the use of any works remain due and unpaid, saving always the right of the innocent holder to any remedy which he has at law against the person from whom he received such timber, lumber or sawlogs, or the product thereof: Provided always, that no part Proviso: in case of bond of any such timber, lumber, saw-logs, or the product fide sale. thereof, when bonâ fide sold, assigned or transferred, shall be liable for more than double the tolls or dues accrued, in proportion to the amount chargeable upon the whole, upon such timber, lumber or saw-logs, or upon the timber, lumber or saw-logs from which the product was manufactured, in addition to the costs, if any, incurred in connection therewith. 46 V., c. 16, s. 4, part.

6. If any timber, lumber or saw-logs, in respect of which If product is tolls or dues are chargeable, have been converted into other timber, sawn lumber and placed in any yard or piling ground the whole with other sawn lumber, in such way that the identity liable. thereof cannot be ascertained, all the sawn lumber in such yard or piling ground shall be deemed to be the product of timber, lumber or saw-logs which have passed over or through works to which this Act applies, and shall be liable for all tolls and dues with which the timber, lumber or saw-logs, the product of which has been so placed with other sawn lumber in such yard or piling ground, are chargeable. 46 V., c. 16, s. 4, part.

46 V .,

Sale of timber seized if tolls and dues are not paid.

made after such notice as he deems sufficient; and the Application of balance of proceeds.

Proviso: as to or in the name of Her Majesty : Provided always, that the recovery by whole and the her in like manner, with costs, from the owner or person in suit. possession of such timber, lumber or saw-logs, or product

Proviso: recovery by summarv proceedings.

Officer may call in assistance.

c. 16. s. 5.

S. Any officer or person who seizes timber, lumber, in saw-logs, or any product thereof, in the discharge of his duty under this Act may, in the name of Her Majesty, call in any assistance necessary for securing and protecting the property so seized. 46 V., c. 16, s. 6, part.

9. All collectors of customs, officers of canals, and a_{11}^{11} other Government officers, when requested so to do, shall co-operate with the collector of tolls and dues and his assist ants, with the view of preventing the transport of timber, lumber or saw-logs, and the products thereof, until the tolls and dues thereon are secured. 46 V., c. 16, s. 7.

10. All managers and officers of railways, when requested by the collector of tolls and dues so to do, shall render a correct account of all timber, lumber and saw logs which are being forwarded by their respective railways, stating kinds and quantities, and specifying the Detention and owners thereof or by whom the same are sent; and if any forfeiture if tolls and dues such manager or officer refuses or neglects to give the required information, the collector of tolls and dues or person acting for him may, if he has reasonable cause to believe that the tolls and dues thereon have not been paid, seize and detain such timber, lumber or saw-logs, together with

Other officers to assist.

Returns to be made by railway officers.

forfeiture if are not paid. 7. If any timber, lumber or saw-logs, or product thereof,

so seized and detained for non-payment of tolls, dues, penal-

ties and expenses remain more than thirty days in the cus

tody of the collector or person appointed to guard the same, without the tolls, dues, penalties and expenses being paid, the Minister of Inland Revenue may order a sale of the said timber, lumber or saw-logs, or product thereof, to be

balance of the proceeds of such sale, after retaining the

amount of tolls, dues, penalties and costs incurred, shall be

paid to the owner or person claiming such timber, lumber or saw-logs, or product thereof; and if a sufficient sum is not realized from such sale to defray such tolls, dues, penalties and expenses, the amount remaining unpaid shall be recoverable, with costs, in any court of competent jurisdiction, by the collector of tolls and dues in his own name,

whole amount of tolls and penalties shall be recoverable

thereof, by the collector of tolls and dues, if he, with the permission of the Minister of Inland Revenue, chooses that method of collection : Provided also, that all pecuniary

penalties imposed by any regulation made by the Governor

in Council under this Act may be recovered by the collec-

tor of tolls and dues, if he sees fit, under the "Act respect-

ing summary proceedings before Justices of the Peace."

the cars employed in removing them; and such cars and time timber, lumber or saw-logs, shall be forfeited to Her Majesty, unless it is proved that the tolls and dues on such timber, lumber or saw-logs have been paid, or that the timber, lumber or saw-logs are not liable for any such tolls or dues; and the Minister of Inland Revenue may, in his discretion, order the same, when so forfeited, to be sold; and every manager or officer of any railway who so refuses Penalty if or neglects to give the information above required, or who are not made. gives false information, shall incur a penalty not exceeding five hundred dollars and not less than one hundred dollars, which shall be recoverable in any court of competent jurisdiction. 46 V., c. 16, s. 8.

1. When any timber, lumber or saw-logs, or product Burden of proof of period thereof, are seized for non-payment of tolls or dues, or any ment to lie on prosecution is brought for tolls or dues and penalties under owner or this this Act, and any question arises whether the tolls or dues have been paid on such timber, lumber or saw-logs, or product thereof, or whether the same are liable to tolls or dues for having used the works in respect of which the same are charged, the burden of proving payment or that the works Were not used, shall lie on the owner or person claiming such timber, lumber or saw-logs, or product thereof, and Not on the officer seizing the same or instituting such prosecution. 46 V., c. 16, s. 10.

12. The collector of tolls and dues may, with the sanc- Release of property if tion of the Minister of Inland Revenue, release from seizure property if any timber, lumber or saw-logs, or product thereof, seized given. under this Act, and deliver the same to the alleged owner, on receiving security by bond, with two good and sufficient sureties, satisfactory to him, to pay double the amount claimed as chargeable in respect of such timber, lumber or saw-logs, or product thereof; and such bond shall be taken in the name of Her Majesty; and if such seizure is main- Enforcement, to: tained by competent authority, the amount actually due, is not paid. With interest and costs, shall be paid forthwith to the proper officer-otherwise the penalty of such bond shall be enforced and recovered. 46 V., c. 16, s. 11.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
46 V., c. 16	The whole, ex- cept part of s. 2, part of s. 6 and s. 9.			Offences against the person. Larceny.

CHAPTER 95.

An Act respecting the Inspection of certain Staple Articles of Canadian produce.

 \mathbf{H}^{ER} Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :---

SHORT TITLE.

Short title.

1. This Act may be cited as "The General Inspection Act." 37 V., c. 45, s. 98.

GENERAL PROVISIONS.

what places.

2. The Governor in Council may, from time to time, design nate the several cities, counties, towns and other places or inspection divisions in Canada at and for which, respectively, it is expedient to appoint inspectors of the several articles hereinafter mentioned, or any of them; and the Gov ernor in Council may, from time to time, determine the limits of such inspection divisions and appoint at and for each of such cities, counties, towns, places or divisions, an inspector of any of the following articles, that is to say:

(a) Flour and meal;

(b) Wheat and other grain;

(c) Beef and pork;

(d) Pot ashes and pearl ashes;

(e) Pickled fish and fish-oil;

(f) Butter;

(g) Leather and raw hides :

Tenure of office and limits of action.

2. Such inspectors shall hold office during pleasure, and shall act respectively within such local limits as the Gorernor in Council assigns to them; and they and their deputy inspectors shall be appointed only from among duly qualified persons, certified as such by the examiners hereinafter mentioned :

Chief inspector.

3. The Governor in Council may appoint a chief $inspec_{11}^{pec}$ tor of any of the articles hereinbefore enumerated, who shall

Governor may appoint inspectors of certain articles and at

hold office during pleasure and shall perform the duties hereinafter assigned to him. 37 V., c. 45, s. 1;-48-49 V., ^{c. 66}, s. 1.

8. The board of trade at each of the cities of Quebec, Boards of examiners Montreal, Toronto, Kingston, Hamilton, London, Ottawa, inspectors, Winnipeg and St. John, N.B., and at Port Arthur, and the howand when chamilton and the second strain and the second strain appointed. chamber of commerce at the city of Halifax and at the city appointed. of v: of Victoria, shall annually appoint in the said cities respectively, and the Governor in Council may, from time to time, appoint in any county in Canada or for any inspection division, five fit and skilful persons, any three of whom shall be a quorum, for each class of articles to be inspected in such city or county, to examine and test the ability and fitness of applicants for the office of inspector or deputy inspector of such articles; and no person shall be appointed such inspec- Inspectors and to tor or deputy inspector, who has not been examined by and deputies must received a certificate of qualification from the proper board examined. of examiners; and the board may, at any such examina- Who may be tion, permit the attendance of any person or persons present at of experience and skill in the subject of such examination, examination. and allow them to propose questions pertinent thereto to the candidate in order to test his knowledge and skill:

2; Every such board shall grant such certificates, and To whom certificates may such only, as to the qualification of the candidates who be granted. present themselves for examination, as the knowledge and Proficiency of such candidates require or justify. 37 V., c. 45, s. 2, part ;-46 V., c. 29, s. 1 ;-48-49 V., c. 66, s. 2.

4. Each such examiner shall, before acting as such, take Examiners to take oath. before a justice of the peace, an oath in the form following, take oath. or to the same effect :--

"I, A. B., do swear that I will not, directly or indirectly, Form of oath. "personally or by means of any person or persons in my behalf, receive any fee, reward or gratuity what-"ever, by reason of any function of my office of exam-"iner of applicants for the office of inspector or deputy "inspector of , except such as I am "entitled to receive by law, and that I will therein "well and truly, in all things, act without partiality, "favor or affection, and to the best of my knowledge "and understanding. So help me God." 37 V., c. 45, s. 3, part.

5. If any board of examiners, appointed under this Act, How inspecneglects or refuses to meet for the purpose of examining appointed in applicants for the office of inspector of any staple article, case of failure after having been required so to do by the Minister of In- of proper land by the boards of exland Revenue, or if any such board, having met, is unable aminers to to certify that any applicant who appears before it is duly certify.

qualified for appointment as an inspector, the Governor in Council may appoint as inspector any person who has obtained from any other board, duly constituted under this Act, a certificate of qualification for the office of inspector of such staple article; and any inspector may examine candidates for the position of deputy inspectors, and may, if he finds them qualified, grant them certificates of qualification and may appoint them as deputy inspectors, subject to the approval of the Governor in Council; but no such certificate of qualification shall entitle any such deputy inspector to act for any other inspector, or in any inspection division other than that in respect of which he is originally appointed under this section. 47 V., c. 33, s. 1.

6. No inspector shall deal or trade in, or have any interest directly or indirectly, in the production of any article subject to inspection by him, or sell or, except for consumption by himself and his family, buy any such article; and every inspector who violates the provisions of this section shall incur a penalty of two hundred dollars and shall forfeit his office:

2. Any deputy inspector may engage in the purchase and sale of articles inspected by him; but whenever such deputy inspector inspects any article in which he has a direct or an indirect pecuniary interest, he shall brand such article under his name as branded thereon with the words, "deputy inspector and owner:"

3. Every deputy inspector who violates any provision of this Act shall be liable to a penalty not exceeding one hundred dollars and shall forfeit his office. 37 V., c. 45, s. 4;-48-49 V., c. 66, s. 3.

7. Every inspector shall, before acting as such, take and subscribe before a justice of the peace, an oath of office in the form or to the effect following :---

Form of oath. "I, A. B., do solemnly swear, that I will faithfully, truly "and impartially, to the best of my judgment, skill and "understanding, execute and perform the office of an "inspector; and that I will not, directly or indirectly, "by myself or by any other person or persons, manu-"facture or prepare, deal, trade in, or sell, or buy, except "only for consumption by myself and family, any "(insert the description of the articles he is to inspect) on "my account, or upon the account of any other person or "persons, while I continue such inspector. So help "me God." 37 V., c. 45, s. 5, part.

Appointment of deputy inspectors 8. Each inspector, except an inspector of grain, may, and shall, when thereunto required by the Governor in Council,

Inspector may examine candidates for becoming deputies.

Inspector not to trade in articles which he inspects.

Deputy inspector may deal in articles inspected. Conditions.

Penalty for contravention.

Inspector to take oath of office.

1215

in any inspection division, or by the board of trade or when rechamber of commerce, as the case may be, at any of the quired. places hereinbefore mentioned by name, appoint a deputy inspector or so many deputy inspectors as are necessary for the efficient and speedy performance of the duties of his office, and they shall be the deputies of the inspector for all the duties of his office, and their official acts shall be held to be the official acts of the inspector, and he shall be responsible for them as if done by himself; and each deputy inspector shall make such returns and reports of his official acts as are required of him by the inspector whose deputy he is:

2. The appointment by an inspector of each deputy in-Report to spector shall be at once reported by him to the Minister of Minister. Inland Revenue. 48-49 V., c. 66, s. 6, part.

9. Every deputy inspector shall be paid by and shall Tenure of hold office at the pleasure of the inspector by whom he is office and appointed, and shall, before acting as deputy inspector. give deputy insecurity for the due performance of the duties of his office in spector. Such sum as the Minister of Inland Revenue directs, by bond Security to be to the inspector, with two sureties to his satisfaction, to be given by him. bound jointly and severally with him; and such bond shall avail to the inspector for any breach of the conditions thereof: and no inspector shall allow any person to act for To act in him in respect of the duties of his office, excepting his sworn person. deputy inspector or deputy inspectors appointed as aforesaid. 48-49 V., c. 66, s. 6, part.

10. Every deputy inspector, shall, before acting as such, Oath of take and subscribe before a justice of the peace, an oath of inspector. office in the form or to the effect following :—

"I, A. B., do solemnly swear that I will faithfully, truly Form of oath. "and impartially, to the best of my judgment, skill and "understanding, execute and perform the office of a "deputy inspector of , and that I will "not inspect, brand or certify to the quality of any "article or thing in which I have any direct or indirect "interest on my own account or upon the account of "any other person, except as permitted by "The Gen-"eral Inspection Act," while I continue to hold office as "a deputy inspector. So help me God." 48-49 V., c. 66, s. 4, part.

11. The oaths taken by any examiner, inspector or Custody of deputy inspector, under this Act, shall remain in the custody of the justice administering them, and any copy thereof certified by the said justice of the peace shall be *prima facie* evidence of such oaths. 37 V., c. 45, s. 3, *pert*; -48-49 V., c. 66, s. 4, *part*.

Security to be given by inspector.

Custody of bond and evidence thereof.

When senior tor.

ports of

official acts.

Regulations by Governor

in Council.

Penalty for

12. Every inspector shall, before acting as such, g_{ab}^{ive} security for the due performance of the duties of his office, in such sum as the Governor in Council directs, by bond to Her Majesty, with two sureties to the satisfaction of the Minister of Inland Revenue, under the provisions of the "Act respecting Public Officers," and such bond shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof; and such bond shall remain in the custody of the Secretary of State of Canada, and any copy thereof certified by him shall be primâ facie evidence of such bond, and of the contents thereof, and such copy shall be furnished when required on payment of a fee of one dollar. 37 V., c. 45, s. 6; -43 V., c. 20, s. 1; -48-49 V., c. 66, s. 5.

13. In the event of the death, resignation, dismissal or act as inspec- suspension of any inspector, his senior deputy inspector shall perform all the duties of the inspector until his suc-48-49 cessor is appointed, or until such suspension ceases. V., c. 66, s. 6, part.

14. The Governor in Council may, from time to time, Returns or rerequire every inspector to make such returns or reports of his official acts to any public department or officer, board of trade, chamber of commerce or municipal authority, and in such form and containing such particulars and information as he deems expedient,-and may, from time to time, make oť such regulations for the guidance and government inspectors under this Act or any of them, and of persons employing them as such, as he thinks proper,—and may, by contravention such regulations impose penalties not exceeding fifty of regulations. dollars on any person offending against them; and such regulations shall be obeyed by such inspectors and persons employing them, as if embodied in this Act; and a violation of any such regulation shall be deemed an offence against this Act and punishable as such. 37 V., c. 45, s. 10.

> 15. The Governor in Council may, from time to time, modify the classification hereinafter provided for, in respect to any article subject to inspection under this Act; and such modified classification shall be published in four successive issues of the Canada Gazette, and upon completion of such publication shall have like force and effect as if herein 48-49 V., c. 66, s. 7. enacted.

> 16. If any dispute arises between any inspector or deputy inspector and the owner or possessor of any article inspected by him, with regard to the quality or condition of such article, or relating thereto, any justice of the peace for the place in which such inspector or deputy inspector acts, upon application to him by either of the parties to the dispute, shall issue a summons' to three persons of skill and integrity. requiring them forthwith to examine such article and

Classification may be varied by O. C.

Settlement of disputes by experts when there is no board of trade, &c.

report their opinion of the quality or condition thereof ander oath (which oath the justice of the peace shall administer), and their determination, or that of the majority of them, expressed in writing, shall be final and conclusive:

2. One of such persons shall be named by the inspector or Appointment deputy inspector, another by the owner or possessor of the of referees. article in question, and the third by such justice of the Deace who, failing the attendance of either of the parties to the dispute, shall name a person for him :

8. Such inspector or deputy inspector, shall immediately Inspector to conform to such determination, and brand, stamp or mark be governed such such article, or the package containing the same, of the quality or condition ascertained by the determination aforesaid, or shall grant a certificate of inspection in accordance with such determination, as the case requires :

4. If any dispute arises between the inspector or deputy When there is inspector for any of the places hereinbefore mentioned by trade, &c. name, where there is a board of trade or a chamber of commerce, and the owner or possessor of any article inspected under this Act, with regard to the quality or condition of such article, or relating thereto, such dispute shall not be decided in the manner in this section before provided, but apon application by either of the parties to the dis-Pute, to the secretary of the board of trade or the chamber of commerce for the place where the dispute has arisen, Board of the the secretary shall forthwith summon a meeting of the examiners to board of examiners for the said place, who, or a majority of whom, shall immediately examine such article and report their opinion of the quality or condition thereof; and their data opinion of the quality or condition thereof; and their determination, or that of a majority of those present, expressed in writing, shall be final and conclusive, and the inspector or deputy inspector, shall immediately attend and conform himself thereto, and shall brand, stamp or mark, or cause to be branded, stamped or marked, such article or the Package containing the same, of the quality or condition ascertained by the determination aforesaid, or shall grant a certificate of inspection in accordance with such determination, as the case requires :

5. In the absence of a sufficient number of the examiners Additional to form a quorum, as many additional examiners may be may be may be named for the occasion by the council of the board of trade named. or chamber of commerce for the place where the inspection is to be made, as will form a board of three, and such additional members of the board shall be sworn in the same manner as the original members were:

6. If any dispute arises between any inspector or deputy By consent, inspector, and the owner or possessor of any article inspected dispute may be referred to

chief inspector.

by him, in respect of which article a chief inspector has been appointed, with regard to the quality or condition of such article or relati such article, or relating thereto, and the parties agree to refer the question to the chief inspector, the matter in dispute shall not be decided by either of the methods in this section before provided, but shall be referred to the chief inspector, who shall immediately examine such article and report his opinion of the quality or condition thereof; and his determination, expressed in writing, shall be final and conclusive, and the inspector or deputy inspector shall immediately conform thereto, and shall brand, stamp of mark, or cause to be branded, marked or stamped, such article, or the package containing the same, of the quality or condition ascertained by the determination aforesaid, or shall grant a certificate of inspection in accordance with such determination, as the case requires :

As to costs.

7. If the opinion of the inspector or deputy inspector is confirmed by the determination arrived at by any of the methods in this section provided for, the reasonable costs and charges of re-examination shall be paid by the owner or possessor of such article, and if otherwise, by the inspector or deputy inspector, with all damages:

Difference between inspectors.

Fees for re-

fixed.

examination, how to be

8. Whenever any difference arises between inspectors as to the true quality or grade of any article inspected by one of them and re-inspected by another, such difference shall be definitely determined by reference to the chief inspector, if one has been appointed, or to such board of arbitration or other authority as the Governor in Council appoints for that purpose. 48-49 V., c. 66, s. 8.

17. The council or executive committee of the board of trade, or chamber of commerce, shall, from time to time, make a tariff of the fees and charges to be allowed for such reexamination and all services and matters connected therewith, and may also establish rules and regulations for the government of the persons re-examining any article on appeal from the decision of the inspector or deputy inspector:

Provision if there is no council or executive committee.

When payable.

2. If there is no such council or executive committee for any of the said cities or places where inspectors are appointed, or if such council or executive committee fails to make such tariff or establish such rules and regulations, the Governor in Council shall, from time to time, make such tariff and may establish such rules and regulations:

3. All such fees shall be payable before the delivery of the bill of inspection, or the re-delivery by the inspector of the articles inspected, on which he shall have a special lien for such fees. 37 V, c. 45, s. 12.

18. Whenever any article is sold subject to inspection, By whom cost the person applying for such inspection shall be entitled shall be paid or to reimbursement of the cost of inspection from the vendor, when article if manual and the cost of the cost of the vendor, when article if such applicant is not himself the vendor, unless an express is sold subject to inspection. stipulation to the contrary is made at the time of the sale of of the agreement to submit to inspection; and such agree- What such many that agreement ment to submit to inspection shall imply a warranty that agreement the submit to inspection shall imply a warranty that shall imply. the article in question is of the quality for which it is sold, and that all the requirements of this Act have been complied With as to such article and the packages in which it is $v_{\rm particle}^{\rm contained}$, unless it is otherwise expressly stipulated. 37 V., c. 45, s. 18.

19. Nothing in this Act shall oblige any person to cause Inspection not compulsory, any article to be inspected but if inspected, it shall be sub- unless exject to the provisions of this Act, and shall not be branded pressly so or marked as inspected unless the said provisions have been declared. in all respects complied with, in respect to such article and the packages in which it is contained:

2. Inspectors and deputy inspectors shall be paid their Lien for fees. fees upon the articles inspected by them by privilege and preference over all other creditors, and may retain possession of the articles inspected until the fees to which they are entitled under this Act are paid :

3. The Governor in Council may make regulations when- Governor in Council may ever he deems it necessary so to do, for the apportionment make regulaof the fees paid under this Act between the inspectors and tions as to deputy inspectors, and for providing for the payment of fees apportion ment of fees, to the examiners appointed under this Act by persons who &c. Vesent themselves for examination. 37 V., c. 45, s. 19;-48-49 V., c. 66, s. 9.

20. Every inspector or deputy inspector who, on applica- Penalty in case of neg tion to him, made personally or by writing, left at his dwell- case of neglect inc. 1 ing house, store, office or warehouse, on any lawful day inspector between the store of the stor between sunrise and sunset, by any owner or possessor of to act. any article which such inspector or deputy inspector is appointed to inspect, neglects or refuses, forthwith, or within two hours thereafter, to proceed to such inspection, if he is not at the time of such application employed in inspecting elsewhere, shall for every such neglect or refusal, forfeit and pay to the person so applying twenty dollars over and above all the damages occasioned to the person complaining by such neglect or refusal, recoverable in a summary way How recoverbefore any one justice of the peace, on the oath of one able. r_{redil} 37 V c credible witness other than such complainant. 37 V., c. 45, s. 13.

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Altering or effacing marks.	(a) Alters, effaces or obliterates wholly or partially, of causes to be altered, effaced or obliterated any inspector's brands or marks, on any article which has undergone in spection, or on any package containing any such article; or
Counterfeit- ing marks.	(b) Counterfeits any such brand or mark, or brands, impresses or otherwise marks on any such article or package any mark purporting to be the mark of any inspector or of the manufacturer or packer of such article, either with the proper marking instruments of such inspector, manufacturer or packer, or with counterfeit imitations thereof; or—
Altering contents of marked packages.	(c) Empties or partially empties any such package marked, after inspection, in order to put into the same any other article (of the same or any other kind), not contained therein at the time of such inspection; or—
Using old packages.	(d) Uses for the purpose of packing any article, any old package bearing inspection marks; or-
Giving false certificate.	(e) Not being an inspector or deputy inspector of any article, brands or marks any package containing such article with the inspector's marks, or gives any certificate purporting to be a certificate of inspection of any article—
Penalty.	Shall incur a penalty of forty dollars. 37 V., c. 45, s. 14, pa ^{rt.}
Persons employed by inspector.	22. Every person who, being in the employ of any inspector of tor or deputy inspector, or of any manufacturer or packer of any article subject to inspection,—
Lending marking instruments.	(a) Hires or lends the marks or marking instruments of his employer to any person; or—
Conniving at evasion of Act.	(b) Connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid—
Penalty.	Shall incur a penalty of forty dollars. 37 V., c. 45, ⁵ . 14, part.
Offences by inspector or	23. Every inspector or deputy inspector who
deputy. Acting out of his district.	(a) Inspects or brands or marks any article out of th^{ϱ} local limits for which he is appointed; or—
Lending instruments.	(b) Hires out or lends his marking instruments to any p^{e^r} son; or—
Giving untrue certificate	(c) Gives any certificate of inspection without $having$ personally performed the inspection, or any wilfully false or untrue certificate; or—

 $\binom{(d)}{1}$ Connives at or is privy to any fraudulent evasion of Conniving at this Actevasion of Act.

Shall, for each such offence, incur a penalty of one hun-Penalty. dred dollars, and shall forfeit his office, and be disqualified $\frac{1}{2}$ rom ever after holding the same. 37 V., c. 45, s. 14, part, and s. 22, part.

24. Every person not thereunto duly authorized under this Assuming title Act, Who in any manner whatever assumes the title or office deputy, &c., of inspector or deputy inspector, or issues any bill, certificate without or declaration purporting to establish the quality of any authority. Pot ashes or pearl ashes, flour or meal, beef or pork, grain, pickled fish or fish oil, butter, leather or raw hides, shall for every such offence incur a penalty not exceeding one hun- Penalty. dred dollars. 37 V., c. 45, s. 15.

25. Every penalty and forfeiture imposed under this Act, Penalty not or under any regulation made under it, not exceeding forty recoverable. dollars, shall, except when it is otherwise herein provided, be recoverable by any inspector or deputy inspector, or by any other person suing for the same in a summary way before any two justices of the peace under the "Act respecting" summary proceedings before Justices of the Peace," and shall, in default of payment, be levied by warrant of distress, issued by such justices, against the goods and chattels of the offender :

2. If such penalty or forfeiture exceeds forty dollars, Penalty over it may be sued for and recovered by any such inspector, \$40, how redeputy inspector or any other person, in any recorder's court or in any other court having jurisdiction in civil cases to the amount, and may be levied by execution, as in case of debt:

3. A moiety of every such penalty, except as herein other-Application of Wise provided, shall belong to Her Majesty for the public penalties. uses of Canada, and the other moiety shall belong to and be Paid to the inspector, or deputy inspector or other person who sues for the same. 37 V., c. 45, s. 16.

26. Every action brought against any person for anything Limitation of done under this Act, or contrary to its provisions, shall be com- time for commenced within six months next after the right to bring such under this Act. action action accrued, and not afterwards; and the defendant therein may plead the general issue, and that the same Was done under this Act, and may give this Act and the the special matter in evidence at any trial thereof; and if it appears so to have been done, then the judgment shall be for the second done, then the judgment shall be for the defendant; and if the plaintiff is non-suited or dis- Costs. continues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall

recover treble costs and have the like remedy for the same 37 V., c. 45, s. 17. as defendants have in other cases.

FLOUR AND MEAL.

27. In the following provisions respecting the inspection of flour and meal, the word "meal" includes oatmeal, Indian corn meal, and rye meal; and the said provisions extend and apply to flour and meal imported into Canada, and the reinspection of flour and meal at any place to which it is removed within Canada whenever such re-inspection is declared by the Canada whenever such re-inspection the declared by the Governor in Council to be necessary in the 37 V., c. 45, s. 34. public interest.

28. The inspector or deputy inspector shall examine and inspect every barrel and half barrel of flour or meal of application made for that purpose by the owner or possessor, thereof, and shall ascertain the quality and condition thereof, by boring the head of each barrel or half barrel, and proving the contents to the whole depth thereof, by an instrument for that purpose, not exceeding five-eighths of an inch in diameter within its gauge or bore, and after inspecting such flour or meal, the inspector or deputy inspector shall Where to be ' cause the hole bored in each barrel or half barrel for inspector made. tion to be well and sufficiently plugged; and such inspection tion may be made either at the store or warehouse of such inspector, or at some store within the limits of the place for which the inspector which the inspector is appointed, at the option of the owner or possessor of such flour or meal; and each inspector may provide and keep in some convenient situation in the place for which he is appointed, a proper store or warehouse for 37 V., ^{c.} the reception and inspection of flour and meal. 45, s. 21.

> 29. Every inspector shall provide and have a sufficient number of iron or other metal brands; and every inspector or deputy inspector shall, in the inspection of flour and meal, observe the following rules :---

> (a) He shall, immediately after inspection, brand or mark on each and every barrel or half barrel of flour or meal, the words "Quebec," "Montreal," "Toronto," "Halifax," st. John," or the name of any other place where the inspection is made, and the initial of the christian name and the sur name at full length of the inspector, with the quality of the flour or meal, as hereinafter directed;

> (b) On each and every barrel or half barrel of flour or meal which on inspection is found sour, without any other dame age or unmerchantable quality, he shall brand or mark the word "sour" in letters as large as those upon the rest of the brand or mark, in addition to the brand or mark design nating the quality;

"Meal" interpreted. Imported and re-inspected

flour and meal

Mode of inspection of flour and meal.

made.

Store to be provided.

Inspector's brands, &c.

How barrels shall be branded.

Sour.

(c) Whenever flour or meal is found to be of un-Rejected. sound or unmerchantable quality from other causes, he shall brand or mark the word "rejected" at full length, in plain, legible characters, in addition to the brand or mark designating the quality ;

(d) Whenever the quality of the flour or meal in-Incorrect spected appears to be inferior to the brand or other mark of brands to be the the manufacturer, and not to be thereby properly desig-nated, the inspector or deputy inspector shall erase and correct the same; he shall also brand or mark on each Date of barrel or half barrel of flour or meal inspected by him, the inspection. month and year in which it is inspected, with the quality of the flour or meal therein ;

(e) All the said brands and other marks shall be branded Where to be branded. or marked on one head of the barrel or half barrel;

(f) For such inspection and branding or marking, the per- Fees. son who required the inspection thereof shall pay to the inspector for each and every barrel and half barrel of flour or meal so inspected and branded or marked, the sum of t_{WO} cents, exclusive of the charge for cooperage, before such flour or meal is removed; and when any less quantity than one hundred barrels of flour or meal is offered for inspection 100 barrels. at one time, the inspector shall be entitled to receive the full fees that would accrue to him on one hundred barrels;

(g) As soon as any flour or meal is inspected, a bill of Bill of inspecinspection shall be furnished by the inspector or deputy furnished. inspector without fee or reward, specifying neatly and legibly the quantity and quality ascertained by inspection, the gross weight of five per cent thereof, and the tare of one per cent. thereof, and the charges therefor, and the name of the mill at which the flour or meal was manufactured ;

(h) All flour or meal which has been so inspected, branded Brands in case of reor marked in one month or year, and re-inspected and ex-inspection. amined in another, shall bear in addition to such previous brand or mark the mark and brand of the year and month when last inspected ;

 $\binom{(i)}{2}$ The inspector or deputy inspector shall examine each name of packer dand every barrel of flour or meal offered for inspection, and to be marked shall in no case brand or mark the same, unless the name on barrel. of the marufacturer or packer, the place of packing, and the quality of the flour or meal, and the tare and net weight are branded or marked legibly thereon;

(j) The inspector or deputy inspector shall note in his Character of unsoundness certificate the character of any unsoundness in the flour or unsoundness.

meal to which it relates, such as "musty;" and when flour has been wet and the wet part removed by the inspector or owner, as the case may be, the inspector shall note in his bill of inspection "cleaned;" and when the inspector in his judgment deems it necessary to strip or empty out the flour to find out if there is the proper weight of flour in any cask he shall be entitled to two cents for each barrel so stripped or emptied, if it proves to be of short weight, in addition to the two cents per barrel for inspecting and branding;

(k) The inspector or deputy inspector shall, if required, deliver all flour or meal taken from any barrel or half barrel by the instrument used for the purpose of inspection, to the person requiring such inspection, and shall incur a penalty of twenty dollars every time he fails in so doing. $37 \text{ V}_{,7}$ c. 45, s. 22.

Provision as to qualities.

Branding.

30. The inspector or deputy inspector shall govern himself, as far as is possible, by the standards of quality for each description of flour or meal, and shall brand or mark, within a space not exceeding fourteen inches long by eight inches broad, on every barrel and half barrel of flour or meal inspected by him, all brands and marks required by this Act, and in default of so doing shall incur a penalty of ten cents for each barrel or half barrel inspected and branded, or inspected and marked, otherwise than as required by this Act. 37 V., c. 45, s. 23.

Qualities of four.

31. In branding or marking the different qualities or descriptions of flour, the same shall be designated as follows :--

That of a very superior quality, by the words "superior extra;"

That of the second quality, by the words "extra super fine ;"

That of the third quality, by the words "fancy super" fine ;"

That of the fourth quality, by the words "spring extra;"

That of the fifth quality, by the word "superfine;"

That of the sixth quality, by the word "fine;"

That of the seventh quality, by the words "fine middlings;"

That of the eighth quality, by the words "ship stuffs," ^{or} "pollards;"

Inspector to

return flour

taken out by instrument if

required.

That of another quality to be called "strong bakers'." V., c. 45, s. 24, part. 37

32. In branding or marking the different qualities of Qualities of ye flour, Indian corn meal or oatmeal, the words "rye flour," meal. Indian corn meal," or "oatmeal" (as the case may be), shall be plainly branded or marked on every barrel and half barrel, to designate the grain from which the same is made;—and

The superior quality of rye flour, by the word "superfine ;"

The second quality by the word "fine;"

The superfine qualities of Indian corn meal or oatmeal, by the word "first;"

The second quality, by the word "second;" and-

The third quality, by the word "third." 37 V., c. 45, s. 24. part.

The word "Indian" inserted before "corn" at the suggestion of the Parliamentary Committee.

83. One or more members, not exceeding three, of each of Uniform the boards of examiners, for the cities of Quebec, Montreal, standards, how to be Toronto, Hamilton, London, Ottawa, Halifax and St. John, established. N.B., shall meet together in the city of Montreal, between Meeting of the fifteenth day of August and the fifteenth day of November examiners for the purpose. in each year, for the purpose of choosing samples of flour and meal of the various grades, to be the standards, by which the inspectors of flour and meal throughout Canada shall be governed in the work of inspection; and such standards shall be chosen and approved by the said examiners, or a majority of them present at such meeting, notice of which shall be given by the council of the Board of Trade of Montreal:

2. In the absence of the representative of any board or Provision in boards of examiners herein mentioned, such representatives absence of as are present in the said city of Montreal, and representing proper number not less than three of the places herein mentioned, shall proceed to establish the Dominion standards for flour and meal as herein provided ; and if the requisite number of repre- $\frac{sen}{N}$ tatives are not present on or before the fifteenth day of November, or if from any other cause the board hereby constituted fails to assemble or to establish the standards herein mentioned, then such standards shall be established by such means as the Governor in Council directs. 37 V., c. 45, ⁸. 25;-48-49 V., c. 66, s 10.

84. The secretary of the Board of Trade of Montreal shall Transmission send samples of such standards so chosen by the said mem- of samples of bers of the boards of examiners at such meeting as afore-

of examiners.

said, to the Minister of Inland Revenue, to be by him distributed to the several inspectors for their guidance in such manner as they are directed by the Governor in Council; and the said secretary shall also furnish samples of such standards to all applicants on being paid a reasonable price therefor. 37 V., c. 45, s. 26.

How much contain.

Packer, &c., to mark his

the barrel.

Penalty for

defaulť.

35. Every barrel of flour or meal shall contain one barrels of flour hundred and ninety-six pounds, and every half barrel shall contain ninety-eight pounds. 37 V., c. 45, s. 27, part.

36. The manufacturer or packer shall brand, paint or name, &c., on mark the initials of his christian name and his surname at full length, and the name of his mill or place of packing, the quality and weight of the flour or meal therein con tained, and the tare of the barrel or half barrel on one end of such barrel or half barrel of flour or meal packed for sale, in a plain and distinguishable manner; and he shall incur a penalty of two cents for each and every barrel or half barrel offered for sale or inspection, in respect of which the requirements of this section are not complied with, which penalty shall be paid to the inspector before delivery of the flour or meal. 37 V., c. 45, s. 27, part.

> 37. All flour packed in Canada for sale, shall be packed in good and strong barrels or half barrels, of seasoned oak, elm or other hardwood or basswood timber, made as nearly straight as may be; the barrels shall be not less in weight than twenty pounds, and the staves of such barrels shall be twenty-seven inches in length from croe to croe, and those of half barrels twenty-two inches in length, from croe to croe, with heads of the same ; the diameter of the heads of the barrels shall be from sixteen and a-half inches to seven teen inches, and of half barrels from thirteen and a half to fourteen inches; and such barrels and half barrels shall be well seasoned and sufficiently hooped, with a lining hoop within the chimes, the whole well secured by nails:

Penalty for contravention.

2. Every person who offers for sale or exports any cask of flour in violation of the provisions of this section shall incur a penalty of two cents for each cask of flour so offered for sale or exported which is not one of the foregoing descrip tions of barrels and half barrels. 37 V., c. 45, s. 28.

Inspector to verify weight.

38. The inspector or deputy inspector shall ascertain by examination the weight of the flour or meal in every cash which he suspects not to contain the full weight required by this Act, and if it does not contain such full weight, he shall cause it to be filled up at the expense of the person requiring such flour or meal to be inspected, so as to contain the weight required by this Act, and he shall, when required, certify the expense thereby incurred :

Description of barrels in which flour

shall be packed.

2. The inspector or deputy inspector shall weigh such Proportion of proportion of every lot of flour or meal offered for inspec- each lot to be tion (being not less than ten per cent. of each lot), as is necessary to verify whether the contents come up to the Weight required by law, and shall enter such weight on his inspection bill; and if such lot, or any part thereof, is de- Deficiency to ficient in legal weight, then he shall make or cause the be made good. deficiency to be made good by or at the expense of the owner thereof, so that each and every barrel shall contain the weight required by law; and the inspector or deputy inspector shall, when required, certify the cost and expense thereby incurred :

3. Every inspector or deputy inspector who neglects Penalty for to examine and ascertain and weigh such flour or meal, neglect. and to cause the barrels or half barrels to be weighed as required by this section, shall, for every such neglect, incur a Penalty of forty dollars, and shall be liable for all damages which the buyer or seller of such flour or meal suffers in consequence of such neglect. 37 V., c. 45, s. 29.

39. If, upon the inspection of any barrel or half barrel If foreign matters are mixed four or meal, the inspector or deputy inspector discovers with flour or any foreign substance mixed or blended therewith, or meal. Packed therein, he shall forthwith seize and detain the Package, and make report thereon to any justice of the peace, under oath; and such justice may, if he sees fit, authorize the detention of the same in some safe place until the suit to be instituted for the penalty thereby incurred is determined : and every person who wilfully and fraudu-Penalty. lently mixes or blends any flour or meal by him packed for sale or exportation with any foreign matter, shall, for each offence, incur a penalty not exceeding one hundred dollars ; but no prosecution, suit or action for the recovery of any Proviso. such penalty, shall be commenced after the end of one month from the seizure and report so made by the inspector or deputy inspector; and if such penalty is recovered, the Forfeiture of flour or meal in respect of which it has been incurred shall meal. thereupon be forfeited to and belong to the municipal cor-Poration of the place. 37 V., c. 45, s. 30.

40. Every manufacturer or packer of flour or meal who Penalty for undermarks the tare of any barrel or half barrel, or puts undermarking therein a less quantity of flour or meal than is branded thereon, shall incur a penalty of two cents for every barrel or half barrel so undermarked or deficient, unless such deficiency of weight appears to be occasioned by some accident unknown to such manufacturer or packer, and happening after the packing of the barrel or half barrel. 37 V., c. 45, s. 31.

41. Every person who knowingly offers for sale any barrel Penalty for or half barrel of flour or meal in which there is a less quantity sale flour de.

of flour or meal than is branded thereon, shall incur a

penalty of one dollar for every cask so deficient, without

prejudice to the civil remedy of any person aggrieved, for

42. Every inspector shall, on Monday in every week,

or county, or in the county in which such place is situated, a statement of the quantity and quality of all flour and meal inspected or re-inspected by him or by the deputy inspectors during the next preceding week, and of all flour of meal by him or them weighed during such week, and found deficient in weight, or in respect of which the tare was falsely marked,—stating also the brand and manufacturers names, and the amount of fines levied by him for the violation of this Act; and a duplicate of every such statement

any damage sustained by him. 37 V., c. 45, s. 32.

Inspector to make out, sign and transmit to the secretary of the board furnish weekof trade or chamber of commerce for the city, county of ly statement to board of place, for which he is appointed, or if there is no such board trade, &c. then to the chairman of the board of examiners in such city

Duplicate to Inland Revenue Department.

Ottawa.

Flour, &c., inspected to be marked as under this Act.

43. All flour or meal submitted for inspection under this Act shall be branded or marked by the inspector in accordance with the grade or quality determined by him or the deputy inspector. 37 V., c. 45, s. 35.

shall also be sent to the Department of Inland Revenue at

WHEAT AND OTHER GRAIN.

Qualities of grain.

44. The grades of grain shall be as follows :--

Spring Wheat.

Extra Manitoba hard wheat shall be sound and well Spring wheat. cleaned, weighing not less than sixty-two pounds to the

37 V., c. 45, s. 33.

bushel, and shall be composed of red Fife wheat grown in Manitoba or the North-West Territories of Canada: No. 1 Manitoba hard wheat shall be sound and well

cleaned, weighing not less than sixty pounds to the bushel, and shall be composed of at least eighty-five per cent. of red Fife wheat grown in Manitoba or the North-West Territories of Canada :

No. 2 Manitoba hard wheat shall be sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel, and shall be composed of at least eighty-five per cent. of red Fife wheat, grown in Manitoba or the North-West Territories of Canada;

No. 1 Canada hard wheat shall be sound and well cleaned weighing not less than sixty pounds to the bushel, and shall be composed of at least eighty-five per cent. of hard wheat;

No. 2 Canada hard wheat shall be sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel, and shall be composed of at least eighty-five per cent. of hard wheat;

No. 1 Northern spring wheat shall be sound and well cleaned, weighing not less than sixty pounds to the bushel, and shall be composed of at least fifty per cent. of red Fife wheat, grown in Manitoba or the North-West Territories of Canada;

No. 2 Northern spring wheat shall be sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel, and shall be composed of at least fifty per cent. of red Fife wheat, grown in Manitoba or the North-West Territories of Canada;

No. 3 Northern spring wheat shall comprise all wheat of the above mentioned varieties, fit for warehousing, and weighing not less than fifty-six pounds to the bushel, not good enough to be graded as No. 2;

No. 1 Spring wheat shall be sound and well cleaned, Weighing not less than sixty pounds to the bushel;

No. 2 Spring wheat shall be sound and reasonably clean, Weighing not less than fifty-eight pounds to the bushel;

No. 3 Spring wheat shall comprise all wheat fit for warehousing, not good enough to be graded as No. 2, weighing not less than fifty-six pounds to the bushel;

Rejected Spring Wheat shall comprise all wheat fit for Warehousing, but too low in weight or otherwise unfit to be graded as No. 3;

Goose Wheat No. 1 shall be plump and well cleaned, Weighing not less than sixty-one pounds to the bushel;

Goose Wheat No. 2 shall be plump and reasonably well cleaned, weighing not less than fifty-nine pounds to the bushel;

Goose Wheat No. 3 shall comprise such as is not good enough to be graded as No. 2, reasonably clean and weighing not less than fifty-five pounds to the bushel:

Winter Wheat.

Extra white winter wheat shall be pure white winter Winter wheat. wheat, choice in color, sound, plump and well cleaned, weighing not less than sixty-two pounds to the bushel;

No. 1 white winter wheat shall be pure white winter wheat, sound, plump and well cleaned, weighing not less than sixty pounds to the bushel;

No. 2 white winter wheat shall be white winter wheat, sound and reasonably clean, weighing not less than fiftyeight pounds to the bushel;

No. 1 red winter wheat shall be pure red winter wheat, sound, plump and well cleaned, weighing not less than sixty-two pounds to the bushel;

No. 2 red winter wheat shall be red winter wheat, sound and reasonably clean, weighing not less than sixty pounds to the bushel;

No. 1 Mixed winter wheat shall be white and red winter wheat mixed, sound, plump and well cleaned, weighing not less than sixty-two pounds to the bushel;

No. 2 Mixed winter wheat shall be white and red winter wheat mixed, sound and reasonably clean, weighing not less than fifty-nine pounds to the bushel;

. No. 3 winter wheat shall include winter wheat not clean and plump enough to be graded as No. 2, weighing not less than fifty-seven pounds to the bushel;

Rejected winter wheat shall include winter wheat damp, musty, or from any cause so badly damaged as to render it unfit to be graded as No. 3;

All good wheat that is slightly damp shall be reported Damp wheat. and entered on the inspector's books as "no grade" with the inspector's notations as to quality and condition;

All wheat that is in a heating condition, or too damp to be considered safe for warehousing or that has any considerable admixture of foreign grain or seeds, or is badly bin burnt, whatsoever grade it might otherwise be, shall be reported and entered on the inspector's books as " condemn ed," with the inspector's notations as to quality and condition;

Any material admixture of "rice wheat," otherwise Admixture of known as "goose" or "California" wheat, or of red chaff inferior wheat. wheat with other descriptions of wheat, shall exclude the parcel from regular inspection;

All wheat shall be weighed, and the weight per bushel Wheat to be weighed. entered on the inspection book:

Condemned wheat.

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Indian Corn.

No. 1 white corn shall be white, and in all other respects Corn. No. 1 corn ;

No. 1 yellow corn shall be yellow, and in all other respects No. 1 corn;

No. 1 corn shall be sound, dry, plump and well cleaned, white and yellow;

No. 2 corn shall be dry, reasonably clean, but not plump e_{nough} to be graded as No. 1;

All damp, dirty, or otherwise badly damaged corn, shall be graded as *rejected*.

Oats.

No. 1 oats shall be sound, plump, clean and free from other Oats. grain;

No. 2 oats shall be sound, reasonably clean, and reasonably free from other grain ;

Rejected oats shall include such as are damp, unsound, dirty or from any cause unfit to be graded as No. 2.

Rye.

No. 1 rye shall be sound, plump and well cleaned; Rye.

No. 2 rye shall be sound, reasonably clean, and reasonably free from other grain ;

All rye which is damp, musty or dirty, or which is from any cause unfit to be graded as No. 2 rye, shall be graded as rejected:

Barley.

No. 1 barley shall be plump, bright, sound, clean and free Barley. from other grain;

No. 2 barley shall be reasonably clean and sound, but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain, and weigh not less than forty-eight pounds to the bushel;

No. 3 Extra barley shall be in all respects the same as No. 2 barley, except in color, weighing not less than forty-seven pounds to the bushel;

No. 3 barley shall include shrunken, or otherwise slightly damaged barley, weighing not less than forty-five pounds to the bushel:

No. 4 barley shall include all barley equal to No. 3, weigh ing less than forty-five pounds to the bushel;

All barley which is damp, musty, or from any cause badly damaged or largely mixed with other grain, shall be graded as rejected :

Peas

No. 1 peas shall be white, clean, sound and not wormeaten:

No. 2 peas shall be moderately clean and sound;

No. 3 peas shall be such as are too dirty to be graded as No. 2, or are worm-eaten :

All peas which are damp, wormy or otherwise unfit to be graded as No. 3 peas shall be graded as rejected :

Provisions respecting Grain generally.

No grain that is warm, or is in a heating condition, shall General provisions as to be graded;

> In the inspection of grain, the weight shall not alone determine the grade ;

> All inspectors shall make their reasons for grading g^{rain,} when necessary, fully known by notation on their books:

Rates of Inspection for Grain.

2. The rates of inspection for grain shall be as follows :-

For inspecting grain in sacks per cental, one-third of one cent;

For inspecting grain in bulk per cental, one-sixth of one cent. 48-49 V., c. 66, s. 11.

The word "Indian" inserted before "corn" at the suggestion of the Parliamentary Committee.

45. One or more members, not exceeding three, of each of the boards of examiners of applicants for the office of inspectors of wheat and other grain, for the cities of Quebec, Montreal, Toronto, Hamilton, London, Ottawa, Winnipeg, Halifar, St. John, N.B., and for Port Arthur, shall meet together in the City of Toronto between the fifteenth day of August and

Rates of inspection.

grain.

the first day of October in each year, for the purpose of choosing samples of grain of the various grades, to be the standards by which the inspectors of grain throughout Canada shall b_e^{e} governed in the work of inspection; and such standards shall be chosen and approved by the said examiners, or a majority of them present at such meeting, notice of which shall be given by the Council of the Board of Trade of Toronto:

boards of examiners herein mentioned, such representatives examiners are as are present in the said city of Toronto, and representing not present. Not less than three of the places herein mentioned, shall proceed to establish the Dominion standards for grain as herein provided; and if the requisite number of representatives are hot present on or before the first day of October, or if from any other cause the board hereby constituted fails to assemble or to establish the standards herein mentioned, then such standards shall be established by such means as the Governor in Council directs. 48-49 V., c. 66, s. 12.

46. As soon as any wheat or other grain is inspected, a Bill of inspected. bill of inspection (with a certificate to the shipper when inspection to be furnished. required), shall be furnished by the inspector or deputy inspector, without fee or reward, specifying the quantity and quality, and weight per bushel, ascertained by inspection, and the charges thereon, with the name of the store, vessel, or number of the car wherein the wheat or other grain was when inspected: and every inspector of grain shall furnish Samples of to all applicants, samples of his standard on his being paid standards. a reasonable price therefor. 37 V., c. 45, s. 37.

47. The inspector shall, on Monday in every week, make Inspector to ont, sign and transmit to the secretary of the board of trade statement. or chamber of commerce of the city or place for which he is appointed, or if there is no such board or chamber of commerce, then to the chairman of the board of examiners in such city, or in the county in which such city or place is situate, a statement of the quantity and quality of all wheat and other other grain inspected or re-inspected by him or the deputy inspector during the next preceding week. 37 V., c. 45, s. 38.

BEEF AND PORK.

48. In the following provisions respecting the inspection of "Package" beef and pork, the expression "package" includes barrel, half defined. barrel, tierce and half tierce.

49. The inspector or deputy inspector shall cut up, salt, Inspection of pack and cure, or if already packed, shall unpack and ex- how to be amin and cure or if already packed, shall unpack and ex- how to be amine throughout, adding salt if necessary, and coopering made. the same according to the requirements of this Act, every Package of beef or pork submitted to him for inspection;

and such inspection may be made either at the store, shop 78

or warehouse of the inspector, or at some store within the limits of the city or place for which he is appointed, at the option of the owner or possessor of such beef or pork submitting it for inspection; and every inspector shall provide in some convenient position, in the city or place for which he is appointed, a proper store or place for the reception and inspection of beef and pork. 37 V., c. 45, s. 39.

50. Each inspector and deputy inspector shall provide and have a sufficient number of iron or other metal brands for his use, and in inspecting beef or pork, shall observe the following rules :---

(a) He shall brand, immediately after inspection, on e^{very} Brands, what package of beef or pork, the words, "Quebec," "Montreal, "Toronto," "Halifax," "St. John, N. B.," or other the name of the place for which he is appointed, as the case may be, and the initial of the Christian name of the inspector and his surname at full length, with the quality of the beef or pork, as hereinafter directed ;

> (b) He shall brand every package of beef or pork which on inspection is found to be soft or still fed, although it is in all other respects fat and of good quality, with the word "soft," in letters as large as those upon the rest of the brand, in addition to the brand designating the quality;

> (c) Whenever beef or pork is found to be of unsound and unmerchantable quality, from other causes than those afore said, he shall brand the same with the word "rejected" at full length, and in plain legible characters ;

> (d) Whenever the beef or pork appears inferior to the markof the packer, or of any former inspection, the inspector or deputy inspector shall erase and correct the same;

> (e) He shall also brand upon each package of beef or pork inspected by him the month and year in which it is inspected, with the net weight and quality of the beef or pork therein;

> (f) For such inspection and branding the inspector shall be entitled to receive from the person submitting the same for inspection, for each barrel and half barrel, tierce or half tierce of beef or pork so inspected, salted, packed, pickled and branded, the following fees, that is to say,-twenty five cents for each barrel, fifteen cents for each half barrel, thirty-five cents for each tierce and twenty-five cents for each half tierce, exclusive of charges for cooperage and repairs,---the charges for which said cooperage and repairs shall not exceed fifteen cents for each package; in consideration of which charges, all packages shall be delivered in good shipping order:

Soft.

Inspector's

brands.

to show.

Incorrect marks to be

erased.

Rejected.

What shall be branded on packages.

Fees for inspection, &c.

What they shall include.

(g) Such fee or allowance shall be paid by the owner or By whom possessor of such beef or pork before it is removed;

(h) As soon as any beef or pork is inspected, a bill of inspec-Bill of inspection shall be furnished by the inspector or deputy inspector tion. Without fee or reward, specifying neatly and legibly the quantity of beef or pork so delivered to him, and the owner's mark or marks thereon, and the quantity and quality ascertained by inspection and the charges therefor;

(i) No beef or pork inspected and branded in one month or Date of inyear, and re-inspected and repacked in another, shall bear to be changed any other brand of the year and month than that originally in case of reaffixed to it,—except that on the package containing any beef or pork re-inspected, the date of such re-inspection, with the other particulars required in case of inspection, may be branded; but no preceding inspection brand, or any part thereof, shall be effaced, except in the case hereinbefore provided for; and every re-inspection made without complying With the requirements of this section, shall be held to be an inspection made contrary to this Act;

(j) All pork or beef offered for re-inspection, and which "Oid." has been packed, or inspected, twelve months or more previously, shall be branded in addition to its grade of quality, with the word "old " in large letters;

 $\binom{(k)}{(k)}$ All the said brand marks shall be branded on one head How packages of the package; all such brand marks shall be large and shall be large and branded. legible, and all such marks shall be branded within a space Not exceeding fourteen inches long by eight inches broad, on each of the packages inspected; and every person who violates any of the provisions of this section, shall incur a penalty of eighty dollars for each package inspected and not branded, or otherwise branded than as required by this Act;

(1) Whenever any beef or pork is sold subject to inspec- By whom fees tion, the person applying to the inspector to have the able. same inspected, shall be entitled to reimbursement of the price of inspection from the vendor, if such applicant is not himself the vendor, or unless an express stipulation to the contrary was made at the time of sale, or of the agreement to submit the beef or pork to inspection; and any such Warranty by agreement shall imply a warranty that all the requirements seller. of this Act have been complied with, as well with regard to the beef or pork to which it relates as to the packages in which they are contained, and the marks upon such packages. 37 V., c. 45, s. 40.

51. All beef which the inspector finds on examination Qualities of to have been killed at a proper age and to be fat and beef.

merchantable, shall be cut into pieces as nearly square as

may be, not more than eight or less than four pounds weight, and shall be sorted and divided for packing and repacking in packages into four different sorts, to be denominated respectively,—"mess," "prime mess," "prime" and "cargo" beef:

"Mess beef." 2. Mess beef shall consist of the choicest pieces only, that is to say: briskets, the thick of the flank, ribs, rumps and sirloins of oxen, cows or steers, well fatted; and each package containing beef of this description, shall be branded on one of the heads with the words "mess beef:"

"Prime mess beef." 3. Prime mess beef shall consist of pieces of meat of the second class, without shanks or necks, from good fat cattle; and packages containing beef of this description shall be branded on one of the heads thereof with the words "prime mess beef:"

- "Prime beef." 4. Prime beef shall consist of choice pieces of fat cattle, amongst which there shall not be more than the coarse pieces of one side of a carcase, the houghs and neck being, cut off above the first joint; and packages containing beef of this description, shall be branded on one of the heads thereof with the words "prime beef:"
- "Cargo beef." 5. Cargo beef shall consist of the meat of fat cattle of all descriptions of three years old and upwards, with not more than half a neck and three shanks with the houghs cut off above the first joint, and the meat otherwise merchantable; and packages containing such beef shall be branded on one of the heads " cargo beef :"

6. Each barrel in which beef of any one of the foregoing descriptions is packed or re-packed, shall contain two hundred pounds of beef, and each half barrel one hundred pounds, each tierce three hundred pounds, and each half tierce one hundred and fifty pounds. 37 V., c. 45, s. 41.

52. All pork which the inspector finds on examination to be fat and merchantable, except when classified as *mess*, shall be cut in pieces as nearly square as may be, and not more than six or less than four pounds weight, and shall be sorted and divided into five different sorts, to be deno; minated respectively,—"mess," "extra prime," "prime mess," "prime," and "cargo" pork:

"Mess pork." 2. Mess pork shall consist of the rib pieces only, of good hogs, weighing not less than two hundred pounds each; and packages containing such pork shall be branded on one of the heads "mess pork:"

"Extra prime 3. Extra prime pork shall consist of heavy untrimmed fat shoulders, cut into three or four pieces :

What packages shall contain.

Qualities of pork.

.4 Prime mess pork shall consist of the pieces of good fat "Prime mess hogs weighing not less than one hundred and ninety pork." pounds each, the barrel to contain the coarse pieces of one hog only, that is to say,—two half heads (not exceeding together sixteen pounds in weight), with two shoulders and two hams, and the remaining pieces of a hog,-the tierce to contain the relative proportion of heads, shoulders and hams, and the remaining pieces of one hog and a half hog; but when the pork under inspection is from hogs exceeding two hundred pounds each in weight, the inspector shall make "mess pork " of such rib and side or flank pieces thereof, cut in the manner and of the weight above prescribed, as shall, in his judgment, be equal in quality on the average to "mess pork," as above defined ; and packages containing pork of the foregoing description shall be branded on one of the heads " prime mess pork :"

5. Prime pork shall consist of the pieces of good fat hogs, "Prime Weighing not less than one hundred and fifty pounds each, pork." the barrel to contain the coarse pieces of one hog and a half only, that is to say,—three half heads (not exceeding together twenty-four pounds in weight), three hams and three shoulders and the remaining pieces of a hog and a half hog,—the tierce to contain the relative proportions of heads, shoulders and hams, and the remaining pieces of two hogs and a quarter of a hog; and packages containing pork of this description shall be branded on one of the heads "prime pork:"

6. Cargo pork shall consist of the pieces of fat hogs, "Cargo weighing not less than one hundred pounds each, the pork." barrel to contain the coarse pieces of not more than two hogs, that is to say,—four half heads (not exceeding together in weight thirty pounds), four shoulders and four hams, and the remaining pieces of two hogs, and the whole to be otherwise merchantable pork,—the tierce to contain the relative proportions of heads, shoulders and hams and the remaining pieces of three hogs; and packages containing pork of this description shall be branded on one of the heads " cargo pork:"

7. In all cases the following parts shall be cut off What parts to and not packed, namely:—the ears close to the head, the all cases. snout above the tusks, the legs above the knee joint; the tail shall also be cut off, and the brains, tongue and bloody gristle taken out:

8. Each barrel in which pork of any of the foregoing What weight' descriptions is packed or re-packed, shall contain two packages hundred pounds, and each tierce three hundred pounds; and each half barrel or half tierce one-half those quantities respectively, of the several kinds and qualities of pork

37 V., c. 45, aforesaid, and shall be branded accordingly. s. 42.

Bejected beef or pork, how to be marked. &c

58. On the head of every package containing any thin, rusty, measly, tainted, sour or unmerchantable pork, or unmerchantable or spoiled beef, branded "rejected," in consequence of its being so, the true character both as to quality and condition of such pork or beef shall also be marked with black paint ; and each inspector shall certify, whenever required, the quality of any beef or pork by him inspected, the state and condition thereof, and the packages containing the same, specifying the extent of $damag_{f}^{e}$ appearing on inspection, and the apparent cause thereof, whether exposure, injury in transportation, originally defective packing or putting up, and also specifying the brands or other marks upon the packages inspected, and the name of the owner or possessor thereof. 37 V., c. 45, s. 43.

Quality and quantity of salt.

54. The salt used in packing and re-packing beef and pork inspected and branded under this Act, shall be clean St. Ubes, Isle of May, Lisbon, Turk's Island, or other coarse grained salt of equal quality; and every barrel of fresh beef or pork shall be well salted with seventy-five pounds, and every Salt, saltpetre, tierce with one hundred and twelve pounds of good salt, as and pickle. aforesaid, exclusive of a sufficient quantity of pickle as strong as salt will make it; and to each barrel of beef or pork shall be added four ounces, and to each tierce six ounces of salt petre; and each half barrel or half tierce of fresh beef or fresh pork shall be salted with the same proportions of salt and saltpetre above mentioned, with a sufficiency of pickle as strong as salt will make it; and in all cases of packing and re-packing beef or pork to be inspected and branded under the authority of this Act, the inspector may use salt, saltpetre and pickle in his discretion. 37 V., c. 45, s. 44.

How packages shall be made.

55. Every package containing beef or pork inspected in the Provinces of Ontario or Quebec shall be made of good seasoned white oak staves, and the heads shall not be less than three-quarters of an inch thick ; and each stave on each edge at the bilge shall not be less than half an inch thick when finished for barrels, nor less than three-quarters of an inch thick when finished for tierces; and the wood of half barrels or half tierces shall be in the same proportion to their size, and shall in all cases be free from every defect:

It is suggested that "Canada" should be substituted for "the Provinces of Ontario or Quebec."

Hoops, &c.

2. Every package shall be hooped and covered two-thirds of its length with good oak, ash, or hickory hoops. leaving one-third in the centre uncovered ; and each package shall be bored in the centre of the bilge with a bit not less in diameter than one inch, for the reception of pickle :

3. Each barrel shall be not less than twenty-seven inches Length, &c., or more than twenty-eight inches and a half long; and the of barrel. contents of each barrel in which beef is packed or re-packed shall be not less than twenty-three gallons and two-sixths of a gallon, or more than twenty-four gallons and one-sixth of a gallon; and the contents of each barrel in which pork is packed or re-packed shall be not less than twenty-five gallons or exceed twenty-five gallons and five-sixths of a gallon :

4. Each tierce shall be not less than thirty inches, or more Length, &c., than thirty-one inches long; and the contents of each tierce of tierces. in which beef is packed or re-packed, shall be not less than thirty-six gallons and four-sixths of a gallon, or exceed thirty-seven gallons and three-sixths of a gallon; and the contents of each tierce in which pork is packed or re-packed shall be not less than thirty-seven gallons and three-sixths of a gallon, or exceed thirty-eight gallons and two-sixths of ^a gallon :

⁵: Half barrels or half tierces in which beef or pork is Half barrels packed and re-packed shall severally contain half the num- and half ber of gallons above mentioned, and no more :

.6. And the inspector shall examine carefully and ascer- Inspector to tain the sufficiency of each package before branding the examine packages. same, and shall brand none with regard to which the requirements of this Act have not been complied with. 37 V., c. 45, s. 45.

56. Nothing in this Act shall prevent any inspector of Furnishing of beef and pork from furnishing salt, saltpetre or packages if requisites. necessary; but it shall be optional with the owner or possessor of such beef or pork, to furnish such salt, saltpetre, or Packages himself, if he sees fit, whether the same is for new Packing or to replace unsound old packages, or bad salt, and whether the same is at the stores of the inspector or of such ^{owner or possessor.} 37 V., c. 45, s. 46.

57. Every inspector who suffers any beef or pork, if left in Beef and pork his charge after it has been inspected, to be exposed to the ed from the heat of the sun or inclemency of the weather longer than six weather. days, shall incur a penalty of forty dollars for every such offence; and every inspector who neglects to provide a suitable store in a convenient situation, shall incur a penalty of four dollars per day for every day he neglects to provide himself with such store after his appointment as inspector. ³⁷ V., c. 45, s. 47.

58. No inspector of beef and pork shall, when he inspects As to storage. any beef or pork at the store hereinbefore required to be kept by him for the purpose, charge any storage thereon, anless the same has been left in his store more than five days

after he has delivered to the owner or possessor thereof a notice of its having been inspected, or an inspection bill thereof. 37 V., c. 45, s. 48.

Penalty if inspection is made by any other than an inspector or deputy.

59. Every person, other than an inspector or deputy in spector duly qualified under this Act, not being the actual owner of the beef or pork inspected, who inspects any beef or pork, or brands or marks any package or cask or vessel of any kind, containing such beef or pork, and every person other than such inspector or deputy inspector who gives any certificate of inspection, shall incur a penalty of forty dollars for each package, cask or vessel of beef or pork so inspected or branded, or with regard to which such certificate is given:

Line 2 amended in accordance with the suggestion of the Parliamentary Committee.

Penalty if the owner neglects to mark date on packages.

2. If any owner of any beef or pork brands any such package or vessel as aforesaid containing beef or pork, without affixing to his surname and the initial of his christian name. the date at which the same was branded, and the word "owner" or "owners," he shall be held to have inspected and branded the same contrary to the provisions of this Act, and shall incur the said penalty. 37 V., c. 45, s. 49.

60. Nothing in this Act shall prevent any person from Inspection not compulsory; packing for exportation or exporting any beef or pork with subject to cerout inspection, provided such beef or pork is packed in tierces or half tierces, barrels or half barrels, of the dimensions hereinbefore prescribed for such packages respectively, and is marked with black paint or branded on one end thereof with the name and address of the packer, the date and place of packing, the weight and the quality of the beef or pork contained in each package:

Rounds and briskets of beef, &c., excepted.

tain con-

ditions.

But must be marked.

Penalty for contravention.

2. Nothing in this Act shall prevent any person from packing for exportation or from exporting without inspection any rounds of beef, rounds and briskets of beef, the meat of young pigs called pig pork, the tongues of neat cattle, the tongues of pigs, hams of pigs or pig's cheek, or any smoked or dried meat of any description contained in tubs, casks, or bar rels or other packages of any kind, if each package is marked in the manner above mentioned :

3. Every person who exports any meat of the kind last mentioned, not so marked as aforesaid, or beef or pork of any other kind not so marked or not packed in barrels or half barrels, tierces or half tierces, of the dimensions hereinbefore prescribed, shall incur a penalty of one dollar for each and every barrel or half barrel, tierce or half tierce, tub, cask or other package with regard to which the provisions of 37 V., c. 45, s. 50. this section are violated.

POT AND PEARL ASHES.

61. Every inspector or deputy inspector, on proceeding Inspection of ashes, how to inspect any pot or pearl ashes, shall, either by emptying be made. The whole of the pot or pearl ashes out of the barrel, or by opening both ends of the barrel, and if necessary by scraping the barrel and cakes of ashes, carefully examine, try and inspect and sort the same into three different sorts or qualities, to be denominated *first sort*, second sort and third sort, determining the several sorts as follows :--

First sort pot ashes shall contain seventy-five per cent. of Qualities of Pure alkali, at the least;

Second sort pot ashes shall contain sixty-five per cent. of pure alkali, at the least;

Third sort pot ashes shall contain fifty-five per cent. of Pure alkali, at the least;

First sort pearl ashes shall contain sixty-five per cent. of Qualities of pure alkali, at the least;

Second sort pearl ashes shall contain fifty-five per cent. of pure alkali, at the least;

Third sort pearl ashes shall contain forty-five per cent. of pure alkali, at the least;

Each quality shall be in all other respects entitled to rank of the quality designated thereon :

2. The inspector or deputy inspector shall re-pack the Ashes to be, ashes into good and sufficient barrels of the size and description hereinafter specified, to be properly coopered and branded, and shall weigh each barrel, and mark on the branded head, with black, the weight thereof, including tare, and the weight of the tare under the same:

3. He shall brand in plain letters and figures on each and Branding. every barrel by him inspected containing ashes of the first quality, the words "*first sort*;" of the second quality, the words "second sort;" and of the third quality, the words "third sort;" together with the words "pot ash," or "pearl ash," as the case may be, with his own name and that of the inspection is made:

4. He shall also collect the crustings or scrapings of the Crustings and barrels, and cakes of pot and pearl ashes, if any, of each scrapings, separate lot, and deduct the value of the same from the in- of. spection charges to be paid by the proprietor of such lot, or deliver them to him: Adulterated ashes.

5. He shall mark the word "unbrandable No. 1" (2, 3, 4 or 5, according to its strength), on every barrel which he dis covers to contain ashes so adulterated with stone, sand, lime, salt or any other improper substance, as not to admit of their being classified as first, second or third sort:

Weigh note or bill.

Description

of barrels to

be used.

6. He shall also make and deliver a separate weigh note or bill of each quality of ashes, whenever required so to do 37 V., c. 45, s. 51. by the owner thereof or his agent.

62. No pot or pearl ashes shall be inspected in barrels of any size or description other than the following :---pot ashes, in barrels to be constructed of oak or white ash timber; and pearl ashes, in barrels to be constructed of oak, white ash, black ash or elm timber, —and such timber shall be of the best description, and thoroughly seasoned, and such barrels shall be made perfectly tight, and shall be well and completely hooped, with at least fourteen sound oak, ash, hickory, blue beech or elm hoops, or ten good iron hoops each; the said barrels shall not exceed thirty-two inches in length by twenty-two inches in diameter on either head, or be less than thirty inches in length by twenty inches in diameter on either head, and the chime thereof shall not exceed one inch; and the inspectors shall reject all barrels not constructed according to the foregoing directions, of which, in their opinion, are insufficient to resist the tear, wear and usage to which they are liable ; and from the gross weight of the barrel when filled up, the actual weight of Tare or weight such barrel, as tare, shall be deducted ; and every manufact of barrel to be turer of ashes shall mark, in legible characters, on the end of each barrel, before it is filled, the exact weight thereof. 37 V., c. 45, s. 52.

marked on it.

Inspectors to provide ware-house.

63. In every place where there is an inspector of ashes, except in the city of Montreal, each inspector shall provide himself with suitable and convenient premises for the storage and inspection of ashes; and he shall keep all barrels of ashes delivered to him for inspection, while in his posses sion, in some dry place, safe from the injuries of the weather or of floods; and every inspector who violates any of the provisions of this section shall incur a penalty of two dollars for every barrel not stored as aforesaid, and shall forfeit and pay to the owner thereof two dollars besides the actual damages sustained by such owner. 37 V., c. 45, s. 53.

Special pro-Montreal.

64. The inspector (which word in this section includes to the city of the joint inspector) for the city of Montreal, shall provide Montreal. suitable and convenient buildings, for the storage and inspection of ashes, of that description commonly known as first class buildings, or such as are approved of by the council of the board of trade of that city :

2. Such inspector, at all times and at his own cost and Ashes to be charges, shall keep the ashes stored in the said premises insured. insured to the amount of not less than one hundred thousand dollars,—and shall deposit the policies therefor with the secretary of the said board of trade for the time being, and renew such policies, from time to time, as occasion the the such insurance shall not be effected until after the state of the names of the company or companies with whom he is desirous of effecting the same have been submitted to the council of the said board of trade of the said city for their approval, and such approval has been signified to the inspector in writing :

3. If the said insurance, at any time, is less than the Further proactual value of the ashes stored in the said premises, the visions as to said value of the ashes stored in the said premises, the insurance. said inspector shall, at his like costs and charges, and subject to the conditions above prescribed, effect additional insurance sufficient to cover the extra value of the said ashes during the time they remain so stored as aforesaid; and the said inspector shall be bound to deliver to the owner thereof, in good order, all ashes received into the inspection stores. 37 V., c. 45, s. 54.

65. Every inspector may charge on the inspection bill Fees for infor all services performed by him in respect to pot or pearl spection, &c. ashes_

(a) The sum of ten cents for every hundred pounds of pot or pearl ashes by him so inspected ;

(b) The actual cost of every barrel by him furnished;

(c) The sum of twenty-five cents for each new head so furnished, and the sum of eighteen cents for cooperage and repairs, on each barrel of pot or pearl ashes by him so inspected,—and cooperage shall include nails and the end hoops of the barrel;

 $\binom{(d)}{(d)}$ The sum of twenty-five cents for putting in a barrel, partly filled with pot or pearl ashes, the additional quantity thereof necessary to fill the same whenever duly required so ^{to} do;

(e) The sum of twenty-five cents per barrel whenever package ashes, damaged ashes or other trash have been packed or mixed with pot or pearl ashes, for his services in extracting and separating the same;

And in consideration of such charges all barrels shall be How paid and delivered in good shipping order, and the charges shall be vices. paid or allowed to the purchaser by the person offering such $\frac{27}{27}$ V c 45 pot or pearl ashes for inspection, or his agent. 37 V., c. 45, 8. 55.

Time for inspection.

Storage.

Proviso.

Fees for

66. Each inspector shall have all ashes sent to him for inspection inspected, and the inspection bills prepared for delivery and the article delivery, and the whole well and duly coopered and prepared for shipment within a period not exceeding thirty six working hours from the date such ashes are received into the inspection stores; and such inspector shall further be entitled to received the entitled to receive ten cents per barrel for the storage of each barrel of ashes which barrel of ashes which remains stored with him as aforesaid more than five days after the date of the invoice, weigh note or inspection bill, and five cents per barrel for each subse quent month they remain stored (reckoning the second month to communication stored (reckoning the second month to commence thirty-five days from and after the date of the invoice, weigh note or inspection bill); and such storage and all other in the such storage and all other in the such storage and all other in the such storage and all other in the such storage and all other in the such storage and all other in the such storage and all other in the such storage and all other in the such storage and all other in the such storage and all other in the such storage and all other in the such storage and all other in the such storage and all other in the such storage and all other in the such storage and storage at a storage and storage at a storage at storage and all other charges shall be paid by the person receiving or shirting the receiving or shipping the said ashes or by his agent; but in no case shall arrived the said ashes or by his agent; but the no case shall any storage be paid or required when are ashes have not remained stored as aforesaid during inh days from and after the date of the invoice or weigh 37 V., c. 45, s. 56 ;-48-49 V., c. 66, s. 13. note.

67. The inspector of ashes for the city of Montreal, shall Montreal, and further be entitled to charge a sum not exceeding three what to cover. cents per barrel for it what to cover cents per barrel for insurance on each barrel of pot or pearl ashes sent to big and ashes sent to his premises for inspection ; and such insurance shall be considered shall be considered as chargeable from the day such barrel is received into the said premises, and the said ashes shall be hald to be into the said premises. be held to be insured from the period of such reception, ine such rate shall cover all insurance on the said ashes during the whole period they remain stored in the said premises; and the said in the said premises in and the said insurance shall be charged by the inspector in the inspection bill. 37 V., c. 45, s. 57.

> 68. The said inspector for the city of Montreal shall, from time to time, make returns of the business of his office to the council of the board of trade of the said city of Montreal, whenever duly required so to do by the said council; and duplicates of all attention duplicates of all returns so made shall be forwarded to the 37 V., C. Department of Inland Revenue at Ottawa. 45, s. 58.

Offences and penalties.

Inspector for

make returns to board of

Montreal to

trade.

69. Every inspector or deputy inspector who, during his continuance in office, permits any cooper or other person by him employed the person by him employed, to retain or keep any pot ar pearl ashes, or who brands any barrel of ashes of any Act, scription or size other than as prescribed by this there or who dates any main as prescribed by this there or who dates any weigh note or bill of inspection other wise than of the date wise than of the day when the ashes were actually inspected, or who delivers out of his possession any such weigh note or bill of the sector of his possession any such weigh note or bill of inspection without any date, or, for does not conform to the does not conform to the provisions of this Act—shall, for every such offence, incur a penalty not exceeding four hundred dollars and he forever the hundred dollars, and be forever thereafter disqualified from

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holding and exercising the office of inspector of pot and pearl ashes, or of deputy inspector; and every inspector or False bill of dame ashes, or of deputy inspector, and every inspection, deputy inspector or clerk, or other person, who makes or inspection, can the transmission of transmission of transmission of transmission of transmission of transmission of transmission of transmission of transmission of transmission of transmission of transmission causes to be made any false or fraudulent inspection bill of ashes, is guilty of felony, and liable to seven years' imprisonment. 37 V., c. 45, s. 59.

70. Nothing in this Act shall prevent any person from Inspection not exporting pot and pearl ashes, without inspection, if compulsory, on one end of the barrel, containing the same, there is certain con-Reatly and legibly branded or marked the name and address ditions. of the manufacturer, the weight and tare of the barrel, and the quality of ashes contained in it; but every person who Penalty for exports any pot or pearl ashes not so marked as aforesaid, or contravenwho marks any such barrel falsely, shall incur a penalty of tion. twenty dollars for every barrel or other package so marked or exported. 37 V., c. 45, s. 60.

PICKLED FISH AND FISH OILS.

71. The expression "fish oils," in the following pro- Definition of Visions respecting fish and fish oils, includes whale, seal, fish oils. porpoise, cod, herring, sturgeon, siskawitz and all other inds of oils derived from fishes or marine animals. 37 V., °. 45, s. 67, part.

72. Every inspector shall provide himself with proper Inspector to branding irons, or stencil plates, for the purpose of branding branding or marking such casks, barrels and boxes as are by him irons. inspected pursuant to this Act; and every inspector shall that all the deputy inspectors under him are duly provided in this respect. 37 V., c. 45, s. 61.

73. The inspecting, culling, classing, weighing, packing Inspecting, and branding or marking of any fish or fish oil shall be done in predone in the immediate presence and sight of an inspector or sence of in-done in the immediate presence and sight of an inspector or sence of indeputy inspector. 37 V., c. 45, s. 62.

74. The inspector or deputy inspector shall see that all Duty of kinds of split, whole, pickled or salted fish, intended for fish. packing or barrelling, and submitted to him for inspection, have been well struck with pickle and salt, in the first instance, and preserved sweet, free from taint, rust, saltburn, oil the structure of the structure of the self intended oil or damage of any kind; and all fish and fish oil intended for market or exportation, and branded or marked as inspectand merchantable, shall be well and properly packed in good, tight and substantial packages or casks, and in the c_{ase} of fish with clean salt, —except green codfish packed with d_{with} dens salt, d_{with} dens backed Without pickle, which may be packed in barrels or packages which are not tight; and all other packages shall be made of the materials and in the manner following :--

(a) Tierces, barrels and half barrels shall be made of sound,

Tierces, barrels, &c., how to be made.

Hoops.

How to be marked by makers.

well seasoned split or sawed staves, free from sap, and in no case of hemlock, and the heading shall be of hardwood, pine fir or spruce, free from sap, and planed on the outside, and shall be at locat the shall be at least three-quarters of an inch in thickness staves shall be five-eighths of an inch in thickness : staves for salmon and mackerel barrels shall be twenty-nine inches in length, and the heads between the chimes seventeen inches: staves for barrels for herring shall be twenty-seven inches in length, and the heads between the chimes shall be sixteen inches; and the bung staves of all such barrels shall be of hardwood : all casks shall be hooped with not less than fourteen sound, good hoops of not less than five-eighths of an inch at the small end for the tierces and barrels, and in no case to be of alder: the makers of all tierces, barrels and half barrels, shall brand the initials of their christian names and their whole sur names, and also the letters S., M. or H., according as the package is intended for salmon, mackerel or herring, at or near the bung staves, and in default of so doing shall ind a penalty of twenty cents for every package not so branded:

Size of barrels for special quality of fish.

(b) Barrels of the following dimensions may also be used for a special quality of fish, that is to say :---the stave shall be twenty-eight inches long, the head seventeen inches between the chimes ; the chimes shall be one and a-quarter inches and the head three-fourths of an inch in thickness, and the bung stave shall be of hardwood : every such barrel shall be branded with the words "special size:" 2. Every inspector or deputy inspector who inspects,

marks or brands any fish packed in barrels, tierces or other

packages, which are not in accordance with the requirements of this A to a line accordance with the requirements of this A to a line accordance with the requirements of this A to a line accordance with the requirements of this A to a line accordance with the requirements of this A to a line accordance with the requirements of this A to a line accordance with the requirements of this A to a line accordance with the requirements of this A to a line accordance with the requirements of the requirements of this A to a line accordance with the requirements of the re

ments of this Act, shall incur a penalty of one dollar for each such barrel, tierce or package inspected, branded or marked 49.40 W

48-49 V., c. 66, s. 14.

Penalty for falsely branding.

Inspection, &c., to be in

marked.

75. All pickled and smoked fish cured for market or exportation, and all fish oils, codfish tongues and codfish with this Act. sounds, shall be inspected, weighed, or gauged and branded or marked, only in accordance with this Act; and all green codfish, in boxes or packages, shall be inspected and culled, and a certificate of inspection for the latter, stating, on quality and quantity thereof so inspected, and shipped or board any vessel, shall be granted by any inspector of deputy inspector 27 V 37 V., c. 45, s. 65 ;-43 V., c. 20, s. 2. deputy inspector.

Qualities of fish.

76. The various kinds of fish to be inspected under this Act shall be branded or marked of the following denominations respectively :---

Salmon.

(1) Salmon branded or marked "No. 1" shall consist of the largest or best and choicest kind, well split, having the

blood well washed out before being salted, well cured, in the best condition, and in every respect free from taint, rust or damage of any kind;

(a) Those branded or marked "No. 2" shall comprehend the best salmon that remain after the selection of the first quality, and shall be good, sound, well split and cured fish, in the best condition, and in every respect free from taint, rust or damage of any kind;

(b) Those branded or marked "No. 3" shall consist of those that remain after the selection of the first two qualities, but shall be good sound fish, and in every respect free from taint, rust or damage of any kind:

(2) Mackerel branded or marked "mess mackerel" shall Mackerel consist of the best and fattest mackerel, well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, rust or damage of any kind, and shall be such as would have measured not less than fourteen inches from the extremity of the head to the crotch or fork of the tail, and shall have the heads and tails taken off;

(a) Those branded or marked "Extra No. 1" shall consist of the best and fattest mackerel, well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, rust or damage of from the extremity of the head to the crotch or fork of the tail;

(b) Those branded or marked "No. 1" shall consist of the best and fattest mackerel, well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, rust or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail;

(c) Those branded or marked "No. 2" shall comprehend the best mackerel that remain after the selection of the first qualities, and shall be properly split and washed, well cured, and in every respect free from taint, rust or damage of any kind, and shall be divided into two qualities, those thirteen inches and upwards not sufficiently fat to make No. 1 being branded No. 2 large, and those from eleven inches up to thirteen inches being branded No. 2;

(d) Those branded or marked "large No. 3" shall consist of good sound mackerel, properly washed, well cured, and free from taint, rust or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail; (f) All mackerel under eleven inches in length, of good, sound quality, and free from taint, rust or damage of any kind, shall be branded or marked with the words "small spring" or "small fall" in the place of a number;

(g) All short, sunburnt or ragged mackerel, not otherwise defective, of whatever class, shall be branded or marked "No. 4:"

All spring mackerel shall be packed in coarse or ground West India salt :

Herrings.

(3) *Herrings*, branded or marked "No. 1 Extra," shall be thirteen inches and upwards in length and fat, and shall be well struck with salt, thoroughly cured and cleaned, and bright in color;

(a) Those branded or marked "No. 1" shall be from ten to thirteen inches in length, well struck with salt, thoroughly cured and cleaned, and bright in color;

(b) Those branded or marked "No. 2" shall be from eight to ten inches in length, and shall comprehend the best herrings that remain after the selection of quality No. 1;

(c) Herrings under eight inches in length shall be branded or marked "No. 3," with the word "small" in addition to the other brands or marks;

(d) All ripped herrings shall be branded or marked with the word "split," in addition to other brands or marks;

(e) All gibbed herrings shall be branded or marked with the word "round" in addition to other brands or marks;

(f) All herrings that are not gibbed or ripped shall be branded or marked with the word "gross" in addition to other brands or marks;

(g) All spring-caught herrings shall be branded or marked with the word "spring," in addition to other brands or marks ;—

The above shall be well cleansed and cured, and in every respect free from rust, taint or damage :

All spring and fall herrings shall be packed in coarse or ground West India salt:

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Herrings that are caught at the Magdalen Islands, Baie Branding of des Chaleurs, Labrador or Newfoundland, and brought into herrings not port in Canada in bulk and packed in Canada, shall be tain places. branded or marked "Magdalen Islands," "Baie des Cha-leurs," "Labrador," or "Newfoundland," respectively, in addition to other brands or marks :

(4) Smoked herrings branded or marked "No. 1," shall Smoked hercomprehend the best and fattest fish; and those branded or marked "No. 2" shall consist of the poorer, smaller and ^{inferior} fish ;

(a) Both of these qualities shall be well smoked, free from taint, and not burnt or scorched; and no red or smoked herrings shall be so branded or marked unless they are well and sufficiently saved and cured, and carefully packed in good and substantial barrels or half barrels;

(b) If smoked herrings are packed in kegs or boxes, the Size of boxes same shall be of well-seasoned boards, the sides, top and and half boxes bottom of not less than half an inch in thickness, and the berrings. ends at least three-quarters of an inch thick; the inside measurement of each box shall be eighteen inches long, nine inches broad, and eight inches deep, the joints well hailed, and the tops or covers smoothed ;

And every such box of smoked herrings shall contain How much at least twenty pounds of fish; half boxes shall be twenty- boxes, &c., two inches long, four inches deep and eight inches wide, and shall contain not less than ten pounds of fish :

(c) Tainted, burnt, scorched and badly smoked herrings Tainted shall be considered "refuse," and may be branded or herrings. marked as such without any other character :

(5) Gasperaux or alewives, branded or marked "No. 1," Gaspereaux shall consist of the largest and best fish, measuring nine inches and upwards, well struck with salt, thoroughly cured and cleaned, and bright in color;

Those branded or marked " No. 2 " shall be from seven to nine inches in length, and shall be the best that remain after the selection of quality No. 1;

Those under seven inches in length shall be branded or marked "No. 3," with the word "small," in addition to the other marks or brands ;

All gaspereaux and alewives shall be packed in coarse or ground West India salt :

(6) Sea trout branded or marked "No. 1" shall consist of Sea trout. the largest, best and fattest kind, well split, and in every respect free from taint, rust or damage of any kind ;

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(a) Those branded or marked "No. 2" shall comprehend the best trout that remain after the selection of the first quality, and shall be good, sound fish, free from taint, rust or damage of any kind:

Lake and (7) Lake and salmon trout branded or marked "No. 1, salmon trout. lake," shall consist of the largest and fattest fish, and be free from taint, rust or damage;

(a) Those branded or marked "No. 2, lake," shall consist of the next best fish, free from taint, rust or damage:

White fish.

(8) White fish branded or marked "No. 1" shall consist of the largest and fattest kind, cured in good condition, and in every respect free from taint, rust or damage;

(a) "No. 2" shall consist of those that remain after the selection of the first quality, and be free from taint, rust or damage:

Green codfish in barrels. "No

(9) Green codfish in barrels, with or without pickle, classed "No. 1, large," shall consist of the best and fattest fish, well split and cleansed, well cured, in first rate condition, and in every respect free from taint, salt-burn, rust or damage of any kind, and shall measure twenty inches and upwards to the crotch of the tail;

(a) Those classed "No. 1" shall consist of the best and fattest fish remaining after the selection of quality No. 1, large, well split and cleansed, well cured, in first rate condition, and in every respect free from taint, salt-burn, rust or damage of any kind, and shall measure from sixteen to twenty inches to the crotch of the tail;

(b) Those classed "No. 2" shall consist of those remaining after selection of quality No. 1, and shall be sound, wellcured fish, and free from taint, salt-burn, rust or damage of any kind;

Pickled codfish. (c) Every barrel of pickled codfish shall contain two hundred pounds of fish, and every half barrel, one hundred pounds of fish:

Other fish.

(10) All other kinds of fish not enumerated herein, such as ling, hake, haddock, pollock, catfish, halibut, shad, bass and eels, codfish tongues and codfish sounds, in casks or barrels, shall be branded or marked as such, and shall be sound and well cured, free from taint, salt-burn, rust or damage of any kind;

all fish.

(11) Small fish, which are usually packed whole, with dry salt or pickle, shall be put into good casks of the size and materials required by this Act for the packing of split,

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pickled fish, and shall be packed close, edgeways in the cask, and properly salted with good, coarse, wholesome, dry salt, and the casks shall be filled full with the fish and salt, and no more salt shall be put with the fish than is necessary for their preservation; and the casks containing such whole fish shall be branded or marked with the denomination of the fish, and a like designation as is prescribed by this Act in respect of the qualities of other pickled fish;

(12) All rusty or sour fish, of whatever kind or class, shall Rusty and be branded or marked with the word "rusty" or "sour," sour fish. as the case may be, in addition to the other brands or marks;

(13) No foul or tainted fish, or fish mutilated for the pur-Fish which pose of concealing marks and appearances of illegal cap- shall not pass thro tare, or unsizeable fish, shall pass inspection ;

if not inspected and certified as aforesaid, and afterwards Packed in barrels, shall be branded or marked with the Word, "bulk" in addition to other brands or marks;

(15) Each cask or package of fish shall contain fish of the Packing of same kind, or parts of the same kind and quality, properly fish. Packed in separate layers, and on every layer of fish so Packed in the cask, a sufficient quantity of good, clean suitable salt, free from lime, shall be regularly placed in the proportion of half a bushel for each barrel of fish, and in like proportion for other packages, at the discretion of an inspector or deputy inspector; and after the cask has been properly packed and headed, it shall be filled with clean pickle, strong enough to float a fish of the kind so packed ;

The words in italics, omitted from the Act, have been filled in from s. 5, chapter Bevised Statutes of Nova Scotia, third series, from which this portion of the Act appears to have been taken.

(16) If it appears to any inspector or deputy inspector Sound and that a portion of the fish inspected by him is sound, and to be sepaanother portion unsound, he shall separate the sound from rated. the unsound, re-pack the sound fish, and brand or mark the same according to its quality; and such portion as the inspector judges incapable of preservation he shall condemn as bad, and mark "refuse," in addition to other marks;

(17) If any casualty renders it necessary to re-pack in-Re-packing to spected fish, it shall, in all cases, be done by and in the of inspector. presence of an inspector or deputy inspector; and any other person attempting to re-pack or brand or mark the same shall incur a penalty not exceeding twenty dollars for every such offence;

(18) When any fish, branded or marked by a deputy in-Inspector may spector, proves unequal in quantity or quality to that which ing, &c., of 791

deputy inspector. is indicated by the brand or mark, or deficient in any way of the requisites prescribed by this Act, the inspector may cause the same to be re-inspected; and if it appears that the defect arose from the condition of the fish, or the bad quality of the cask, or the bad packing or pickling of the fish at the time of the inspection, he may recover the cost and charges of such re-inspection from the deputy inspector, who branded or marked the same;

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Inspected fish not to be reinspected.

Contents of

tierce, &c.

Brands on

packages of fish.

(19) Pickled fish, duly inspected, packed and branded or marked, and fish oils, inspected and branded or marked under this Act, at any place in the Provinces of Nova Scotia, New Brunswick, Quebec, Ontario, or British Columbia, shall not be subject to re-inspection within Canada, except in cases already provided for in this Act;

(20) Each tierce shall contain three hundred pounds, and each half tierce one hundred and fifty pounds; each barrel shall contain two hundred pounds, and each half barrel one hundred pounds; each quintal shall weigh one hundred pounds; each draft shall mean two hundred pounds; and each box of herrings shall contain twenty pounds at least; and in each case the weight shall be clear avoirdupois, exclusive of salt and pickle;

(21) There shall be branded or marked on the head or butt of each cask of pickled or dry-salted fish, in plain, legible letters, after the same has been inspected, culled, classed, weighed and packed, in accordance with this Act, the description of the fish, the weight and quality contained in the package, the initials of the christian name or names, and the whole surname of the inspector or deputy inspector by whom the fish was inspected, and the name of the place where he acts as inspector, and the month and the year of inspection. 37 V., c. 45, s. 66, part; -39 V., c. 33, s. 3; 45 V., c. 25, s. 1; -47 V., c. 33, s. 5; -48-49 V., c. 66, s. 15.

Fish unlawfully killed, &c., to be seized.

Standards of fish oils, how fixed and kept. 77. Every inspector or deputy inspector shall seize, and any magistrate may confiscate to Her Majesty, all fish found or exposed for sale which have been killed or captured during prohibited seasons or by unlawful means, and all fish at any time offered for sale or barter, or attempted to be exported, whilst in an unwholesome condition. 37 V., c. 45, s. 66, part.

78. The boards of examiners of inspectors of fish and fish oils shall fix and have in charge the standard of fish oils in Nova Scotia, New Brunswick, Quebec and Ontario, respectively; and the same shall be classified and branded or marked according to such standards, as follows :--

Whale oil.

(1) Whale oil shall be free from adulteration of every kind, and shall be branded as such, with the class accord-

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ing to quality appointed by standard,—if No. 1, "pale;" if No. 2, "straw;" if No. 3, "brown;"

(2) Seal oil shall be free from adulteration of every kind, Seal oil. and shall be branded as such, with the quality per standard -if No. 1, "strictly pale;" if No. 2, "pale;" if No. 3, "straw;" if No. 4, "brown;" if No. 5, "dark brown;"

(3) Porpoise oil shall be free from adulteration of every Porpoise oil. kind, and shall be branded as such, with the quality per standard—if No. 1, "pale;" if No. 2, "straw;" if No. 3, "brown;"

(4) Cod oil shall be free from adulteration, and be branded Cod oil. . as such—first quality, "A ;" second quality, "B ;"

(5) Herring, hake, pollock and dog-fish oil, and all other Other fish oils shall be branded as such—first quality, "A;" second oils. quality, "B:"

2. An inspector or deputy inspector shall determine the Duties of ingauge of each cask, and the outs thereof; and shall mark spectors. the same on the cask; and the barrels shall be in good order and condition, sound and staunch, and made of hard wood, and if any cask or casks are found to contain water or other adulteration, the fact shall be scribed or branded by the inspector or deputy inspector on the cask:

³. Casks containing fish oils shall be scribed or branded Brands. With such quality, the month and the last two figures of the year when inspected, the initials of the christian name or names, and the entire surname of the inspector, and also the place of inspection, and the initial letters of the name of the Province in which it is inspected. 37 V., c. 45, s. 67.

79. Every inspector or deputy inspector who inspects Fees for inand brands or marks any cask or package of pickled fish or pickled fish in bulk, or smoked fish, or any fish oil, in accordance with the provisions of this Act, shall be entitled to fees at the following rates, which shall be paid by the original owner or the person who employed him in the first instance, that is to say :--

(1) For each tierce of salmon, salmon-trout or sea-trout, fifteen cents;

(2) For each half tierce of salmon, salmon-trout or seatrout, ten cents;

fifteen cents;

(4) For each half barrel of salmon, salmon-trout or seatrout, ten cents; (5) For each barrel of mackerel, ten cents ;

(6) For each half barrel of mackerel, five cents;

(7) For each barrel of herring, seven cents;

(8) For each half barrel of herring, four cents;

(9) For each barrel of shad, ten cents;

(10) For each half barrel of shad, seven cents;

(11) For each barrel of whitefish, ten cents;

(12) For each half barrel of whitefish, seven cents;

(13) For each barrel of pickled codfish, hake, haddock or cat-fish, five cents;

(14) For each half barrel of the same, three cents;

(15) For each quarter barrel or kit of pickled fish one and one-half cent ;

(16) For each barrel of dry-salted codfish, hake, haddock, catfish, ling or pollock, five cents;

(17) For each half barrel of the same, three cents;

(18) For each barrel of bass, ten cents;

(19) For each half barrel of bass, seven cents ;

(20) For each box of smoked herrings, one cent;

(21) For each half box of smoked herrings, one-half cent;

(22) For each quarter box of smoked herrings, one-quarter cent;

(23) For each barrel of cod tongues, cod sounds, halibut or eels, ten cents;

(24) For each half barrel of the same, seven cents;

(25) For inspecting, gauging and branding each puncheon of oil, twenty cents;

(26) For inspecting, gauging and branding each hogshead of oil, fifteen cents;

(27) For inspecting, gauging and branding each tierce of oil, twenty cents;

(28) For inspecting, gauging and branding each barrel of oil, fifteen cents ;

(29) For inspecting empty packages, one cent:

2. The foregoing rates shall be calculated exclusive of salt, Rates to be pickle, cooperage, storage and labor employed in washing, salt, &c. rinsing, cleaning, nailing, screwing or re-packing and pickling any fish :

3. Provided always, that any person causing his fish or fish Provise oil to be inspected, may employ, at his cost and charges, a owner may cooper to attend upon and assist the inspector or deputy own cooper to inspector in the performance of his duty, in which case the act under the inspector. inspector or deputy inspector shall not be allowed any charge for cooperage, and the cooper so employed shall be governed and guided solely by the directions which he receives from the inspector or deputy inspector with respect to any fish or fish oil by him inspected, and not by any other person. 37 V., c. 45, s. 68 ;--44 V., c. 22, s. 1 ;-48-49 V., c. 66, s. 16.

exclusive of

80. Fish and fish oil may be inspected either at the place Where inspecwhere they are packed or manufactured, or at the place of effected. ale within Canada. 37 V., c. 45, s. 69.

81. Whenever fish are not inspected at the place of pack- when not ining, the packer's name and the quality of the fish shall be place of pack-marked in paint, on each barrel, half barrel or package; and ing and when they are inspected at the place of sale, the inspector of sale. shall empty out ten packages in each hundred of any lot submitted to him for inspection, and such inspection of ten packages out of every hundred shall regulate the grade of the fish so submitted for inspection. 37 V., c. 45, s. 70.

82. So soon as any fish are inspected, a bill of inspection Bill of inspecshall be furnished by the inspector or deputy inspector, specifying the quality as ascertained by inspection, and whether each package contains the weight prescribed by this Act, with the name of the packer, and of the inspector at the place of packing. 37 V., c. 45, s. 71.

88. This Act shall not apply to fish landed at any As to fish Port of Canada from United States fishing vessels for the U.S. vessels purpose of re-shipment to the United States, unless the for re-ship-owners of such fish wish them to be inspected; but proviso. such fish if so re-shipped without being inspected, shall not be branded or marked. 37 V., c. 45, s. 72.

BUTTER.

84. No inspector or deputy inspector of butter shall Inspection of brand, mark or certify any butter as inspected, unless it is butter, how to

Re-packing packed in the manner hereinafter required; but any butter not so packed, submitted for inspection, shall, by the inspector or deputy inspector to whom it is submitted, be repacked in the manner hereby required, and the inspector or deputy inspector shall receive the actual cost of such new packages as are required for such re-packing, and the further sum of five cents for each firkin or keg of butter so repacked as compensation of his time and labor:

> 2. All butter submitted for inspection shall be packed in kegs, firkins or tubs, containing each twenty-five pounds, fifty pounds, seventy-five pounds, or one hundred pounds; and every such package shall be made of the best seasoned wood, shall be well bound with sufficient hoops, and shall be of such size respectively as will contain as nearly as may be the above mentioned quantities; the actual weight of each package when dry, together with the names of the maker of such package, shall be legibly branded on the outside of one of the staves of such package:

3. The packages may be of such form and the heads or ends may be secured in such manner as the maker deems best, but the length of the stave shall in all cases be equal to the greatest diameter of the package, and the inspector may reject and refuse to stamp or brand any package that he considers insufficient for preserving the contents in goodorder, or for the prevention of fraud with reference to the stamps or brands. 37 V., c. 45, s. 73.

85. The inspector or deputy inspector shall, in inspecting butter, take out the head of each firkin or keg, and shall pass the taster through the butter, from end to end, and shall empty out and throw aside all salt or pickle which, in his judgment is not necessary to the preservation of the butter; and after he has ascertained the quality of the butter, he shall replace so much thereof as he has taken out, and if there is in his judgment a deficiency of loose salt, so that he thinks the preservation and condition of the butter would be promoted by an additional quantity of salt, he shall add such quantity:

Coopering and branding.

Quality and standard.

2. He shall then have the package securely headed and coopered, and shall inscribe or brand on the head of the package the gross weight thereof in pounds avoirdupois, excluding fractional parts of a pound, and the tare, which shall include for each package of twenty-five pounds, onehalf pound, for each package of fifty pounds, one pound, and for each greater package two pounds weight, for soakage over and above the cooper's tare; and he shall then brand on the head his own name, the month, year and place of inspection, and the quality of the butter as "first," "second," "third," or "fourth," or as "grease," according to

How butter shall be packed.

Weight to be marked.

Further provisions as to packages.

Mode of inspection.

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the quality of the butter, and adopting such standard of quality and system of classification, as are approved by the Governor in Council; first removing all such marks (the distinguishing mark of the owner of the butter excepted) on the package as would interfere with the brands or marks of the inspector. 37 V., c. 45, s. 74.

86. Every inspector shall provide himself and his deputy Fitpremises to with suitable and convenient premises for the storage and inspection of butter, and shall keep all packages of butter delivered to him for inspection, while they remain in his possession, in some place safe from the injuries of the Weather or of floods, and under tight roof; and every inspector Penalty for default. or deputy inspector who violates the provisions of this secdefault. tion, shall forfeit and pay to the owner the sum of one dollar for every package not stored as aforesaid, besides the actual damages sustained by such owner. 37 V., c. 45, s. 75.

87. For all the services to be performed as aforesaid, in- Fees for including unheading, weighing, salting, heading, tightening services. hoops, marking and branding, and ten days' storage, each inspector shall be entitled to receive ten cents for every package of butter by him inspected as aforesaid,—and if reinspected, seven cents, together with the actual cost or charge of any package by him furnished or for extra cooperage or repairs done to packages containing butter by him inspected, and no more, the charge for which extra ^{cooperage} and repairs shall not in any case exceed five cents per package; in consideration of which all packages shall be delivered in good shipping order; and such charges shall he paid by the person offering such butter for inspection, or his agent:

 $\frac{2}{3}$. Every inspector shall further be entitled to receive two Storage. and a-half cents per month, per firkin, and one cent and twothirds of a cent per keg, per month, for the storage of each Package of butter which remains stored with him as aforesaid more than ten days after the date of the invoice, weigh note or inspection bill; and such storage shall be paid by the person receiving or shipping the said butter, or his agent; but in no case shall any storage be paid or required when the butter has not remained stored, as aforesaid, during ten days from the date of the inspection bill:

3. All the charges for inspection and storage shall be pay- Charges, when able before the butter is re-delivered by the inspector; and the inspector shall furnish a bill of inspection signed by him and specifying neatly and legibly the quantity and quality of the butter, the charges thereon, and the owner's name. 37 V., c. 45, s. 76; -48-49 V., c. 66, s. 17.

88. Every inspector shall, at the end of every month, Inspector to make a return to the Minister of Inland Revenue of the make monthly returns of

quality inspected.

quantity and quantity of each quality of butter inspected by him or the deputition deputy indeputy inspector under him; and such return shall be made in such form as is required by the said minister. 37 V. c. 45. s. 77.

RAW HIDES AND LEATHER.

Interpretation.

89. The expression "raw hides" means and includes all green, untanned hides or skins, commonly used in the "Rawhides." manufacture of leather, weighing six pounds or upwards. 39 V., c. 33, s. 5; -43 V., c. 20, s. 5.

Governor may appoint inspectors.

90. The Governor in Council may, when he considers it necessary so to do, appoint in any city, town or other place 48-49 an inspector of leather and an inspector of raw hides. V., c. 66, s. 18.

Inspection of leather, how to be made.

tion shall be

made.

91. Every inspector or deputy inspector shall examine and inspect any raw hides or leather on application made to him for that purpose by the owner or possessor thereof, and ascertain the weight, quality and condition thereof. $37 V_{..}$ c. 45, s. 79.

92. Every inspector shall keep in a convenient situation Where inspecin the city, town or place for which he is appointed inspection tor, a store or warehouse for the purpose of such inspection, and such inspection shall be made either at the said store of warehouse, or if he thinks fit at the store or warehouse of the owner of the raw hides or leather :

Storage and . expenses.

2. No charge for storage shall be made until twenty-four hours have elapsed after such inspection; but all trouble and expense attendant upon the loading, unloading, id moving such raw hides or leather shall be borne and Paid by the person at whose request the same are inspected. 37 V., c. 45, s. 80.

Quality to be marked, and weight.

Powers of inspector in respect of weight.

1

98. Every inspector or deputy inspector shall mark or stamp on each hide the net weight of such hide; and such hides shall be inspected without the horns, muzzles, snouts or hoofs, and the inspector, if he is required so to do, shall give a certificate of the net weight of such hide, without any charge for such certificate. 37 V., c. 45, s. 81.

94. Every inspector or deputy inspector shall subtract from the weight of each raw hide all dirt and parts injured by knife cuts, and any other thing which ought not to be com puted in the weight of the hides, and may add to such weight all that such hides have lost by drying, and the computation of the weight so to be subtracted or added shall be in his discretion; he shall also classify them as number one, two, three or damaged, as the case may be. 37 V., c. 45, s. 82.

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95. Every inspector shall be entitled for the inspection Fees. of such hides to a fee of five cents for each hide in lots ander one hundred in number, and four cents for each hide in lots over one hundred in number. 37 V., c. 45, s. 83.

96. The inspector or deputy inspector may inspect har-Harness hess leather and certify the weight thereof, but he shall not leather. be liable in damages on account of any deficiency or excess in the weight of any such harness leather, unless such deficiency or excess amounts to more than five per cent. of the whole weight of the leather. 37 V., c. 45, s. 84.

97. The inspector or deputy inspector may also inspect Calf, kip, and red or moccaleather known as calf, kip and red leather or moccasin red or moccav leather, and certify its weight, quality and condition. 37 V., c. 45, s. 85.

98. The inspector or deputy inspector may inspect and Leather sold measure all kinds of leather which are sold by superficial by superficial measure, &c. cents for each side or piece of such leather so inspected and measured by him. 37 V., c. 45, s. 86.

99. Every person, except the inspector or deputy inspec- None but intor, who stamps or numbers any of the raw hides or leather stampleather above mentioned, and exposes them for sale, shall be liable &c. to a penalty not exceeding twenty dollars; but he shall be at Exception. liberty to mark on the said leather in ordinary and legible figures the weight of the said leather, and in such cases the words "not inspected" shall be marked above the said figures, in letters of the same dimensions and as legible as the said figures; and every person who exposes for sale any Penalty. leather the weight of which is so marked without the words "not inspected" as above prescribed, shall be liable to a penalty not exceeding twenty dollars. 37 V., c. 45, s. 87;-46 V., c. 29, s. 3.

100. Each inspector or deputy inspector shall provide and Inspector to have a sufficient number of brands, stamps, stencil plates, brands and or marking instruments, wherewith he shall brand, stamp stamps. or mark, or cause to be branded, stamped or marked, immediately after inspection, on both sides of each hide or piece of leather, the initials of the name of the inspector. 37 V., c. 45, s. 88.

101. All brand or stamp marks shall be neat and legible How leather shall be and shall be made at one end of the hide or piece of leather, shall be Within a space of not less than two inches long by one inch stamped. and one-half broad. 37 V., c. 45, s. 89.

102. Sole leather so inspected shall be divided as to qual- Qualities of sole leather. ity into three classes,—"number one," "number two," and sole leather. "number three;" number one representing the first or best

quality, number two representing the second quality, number three representing the damaged and rejected articles. 37 V., c. 45, s. 90, *part*.

And of leather distinguished by its weight. How Such leather as is ordinarily distinguished among dealers, by its comparative weight, shall also be divided into three classes,—"heavy," "middling" and "light weight; every piece or side of leather under fourteen pounds weight shall be considered light; every piece or side of leather of fourteen pounds weight and under twenty pounds weight shall be considered middling, and every piece or side of leather of twenty pounds weight and over shall be considered heavy or over weight. 37 V., c. 45, s. 90, part.

> **104.** The inspector or deputy inspector shall not be liable in damages on account of any deficiency or excess in the weight of any such leather, unless such deficiency or excess amounts to more than five per cent. of the whole weight of leather. 37 V., c. 45, s. 90, part.

> 105. Red leather, or moccasin leather and harness leather shall, after inspection, be marked or branded, respectively with the figures one or two, according to the quality thereof. 37 V., c. 45, s. 91.

> **106.** The brand or mark may be fixed or attached to the raw hide or leather, by stamping or by any other process that will render such brand or mark indelible; each brand or stamp shall have the initials of the city or town where inspection is made and the initials of the inspector's name, and the weight of the raw hide or leather, as also the figure denoting the quality; and may be in the form following :--

1. 112 lbs.	2. 90 lbs.
T., J. B., I.	T., J. B., I.

The figure 1 representing the first quality; 112 lbs., the weight; T., Toronto; J. B., I., initials of inspector's name and office:

The figure 2 designating second quality :

The figure 3 designating a damaged or rejected article-37 V., c. 45, s. 92.

Liability for deficiency limited.

Moccasin and harness leather.

Brands or marks described.

Forms of.

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107. Every inspector of raw hides and leather shall Inspector to keep a proper book or books which shall be open to public keep books, and what they inspection, in which he shall, from time to time, enter a shall show. statement or account of all green, raw and salted hides and leather inspected by him or any of the deputy inspectors under him, showing the respective weight, quality and condition thereof, how the same have been classified by him, for whom they have been inspected, and the amount paid for such inspection; and every inspector who neglects or Penalty for refuses to keep such a book, or to make the entries required neglect to keep books, to be made therein, or neglects or refuses to make the &c. returns required by the next following section of this Act, shall incur a penalty not exceeding eighty dollars for each offence, and be liable to be dismissed from his office. and disqualified from ever after holding the same. 37 V., c. 45, ss. 93 and 95.

108. Every such inspector shall, twice in each year, and Inspector to not later than the tenth day of January and the tenth day make returns. of July, respectively, make a return to the board of trade of the city or town in respect to which he has been appointed. of the particulars mentioned in the next preceding section ; and a duplicate of such return shall be sent to the Minister of Inland Revenue at Ottawa. 37 V., c. 45, s. 94.

Section 96 of 37 V., c. 45, is omitted as being repealed, by inference, by 48-49 V., c. 66, s. 9.

Proposed to be Consolidated.	Part Consolidated.	Left for Repeal.	To be Consolidated elsewhere.	To be Consolidated with.
37 V., c. 45 39 V., c. 33 43 V., c. 33 44 V., c. 20 45 V., c. 22 46 V., c. 25 46 V., c. 29 48-49 V., c. 66	The whole except ss. 20 and 96 The whole. The whole. The whole. The whole. The whole. The whole. The whole except s. 19.	ss. 20 and 96. Remainder. s. 19.		