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# A COMPILATION OF STATUTES

OF THE

# DOMINION OF CANADA

Relating in whole or in part to the assignment of duties to  
Officers of Customs.

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PUBLISHED BY THE CUSTOMS DEPARTMENT, OTTAWA.

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**CUSTOMS DEPARTMENT,**

**OTTAWA, 1ST JULY, 1893.**

**To Collectors of Customs.**

This volume has been issued in order that Collectors and other officers of Customs may have in convenient form, those portions of the various Statutes—apart from the Customs or Tariff Act—which relate specially to the performance of any duty by such officers, or which affect in any direct way their interests and positions. Only the necessary extracts have, in some cases, been made, but as the Revised and later Statutes are in most cases easy of access, the full text of any Act can at all times be readily ascertained, as the titles are distinctly given herein. Any particular Act will be supplied from this Department upon approved requisition being made in the usual way.

It is earnestly hoped that all officers will give their serious attention to the study of these various Statutes, and thus aid in promoting the general efficiency of the Customs Service.

**THOMAS J. WATTERS,**

*Acting Commissioner of Customs.*

**APPROVED,**

**N. CLARKE WALLACE,**

*Controller of Customs.*



# REVISED STATUTES.

## CHAPTER 34.

Extracts from "An Act respecting the Inland Revenue."

**62.** Except as herein otherwise provided the collector or other officer of Inland Revenue or Customs in whose charge goods warehoused under this or any other Act relating to warehousing are placed, shall refuse all entries ex-warehouse until the owner of such goods or his agent has complied with all conditions in respect thereto, required by this or any other Act, or by any regulations made by virtue of this or any other Act. 46 V., c. 15, s. 55.

Entries to be refused for non-compliance with regulations.

**149.** Molasses imported into Canada may be removed in bond without the payment of duties of customs thereon, into a licensed distillery, and there used in the manufacture of spirits, subject to regulations made by the Governor in Council under this or any Act respecting the Inland Revenue; and when the collector of Inland Revenue or other proper officer of excise certifies that the molasses has been so used, the bonds given in that behalf shall be cancelled; and the Governor in Council may, by regulation, fix the quantity or the mode of determining the quantity of spirits which shall be held to be equivalent to any assigned weight of molasses. 46 V., c. 15, s. 144.

Molasses may be manufactured into spirit in bond.

**156.** Any officer of Inland Revenue or Customs, or any constable or peace officer, having general authority therefor from any superior officer of Inland Revenue, may stop and detain any person or vehicle carrying packages of any kind 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 indorse the time and place of examination thereon; but if no such permit is produced, then such packages, if found to contain spirits, and if the quantity thereof is greater than five gallons, and such officer has cause to believe that they have been unlawfully removed, may, with their contents, be detained until evidence to his satisfaction is adduced 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 shall be forfeited to the Crown, and be dealt with accordingly. 46 V., c. 15, s. 151.

Officer may examine packages being removed.

Forfeiture if no permit.

Imported  
manufactured  
tobacco and  
cigars to be  
stamped.

And put up  
in prescribed  
packages.

Proviso: re-  
moval in  
bond.

If not in  
prescribed  
packages to  
be bonded.

Empty stamp-  
ed packages  
to be des-  
troyed.

Label to be  
affixed by im-  
porter on  
packages of  
tobacco.

Form of label.

**262.** All manufactured tobacco and cigars imported from foreign countries shall have the stamps affixed and cancelled by the owner or importer thereof while they are in the custody of the proper custom house officers, and such tobacco or cigars shall 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 by law for like articles manufactured in Canada, before the stamps are affixed: and the owner or importer thereof shall be subject to all the penal provisions prescribed in respect of manufacturers of tobacco or cigars manufactured in Canada: Provided, that imported tobacco or cigars intended for removal in bond to another port or place within Canada, may be removed to such other port under such regulations as are established by the Governor in Council:

2. All imported manufactured tobacco and cigars, which, when imported, are not packed in packages of the respective kinds required by the provisions of this Act, shall be bonded in a customs warehouse approved of by the collector of customs at the port of entry: the bond shall be for a sum 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 paid, that such tobacco or cigars shall, within such limited time and in accordance with such conditions as are fixed by regulation of the Governor in Council, be packed by the importer in packages of the respective kinds required by the provisions of this Act, and duly stamped, or be exported or destroyed. 46 V., c. 15, s. 252.

**264.** Every such empty box or other package upon which there remains any tobacco or cigar stamp, in violation of this Act, shall be destroyed by an officer of customs or excise, who shall report the whole circumstances connected with the discovery and destruction of the same to the collector of Inland Revenue within whose division such empty stamped box or package was found. 46 V., c. 15, s. 254.

**276.** Every importer of tobacco shall, in addition to complying with all other requirements of this Act relating to imported tobacco, print on each package, or securely affix by pasting on each package containing tobacco imported by or for him, when containing more than one pound, a label, on which shall be printed the name of the port where, and the number of the entry under which such tobacco is ex-warehoused for duty, and these words: "NOTICE:—The importer of this tobacco has complied with all the requirements of the law. Every person is directed to open this package in such a manner as to break the stamp, and is cautioned not to use either this package for tobacco again, or the stamp thereon, or to remove the contents of this package without destroying the said stamp, under the penalties provided by law in such cases." 48-49 V., c. 62, s. 18, *part.*

**278.** Every importer of cigars shall securely affix, by pasting on each package containing cigars imported by or for him, a label, on which shall be printed the name of the port at which, and the number of the entry under which such cigars are ex-warehoused for duty, and these words: "NOTICE:—The importer of the cigars herein contained has complied with all the requirements of the law. Every person is directed to 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 this package without destroying the stamp, under the penalties provided by law in such cases." 46 V., c. 15, s. 268.

Label to be affixed to packages of cigars by importer.

Form of label.

**280.** The commissioner of Inland Revenue shall cause to be prepared suitable and special stamps for the duty on manufactured tobacco and cigars, which shall indicate, in the case of tobacco, the weight of the article on which payment is to be made, and in the case of cigars, the number, and shall be affixed and cancelled in the manner prescribed by the commissioner of Inland Revenue; and tobacco stamps when used on any wooden package, or on a metal package,—which shall be made in such manner and in combination with wood or such other material as the Department of Inland Revenue prescribes,—shall be cancelled by sinking a portion of the stamp into the wood or other material of which the package is composed with a steel die:

Stamps for duty.

Cancelling tobacco stamps.

2. Such stamps shall be furnished to the collectors requiring them, and each collector shall keep at all times a supply equal to the probable demand for three months, and shall issue the same only to the tobacco or cigar manufacturers in his division who have given bonds and paid their license fee as required by law, and to merchants and others who have given bonds and taken out a license for an excise bonding warehouse, under such regulations as are prescribed by the Department of Inland Revenue; and every collector shall keep an account of the number, amount and denominate values of stamps issued by him to each manufacturer or other person aforesaid:

Stamps to be furnished to collectors.

Collectors to keep an account of stamps issued.

3. Such stamps as are required to stamp tobacco or cigars sold under distraint by any collector of Inland Revenue, or for stamping any tobacco or cigars which have been abandoned, condemned or forfeited, and sold by order of the court or of any Government officer for the benefit of the Dominion of Canada, may, under such rules and regulations as the Department of Inland Revenue prescribes, be used by the collector making such sale, or furnished by a collector to a sheriff or to any other Government officer making such sale for the benefit of Canada:

Stamps for forfeited tobacco.

4. If it appears that any abandoned, condemned or forfeited tobacco or cigars, when offered for sale will not bring a price equal to the duty due and payable thereon, such tobacco or cigars shall not be sold for consumption in Canada: and upon application made to the commissioner of Inland Revenue, he

Disposal of forfeited tobacco when not worth the duty.

may order the destruction of such tobacco or cigars by the officer in whose custody and control the same are at the time, and in such manner and under such regulations as the Department of Inland Revenue prescribes. 46 V., c. 15, s. 270;—48-49 V., c. 62, s. 20.

SPECIAL PROVISIONS AS TO FOREIGN RAW LEAF TOBACCO.

Raw leaf to be imported at certain ports only.

**307.** Raw leaf tobacco shall not be imported into Canada except at the undermentioned ports, that is to say:—Prescott, Kingston, Toronto, Hamilton, Clifton, Sarnia, Windsor, London, St. Catharines, Paris, Brockville, Brantford, Port Hope, Belleville, Guelph, Chatham, Stratford, Barrie, Simcoe, Woodstock, Ingersoll, St. Thomas, Preston, Berlin, Cobourg, Owen Sound and Peterborough, in the Province of Ontario; Quebec, Montreal, St. Hyacinthe, Sherbrooke and St. John's, in the Province of Quebec; Halifax and Pictou, in the Province of Nova Scotia; St. John, Miramichi, Moncton and St. Andrew's, in the Province of New Brunswick; Victoria, in the Province of British Columbia; Charlottetown, in the Province of Prince Edward Island; Winnipeg, in the Province of Manitoba; and at such other ports of entry as the Governor in Council authorizes. 46 V., c. 15, s. 299.

(For additional ports *vide* O.C. 12 Sept., 1892, on page 96 of Customs Orders in Council.)

All such tobacco to be bonded.

**308.** All raw leaf tobacco imported shall be bonded at one or other of the above named ports of entry, in a customs warehouse, which shall be subject to the approval of the collector of Customs at the port of entry. 46 V., c. 15, s. 300.

All raw leaf to be weighed at port of entry.

**309.** All imported raw leaf tobacco shall be weighed by the proper officer of customs at the port where it enters Canada; and, when removed to his licensed premises, the importer or owner thereof shall provide all necessary appliances for weighing the packages and their contents, and all labour necessary for moving, piling or handling such packages. 46 V., c. 15, s. 301.

How only to be packed and removed.

**310.** All imported raw leaf tobacco shall be in packages which can be conveniently stamped; and except as herein otherwise provided, no such tobacco shall be removed from any warehouse wherein it has been bonded, except in such original stamped packages. 46 V., c. 15, s. 302.

Removal in bond limited.

**311.** Imported raw leaf tobacco shall only be 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 under this Act; or—

(b.) To persons who have taken out a license for an excise or customs bonding warehouse. 46 V., c. 15, s. 303.

Removal in bond to a manufactory.

**312.** All imported raw leaf tobacco which is removed from the custody of the customs authorities and to a tobacco or cigar



manufactory, or to a licensed bonding warehouse, when it passes into possession and control of the Inland Revenue Department, may be so removed in bond, such bond being taken by the collector of customs and accompanied by proper entry papers. The bond given by the importer or owner of raw leaf tobacco removed as above, shall be for an amount equal to thirty cents per pound on the raw leaf tobacco to which it relates, and shall be conditioned for the delivery of the raw leaf tobacco to the tobacco or cigar manufacturer or licensed bonding warehouse mentioned therein :

Amount of bond.

2. The bond hereinbefore referred to shall be cancelled by the certificate on the customs removal entry, by the collector or other proper officer of Inland Revenue, that the 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 :

Cancelling of bond.

(The certificate to be on Excise form No. 28.)

3. The quantity certified to by the collector of Inland Revenue shall be that ascertained by actual weighing by the officer in charge of the tobacco or cigar manufactory or on the premises of a licensed warehouseman. 46 V., c. 15, s. 304.

Quantity, how ascertained.

**313.** The weight of all quantities of imported raw leaf tobacco after passing out of the control of the customs shall be stated in standard pounds. 46 V., c. 15, s. 305.

Weight, how stated.

**314.** All raw leaf tobacco received into a licensed bonding warehouse shall be bonded—the necessary entries therefor being made with and delivered to the proper officer. 46 V., c. 15, s. 306.

Warehousing of raw tobacco.

**315.** All removals of raw leaf tobacco from a licensed bonding warehouse shall be in bond, and the necessary removal or other entries passed for the quantity so removed on each occasion. 46 V., c. 15, s. 307.

All removals to be under bond.

**319.** Every person who opens any package containing tobacco or cigars in any other manner than as herein prescribed, that is to say, so as to break the stamp thereon in so doing, or in whose possession there is, at any time, found any package of tobacco or cigars opened otherwise than in accordance with the provisions of this Act, shall, for a first offence, incur a penalty of twenty-five dollars, and for each subsequent offence a penalty of one hundred dollars: and—

Penalty for opening package without breaking stamp or having possession of packages so opened.

2. All packages of tobacco or cigars which are any time found that have been opened otherwise than as herein directed, shall be forfeited to the Crown, and shall be seized by any officer of excise or customs and dealt with accordingly. 46 V., c. 15, s. 311.

Forfeiture of packages so opened.

**322.** All imported raw leaf tobacco brought into Canada at any port or place other than at the ports of entry herein named, or which are hereafter authorized by the Governor in

Tobacco to be imported only at ports authorized.

Council, shall be forfeited to the Crown, and shall be seized by any officer of customs or excise and dealt with accordingly. 46 V., c. 15, s. 314.

Imported leaf  
not bonded or  
in stamped  
packages to  
be seized.

**323.** All imported raw leaf tobacco not bonded and not in stamped packages as herein required, and in the possession of any person except a licensed tobacco or cigar manufacturer or in a licensed bonding warehouse, shall be forfeited to the Crown, and shall be seized by any officer of customs or excise and dealt with accordingly. 46 V., c. 15, s. 315.

*Vide* O. C. 12th September, 1892, which will be found on pages 83 to 96 of "Customs Orders in Council," and which relates to proper stamping, &c., of imported tobaccos, cigars and cigarettes.

*Vide* also pages 22 and 26 of same book for Orders relating to: 1st. Drawback on foreign corn used in the manufacture of distilled spirits which have been subsequently exported. 2nd. To importation of distilled spirits in packages of not less than 35 Imperial gallons, when same are to be manufactured with other articles under regulations and surveillance of Department of Inland Revenue.



## REVISED STATUTES.

### CHAPTER 35.

Extracts from "An Act respecting the Postal Service."

**11.** Section forty-five of the said Act is hereby repealed and the following substituted therefor;—

Section 45 repealed; new section.

**45.** Every postmaster, clerk or other person employed in the postal service of Canada shall detain any post letter, parcel, package or other article of mail matter, which contains or is suspected to contain any contraband goods, or any goods, article or object subject under any customs or other revenue law to duty on being imported into Canada, or the importation of which into Canada is prohibited, and shall deliver the same to a collector or other proper officer of Customs, who may cause the same to be opened in his presence and for his inspection by the person to whom it is addressed, or some one by him thereto authorized, for the purpose of ascertaining and exacting the proper amount of duty, if any, payable thereon; and after payment of duty, if any is found to be payable, the letter, parcel, package or other article of mail matter shall, if the person to whom it is addressed or his authorized agent is present, be handed over to him on his paying the postage, if any, charged thereon, or if he is not present, it shall be returned to the post office and be forwarded to the place to which it is addressed; but if such post letter, parcel, package or other article of mail matter is found to contain contraband goods or any article the importation of which is by law prohibited, the same shall be forfeited and be dealt with as the law directs." 52 Vic., c. 20, s. 11.

Detention of letters in cases specified.

Delivery after payment of duty.

Forfeiture in cases specified.

*Vide* Memos. 123 B and 131 B, dated 3rd and 14 February, 1888, for instructions re dealing with P.O. parcels and packages, also giving list of exchange offices, posts and post offices.

*Vide* also Memos. 197 B, 7 Aug., 1888; 275 B, 3 May, 1889; 551 B, 23 May, 1892; 568 B, 20 July, 1892; 597 B, 6 Feb., 1893. 608 B, 18 March, 1893.



## REVISED STATUTES.

### CHAPTER 65.

#### Extracts from "An Act respecting Immigration and Immigrants."

##### IMMIGRANTS—DUTY PAYABLE ON THEM.

Duty payable by master of vessel when proper sanitary measures are not taken.

4. Whenever a vessel carrying emigrants, not cleared under the sanction of the Imperial Commissioners of Emigration, arrives at her port of destination in Canada, not carrying a surgeon, and on board of which proper measures for the preservation of the health of the passengers and crew during the voyage have not been observed, the medical officer shall report the fact to the collector of customs, and a duty of two dollars, for each passenger or immigrant above the age of one year, shall be paid by the master of the vessel to the collector of customs at the port, and the vessel shall not be admitted to entry until such duty is paid :

How such duty shall be paid.

2. The said duty shall be paid by the master of such vessel, or by some person on his behalf, to the collector of customs at the port in Canada at which such vessel is first entered, and at the time of making such first entry, which shall contain on the face of it the number of passengers actually embarked on board the vessel ; and no such entry shall be deemed validly made or have any legal effect whatsoever, unless such rates or duties are so paid ; no child under the age of one year shall be reckoned among the number of passengers :

Commissariat drafts to be accepted in payment of duty.

3. Any draft, order or other document made or signed by any person in the United Kingdom aforesaid, duly empowered to that effect by Her Majesty's Government, and directed to Her Majesty's Commissary General or other commissariat officer in Canada, and authorizing the payment to the collector of customs aforesaid, of the duty which would otherwise be payable by the master of any vessel for any number of immigrants on board such vessel, shall be accepted by the collector as payment of the duty payable on such immigrants ; and the sum mentioned in such order shall thereafter be received by such collector and paid over and applied in the same manner as other money raised under the authority of this Act :

As to passengers not landed in Canada.

4. Nothing in this section shall be construed to authorize the raising, levying or collecting, or to require the payment of any rate or duty in respect of any passenger or immigrant on board of any vessel entered at any port in the Dominion, other than such as are to be landed in Canada. 32-33 V., c. 10, s. 2 ;—35 V., c. 28, s. 1, *part.*

5. There shall be raised, levied and collected a duty payable, in the manner hereinafter prescribed, by the master of every ship arriving at any port in Canada from any port in Europe with passengers or emigrants therefrom, at any time when this and the next following section of this Act are in force as hereinafter provided, in addition to any duty payable by the master of such ship under the provisions of the next preceding section of this Act; and such duty shall be such sum, not exceeding two dollars for every passenger or immigrant above the age of one year landed in Canada, as is specified in the proclamation giving effect to this and the next following section of this Act, in force for the time being in the province in which such port is situate. 38 V., c. 15, s. 2.

Additional duty to that imposed by section four.

Amount of duty.

6. The said duty shall be paid by the master of the ship, or by some person on his behalf, to the collector of customs at the port in Canada at which such vessel is first entered, and at the time of making such first entry, which shall contain on the face of it the number of passengers actually embarked on board the ship, and the number to be landed in Canada; and no such entry, made at any such time, shall be deemed validly made or have any legal effect whatsoever, unless such numbers are correctly stated and such duty has been fully paid. 38 V., c. 15, s. 3.

How such duty shall be paid.

7. The two sections next preceding shall take effect upon, from and after the day, and in the province or provinces, and for the amount of duty (within the limit aforesaid) specified by proclamation in that behalf issued under an order of the Governor in Council, and not before; and the Governor General may, from time to time, by proclamation issued under an Order in Council, suspend the operation of the said sections, and may, in like manner, from time to time, declare them to be again in force, in any one or more, or in all the provinces forming the Dominion of Canada; and from and after the period specified in the proclamation the operation of the said sections shall be suspended, or they shall be revived and again have effect, as the case may be, in the province or provinces specified in the proclamation; and every such proclamation shall be published in the *Canada Gazette*. 38 V., c. 15, s. 14.

When two next preceding sections shall take effect.

Proclamation from time to time.

~~8.~~ A proclamation has never been issued referring to the above.

#### IMMIGRANTS—OBLIGATIONS OF MASTERS OF VESSELS BRINGING THEM.

10. No master of any vessel arriving at any port in Canada shall permit any passenger to leave the vessel until he has delivered, to the collector of customs at such port, a certified and correct report in the form of the schedule to this Act, and a certified copy or duplicate of such report to the Dominion immigration agent at the port of landing, nor until such report has been certified to be correct and a certificate of such correct-

Reports of passengers to be delivered by the master before passengers leave the vessel.

Penalty for violation.

ness and a permission to allow his passengers to leave the vessel, and a receipt for the duties payable by him under the provisions of this Act, have been given to him by the collector of customs; and every master of a vessel who violates the provisions of this section, shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars for every passenger leaving the same, contrary to the provisions of this Act. 32-33 V., c. 10, s. 5, *part*;—35 V., c. 28, s. 14.

Penalty for carrying passengers not entered on list.

**11.** The master of any vessel sailing from a port in Her Majesty's dominions, who embarks passengers after the vessel has been cleared and examined by the proper officer at the port of departure and who does not deliver reports of such additional passengers to some officer to whom by law the same ought to be delivered shall, for every passenger not included in the list of passengers delivered to the collector 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 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.

Passenger may leave the vessel before arrival at port of destination.

Proceedings in such case.

Penalty for violation.

**12.** Nothing in this Act shall prevent the master of any vessel from permitting any passenger to leave the vessel at the request of such passenger before the arrival of the vessel at her final port of destination; but in every such case, the name of the passenger so leaving shall be entered in the manifest on the list of immigrants made out at the time of the clearing of the vessel from the United Kingdom or other part of Europe as aforesaid, and shall be certified under the signature of the passenger so leaving the vessel; and if the number of passengers remaining on board on the arrival of the vessel at her final port of destination does not correspond with that mentioned in such manifest, after deducting the number who have so left the vessel, the master thereof shall incur a penalty of twenty dollars for each passenger not found on board or entered on the manifest as having left the vessel as aforesaid. 32-33 V., c. 10, s. 6.

Pilot to report contravention of Act.

Penalty for neglect.

**13.** Every pilot who has had charge of any vessel having passengers on board, and knows that any passenger has been permitted to leave the vessel contrary to the provisions of this Act, and who does not within twenty-four hours after the arrival of such vessel in the harbour to which he engaged to pilot her, inform the collector of customs thereat, that a passenger or passengers has or have been so permitted to leave the vessel, shall incur a penalty not exceeding five dollars for every passenger with regard to whom he has willfully neglected to give such information. 32-33 V., c. 10, s. 7.

## REPORT BY THE MASTER.

**14.** The master of every passenger vessel shall, within twenty-four hours after such vessel arrives at her final port of destination, and before any entry of such vessel is allowed, deliver to the collector of customs at the port at which such vessel is to be entered, a correct report, in the form of the schedule to this Act, of all the passengers on board such vessel at the time of her departure from the port or place whence she cleared or sailed for Canada, and a true statement of the other particulars mentioned in the said form; and such master shall incur a penalty of twenty dollars for each day during which he neglects so to deliver such list, after the expiration of the said twenty-four hours, and of eight dollars for each passenger whose name is omitted in such report. 32-33 V., c. 10, s. 8.

Report to be delivered by master within twenty-four hours.

Penalty in default.

**15.** In addition to the particulars hereinbefore required in the report to be delivered on each voyage by the master of any vessel carrying passengers and arriving at any port in Canada to the collector of customs at such port, the master shall report in writing to the collector the name and age of all passengers embarked on board of such vessel on such voyage, who are lunatic, idiotic, deaf and dumb, blind or infirm, stating also whether they are accompanied by relatives able to support them or not:

Certain particulars to be entered in report.

2. If any master of any such vessel omits to report the particulars herein specified, or makes any false report in any such particulars, he shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars, for every such passenger in regard to whom any such omission has occurred or any such false report is made,—for which penalty the owner or owners of the vessel shall also be liable jointly and severally. 32-33 V., c. 10, s. 9.

Penalty for contravention.

**16.** The said report shall further contain the name, age and last place of residence of any person who has died during the passage of the vessel, and shall specify whether such passenger was accompanied by relatives or other persons, and the names of such relatives or other persons, who were entitled to take charge of the moneys and effects left by such passenger; and if there were no such relatives or other persons who were entitled to take charge of the same, then the report shall fully designate the quantity and description of the property, whether money or otherwise, left by such 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:

Entry as to passengers who have died.

Disposal of property.

2. The collector of customs shall thereupon grant to such master a receipt for all moneys or effects so placed in his hands by the master,—which receipt shall contain a full description of the nature or amount thereof; and if any master of a vessel neglects or refuses to make such report or to pay over and

Collector of customs to give receipt.

Penalty for neglect to make report.

account for any such moneys or effects, 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., c. 10, s. 10.

SPECIAL DUTY OF QUARANTINE OFFICERS.

Duty of  
medical super-  
intendent.

17. The medical superintendent of every quarantine station shall examine into the condition of the passengers carried on any vessel forthwith after the anchoring at such station of such vessel, in compliance with the requirements of any Act, Order in Council or regulation respecting quarantine then in force; and for that purpose the said medical superintendent, or other competent person thereunto appointed, may go on board and through any such vessel and inspect the list of passengers, and the bill of health, manifest, log book or other papers of the vessel, and, if necessary, take extracts from the same:

Presence of;  
lunatic, &c.,  
to be reported.

2. If, on examination, there is found among such passengers any lunatic, idiotic, deaf and dumb, blind or infirm person, not belonging to any immigrant family, and such person is, in the opinion of the medical superintendent, likely to become permanently a public charge, the medical superintendent shall forthwith report the same officially to the collector of customs at the port at which the vessel is to be first entered, who shall (except in the cases in which it is hereinafter provided that such bond may be dispensed with) require the master of the vessel, in addition to the duty payable for the passengers generally, to execute, jointly and severally with two sufficient sureties, a bond to Her Majesty, in the sum of three hundred dollars for every such passenger so specially reported, conditioned to indemnify and save harmless the Government of Canada and of any province in Canada and every municipality, municipal corporation, village, city, town, county and charitable institution within the same, from any expense or charge incurred within three years from the execution of the bond, for the maintenance and support of any such passenger:

Subsequent  
proceedings.

Bond to be  
given.

Nature of  
sureties.

3. Each of the said sureties shall justify before and to the satisfaction of the said collector, by oath or affirmation (which such collector may administer,) that he is a resident of Canada and worth, in real and personal estate, double the amount of the penalty of such bond over and above the amount of his just debts and liabilities:

Master may  
pay a sum in-  
stead of giving  
security.

4. It shall be optional with the master of such vessel either to enter into such bond jointly and severally with sufficient sureties, as aforesaid, or to pay to the collector of customs, who might otherwise require such bond, such sum as has been fixed in that behalf by any instructions from the Government of Canada, as being just and reasonable and sufficient to indemnify Canada, and the provinces and every municipality, municipal corporation, village, city, town, county, or charitable



institution within Canada, against the risk of expense for the care, support and maintenance of such passenger or passengers during the then next ensuing three years :

5. The collector of customs may dispense with such bond, or money in lieu thereof, if it appears by the certificate of the medical superintendent at the proper quarantine station (which certificate the said medical superintendent may give) that the passenger with respect to whom such bond or money is required has become lunatic, idiotic, deaf and dumb, blind or infirm, from some cause not existing or discernible at the time of the departure of the ship from the port where such passenger embarked. 32-33 V., c. 10, s. 11 ;—35 V., c. 28, s. 3.

When the bond may be dispensed with.

20. If the master of any vessel, on board which such passenger specially reported as aforesaid has been carried, neglects or refuses to execute the said bond, or to pay the sum which he may pay instead of giving such bond, forthwith after the said ship has been reported to the collector of customs, such master shall incur a penalty of four hundred dollars ; and the said vessel shall not be cleared on her return voyage until the said bond has been executed or the said sum paid, or 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.

Penalty for neglect or refusal to execute bond.

21. After any such bond as aforesaid has been executed the collector of customs shall transmit the same to the Minister of Finance and Receiver General, to be by him kept and held, during the said period of three years from the execution of the said bond, or until the payment of the penalty therein mentioned, if incurred, has been enforced :

How such bond shall be disposed of.

2. For the purpose of ascertaining the necessity of such enforcement, each immigration agent, upon representation made to him, shall, in that portion of Canada in respect of which he performs his duties, ascertain the right and claim to indemnity, for the maintenance and support of any such specially reported passenger, and shall report the same to the Governor General, through the Minister of Agriculture ; and the said report shall be final and conclusive in the matter, and shall be evidence of the facts therein stated :

Necessity for enforcing bond, how ascertained.

3. The said penalty, or so much thereof as is sufficient, from time to time, to defray the expense incurred for the maintenance and support of any passenger for whom the said bond was given as aforesaid, may be recovered by suit or information in Her Majesty's name, in any court in Canada having jurisdiction in civil cases to the amount for which such suit or information is brought. 32-33 V., c. 10, s. 15.

Penalty to be sued for.

32. No such vessel shall be admitted to entry until the immigration agent at the port has visited her, and has notified the collector of customs that he has done so : and any such vessel arriving in port, shall hoist such signal as is determined on by the immigration agent at the port, who shall communicate

Agent to visit vessel before entry.

Signal to be hoisted.

it, through the superintendent or other proper officer, to the pilots for the port ; and the pilot of the vessel shall see that such signal is hoisted and kept up during daylight, until the immigration agent has visited the vessel. 55 V., c. 28, s. 5, *part.*

Penalties under other sections, how recovered.

**42.** All penalties, other than those referred to in the next preceding section, imposed by this Act, or by any regulation made by the Governor in Council under the provisions of this Act, and not exceeding eighty dollars in amount, shall be sued for by a collector of customs, or by a Dominion immigration agent, and recovered with costs on the oath of one credible witness other than the prosecutor, in a summary manner, before any two justices of the peace,—and such justices may commit the offender to the common gaol until such penalty and costs are paid ; and all such penalties exceeding the sum of eighty dollars may be recovered by civil action by any such officer as aforesaid, on like evidence, in any court of competent jurisdiction :

Application of penalties.

**2.** A moiety of every such penalty shall belong to Her Majesty, and shall be paid into the hands of the Minister of Finance and Receiver General and form part of the Consolidated Revenue Fund of Canada ; and the other moiety shall belong to the prosecutor :

When penalty exceeds forty dollars, offence a misdemeanour.

**3.** Every offence against the provisions of this Act or any regulation made under it, in respect of which the penalty exceeds the sum of forty dollars, is a misdemeanour and shall be punishable by fine or imprisonment, or both, in the discretion of the court before which the offender is convicted. 32-33 V., c. 10, s. 26.

Application of moneys collected.

**46.** The moneys levied under this Act shall be paid by the collector of customs by whom they are received, into the hands of the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund of Canada. 32-33 V., c. 10, s. 30.

*Vide* O.C. 20th June, 1893, containing quarantine regulations, to be found on pages 99 to 108 of "Customs Orders in Council."



## REVISED STATUTES.

### CHAPTER 67.

#### An Act respecting Chinese Immigration.

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

**1.** This Act may be cited as "*The Chinese Immigration Act.*" Short title.  
48-49 V., c. 71, s. 24.

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

(a.) The expression "controller" means any officer charged with the duty of carrying the provisions of this Act into effect; Interpretation.  
"Controller."

(b.) The expression "master" means any person in command of any vessel; "Master."

(c.) The expression "Chinese Immigrant" means any person of Chinese origin entering Canada and not entitled to the privilege of exemption provided for by section eight of this Act; "Chinese Immigrant."

(d.) The expression "vessel" means any sea-going craft of any kind or description capable of carrying passengers. "Vessel."

(e.) The expression "tonnage" means tonnage according to the measurement fixed by the Merchants' Shipping Acts of the Parliament of the United Kingdom. 48-49 V., c. 71, s. 1. "Tonnage."

**3.** The Governor in Council may,—

(a.) Appoint one or more persons to carry the provisions of this Act into effect; Powers of Governor.  
Appointments.

(b.) Assign any duty in connection therewith to any officer or person in the employ of the Government of Canada; Present officers.

(c.) Define and prescribe the duty or duties of such officer or person; Duties.

(d.) Fix the salary or remuneration to be allowed to such officer or person; Remuneration.

(e.) Engage and pay an interpreter skilled in the English and Chinese languages, at a salary of not more than three thousand dollars a year, who shall reside in the Province of British Columbia, and perform such duties as are assigned to him by the Governor in Council. 48-49 V., c. 71, ss. 2 and 21. Chinese interpreter.

**4.** All appointments made under this Act shall be published in the *Canada Gazette*. 48-49 V., c. 71, s. 3. Publication of appointments.

Number of Chinese immigrants in any vessel.

**5.** No vessel carrying Chinese immigrants to any port in Canada, shall carry more than one such immigrant for every fifty tons of its tonnage; and the owner of any such vessel, who carries any number in excess of the number allowed by this section, shall incur a penalty of fifty dollars for each Chinese immigrant so carried in excess of such number. 48-49 V., c. 71, s. 5.

No passenger to land until permit is obtained.

**6.** No master of any vessel carrying Chinese immigrants shall land any passenger or permit any passenger to land from such vessel, until a permit so to do, stating that the provisions of this Act have been complied with, has been granted to the master of such vessel by the controller; and every master of a vessel who violates the provisions of this section shall incur a penalty of one hundred dollars. 48-49 V., c. 71, s. 8.

Penalty.

Bill of health to be obtained.

**7.** 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 has certified, after due examination, that no leprosy or infectious or contagious disease exists among them, on board such vessel; and no permit to land shall be granted to any Chinese immigrant who is suffering from leprosy or from any infectious or contagious disease, or to any Chinese woman who is known to be a prostitute. 48-49 V., c. 71, s. 9.

No permit in certain cases.

Duty payable by Chinese immigrants.

**8.** Every person of Chinese origin shall pay into the Consolidated Revenue Fund of Canada, on entering Canada, at the port or other place of entry, a duty of fifty dollars, except the following persons who shall be exempt from such payment, that is to say:—

Exceptions.

(a.) The members of the Diplomatic Corps, or other Government representatives, their suite and their servants and consuls and consular agents;

(b.) Tourists, merchants, men of science and students, who are bearers of certificates of identity, specifying their occupation and their object in coming into Canada, or of other similar documents issued by the Chinese Government or other Government whose subjects they are:

Certificate proving exemption.

2. Every such certificate or other document shall be in the English or French language, and shall be examined and indorsed (*visé*) 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 departure:

Term "merchant" limited.

3. Nothing in this Act shall be construed as embracing within the meaning of the word "merchant," any huckster, pedler, or person engaged in taking, drying or otherwise preserving shell or other fish for home consumption or exportation:

Duty not to be levied on Chinese

4. The entrance duty payable under this section shall not apply to any Chinese person who resided or was within

Canada on the first day of January, one thousand eight hundred and eighty-six. 48-49 V., c. 71, ss. 4 and 13 part. resident at a date specified.

**9.** Every Chinese immigrant liable to pay the duty imposed by the next preceding section, who enters Canada otherwise than by disembarking from any vessel, shall forthwith make declaration of his entry to the controller, or in the absence of such officer, to the customs officer of the nearest or most convenient place, and shall forthwith pay to such controller or officer the duty of fifty dollars imposed by this Act, and the controller or officer shall grant a certificate of such entry and payment, in conformity with the provisions of the next following section; and if the declaration is made to a customs officer he shall report the fact to the controller at the principal seaport of the province into which such Chinese immigrant has come, and the controller shall record the same in the register of certificates of entry kept by him. 48-49 V., c. 71, s. 12. As to immigrants arriving otherwise than by vessel. Report to controller in such case.

**10.** The controller shall deliver to each Chinese immigrant who has been permitted to land, and in respect of whom the duty has been paid as hereinbefore provided, a certificate containing a description of such individual, the date of his arrival, the name of the port of his landing and an acknowledgment that the duty has been duly paid; and such certificate shall be *prima facie* evidence of the right of the person presenting the same to enter Canada; but such certificate may be contested by Her Majesty, or by any officer charged with the duty of carrying this Act into effect, if there is reason to doubt the validity or authenticity thereof, or of any statement therein contained; and such contestation shall be heard and determined in a summary manner by any judge of a superior court of any province of Canada where such certificate is produced. 48-49 V., c. 71, s. 10. Certificate to be delivered to immigrant permitted to land. Its effect; but may be contested. How decided.

**11.** The controller shall keep a register of all persons to whom certificates of entry have been granted. 48-49 V., c. 71, s. 11. Register of certificates.

**12.** Every master of any vessel bringing Chinese immigrants to any port in Canada, shall be personally liable to Her Majesty for the payment of the duty imposed by this Act in respect of any immigrant carried by such vessel, and shall deliver, together with the total amount of such duty, to the controller, immediately on his arrival in port and before any of his passengers or crew disembark, a complete and accurate list of his crew and passengers, showing their names in full, the country and place of their birth, and the occupation and last place of domicile of each passenger. 48-49 V., c. 71, s. 6. Liability and duty of masters of vessels as to payment of duty.

**13.** Repealed—See 55-56 V., chap. 25, page 21.

**14.** The controller shall, on the first day of January in each year, send to the Provincial Secretary of the province Statement for Provincial Secretary by controller.

wherein certificates of entry have been granted, a certified list of all Chinese immigrants to whom such certificates have been granted during the year next preceding. 48-49 V., c. 71, s. 15.

**15.** Repealed—See 50-51 V., chap. 35, page 20.

Penalty for landing any Chinese before duty is paid, &c.

**16.** Every master of any vessel who lands or allows to be landed off or from any vessel any Chinese immigrant before the duty payable under this Act has been duly paid, or who wilfully makes any false statement respecting the number of persons on board his vessel, shall, in addition to the amount of the duty payable under the foregoing provisions of this Act, be liable to a penalty not exceeding one thousand dollars and not less than five hundred dollars for every such offence, and in default of payment to imprisonment for a term not exceeding twelve months; and such vessel shall be forfeited to Her Majesty, and shall be seized by any officer charged with the duty of carrying this Act into effect, and dealt with accordingly. 48-49 V., c. 71, s. 7.

Forfeiture of vessel.

Penalty on Chinese for evading this Act.

And for aiding in evasion.

**17.** Every Chinese person who wilfully evades or attempts to evade any of the provisions of this Act as respects the payment of duty, by personating any other individual, or who wilfully makes use of any forged or fraudulent certificate to evade the provisions of this Act, and every person who wilfully aids or abets any such Chinese person in any evasion or attempt at evasion of any of the provisions of this Act, is guilty of a misdemeanour, and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both. 48-49 V., c. 71, s. 16.

Penalty for taking part in organizing unlawful court, as to offences by Chinese.

**18.** Every person who takes part in the organization of any sort of court or tribunal, composed of Chinese persons, for the hearing and determination of any offence committed by a Chinese person, or in carrying on any such organization, or who takes part in any of its proceedings, or who gives evidence before any such court or tribunal, or assists in carrying into effect any decision or decree, or order of any such court or tribunal, is guilty of a misdemeanour, and liable to imprisonment for any term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both; but nothing in this section shall be construed to prevent Chinese immigrants from submitting any differences or disputes to arbitration, provided such submission is not contrary to the laws in force in the province in which such submission is made. 48-49 V., c. 71, s. 17.

Proviso: as to arbitrations.

Penalty for molesting officers.

**19.** Every person who molests, persecutes or hinders any officer or person appointed to carry the provisions of this Act into effect is guilty of a misdemeanour, and liable to imprisonment for a term not exceeding twelve months, or to a fine not

exceeding five hundred dollars, or to both. 48-49 V., c. 71, s. 18.

**20.** Every person who violates any provision of this Act, Penalty for other contraventions. for which no special punishment is herein provided, is guilty of a misdemeanour, and liable to a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding twelve months, or to both. 48-49 V., c. 71, s. 19.

*Vide* 50-51 V., chap. 35, page 20.

**21.** All suits or actions for the recovery of duties or penalties under this Act, and all prosecutions for offences under this Act which are not herein declared to be misdemeanours, shall be tried before one or more justices of the peace, or before the recorder, police magistrate, or stipendiary magistrate having jurisdiction where the cause of action arose or where the offence was committed. Before whom suits may be brought. 48-49 V., c. 71, s. 22.



## 50-51 VICTORIA.

## CHAPTER 35.

## An Act to amend "The Chinese Immigration Act."

[Assented to 23rd June, 1887.]

Preamble.

R.S.C., c. 67.

**W**HEREAS it is expedient to amend "*The Chinese Immigration Act*": Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Exemption from duty in a certain case.

**1.** No duty shall be payable under "*The Chinese Immigration Act*," in respect of any woman of Chinese origin who is the wife of a person who is not of Chinese origin; but, for the purposes of the said Act, such woman shall be deemed to be of the same nationality as her husband.

Conditions as to passage through Canada.

**2.** Persons of Chinese origin may pass through Canada by railway, *in transitu*, from one port or place out of Canada to another port or place out of Canada, without payment of the entry dues provided for under section eight of "*The Chinese Immigration Act*," provided that such passage is made in accordance with, and under such regulations, as are made by the Minister of Customs for such purpose; and any railway company which undertakes to transport any such persons through Canada, and fails to comply with such regulations, or to take such persons out of Canada at the designated port of exit and within the time specified in the undertaking shall, in addition to the entry dues payable under the said section eight of the Act hereinbefore cited, be liable to the penalty or forfeiture provided by law for non-compliance with customs bonding regulations.

Penalty for failure to fulfil conditions.

Section 15, repealed; new section.

**3.** Section fifteen of "*The Chinese Immigration Act*" is hereby repealed and the following substituted therefor:—

Application of duties, &c.

**"15.** All duties, pecuniary penalties and revenue from other sources under this Act shall be paid into and form part of the Consolidated Revenue Fund of Canada; but one-fourth part of the net proceeds of all entry dues paid by Chinese immigrants shall, at the end of every fiscal year, be paid out of such fund to the province wherein the same were collected."

Section 20 amended.

**4.** Section twenty of "*The Chinese Immigration Act*" is hereby amended by striking out therefrom the words "or to both."





## 55-56 VICTORIA.

## CHAPTER 25.

An Act further to amend the Chinese Immigration Act.

[Assented to 9th July, 1892.]

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

1. Section thirteen of *The Chinese Immigration Act*, chapter sixty-seven of the Revised Statutes, is hereby repealed, and the following substituted therefor:—

R.S.C., c. 67,  
s. 13 repealed.

“13. Every Chinese person who wishes to leave Canada, with the intention of returning thereto, shall give written notice of such intention to the controller at the port or place whence he purposes to sail or depart, in which notice shall be stated the foreign port or place which such person wishes to visit, and the route he intends taking both going and returning, and such notice shall be accompanied by a fee of one dollar; and the controller shall thereupon enter in a register to be kept for the purpose, the name, residence, occupation and description of the said person, and such other information regarding him as is deemed necessary, under such regulations as are made for the purpose by the Governor in Council :

Registration of Chinese leaving Canada and intending to return.

“2. The person whose name and description are so registered shall be entitled, on his return, which shall be within six months of such registration, and on proof of his identity to the satisfaction of the controller (as to which the decision of the controller shall be final) to receive from the controller the amount of the entrance duty paid by him on his return.”

Refund of entrance duty on return.

2. Notwithstanding anything in the next preceding section, any Chinese person who has left Canada under the provisions of the section thereby repealed may return to Canada thereunder at any time during six months from the passing of this Act.

Saving.



## REVISED STATUTES.

### CHAPTER 68.

Extracts from "An Act respecting Quarantine."

Powers of officers at quarantine station, under the regulations.

**5.** The Governor in Council may, by such regulations, assign to the several officers and persons to be employed at any such quarantine station the powers and duties necessary for carrying the said regulations and this Act into effect, 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 constable or peace officer for such quarantine station, and for the space around the same described in such regulations; and such officer shall accordingly be such justice of the peace or peace officer, whether he is otherwise qualified or not, for the purpose of carrying out the criminal and other laws of Canada; and the Governor in Council may, by such regulations, prescribe penalties, not exceeding four hundred dollars in any case, for any violation of the same,—and may provide that the offender shall be imprisoned until such penalty is paid—and may direct that no vessel shall be entered or cleared at any custom house in Canada until all the requirements of such regulations are complied with,—and may 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 officer empowered to authorize such passing or departure, may be compelled to return or be carried back to such station, and by force, if necessary. 35 V., c. 27, s. 5.

Penalties for contravention of regulations, and power to compel obedience.

As to vessels arriving at ports to which they were not originally bound, with infectious disease on board.

**8.** When any vessel not originally bound for any port in Canada, arrives at any seaport of Canada with contagious or infectious disease on board, and is allowed to remain in quarantine at or near such port, the master of such vessel shall pay to the collector of the customs at the port the sum of two dollars, head money, for each person on board the said vessel at the time of her arrival; and the said sum shall be a lien on the vessel, and shall be paid before she shall be allowed to leave the port. 35 V., c. 27, s. 8.

Vessels may, on certain conditions, put to sea, instead of being quarantined.

**9.** The master of any such vessel shall, before bulk is broken, have the right of putting to sea with such vessel, instead of allowing her to be quarantined, and if this right is exercised, and the vessel has not arrived at her port of destination, the bill of health shall be returned after the inspecting physician

has mentioned thereupon the length and circumstances of the detention and the condition of the said vessel on her putting to sea. Provided always, that before the exercise of such right by the master of such vessel, the inspecting physician shall satisfy himself that the sick of the vessel will be taken care of during the remainder of the voyage; and if any of the sick prefer to remain at such port the said physician shall take care of them. 35 V., c. 27, s. 9.

**10.** All sums and pecuniary penalties levied under the authority of this Act shall be paid into the hands of the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund of Canada. 35 V., c. 27, s. 10. Sums and penalties to form part of Con. Rev. Fund.

*Vide* O. C. dated 20th June, 1893, containing quarantine regulations, to be found on pages 99 to 108 of "Customs Orders in Council."



## REVISED STATUTES.

### CHAPTER 72.

Extracts from "An Act respecting the Registration and Classification of Ships."

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 "the Minister," means the Minister of Marine and Fisheries;
- (b.) The expression "ship" includes every description of vessel used in navigation not propelled by oars;
- (c.) The expression "ships belonging to Her Majesty," includes ships the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada, and ships described as the property of Canada by the one hundred and eighth section of "*The British North America Act, 1867*;"
- (d.) The expression "master" includes every person having command or charge of any ship. 36 V., c. 128, s. 4.
- 2.** Nothing in this Act shall apply to ships belonging to Her Majesty. 36 V., c. 128, s. 5.
- 3.** This Act is divided into four parts:
- The first part, relating to the measurement and registration of ships;
- The second part, relating to the licensing of small ships and other vessels;
- The third part, relating to security for advances on ships in course of construction;
- The fourth part, relating to the inspection and classification of ships. 36 V., c. 128, s. 6.

#### PART I.

##### MEASUREMENT AND REGISTRATION OF SHIPS.

- 4.** The following ships are exempt from the provisions of this part of this Act, that is to say:—
- (a.) Ships having a whole or fixed deck, not propelled wholly or in part by steam, and not exceeding ten tons burthen;

(b.) Ships not propelled wholly or in part by steam, and not having a whole or fixed deck, whatever their burthen. 36 V., c. 128, s. 7.

5. No ship propelled either wholly or in part by steam, whatever her tonnage, and no ship not propelled wholly or in part by steam, of more than ten tons burthen and having a whole or fixed deck, although otherwise entitled by law to be deemed a British ship, shall, unless she is duly registered in the United Kingdom, or in Canada, or some other British possession under "*The Merchant Shipping Act, 1854*," and 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 in Canada; but any ship which was duly registered under the provisions of the "*Act respecting the registration of inland vessels*," forming chapter forty-one of the Consolidated Statutes of the late Province of Canada, need not be registered in pursuance of the provisions of this Act, except for the purpose of enabling her to proceed to sea as a British ship :

What ships only shall be recognized in Canada as British ships.

Case of vessels registered under c. 41 of Con. Stat. Canada provided for.

2. No ship which was required to be registered by the said "*Act respecting the registration of inland vessels*" shall, unless she was duly registered under the provisions of the said Act, be recognized in Canada as a British ship. 36 V., c. 128, s. 8 and s. 14, part.

Disabilities of unregistered ships.

6. No officer of customs shall grant clearance to any ship required to be registered under the provisions of the Act in the next preceding section mentioned, or of this Act, for the purpose of enabling her to proceed on a voyage, unless the master of such ship, upon being required so to do, produces to him the proper certificate of registry; and if any such ship attempts to proceed on a voyage as a British ship, without a clearance, any officer of customs may detain such ship until such certificate is produced to him. 36 V., c. 128, s. 14, part.

No clearance unless certificate is produced.

Ship in such case may be stopped.

7. When it appears to the Lieutenant Governor of any Province of Canada, that by reason of special circumstances it is desirable that permission should be granted to any British ship to pass, without being previously registered, from any port or place within the Province of which he is Lieutenant Governor, to any other port or place in Her Majesty's Dominions, such Lieutenant Governor may grant a pass accordingly, and such pass shall, for the time and within the limits therein mentioned, have the same effect as a pass granted by the Governor General, or as a certificate of registry; and such Lieutenant Governor shall forward, without delay, to the Governor in Council, a copy of each pass granted by him. 36 V., c. 128, s. 9.

Lieutenant Governors may grant passes to British ships.

8. The Governor in Council may appoint at and for every port at which he deems it expedient to authorize the registry

Governor in Council may appoint

registrars of shipping.

of ships, the collector or other principal officer of customs, who shall be the registrar for all the purposes of "*The Merchant Shipping Act, 1854*," and the Acts amending the same, and of this Act. 36 V., c. 128, s. 10.

Governor in Council may also appoint surveyors.

**9.** The Governor in Council may appoint at every such port, and at any other port in Canada, an officer to superintend the survey and measurement of ships in conformity with the said Acts and this Act; and the same person may be appointed both the registrar and surveyor at any such registry port. 36 V., c. 128, s. 11.

Surveyors to be entitled to fees and travelling expenses.

**10.** Such surveyor shall be entitled to such fees for the measurement of ships about to be registered for the first time under this Act, or requiring measurement for the purposes of registry, and to such travelling expenses, when required to travel for the purpose of making any such measurement, as the Governor in Council, from time to time, sees fit to establish; and such fees and travelling expenses shall be paid to such surveyor by the persons requiring his services; and any surveyor may, in any case, withhold his certificate of measurement, or any other document that is required of him, until his fees and travelling expenses are paid; and such fees shall be in lieu of all salary and other remuneration whatsoever for such services. 36 V., c. 128, s. 12, *part*.

By whom paid.

Exception.

**11.** No fees shall be charged in Canada for registering vessels or recording transactions relating to the registry of vessels under this Act or under "*The Merchant Shipping Act, 1854*," or the Acts amending the same. 36 V., c. 128, s. 12, *part*.

Case of conflicting claims to obtain registry of a ship provided for.

**12.** When two or more persons claim to be builders or owners of any ship, or present the builder's certificate to the registrar of shipping at any port in Canada for the purpose of obtaining registry for such ship under the provisions of section forty of "*The Merchant Shipping Act, 1854*," and are not agreed as to who is the builder or owner of the same, such registrar may refuse to grant registry for such ship, and may summon witnesses, administer oaths, demand any books or papers and receive any evidence relating to such ship. 36 V., c. 128, s. 13, *part*.

Submission to Governor in Council.

**13.** A copy of such evidence taken, and a report thereon, shall be submitted by him to the Governor in Council, who shall issue such directions in the case as to the giving of security to the other claimant or claimants, or any other matter or thing, as he deems necessary; and registry shall be granted in pursuance of such directions and not otherwise. 36 V., c. 128, s. 13, *part*.

Proof of loss, &c., of certificate, to be on oath.

**14** No new certificate of registry of a ship registered in Canada shall be granted in Canada, under section forty-eight of "*The Merchant Shipping Act, 1854*," without proof on oath

that the certificate of registry of such ship has been lost, misaid or destroyed. 36 V., c. 128, s. 15.

**15.** If any British or foreign registered ship is either actually or constructively wrecked, and the register thereof is closed and the certificate of registry is delivered up to the proper officer and cancelled; or, if any ship, sailing under a pass from the Governor General, or under a pass from a Lieutenant Governor 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 registered as a British ship 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 such ship has been thoroughly repaired and made seaworthy, and also that all the transactions connected with the wreck, condemnation and sale of such ship were in good faith, and that all the requirements of the law have been complied with; but no registrar of shipping shall register any such ship without the authority of the Governor in Council. 36 V., c. 128, s. 16.

Wrecked ship may be registered by authority of the Governor in Council.

Proviso.

**16.** Every person may, upon payment of a fee of twenty cents, have access to the register of any ship registered in Canada, at the port of registry of such ship, at any reasonable time during the hours of official attendance of the registrar; and such fees shall, from time to time, as directed by the Governor in Council, be paid by the registrars receiving the same to the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund of Canada. 36 V., c. 128, s. 17.

Access to registers of ships.

**17.** Subject to the provisions of this Act, collectors or other principal officers of customs in Canada, not being registrars of shipping, shall have the same power and be under the same obligation as registrars of shipping under "*The Merchant Shipping Act, 1854*," to indorse, from time to time, on the certificate of registry of any ship at any port in Canada where the said ship is, any change of master which takes place at that port. 36 V., c. 128, s. 18.

Collectors of customs to indorse changes of masters on certificates.

**18.** Notwithstanding anything to the contrary contained in the forty-sixth section of "*The Merchant Shipping Act, 1854*," if any registrar of shipping or collector or other principal officer of the customs at any port or place in Canada receives conflicting directions from owners of any ship registered in Canada as to a change of the master of such ship, such registrar or collector or other principal officer may refuse to indorse a memorandum of the change of master on the certificate of registry of such ship, until he receives a declaration, according to the form in the first schedule to this Act, or as near thereto as circumstances permit, from the registered

Indorsement of change of master by registrar or collector, on what proof to be made.

owners representing a majority of shares in such ship, or from their duly appointed agents, setting forth the name of the person appointed in lieu of the former master, who shall be named in such declaration :

Declaration, how made and subscribed.

2. The said declaration shall be made and subscribed in the presence of the registrar or collector of customs, if the declarant or declarants reside within five miles of the custom house of the port of registry, but if beyond that distance, in the presence of any registrar or collector of customs in Her Majesty's dominions, or of any justice of the peace :

Further evidence may be required.

3. In addition to such declaration, the registrar of shipping or collector of customs at the port where the change is requested to be indorsed, may require to be produced a certified copy of the register, or such other evidence as he deems necessary, as proof of the ownership of the ship :

Further provisions if the ship is at or near such port.

4. If the ship is at or near such port, he shall, on the demand of a majority of the owners thereof, require the master or any other person in possession of the certificate of registry to produce and deliver the same to him ; and in default of the same being forthwith produced and delivered up to him, he may detain the ship, and not allow her to 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 registry of a ship registered in Canada, and who refuses or neglects to produce and deliver up the same to any registrar of shipping or collector of customs requiring the same to be produced and delivered up to him, under the provisions of this section, shall incur a penalty of five hundred dollars. 36 V., c. 128, s. 19.

Registrars and collectors to keep records of indorsements of changes of master.

19. Every registrar of shipping and every collector of customs shall keep a record of every indorsement of a change of master made by him on the certificate of registry of a ship, and shall specify in such record the date of such indorsement, the name of the ship, the official number of the ship, the port of registry of the ship, the name of the old master, the name of the new master, and whether or not he has a certificate of competency or a certificate of service, and, if he has either of 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.

Change of managing owner or ship's husband to be registered.

20. Whenever the managing owner, or any of the managing owners (if there are more than one) of a ship registered in Canada is changed, or, if there is no managing owner, whenever the ship's husband is changed, the newly appointed 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 every managing owner or ship's husband who fails to comply with the requirements of this section shall incur a penalty not exceeding one hundred dollars. 36 V., c. 128, s. 21.



**21.** The following rules shall be observed with respect to the names of ships registered in Canada:—

Rules as to the names of ships.

(a.) A ship shall not be described by any name other than that by which she is, for the time being, registered;

How described.

(b.) No change shall be made in the name of a ship without the previous permission of the Governor in Council, the application for which shall be made in writing; if the application is made on reasonable grounds, the Governor in Council may entertain the same, and may thereupon require notice thereof to be published in such form and manner as he thinks fit; and upon such permission being granted, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern;

How change may be made.

(c.) If, in any case, it is shown to the satisfaction of the Governor in Council that the name of any ship has been changed without his previous permission, he may direct that her name be altered to that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly:

Name changed without authority to be restored.

(d.) If a ship which has once been registered has ceased to be so registered, no person, unless he is ignorant of such previous registry (proof of which shall lie on him,) shall apply to register, and no registrar shall knowingly register such ship, except by the name by which she was previously registered, unless he has the permission of the Governor in Council:

In new register previous name to be adhered to.

2. Every person who acts, or suffers any person under his control to act in violation of this section, or who omits to do, or suffers any person under his control to omit to do anything required by this section, shall, for each offence, incur a penalty not exceeding four hundred dollars:

Penalty for contravention.

3. Any registrar or principal officer of customs may detain such ship until the provisions of this section are complied with. 36 V., c. 128, s. 22.

Ships may be detained.

**22.** Whenever a shipping casualty happens anywhere in the case of a ship registered in Canada, or within the limits of Canada in the case of any other British ship, the master, or if the master is dead, the chief surviving officer, and also every such other person belonging to the ship as the Minister, from time to time, directs, shall, within twenty-four hours of his first landing in Canada after the happening of such casualty, attend and submit himself for examination at the office of the principal officer of customs residing at or near the place where such casualty occurred, if the same occurred on or near the coasts of Canada, or any island or place adjacent thereto, but at or near the place of such landing, if the casualty occurred elsewhere, unless he has been previously examined or excused from attending for examination by any other principal officer of customs residing at or near either of such places, or by any receiver of wreck in the United Kingdom; and if any master, officer or other person makes default in obeying the provisions of this section he shall incur a penalty not exceeding two hundred dollars. 36 V., c. 128, s. 23.

Statements to be made by the master of a British ship to which a casualty has happened.

Notice of loss of ships registered in Canada to be given to the Minister.

**23.** Whenever the managing owner of any ship registered in Canada has information that such ship is lost, or in consequence of her non-arrival or otherwise has reason to apprehend that she is lost, he shall forthwith send notice of such loss or apprehended loss to the Minister, and shall, upon requisition by the Minister, furnish to him such information as he is required and is able to furnish respecting such ship, and the loss thereof, and the property and persons on board; and if he makes default in obeying the provisions of this section he shall incur a penalty not exceeding two hundred dollars. 36 V., c. 128, s. 24.

Registrar to make annual return to the Minister.

**24.** Every registrar of shipping shall, on or before the twentieth day of January in each year, make and forward to the Minister a return, in such form and containing such particulars as the Minister, from time to time, directs, of all existing ships of which the registry remained in his registry books, on the thirty-first day of December then last. 36 V., c. 128, s. 25.

## PART II.

### LICENSING OF SMALL SHIPS AND OTHER VESSELS.

Ships not required to be registered, and certain other vessels to be licensed.

**25.** The master, owner or managing owner, or one of the managing owners (if there are more than one) of every vessel not a ship within the meaning of this Act, which is employed in or owned for the purpose of fishing, trading or carrying loads of any kind in any of the waters of Canada, 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,—and the master, owner, managing owner or one of the managing owners (if there 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 part or place in Canada a license, which it shall be the duty of the collector or other principal officer of the customs at every port or place in Canada to furnish, without fee or reward, to every person applying for the same at his custom house or office in office hours, and complying with the provisions of this section in respect of such application; and such license shall be in the form of and shall contain the particulars provided for in form B in the second schedule to this Act. 36 V., c. 128, s. 30.

Form of license.

Proceedings for obtaining such license.

**26.** Upon any such application being made to a collector or other principal officer of the customs the following provisions shall take effect:—

Blank form to be furnished.

(a.) The collector or principal officer of customs shall furnish 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 statements, in their proper places, of the length, breadth, depth and approximate tonnage of the ship or vessel, the names of the owners thereof, and, if the property in the ship or vessel is divided into shares, the number of shares held by each owner, and shall subscribe the same and return it to the officer ; How filled up.

(c.) The officer shall then fill up a license with the particulars stated in the declaration, adding thereto the name of the port and the number of the license, which shall be consecutive for each port, and he shall sign such license and hand the same to the applicant ; License to be filled up.

(d.) The officer shall record the particulars contained in the license in a book to be kept by him for that purpose. 36 V., c. 128, s. 31. Record to be kept.

**27.** Every ship or vessel so required to be licensed shall, at all times, have the name of the port or place at which she was last licensed, and the number of her last license painted on her bow or stern in letters not less than three inches long, of light colour, on a dark ground, and such port or place shall be considered, for the time being, her port of license. 36 V., c. 128, s. 32. Name of port and number of license to be painted on ship or vessel.

**28.** Whenever the property in a ship or vessel so required to be licensed passes wholly into new hands, the master or the new owner or managing owner, or one of the new managing owners, if there are more than one, shall, within one month after such change of ownership as aforesaid, take out a new license at some port or place in Canada, and upon receiving the same shall deliver up the former license, if in his possession, to the collector or other principal officer of the customs at such port or place. 36 V., c. 128, s. 33. On change of owner, new license to be taken out.

**29.** Every master, owner or managing owner of any ship or vessel so required to be licensed, who neglects, without reasonable cause (the proof of which shall lie upon him) to apply for and take out a license for such ship or vessel within any delay allowed by this Act for that purpose, or who neglects to keep the name of her last port of license and the number of her last license painted on her bow or stern as aforesaid, shall incur a penalty of twenty dollars. 36 V., c. 128, s. 34. Penalty for neglecting to obtain license.

**30.** Every officer of customs authorized by this part of this Act to license ships and vessels, shall, on or before the twentieth day of January in each year, make and forward to the Minister a return in such form and containing such particulars as the Minister, from time to time, directs, of all ships and vessels licensed by him during the year ending on the thirty-first day of December then last. 36 V., c. 128, s. 35. Return of ships and vessels licensed to be sent to the Minister annually.

## PART III.

## SECURITY FOR ADVANCES ON SHIPS IN COURSE OF CONSTRUCTION.

Ship about to be built or being built, may be recorded by registrar of shipping.

**31.** A ship about to be built or being built may be recorded under a temporary name by the registrar of shipping at or nearest to the port at which she is about to be built or is being built; and any builder desirous of raising money by a mortgage on any ship about to be built or being built, shall furnish to the registrar of shipping at the port at or nearest to which she is about to be built or is being built, a full description of such ship, and a statement of the port at which she is intended to be registered, according to the form 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 building in his ship yard, on a dark ground, in white or yellow figures and letters of a length not less than four inches, the number given to him by the proper registrar of shipping for that purpose, the temporary name of the ship, and the name of the port at which she is intended to be registered. 36 V., c. 128, s. 36.

Ship so recorded may be made security for a loan.

**32.** A ship about to be built or being built, and so recorded as aforesaid, may be made security for a loan or other valuable consideration; and the instrument creating such security, 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 him for that purpose. 36 V., c. 128, s. 37.

Mortgages to be recorded in the order of their production to the registrar.

**33.** Every such mortgage shall be recorded by the proper registrar of shipping in the order of time in which the same is produced to him for that purpose; and such registrar of shipping shall, by memorandum under his hand, notify on the instrument of mortgage that the same has been recorded by him, stating the date and hour of such record. 36 V., c. 128, s. 38.

Proceedings when such mortgage is discharged.

**34.** Whenever any recorded mortgage has been discharged the proper registrar of shipping shall, upon the production of the mortgage deed, with a receipt for the mortgage money indorsed thereon, duly signed and attested, make an entry in the record book to the effect that such mortgage has been discharged; and upon such entry being made, the estate, if any, which passed to the mortgagee shall vest in the said person or persons in whom the same would, having regard to intervening acts and circumstances, if any, have vested if no such mortgage had ever been made. 36 V., c. 128, s. 39.

Priority of mortgages.

**35.** If two or more mortgages are recorded in respect of the same ship, the mortgagees shall, notwithstanding any express, implied or constructive notice, be entitled in priority one over

the other, according to the date at which each instrument is recorded in the record book, and not according to the date of each instrument. 36 V., c. 128, s. 40.

**36.** A mortgagee shall not, by reason of his mortgage, be deemed to be the owner of a ship, nor shall the mortgagor be deemed to have ceased to be owner of such mortgaged ship, except in so far as is necessary for making such ship available as security for the mortgage debt. 36 V., c. 128, s. 41.

Mortgagee not to be deemed owner.

**37.** Every mortgagee may absolutely dispose of the ship in respect of which he is recorded as such mortgagee and give effectual receipts for the purchase money; but if there are more persons than one recorded as mortgagees of the same ship, no second or subsequent mortgagee shall, except under the order of a court capable of taking cognizance of such matter, sell such ship without the concurrence of every prior mortgagee; and every bill of sale, when duly executed, shall be produced to the proper registrar of shipping, who shall enter the particulars thereof in the record book, and shall indorse on the bill of sale the fact of such entry having been made, with the date and hour thereof; and all bills of sale shall be entered in the record book in the order of their production to the registrar of shipping. 36 V., c. 128, s. 42.

Mortgagee to have power of sale.

**38.** A recorded mortgage of any ship may be transferred to any person; and the instrument creating such transfer shall be in the form C in the third schedule hereto; and on the production of such instrument the registrar of shipping shall enter in the record book the name of the transferee as mortgagee of the ship therein mentioned, and shall, by memorandum under his hand, record on the instrument of transfer that the same has been recorded by him, stating the date and hour of such record. 36 V., c. 128, s. 44.

Transfer of mortgages.

**39.** If the interest of any mortgagee in any ship recorded under this Act becomes transmitted in consequence of death or insolvency, or in consequence of the marriage of any female mortgagee, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration of the person to whom such interest has been transmitted, made in the form D in the third schedule hereto, and containing a statement describing the manner in which and the party to whom such property has been transmitted; and such declaration shall be made and subscribed in the presence of the registrar of shipping at the port at which such ship has been recorded under this Act, if the declarant resides at or within five miles of the custom house of the port, but if beyond that distance, in the presence of any registrar of shipping, collector of customs or justice of the peace. 36 V., c. 128, s. 45.

Transmission of interest of mortgagee by death, insolvency or marriage.

Proof of such transmission.

**40.** If such transmission has taken place by virtue of the insolvency of any registered mortgagee, the said declaration shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under any insolvency; and if such transmission has taken place by virtue of the marriage of a female mortgagee, the said declaration shall be accompanied by a copy of the register of such marriage, or other legal evidence of the celebration thereof, and shall declare the identity of the said female mortgagee, and if such transmission has taken place by 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 or the letters of administration, 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 such province is receivable in the courts of justice thereof, as proof of the title of any person entitled upon an intestacy.

Entry of transmitted mortgage.

**41.** The registrar of shipping, upon the receipt of such declaration and the production of such evidence as aforesaid, shall enter the name of the person or persons entitled under such transmission in the record book as mortgagee or mortgagees of the ship in respect of which such transmission has taken place. 36 V., c. 128, s. 46.

Certificate of registry of ship when built.

**42.** Whenever the building of a ship which has been recorded under this Act is duly completed, the first mortgagee whose claim is unsatisfied may furnish the builder's certificate for such ship, and thereupon the proper officer may grant a certificate of registry under the laws in force in Canada for that purpose :

All recorded mortgages then undischarged to be registered in registry book.

2. All undischarged mortgages recorded under this Act shall be, by the proper registrar of shipping, transferred to and registered under such laws in the register book, in the order and according to the priority in which the same were entered of record under this Act; and the temporary name used for the purposes of this Act, as above provided for, may be changed at the time of granting a certificate of registry :

Order of registry.

3. The registry of all such mortgages shall thus appear, according to their priority in the record book, as if the same had been made or granted under the laws providing for the giving of such certificate of registry : and a fresh instrument of mortgage may be granted for that purpose, according to any form prescribed by law, as a substitute for any mortgage granted under this Act. 36 V., c. 128, s. 47.

Fresh mortgage may be granted.

Penalty for attempting to take out register at any port other than that

**43.** Every person who is a party to any unsatisfied mortgage on any ship under this Act and who takes out, or attempts to take out, a register for such ship at any port other than the port named on the bord in the ship yard in which such

ship was built, or in the statement and description in the form A in the third schedule of this Act, furnished to the registrar of shipping by whom such ship was recorded under this Act, or in any mortgage on such ship under this Act, shall incur a penalty of two thousand dollars, 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 which the offender is served with process. 36 V., c. 128, s. 48.

where ship is recorded.

**44.** No surveyor of shipping who is not also a registrar of shipping shall deliver up any certificate of survey of any ship which he has surveyed for measurement to any person except the registrar of shipping at the port at or for which he is surveyor, and at which such ship is recorded under this Act, until the registrar of shipping at such port has indorsed on the back of such certificate either a statement to the effect that there is no undischarged mortgage on such ship recorded in his office under this Act, or a statement of the amount and other particulars, and if more than one, the number of the undischarged mortgages, if any, on such ship recorded in his office under this Act; and every registrar of shipping shall indorse one of such statements, according to the facts of each case, on every certificate of measurement presented to him for that purpose by any surveyor of shipping. 36 V., c. 128, s. 49.

When certificate of survey may be delivered up by surveyor.

Indorsement by registrar.

**45.** If the registrar of shipping at any port at which any ship is recorded under this Act is also surveyor of shipping at or for such port, he shall indorse on every certificate of survey of every ship which he has surveyed for measurement, before he delivers the same to any person, either a statement to the effect that there is no undischarged mortgage on such ship recorded in his office under this Act, or a statement of the amount and other particulars, and, if more than one, the number of the undischarged mortgages, if any, on such ship recorded in his office under this Act. 36 V., c. 128, s. 50.

Registrar who is also surveyor or to indorse a statement on certificate of survey before delivering it to any person.

**46.** The Governor in Council may establish a scale of fees for recording ships and mortgages and other transactions, and for other services to be performed under this Act prior to the registry of any ship under "*The Merchant Shipping Act, 1854*," or any Acts amending or applying to the same. 36 V., c. 128, s. 51.

Scale of fees.

**47.** Nothing in this part of this Act shall take away the right of the owner to his action of account, or such other remedy as he has by law against the advancer. 36 V., c. 128, s. 52.

Saving of right of owner.

**48.** This part of this Act shall not be construed in such a way as to affect the mode of executing deeds in the province of Quebec, but deeds and documents executed in the said

Act not to affect mode of executing deeds in Quebec.

Province may be made and passed in the form and according to the manner prescribed in the said province. 36 V., c. 128, s. 53.

## PART IV.

### INSPECTION AND CLASSIFICATION OF SHIPS.

Governor in Council may make regulations for the classification of ships built or registered in Canada.

**49.** The Governor in Council may make such rules and regulations as he considers necessary for the inspection and classification of vessels built or registered within Canada, and may, from time to time, alter and amend the same; and may, from time to time, appoint such officers as are necessary to carry out this part of this Act, and prescribe the duties of such officers, who shall be under the control of the Minister. 36 V., c. 128, s. 54.

And a tariff of fees therefor.

**50.** The Governor in Council may, by such rules and regulations, establish a table of fees to be paid for such inspection and classification, and may thereby authorize the granting of certificates of classification in such manner as is therein prescribed. 36 V. c. 128, s. 55.

Publication of regulations.

**51.** All rules and regulations made under this part of this Act shall be published in the *Canada Gazette*. 36 V., c. 128, s. 56.

### REPEAL.

Repealing clause.

Imp. Stat. 17 and 18 V., c. 104.

**52.** Upon the commencement of this Act, so much of the provisions of the Act of the Parliament of the United Kingdom, known as "*The Merchant Shipping Act, 1854*," and of any Act of the said Parliament amending the same and forming and to be construed as part thereof, relating to ships registered in Canada, as is inconsistent with this Act, shall be repealed. 36 V., c. 128, s. 2.

## FIRST SCHEDULE.

### FORM OF DECLARATION OF OWNER OR OWNERS FOR CHANGE OF MASTERS.

I (or we) of (residence and occupation) being registered owner (or owners) of sixty-fourth shares of the ship of official number tons register, hereby declare that I (or we) have appointed A. B. master of the ship above mentioned in the place of C.D.

Declared before me this day of  
36 V., c. 128, first schedule.



## SECOND SCHEDULE.

## Form A.

## DECLARATION.

I, the undersigned, A. B., of \_\_\_\_\_ in \_\_\_\_\_ declare as follows :

I am entitled to take a license for the ship (or vessel, as the case may be) now in this port (or at this place as the case may be), of which the following are the particulars :—

Measurements.	Feet.	Inches.	Tonnage.	No. of tons.
Length.....			Approximate tonnage.....	
Breadth. ....				
Depth.....				
Names of Owners (or Name of Owner.)			Number of Shares held by each.*	
.....			.....	
.....			.....	
.....			.....	
.....			.....	
.....			.....	

Master.  
(or Managing Owner, or Owner,  
as the case may be.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

\* If the property in the ship or vessel is not divided into shares, this column need not be filled up.

## Form B.

No.

Port of Registry.

## LICENSE.

This is to certify that the ship (or vessel, as the case may be), of which the particulars are herein contained, was this day licensed by me, the collector (or principal officer, as the case may be), of customs at \_\_\_\_\_ under the provisions of the Act

intituled "*An Act respecting the Registration and Classification of Ships:*"

Measurements.	Feet.	Inches.	Tonnage.	No. of tons.
Length.....			Approximate tonnage.....	
Breadth.....				
Depth.....				
Names of Owners (or Name of Owner).				Number of Shares held by each.*
Dated this		day of	18 .	

\* If the property in the ship or vessel is not divided into shares, this column need not be filled up.

36 V., c. 128, second schedule.

**THIRD SCHEDULE.**

*Form A.*

**DESCRIPTION OF SHIP PROPOSED TO BE BUILT.**

TEMPORARY NAME.	PORT OF RECORD.	PROPELLED.
Number of decks.....	{	Build.....
Number of masts.....		Gallery.....
How rigged.....		Head.....
Stern.....		Frame work.....
<b>ESTIMATED MEASUREMENT.</b>		
	- FEET. TENTHS.	TONS.
Length.....	{	Under Deck.....
Breadth.....		Closed in.....
Depth.....		Space between decks.....
		Poop.....
		Round House.....

I, the undersigned (*name and residence*), ship builder, declare that I propose to build a ship, the particulars of which are contained in the above description, in the (*here describe the place, what ship yard, where situated and to whom belonging*), and that I intend to launch the said ship on or about the            day of            18            and to register her at the port of

(Signed),

Dated at  
the            day of            18            .

In the presence of }  
  }

*Form B.*

MORTGAGE (TO SECURE ACCOUNT CURRENT, ETC.)

For                                    \*                                    Port of  
\* (Steamer or sailing.)

Record No.	Where Building.	When intended to be Launched.	Port of intended Registry.
Intended to Measure.		Intended Tonnage and Temporary Name.	
Length,	feet	Tonnage,	
Breadth,	feet	Name,	
Depth,	feet		

Whereas [*state that there is an account current between mortgagor and mortgagee (describing both), and describe the nature of the transaction so as to show how the amount of principal and interest due at any given time is to be ascertained, and the manner and time of payment.*]

Now I, (*or we*), the undersigned, (*describe them*) in consideration of the premises for (*myself or ourselves*) and (*my or our*) heirs, covenant with the said (*name him or them*) and (*his or their*) assigns, to pay to (*him or them*) the sums for the time being due on this security, whether by way of principal or interest, at the times and in the manner above mentioned, and for better securing to the said (*name*), the payment of such sums as last aforesaid; (*I or we*) do hereby mortgage to the said (*name*) the ship above described.

Lastly, (*I, or we*), for (*myself or ourselves*), and (*my or our*) heirs, covenant with the said (*name of him or them*) and (*his 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 record of the said ship.*

*N. B.—The last words to be omitted if the ship is free from incumbrance.*

In witness whereof (I or we) have hereto subscribed (my or our) name \_\_\_\_\_ and affixed (my or our seal) \_\_\_\_\_ at this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ .

Executed by the above named }  
in the presence of . }

---

*Form C.*

*N. B.—In case of transfer it may be made by indorsement in the following form :*

TRANSFER OF MORTGAGE.

(a) "I" or (a) the within mentioned \_\_\_\_\_ in cen-  
"We." sideration of \_\_\_\_\_ this day paid to  
(b) "Me" or \_\_\_\_\_ (b) by \_\_\_\_\_ hereby transfer to  
"Us." \_\_\_\_\_ (c) \_\_\_\_\_ the benefit \_\_\_\_\_ of the  
(c) "Him" or \_\_\_\_\_ (c) \_\_\_\_\_ of the  
"Them." within written security.

(d) "I" or \_\_\_\_\_ In witness whereof (d) have hereunto sub-  
"We." scribed (e) and affixed (f) this  
(e) "My name" \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight  
or "our names," \_\_\_\_\_ hundred and  
(f) "My seal" \_\_\_\_\_  
or "our seals."

Executed by the above named }  
in the presence of . }

*N. B.—In case a mortgage is paid off, the following memorandum of its discharge may be used :*

Received the sum of \_\_\_\_\_ in discharge of the within  
written security. Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

Witness  
of

---

## Form D.

Declaration by Representative of      taking by Transmission\*  
For      †

\* (Or decease, or marriage, or bankruptcy)

† (Steamer or for sailing.)

Record No.	Date of Record	18.

Temporary name of ship

Where building

Proposed measurement, *length*,      *ft.*, *breadth*,      *ft.*,  
*depth*,      *ft.* forward to line.

Proposed tonnage,      *tons*.

I (or we) the undersigned (*declarant's name, description and place of birth*), declare as follows I am (or we are)

I (or we) declare that the person appearing by the record book to be the (*owner or mortgagee*) of the ship above described (*cause of transmission*) in the county of (*county*) on the day of      (*nature of cause of transmission*).

Made and subscribed the      day }  
of      18      by the above }  
named }  
in the presence of }

36 V., c. 128, third schedule.



## REVISED STATUTES.

### CHAPTER 73.

Extracts from "An Act respecting Certificates to Masters and Mates of Ships."

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

#### INTERPRETATION.

- 1.** In this Act, unless the context otherwise requires,—
- Interpretation. (a.) The expression "Minister" means the Minister of  
"Minister." Marine and Fisheries;
- "Ship." (b.) The expression "ship" means any vessel used for the  
purposes of navigation and registered in Canada;
- "Sailing ship." (c.) The expression "sailing ship" means a ship propelled  
mainly by sails;
- "Steamship." (d.) The expression "steamship" or "steamer" includes  
any ship propelled wholly or in part by steam or other motive  
power than sails or oars;
- (e.) Repealed—See 52 V., c. 21, s. 1, part—page 45.
- "Voyage." (f.) The expression "voyage" includes "passage" or  
"trip";
- (g.) Repealed—See 52 V., c. 21, s. 1, part—page 45.

No ship over 100 tons, registered in Canada, to cross the sea without certificated master and mate.

**2.** No ship registered in Canada over one hundred tons registered tonnage, shall go to sea from any port or place in Canada, on a voyage to any port or place out of Canada, not being a port or place in Newfoundland, or in the United States of America, unless the master and first mate or only mate thereof have obtained and possess valid certificates either of competency or service for sea-going ships, appropriate to their several stations in such ship, or of a higher grade, from the Minister,—or valid certificates of competency, or service for foreign-going ships, appropriate to their several stations in such ship, or of a higher grade, from the Board of Trade in the United Kingdom,—or valid certificates of competency appropriate to their several stations in such ships, or of a higher grade, granted in any British possession, and declared by order of Her Majesty in Council published in the *London Gazette*, under the provisions of "*The Merchant Shipping*

(Colonial) Act, 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 the Parliament of the United Kingdom relating to merchant shipping; and every person who, having been engaged to serve as master or first mate or only mate of any sea-going ship registered in Canada, over one hundred tons registered tonnage, goes to sea as aforesaid, 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 employs 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, shall for each such offence incur a penalty not exceeding one hundred dollars. 33 V., c. 17, s. 6;—47 V., c. 19, s. 1, *part.*

Penalty for  
contraven-  
tion.

*Vide* 52 V., chap. 21, s. 2, page 45.

**10.** The master of every sea-going ship registered in Canada, over one hundred tons register, shall produce to every officer of the customs in Canada, to whom he applies for a clearance of such ship on any such voyage by sea as aforesaid, the certificates of competency or service for sea-going ships, which the said master and his first mate, or only mate, are hereby required to possess; and no officer of the customs at any port in Canada, shall clear any such ship, on any such voyage as aforesaid, without such certificates being first produced to him; and if any master, mate or other officer of any such ship attempts to sail, or take such ship to sea, from any port in Canada, on any such voyage as aforesaid, until this requirement of this Act has been fully complied with, such master, mate or other officer, shall, for every such offence, incur a penalty not exceeding one hundred dollars: but nothing in this, or the next preceding section contained, shall render it compulsory on the part of any owner to have on his ship a second mate holding a certificate as such, to enable him to clear his ship for sea:

Certificates to  
be produced  
to clearing  
officer of  
customs, and  
no ship to be  
cleared with-  
out such pro-  
duction.

Penalty for  
attempting to  
go to sea in  
contravention  
of this Act.

Employment  
of certificated  
second mate  
not compul-  
sory.

2. Every master of any such ship who, after having produced to the collector or other officer of the customs in Canada to whom he applies for a clearance, a certificate of competency or service required to be possessed by the first or only mate of such ship, and having obtained his clearance by representing that the person possessing such certificate is engaged as first or only mate of the said ship for the voyage for which the clearance is obtained, afterwards proceeds to sea 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 knowingly allows his certificate as mate to be produced as aforesaid, and does not proceed to sea with such ship as first or only mate on the voyage for which the clearance is obtained, or otherwise wilfully aids the master in his offence against this Act, shall incur a

Punishment  
of master or  
mate fraudu-  
lently evade-  
ing this sec-  
tion after  
clearance of  
the ship.

Suspension of certificate of offender if it is Canadian.

like penalty; and the certificate of any master or mate offending against this enactment, may, if issued under Canadian authority, be suspended by the Minister for a period not exceeding twelve months. 33 V., c. 17, s. 7;—42 V., c. 26, s. 3;—47 V., c. 19, ss. 1, *part, and 2*.

**11.** Repealed—See 54-55 V., c. 41, s. 4, page 46.

Certain classes of vessels, excepted.

**13.** The foregoing provisions as to masters and mates shall not apply to pleasure yachts not carrying passengers or goods for hire, or to ships employed solely in fishing, or barges or other vessels having neither masts, sails nor rigging, and not being steamships. 46 V., c. 28, s. 7, *part*.

**14.** Sub-section repealed—See 54-55 V., c. 41, s. 5, page 47.

No clearance, &c., to be granted unless such certificate is produced.

Penalty for contravention of this section.

2. No officer of the customs at any port in Canada shall clear any such ship or grant a *transire* coastwise for any such ship on any such voyage as aforesaid, or grant a license for the season in respect of any such ship, without such certificate being first produced to him; and if any master of any such ship attempts to sail, or take such ship from any port in Canada, on any such voyage as aforesaid, for which a clearance or a *transire* coastwise or a license for the season is required, until the requirements of this section have been fully complied with, such master shall, for every such offence, incur a penalty of one hundred dollars:

Case of steam tugs, &c., provided for.

3. The master of any steam tug, or other steamer required to have a certificated master, but so employed as not to require such clearance, *transire* or license as aforesaid, shall, whenever thereunto required by any officer of the customs, produce his certificate as master to such officer, 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 steamer required by this Act to be commanded by a certificated master, plies on any Canadian water without having such certificated master on board and in charge, the owner thereof shall incur a penalty of one hundred dollars for every day on which such offence is committed. 46 V., c. 28, s. 8.

Penalty for plying without a proper master.





## 52 VICTORIA.

## CHAPTER 21.

An Act to amend the Act respecting Certificates to Masters and Mates of Ships, chapter seventy-three of the Revised Statutes.

[Assented to 16th April, 1889.]

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

1. The paragraph lettered (e.) of section one of the "*Act respecting Certificates to Masters and Mates of Ships*" is hereby repealed and the following substituted therefor:—

Section 1 of R.S.C., c. 73, amended.

"(e.) The expression 'sea-going ship' includes every ship employed in trading or going between some port or place in Canada and some port or place out of Canada, not being a port or place in Newfoundland or in St. Pierre and Miquelon, or in the United States of America, or in Bermuda, or in any of the West Indian Islands, or on the east coast of South or of Central America."

"Sea-going ship."

2. The paragraph lettered (g.) of the said section one is hereby repealed and the following substituted therefor:—

"(g.) The expression 'coasting voyage' includes a voyage between Canada and Newfoundland or St. Pierre and Miquelon or a port or place in the United States of America, or in Bermuda, or in any of the West Indian Islands, or on the east coast of South or of Central America."

"Coasting voyage."

2. Sections nine, \*eleven and \*fourteen of the said Act are hereby respectively amended by inserting the words "or in St. Pierre or Miquelon, or in any of the West Indian Islands, or on the east coast of South or of Central America, or in Bermuda" after the words "United States of America" wherever such latter words occur in the said sections.

Section 9, 11 and 14 amended.



## 54 - 55 VICTORIA.

## CHAPTER 41.

Extracts from "An Act further to amend the Act respecting Certificates to Masters and Mates of Ships."

[Assented to 28th August, 1891.]

Section 11 repealed : new section.

No ship to sail without certificated master.

4. Section eleven of the said Act, as amended by section two of the Act fifty-second Victoria, chapter twenty-one, is hereby repealed and the following substituted therefor:—

"11. No sailing ship registered in Canada, over one hundred tons registered tonnage, and no steamship so registered, shall go from any port or place in Canada on a voyage to any other port or place in Canada, or in Newfoundland, or in the United States of America, or in St. Pierre or Miquelon, or in any of the West Indian Islands, or on the east coast of South or of Central America, or in Bermuda, or be licensed or allowed to ply on any Canadian water, unless the master thereof has obtained from the Minister and possesses a valid certificate of competency or service as master of a ship trading on the inland waters of Canada, or on the minor waters of Canada, or on coasting voyages, as the case may be, of the class and description to which such ship belongs, or of a higher class or description,—or a valid certificate of competency or service as master for sea-going ships, from the Minister,—or a valid certificate of competency as master, for foreign-going ships, from the Board of Trade in the United Kingdom,—or a valid certificate of competency as master, granted in any British possession and declared by order of Her Majesty in Council published in the *London Gazette*, under the provisions of "*The Merchant Shipping (Colonial) Act, 1869*," or of any Act of the Parliament of the United Kingdom, containing such provisions, to be of the same force as a certificate of competency, as master for foreign-going ships, granted under the Acts of the Parliament of the United Kingdom relating to merchant shipping; and no ship registered in Canada over two hundred tons registered tonnage, and no steamship so registered and allowed by law to carry more than forty passengers, shall go from any port or place in Canada, on a voyage to any other port or place in Canada, or in Newfoundland, or in the United States of

Or without a certificated mate, in certain cases.

America, or in St. Pierre or Miquelon, or in any of the West Indian Islands, or on the east coast of South or of Central America, or in Bermuda, unless such ship carries also a mate who has obtained from one of the authorities mentioned in this section a valid certificate of competency or service as such mate or as the mate of a ship of a higher class or description."

5. Sub-section one of section fourteen of the said Act, as amended by section two of the Act fifty-second Victoria, chapter twenty-one, is hereby repealed and the following substituted therefor:—

Section 14 amended.

"14. The master of every ship trading on the inland waters of Canada, or on the minor waters of Canada, or on coasting voyages, required by this Act to be commanded by a master having a certificate of competency or of service as aforesaid, shall produce to every officer of the customs in Canada to whom he applies for a clearance 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, or in Newfoundland, or in the United States of America, or in St. Pierre or Miquelon, or in any of the West Indian Islands, or on the east coast of South or of Central America, or in Bermuda, or for a license for the season in respect of such ship, the certificate of competency or service which the said master is hereby required to possess; 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."

Certificates must be produced on applying for a clearance, &c.



## REVISED STATUTES.

### CHAPTER 74.

Extracts from "An Act respecting the Shipping of Seamen."

**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 Seamen's Act.*" 36 V., c. 129, s. 1.

#### INTERPRETATION.

Interpretation.

"The said Provinces.

"Ship."

"Ships belonging to Her Majesty."

"Canadian foreign sea-going ship."

"Canadian home-trade ship."

Business of shipping office may be conducted at custom house.

- 2.** In this Act, unless the context otherwise requires,—
- (a.) The expression "the said provinces" means the provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island and British Columbia ;
- (b.) The expression "ship" includes every description of vessel used in navigation not propelled by oars ;
- (c.) The expression "ships belonging to Her Majesty" includes ships the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada, and ships described as the property of Canada, by the one hundred and eighth section of "*The British North America Act, 1867*" ;
- (d.) The expression "Canadian foreign sea-going ship" includes every ship registered in any of the said provinces, employed in trading or going by sea between some place or places in Canada and some place or places out of Canada ;
- (e.) The expression "Canadian home trade ship" includes every ship registered in either of the said provinces, employed in trading or going from any place or places in any of the said provinces to any other place or places in any other of the said provinces.

**3.** The Governor in Council may direct that at any place in any of the said provinces in which no separate shipping office is established, the whole or any part of the business of the

shipping office shall be conducted at the custom house; and thereupon the same shall be there conducted accordingly; and in respect of such business such custom house shall, for all purposes, be deemed to be a shipping 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, and be held to have been appointed as such within the meaning of this Act. 36 V., c. 129, s. 9.

**32.** No officer of customs shall clear any ship of any tonnage register without the production of the shipping master's certificate to the effect that all the requirements of this Act have been complied with, or to the effect that the agreement is in his office partially signed waiting an engagement of a portion of the crew, as the case may be, and shall not clear any such ship of over one hundred tons register, without the production of such certificate, and the certificates of competency or service above mentioned; and if any ship of any tonnage register attempts to go to sea without complying with all the requirements of this Act, the master of such ship shall incur a penalty not exceeding two hundred dollars; and at any port at which the chief officer of customs acts as shipping master, such officer of customs shall not clear any ship outwards until all the requirements of this Act have been complied with to his satisfaction. 42 V., c. 27, s. 1, *part*;—47 V., c. 19, s. 4, *part*.

Customs officers forbidden to clear ships until this Act is complied with.

Penalty for going to sea without complying with this Act.



## REVISED STATUTES.

### CHAPTER 75.

#### Extracts from "An Act respecting the Shipping of Seamen on Inland Waters"

##### INTERPRETATION.

- 2.** In this Act, unless the context otherwise requires,—
- Interpretation. (a.) The expression "ship" includes every description of vessel used in navigation, not propelled by oars ;
- "Ship." (b.) The expression "master" includes every person having command or charge of a ship, except a pilot ;
- "Master." (c.) The expression "seaman" includes every person employed or engaged in any capacity on board any ship, except masters and pilots ;
- "Seaman." (d.) The expression "Consular officer" includes Consul General, Consul and Vice-Consul, and any person for the time being discharging the duties of Consul General, Consul or Vice-Consul ;
- "Consular officer." (e.) The expression "the Minister" means the Minister of Marine and Fisheries ;
- "Minister." (f.) The expression "ship subject to the provisions of this Act" includes every ship registered in Canada propelled by steam and of more than twenty tons, registered tonnage, or propelled otherwise than by steam and of more than fifty tons registered tonnage, and employed in navigating the inland waters of Canada above the harbour of Quebec. 38 V., c. 29, s. 2, *part.*
- "Ship subject to the provisions of this Act."

##### APPLICATION OF ACT.

- 3.** This Act shall not apply to barges and scows navigating rivers and canals. 38 V., c. 29, s. 2, *part.*
- Act not to apply to barges, &c.

##### ENGAGEMENT AND WAGES OF SEAMEN.

- 4.** The master of every ship subject to the provisions of this Act, shall enter into an agreement with every seaman whom he carries as one of his crew, in the manner hereinafter mentioned ; and every such agreement shall be in the form of the schedule to this Act, or as near thereto as circumstances admit, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof, that is to say :—
- Agreement between master and crew.
- Form of agreement.
- Particulars.

- (a.) The nature and, as far as practicable, the duration of the intended voyage or engagement; Nature of voyage.
- (b.) The number and description of the crew, specifying how many are engaged as sailors; Crew.
- (c.) The time at which each seaman is to be on board or to begin work; Time for work.
- (d.) The capacity in which each seaman is to serve; Capacity.
- (e.) The amount of wages which each seaman is to receive; Wages.
- (f.) Any regulations as to conduct on board, and as to fines, or other lawful punishments for misconduct which the parties agree to adopt; Conduct, &c.

2. Every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seamen in each case, as to advances, and may contain any other stipulations which are not contrary to law; and every such agreement shall be made and signed in presence of a respectable witness, or a shipping master or chief officer of customs, who shall attest each signature on such agreement: To be so framed as to admit of certain stipulations.

3. Any seaman who has signed any such agreement may, at the termination of his engagement, if the master thinks fit, be discharged before any shipping master or chief officer of customs in Canada; and at any period during any such engagement, and before its termination, the master may discharge any such seaman on payment of his wages, and with his consent; and any such discharge may be made, if the master thinks fit, before any shipping master or chief officer of customs in Canada. 38 V., c. 29, s. 3. Discharge of seamen, how effected.

11. Whenever any agreement under this Act is signed before any shipping master or a chief officer of customs as a witness thereto, such officer shall append his title of office to his signature as such witness; and the sum of forty cents shall be payable to every such officer upon each engagement of a seaman before him, and the sum of twenty cents shall be payable to every such officer upon each discharge of a seaman effected before him as hereinbefore mentioned; and any shipping master or chief officer of customs may refuse to sign any such engagement or discharge, as a witness thereto, unless the fee payable thereon is first paid. 38 V., c. 29, s. 10. Attestation of agreement or discharge and fee to officers.

16. The master or owner of every ship subject to the provisions of this Act shall, at all times when required so to do by the Minister or by any person in that behalf duly authorized by the Minister, or by any inspector of steamboats or custom house officer or officer of river police, produce and exhibit to the Minister or to such person authorized by him, or to such inspector of steamboats or custom house officer or officer of river police, any agreement then in force and subsisting between the master of such ship and the seamen whom he carries as his crew; and every such owner or master who fails to comply with the requirements of this section shall incur a penalty of twenty dollars. 38 V., c. 29, s. 15. Master or owner bound to produce agreement to certain officers.

Penalty for default.



## REVISED STATUTES.

### CHAPTER 76.

“An Act respecting sick and distressed Mariners.”

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

Interpretation.

“Sick mariner.”

**1.** In this Act, unless the context otherwise requires,—

(a.) The expression “sick mariner” includes any master, mate, engineer, seaman, sailor, steward, fireman or other person employed on board of any vessel on which duty has been paid under this Act, who, from sickness, accident or any other cause, is in need of medical or surgical assistance and treatment;

“Vessel.”

(b.) The expression “vessel” means any vessel used in navigation, not propelled by oars;

“Year.”

(c.) The expression “year,” when used in this Act in 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. 31 V., c. 64, ss. 1 and 2;—38 V., c. 31, s. 2.

Hospitals for sick mariners to be designated by Governor.

**2.** The Governor in Council may, from time to time, designate and appoint any hospital in Canada receiving aid from the public funds of Canada, but not longer than such hospital continues to receive such aid, to be, during pleasure, an hospital for the reception, care and medical or surgical treatment, or both, of sick mariners, under this Act. 31 V., c. 64, s. 3, *part.*

The same.

**3.** The Governor in Council may, from time to time, with the consent of the governors, trustees, directors or other persons having the control and management of any hospital 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 both, of sick mariners under this Act. 31 V., c. 64, s. 3, *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,



New Brunswick, Prince Edward Island or British Columbia, a rate or duty of two cents for every ton which such vessel measures, registered tonnage, which shall be paid by the master or person in command of such vessel or by some person on his behalf, to the collector or other chief officer of the customs at the port at which such vessel is entered, and at the time of making such entry, which shall contain on the face of it the tonnage of such vessel; and no entry shall be validly made, or have any legal effect whatsoever, unless the rate or duty is so paid, save and except as hereinafter mentioned; and no collector or other chief officer of the customs shall grant a clearance to any vessel on which such rate or duty or any part thereof is due and unpaid; and the moneys so received shall be paid by such collector or chief officer to the Minister of Finance and Receiver General, and shall form a fund to be called and known as "The Sick Mariners' Fund," for the purposes hereinafter mentioned, and no other: 31 V., c. 64, s. 4, *part*;—37 V., c. 27, *part*.

ing in certain ports.

No entry until duty is paid.

Application of such duties.

2. Vessels of the burthen of one hundred tons or less, shall be liable to the payment of the said duty once in each year, but not oftener: 31 V., c. 64, s. 4, *part*.

Vessels of 100 tons or under.

3. Vessels of the burthen of more than one hundred tons register, shall be liable to the payment of the said duty three times in one year, but not oftener: 38 V., c. 31, s. 1.

Vessels over 100 tons.

4. No vessel arriving at any port in any one of the provinces of Canada from any port not within the same province, except in the case of a vessel arriving at a port in Quebec from a port in Ontario, shall be exempt from the payment of the said duty unless it has been paid at some other port on the same voyage, by reason merely of her voyage being one not requiring entry or clearance at the custom house; and if she does not require entry the duty shall be paid immediately on her arrival: 33 V., c. 19, s. 1, *part*.

Exemption from tonnage duty.

5. No vessel engaged in the coasting trade of Canada and arriving at any port in any of the said provinces, from any other 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: Provided always, that no vessel arriving at any port in Canada from any place out of Canada, and afterwards continuing her voyage to another port in Canada, shall be exempt from the payment of the said duty at the last mentioned port, unless she has paid it at the first mentioned or some other port on the same voyage: 33 V., c. 19, s. 1, *part*.

Further exemption.

Proviso: as to vessels arriving at one port and continuing their voyage to another.

6. The master or person in charge of any fishing vessel registered in Canada may pay in any year such rate of duty in respect to such vessel before leaving on a fishing voyage at its first port of outfit in respect to such voyage:

Fishing vessels.

(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 charge of such vessel and the mariners employed thereon, if they are sick, to the rights and benefits

Payment once a year entitles sick mariners to benefit if vessel is 100 tons or less.

conferred by the two sections next following, during such year, in any port where there is a collector of customs ;

One payment in respect to vessels over 100 tons entitles mariners for the voyage to benefits and three payments to benefits for one year.

(b.) If such vessel is of the burthen of more than one hundred tons registered tonnage, such payment shall entitle to the said rights and benefits only the master and mariners employed upon the voyage in respect to which such payment has been made ; but the payment of the said rate or duty three times in any calendar year in respect to such vessel, shall entitle the master and mariners thereof to the said rights and benefits during the remainder of such year in any such port : 47 V., c. 21, s. 1.

Collector to account quarterly to Minister.

7. Every collector or other chief officer 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 thirtieth day of June in each year, to the Minister of Marine and Fisheries, accounts of the sums received by him and paid over to the Minister of Finance and Receiver General under this Act. 31 V., c. 64, s. 4, *part*.

Masters of vessels may send their sick mariners to such hospitals, where they shall be received gratuitously.

5. The master or person in command of any vessel paying such rate or duty, may send to the marine hospital at Quebec, or to the marine or seamen's hospital at or for any other port in any of the provinces aforesaid, or to any hospital so designated and appointed as aforesaid, at any hour of the day (and in case of accident or emergency, at any hour of the 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 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. 31 V., c. 64, s. 5.

If no marine or seamen's hospital, collector to make provision for care of sick or disabled sailor.

6. At any port at which such rate or duty as aforesaid is received, and at or for which there is no marine or seamen's hospital, or other hospital so designated and appointed as aforesaid, the collector or other chief officer of the customs, 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, or both, and treatment of every sick mariner belonging to such vessel, at the nearest public hospital if there is one at a safe and convenient distance, and if not, then at some public or private house. 31 V., c. 64, s. 7.

Sections 5 and 6 not to apply to sick mariners of vessels

7. The two sections next preceding shall not apply to sick mariners belonging to vessels exempted from or not paying the duties mentioned in this Act, and no mariner

belonging to any such vessel shall be gratuitously received and treated in any hospital designated and appointed for the reception of sick mariners under this Act, nor shall any provision be made by any collector or other chief officer of customs for their medical or surgical care or treatment in any other hospital or house, out of any money collected under this Act, unless by the special authority of the Minister of Marine and Fisheries. 33 V., c. 19, s. 2.

exempted as  
aforesaid.

8. The Governor in Council may, by warrant under his hand, pay, from time to time, for the purposes of this Act, and out of any moneys paid under it into the hands of the Minister of Finance and Receiver General, to the managers or directors of the marine hospital at Quebec, and to the managers or directors of any hospital designated and appointed as hereinbefore provided, for the reception, care and medical or surgical treatment, or both, of sick mariners under this Act, but not exclusively devoted to that purpose, such sum or sums as he deems a reasonable compensation for the care and treatment of the sick mariners sent to such hospital. 31 V., c. 64, s. 6.

Care and  
treatment of  
sick mariners  
to be paid for  
out of fund  
created by  
duty.

9. The Governor in Council may, from time to time, for the purposes of the sixth section hereof and out of any moneys paid under this Act into the hands of the Minister of Finance and Receiver General, pay to the collector or chief officer of the customs at any such port as is described in the said section, such sum or sums of money as such collector or 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 purposes of the said section. 31 V., c. 64, s. 8.

Expenses in-  
curred by  
collector to  
be paid out  
of fund arising  
from duty.

10. The Governor in Council may, whenever he deems it necessary, appropriate from the fund arising from the duties imposed under this Act, such sums as he deems requisite towards the temporary relief, in such manner as he deems advisable, of shipwrecked, destitute or otherwise distressed seamen not entitled to relief under any of the provisions of "The Merchant Shipping Act, 1854," which are in force in that one of the provinces aforesaid in which such seamen are. 31 V., c. 64, s. 9, *part*.

Certain sums  
may be appro-  
priated yearly  
towards tem-  
porary relief  
of certain  
other seamen.

11. Any shipwrecked, destitute or otherwise distressed seamen may, by authority from the Minister of Marine and Fisheries, be temporarily boarded and lodged and taken care of at any marine or seamen's hospital devoted exclusively to the reception, care and treatment of sick mariners. 31 V., c. 64, s. 9, *part*.

Such seamen  
may be taken  
care of.

12. All expenses incurred in any one of the provinces aforesaid, for the care and medical and surgical treatment of sick mariners, including the cost of the maintenance and support of

All expenses  
to be paid out  
of "Sick Mar-  
iners Fund."

marine and seamen's hospital, devoted exclusively to such purposes, shall be defrayed out of "The Sick Mariners' Fund;" and the Governor in Council shall appoint the superintendents and other officers of such hospitals, who shall receive such salaries or remuneration as the Governor in Council, from time to time, directs. 31 V., c. 64, s. 10.

Expenditure of fund to be accounted for and vouchers produced.

**13.** Every person intrusted with the expenditure of any portion of the moneys hereby appropriated shall make up detailed accounts of such expenditure, showing the sum advanced to the accountant, the sum actually expended, the balance, if any, remaining in his hands, and the amount of the moneys hereby appropriated to the purpose for which 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 by numbers corresponding to the numbering of the items in such account, and shall be made up to and closed on the thirtieth day of September, the thirty-first day of December, the thirty-first day of March and the thirtieth day of June in each year during which such expenditure is made, and shall be attested before a judge of a superior court or a justice of the peace, and shall be transmitted to the Minister of Marine and Fisheries within ten days next after the expiration of the said periods respectively. 31 V., c. 64, s. 11.

Accounts to be attested.

Powers of Minister of Marine and Fisheries.

**14.** Subject to the approval of the Governor in Council, the Minister of Marine and Fisheries shall have the management 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 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, 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 until proper buildings are erected at the several ports, the said Minister may hire and make use of any building which is convenient for the purposes aforesaid, or any of them. 31 V., c. 64, s. 13.

Certain hospitals to be under the control of the Minister.

**15.** All marine and seamen's hospitals, devoted exclusively to the reception, care and treatment of sick mariners shall be vested in Her Majesty, and under the exclusive control and management of the Minister of Marine and Fisheries. 31 V., c. 64, s. 14.

Annual report to be laid before Parliament.

**16.** The Minister of Marine and Fisheries shall make an annual report and statement to the Governor General of the receipts and expenditures under this Act, to be laid before Parliament within the first fifteen days of the next session thereof. 31 V., c. 64, s. 12.



## 50-51 VICTORIA.

## CHAPTER 40.

An Act to amend the Act respecting Sick and Distressed Mariners.

[Assented to 23rd June, 1887.]

**I**N amendment of chapter seventy-six of the Revised Statutes of Canada, intituled "*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:—

1. No vessel which is not registered in Canada, and which is employed exclusively in fishing or on a fishing voyage, shall be subject to the payment of, or shall pay, any rate or duty imposed by the Act hereinbefore cited. Certain vessels exempted.



## REVISED STATUTES.

### CHAPTER 77.

Extracts from "An Act respecting the Safety of Ships and the Prevention of Accidents on board thereof."

#### DECK LOADS.

7. No master of any ship, when sailing after the first day of October or before the sixteenth day of March in any year, on a voyage from any port in Canada to any port in Europe, and during the voyage while within Canadian jurisdiction, shall place, or cause or permit to be placed or to remain upon or above any part of the upper deck of such ship, not included within the limits of any break or poop, or any other permanently closed in space thereon and available for cargo, the tonnage of which forms part of the registered tonnage of such ship,—Amended—See 52 V., c. 22, s. 4, page 60.
- Certain lading not to be placed on deck in winter.
- Timber.
- Spars.
- Other cargo.
- Proviso: in case of leak, or damage to ship.
- Customs officers to ascertain that ship is not loaded contrary to this Act.
- (a.) Any square, round, waney or other timber ;
- (b.) Any more than five spare spars, or store spars made, dressed and finally prepared for use, or not so dressed and prepared ;
- (c.) Any cargo of any other description, except live stock, to any height exceeding three feet above the deck :
- Provided always, that if the master of any such ship considers that it is necessary, in consequence of the springing of a leak, or of other damage received or apprehended during the voyage, he may remove and place upon any part of the upper deck not included within the limits of any break or poop or any other permanently closed in space thereon and available for cargo, the tonnage of which forms part of the registered tonnage of such ship, any other or greater portion of such cargo than is hereby permitted to be placed upon such part of the upper deck of such ship, and permit the same to remain there for such time as he considers expedient. 36 V., c. 56, ss. 2 and 4, part ;—41 V., c. 12, s. 1.
2. Before any officer of the customs permits any ship, subject to the provisions of the next preceding sub-section, to clear out from any port in Canada, he shall ascertain that there is not piled, or stored or placed upon any part of the upper deck of such ship, not included within the limits of any break

or poop, or any other permanently closed in space thereon, available for cargo, and the tonnage of 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 that effect ; and no master of any ship shall sail in such ship when subject to the provisions of the next preceding sub-section from any port in Canada until he has obtained such certificate ; 36 V., c. 56, ss. 5 and 7.

Certificate.

3. No master of any ship, when sailing after the fifteenth day of November or before the sixteenth day of March in any year, on a voyage from any port in Canada to any port in the West Indies, and during the voyage while within Canadian jurisdiction, shall, if she is a single decked vessel, place or cause or permit any cargo whatever to be placed or remain upon or above the deck to a height exceeding by more than 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 place or cause or permit to be placed or remain, any cargo on or above any part of such spar deck ; but this provision shall not prevent such master from carrying two spare spars or store spars, made, dressed and finally prepared for use, on the deck or on the spar deck of such ship : Provided always, that if the master of any such ship considers that it is necessary in consequence of the springing of a leak or of other damage received or apprehended during the voyage, he may remove and place upon the upper deck or 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 considers expedient : 36 V., c. 56, ss. 3 and 4, part.

Ships sailing to the West Indies.

Certain modes of carrying cargo forbidden.

Exception.

Proviso: in case of leak or other damage to ship.

4. Before any officer of the customs permits any ship subject to the provisions of the next preceding sub-section, to clear out from any port in Canada, he shall ascertain that no provision of the said sub-section is violated in respect of such ship and the cargo thereof, and shall give the master of such ship a certificate to that effect ; and no master of any ship shall sail in such ship, when subject to the provisions of such sub-section, from any port in Canada, until he has obtained such certificate : 36 V., c. 56, ss. 6 and 7.

Certificate to be given before clearing.

Ship not to sail without certificate.

5. Nothing in this section contained shall apply to any vessel sailing from British Columbia. 36 V., c. 56, s. 13.

Not to apply to British Columbia.



## 52 VICTORIA.

### CHAPTER 22.

Extracts from "An Act to amend the Revised Statutes, chapter seventy-seven, respecting the Safety of Ships."

[Assented to 2nd May, 1889.]

#### DECK LOADS.

Sections 7 and 8 amended.

**4.** Sub-section one of section seven and section eight of the said Act are hereby amended by striking out the words "port in Canada to any port in Europe" in the third and the eighth and ninth lines thereof respectively, and inserting the words "port or place in Canada to any port or place out of Canada not being a port or place in the United States, Newfoundland, St. Pierre, Miquelon, Bermuda, the West Indies or South America" in lieu thereof.

#### GRAIN CARGOES.

Grain cargoes to be secured.

**5.** No grain cargo shall be carried on board any ship registered in Canada, unless such grain cargo is contained in bags, sacks or barrels, or properly secured from shifting by boards or otherwise:

Penalty for contravention.

**2.** If shifting boards have not been used, or other proper precautions to prevent a grain cargo from shifting have not been taken, in the case of any ship registered in Canada and laden with a grain cargo, the master of the ship, and any agent of the owner who was charged with the loading of the ship or the sending her to sea, shall each be liable to a penalty not exceeding one thousand dollars, and the owner or managing owner of the ship shall also be liable to the same penalty unless he shows that he took all reasonable means to enforce the observance of this section and that he was not privy to the breach thereof.

Exception.

Examination by customs officer.

**6.** When any ship registered in Canada arrives at her port of discharge in Canada with a grain cargo, any customs officer may proceed on board and, when practicable, examine into the



manner in which the cargo was stowed ; and every person in charge of such ship, at the time of the examination, shall render such officer all reasonable assistance ; and every person who impedes or obstructs such officer, or attempts to prevent or refuses to permit his making such examination, or who, being in charge of the vessel, refuses to render such officer reasonable assistance in making such examination, shall for each offence incur a penalty not exceeding two hundred dollars. Penalty for obstruction.



## REVISED STATUTES.

### CHAPTER 78.

Extracts from "An Act respecting the Inspection of Steam-boats, and the examination and licensing of Engineers employed on them."

#### SHORT TITLE.

Short title. **1.** This Act may be cited as "*The Steam-boat Inspection Act.*" 45 V., c. 35, s. 1.

#### INTERPRETATION.

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

Interpretation. (a.) The expression "steam-boat" includes any vessel used  
 "Steamboat." in navigation or afloat on navigable water, and propelled or movable wholly or in part by steam ;

"Owner." (b.) The expression "owner" includes the lessee or charterer of any such vessel ;

"Year." (c.) The expression "year" means the calendar year, commencing on the first day of January and ending on the thirty-first day of December ;

"Boilers and machinery." (d.) The expression "boilers and machinery" includes the steam engine or engines, and every part thereof or thing connected 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, stays, 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 engineer ;

"Hull and equipment." (e.) The expression "hull and equipment" includes the hull and every part thereof, masts, sails and rigging when the steam-boat 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 extinguishing fires, anchors and cables, windlasses and capstans, fire buckets, compasses, axes, lanterns, and all other articles and things necessary for the navigation and safety of the steam-boat and not under the care of the engineer ;

(f.) The expression "inspector" means a person appointed to inspect the "boilers and machinery" of steam-boats, when and so far as such provision applies to anything included in that expression, or a person appointed to inspect the "hulls and equipment" of steamboats, when and so far as the provision applies to anything included in the expression last mentioned; "Inspector."

(g.) The expression "boiler" means a boiler of or intended for a steam-boat, and includes boilers when the steam-boat has more than one, and the expression "boilers" means "boiler" when she has only one; "Boiler."  
"Boilers."

(h.) The expression "hull" includes the equipment; "Hull."

(i.) The expression "certificate" means one of the duplicates or triplicates of the certificate given by the inspectors or inspector, as the case may be; "Certificate."

(j.) The expression "freight boats" means steam-boats carrying freight only. 45 V., c. 35, ss. 3 and 6, part. "Freight boats."

Amended—See 54-55 V., c. 39, s. 1, page 68.

#### EXTENT AND APPLICATION OF ACT.

**3.** This Act shall not apply to steamboats belonging to Her Majesty the Queen, or to steamboats registered in Great Britain and Ireland or in any foreign country, and plying between any port or place in Canada and any port or place out of Canada. 45 V., c. 35, s. 4, part. Exceptions from application of Act.

**4.** All steam yachts, used exclusively for pleasure or private use without hire or remuneration of any kind, all tug boats, all freight boats under one hundred and fifty tons gross, and all steam-boats used only for fishing purposes or the carrying of fish, and under one hundred and fifty tons gross, and steam dredges and elevators or vessels of like kind, shall be exempt from the requirements of this Act, except as regards the inspection of their boilers and machinery, to which they shall be subject at least once in each year, and oftener if required, under the same provisions and penalties for neglect as other steam-boats, and except also as to the obligation to carry one life-buoy hereinafter imposed on all steam-boats. 45 V., c. 35, s. 4, part. Amended—See 51 V., c. 26, s. 2, page 67. Partial exceptions.

**10.** The master or owner of every steam-boat liable to inspection under this Act, shall cause the boiler and machinery and the hull and equipment thereof, to be inspected at least once every year, and shall deliver to the chief officer of customs at the port where such inspection is made, or at which such steam-boat arrives next after such inspection, 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 or owner shall incur a penalty of four Inspection to be made at least yearly.  
Certificates of inspection.  
Penalty for neglect.

hundred dollars, and such steam-boat shall be liable for the same and chargeable therewith :

Duration of certificate.

2. Every such certificate, unless sooner revoked, shall be good for a period of twelve months from the date thereof, or for such less period as is stated by the inspector in the certificate. 45 V., c. 35, s. 10.

Certificate of inspection of hull and equipment.

**16.** If the inspector of hulls and equipment, who inspects any steam-boat in the manner required by this Act, approves the hull and equipment of such steam-boat, he shall make and sign, in triplicate, a certificate according to the form A, in the schedule to this Act,—and such triplicates shall be delivered by him to the inspector of boilers and machinery for the same district, who, when he has inspected and approved the boilers and machinery of the steam-boat, shall make and sign, in triplicate, upon the same sheets of paper on which the certificate in triplicate of the inspector of hulls and machinery is written, a certificate according to the form A, in the said schedule, and shall deliver two of the triplicates of the said certificate to the owner or master of the steam-boat,—who shall deliver one triplicate to the chief officer of customs as aforesaid, and shall cause the other to be posted up, framed and protected by glass, in some conspicuous part of the steamboat for the information of the public; and the inspector of boilers and machinery shall retain the other triplicate for the purposes of this Act :

And of boilers and machinery.

In triplicate on same sheets.

How disposed of.

Certificate of inspection of boilers and machinery only.

2. If the steam-boat is one of which the boiler and machinery only are subject to inspection under this Act, the inspector of boilers and machinery shall sign a certificate in the form B in the said schedule, in duplicate, and deliver the duplicates to the master or owner of the steam-boat, who shall deliver one to the chief officer of customs and cause the other to be posted up in some conspicuous part of the steam-boat for the information of the public :

Inspector to see that steam-boats have proper lights, &c.

No certificate in case of non-compliance.

3. Every inspector of steam-boats shall, whenever he visits and inspects any steam-boat, examine whether such steam-boat is properly furnished with lights and with means of making fog-signals, in pursuance of the rules prescribed by the "*Act respecting the Navigation of Canadian Waters*," and shall refuse to grant any certificate with respect to any steam-boat which he finds is not so provided, and shall report such steam-boat as unsafe to the Minister of Marine and Fisheries. 43 V., c. 29, s. 10;—45 V., c. 35, s. 16, *part*;—49 V., c. 34, s. 6.

Amended—See 54-55 V., c. 39, s. 4, page 68.

#### INSPECTION FEES.

Inspection fees, sale 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 not exceeding ten cents for every ton gross which such steam-boat measures; and the owner or master of every passenger steam-boat exceeding one hundred

ton gross, shall pay an inspection fee of eight dollars for each inspection made imperative by this Act; and the owner or master of any passenger steam-boat of one hundred tons and less, or of any other steam-boat, shall pay an inspection fee of five dollars for each inspection made imperative by this Act:

2. Every ton of the gross tonnage of a steam-boat shall, for the purposes of this section, be reckoned, and no allowance or deduction shall be made for the space occupied by the engine room:

No deduction for machinery when calculating tons for fees.

3. The amount of such rate or duty and inspection fees shall, in each case, be paid to and received by the chief officer of customs, at some one of the ports in Canada, who shall, at such times and in such manner as the Governor in Council, from time to time, directs, account for and pay over the same to the Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund of Canada. 45 V., c. 35, s. 50.

Fees to be paid to chief officer of customs.

47. No inspector shall make or deliver a certificate respecting any steam-boat under this Act, unless the receipt of a chief officer of customs for the rate or duty payable in respect of such steam-boat for the then current year, has been produced and shown to him, and unless he is satisfied, by careful examination, that all the conditions and requirements of this Act have been fulfilled and complied with, in respect of such steam-boat; and every inspector shall report to some chief officer of customs any case of omission to pay such rate or duty, or of omission to apply for such inspection as aforesaid, for more than one year from the date of the last inspection, or of any refusal to submit to inspection at any time, which in any way or at any time comes to his knowledge. 45 V., c. 35, s. 51.

Inspector's certificate not to be granted before fees are paid.

Inspectors to report to chief officer of customs, omissions to pay duty, &c.

48. Each chief officer of customs shall demand of the owner or master of every steam-boat entered, cleared or otherwise officially dealt with by such officer, the production of the certificate of inspection of such steam-boat and of the receipt for the payment of the rate or duty mentioned in section forty-six of this Act, in respect of such steam-boat; and if such certificate and receipt are not so produced, then such chief officer shall seize and detain the said steam-boat until the same are produced and exhibited, and any penalty incurred and lawfully imposed on such steam-boat under the provisions of this Act, has been paid in full; and in default of payment, such chief officer shall sell such steam-boat for the payment of such rate or duty and penalties, in the usual manner, and shall deal with the proceeds as if the penalties were incurred for violation of the Customs laws. 45 V., c. 35, s. 52;—49 V., c. 34, s. 17.

Certificate or receipt may be demanded from owner of vessel.

Vessel may be detained seized and sold on failure to pay penalty.

Proceeds how dealt with.

50. Repealed—See 54-55 V., c. 39, s. 7, page 68.

60. Except when otherwise specially provided, the owner or master of any steam-boat in Canada shall, for any violation in respect of such steam-boat, on any one voyage or trip thereof,

Penalty in non-provided cases under this Act.

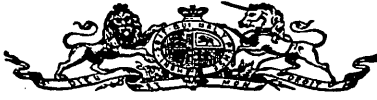
Inspector may detain the vessel.

Clearance to be withheld in case of non-compliance with provisions of this Act.

Tonnage of re-measured steam-ships.

of any of the provisions of this Act or of any Order in Council made under it, incur a penalty not exceeding two hundred dollars and not less than twenty dollars; and any inspector of steam-boats may detain any steam-boat on board or in respect of which the provisions of this Act have not been fully complied with, or of which the boilers or machinery or the hull, by reason of any injury or other cause, have, in his opinion, become unsafe; and whenever any such inspector gives notice in writing to any chief officer of customs that any of the provisions of this Act have not been fully complied with in respect to any steam-boat, such chief officer of customs shall not grant any clearance, coasting license or other document for such steam-boat, until he receives the certificate in writing of such inspector, to the effect that such provisions have been fully complied with in respect to such steam-boat. 45 V., c. 35, s. 65.

● **65.** In the case of every steam-ship which, under the provisions of the Act passed in the fortieth year of Her Majesty's reign, chapter nineteen, has been re-measured for tonnage according to the rules prescribed by "*The Merchant Shipping Act, 1884*," the tonnage of such steam-ship previously to such re-measurement shall be deemed to be her tonnage for the purposes of this Act. 40 V., c. 19, s. 1, *part.*



## 51 VICTORIA.

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### CHAPTER 26.

Extract from "An Act to amend the Steam-boat Inspection Act, chapter seventy-eight of the Revised Statutes."

[Assented to 22nd May, 1888.]

2. Section four of "*The Steam-boat Inspection Act*," is hereby amended by adding the following words at the end of the said section:—"and all steam yachts of three tons, gross tonnage, and under, used exclusively for pleasure or private use without hire or remuneration of any kind, shall be exempt from all the requirements of this Act." Section 4 of R.S.C., c. 78 amended.



## 54-55 VICTORIA.

## CHAPTER 39.

Extracts from "An Act further to amend 'The Steam-boat Inspection Act.'"

[Assented to 28th August, 1891.]

- R.S.C., c. 78.  
Section 2  
amended.
- "Passenger." "1. Section two of "*The Steam-boat Inspection Act*," chapter seventy-eight of the Revised Statutes, is hereby amended by adding thereto the following paragraphs:—
- "Minister." " (k.) The expression 'passenger' means any person carried on a steam-boat, other than the master and crew and the owner, his family and servants ;"
- "Minister." " (l.) The expression 'Minister' means the Minister of Marine and Fisheries."
- Section 16  
amended.
- Penalty for  
contraven-  
tion.
- "4. Section sixteen of the said Act is hereby amended by adding thereto the following subsection:—
- "4. The master, owner or person in charge for the time being of any steam-boat which makes any trip or voyage before the certificate required by this section has been issued,—or which makes any trip or voyage or any part thereof at any time or during any period not covered by such certificate,—or which makes any trip or voyage or any part thereof on any waters beyond the limits of those for which such certificate is issued, shall, for each such offence, be liable to a penalty not exceeding five hundred dollars and not less than fifty dollars; and if such penalty is not paid forthwith the steam-boat shall, subject to the directions of the Minister, be liable to be seized and sold by any officer of customs or any other person thereto directed by the Minister; and the said penalty and the costs of such seizure and sale shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owner of the steam-boat."
- Section 50  
amended.
- "7. Section fifty of the said Act is hereby repealed and the following substituted therefor:—
- Inspection at  
any time.
- "50. Notwithstanding anything contained in section six of this Act, any inspector may, at any time, visit any steam-boat and inspect and examine the same, and if he considers such



steam-boat unsafe or unfit to carry passengers, he shall report thereon to the Minister, who may order that such steam-boat shall not be used or run until permitted by the Minister or by the inspector who has made such report. Order of Minister upon inspector's report.

"2. Any steam-boat run or used in violation of the order of the Minister shall be liable to forfeiture and seizure by the chief officer of customs at any port, and may thereupon be sold in the same way and under like provisions as goods liable to forfeiture for non-payment of customs duties ; or— Penalty for running contrary to order of Minister.

"3. Any steam-boat so run or used may be seized at any place by any inspector thereunto authorized by the Minister, in which case such inspector shall have the same powers as a chief officer of customs would have in like circumstances, and shall make to the Minister a report of his seizure ; whereupon such report may be communicated by the Minister to the Minister of Customs, and like proceedings may be had for the forfeiture and sale of the steam-boat seized, as if it had been duly seized by a chief officer of customs." Seizure of steam-boat by inspector.



# REVISED STATUTES.

## CHAPTER 80

### Extracts from "An Act respecting Pilotage."

#### APPLICATION OF ACT.

Act not to apply to H. M. ships, &c.

**3.** Nothing in this Act shall apply to ships belonging to Her Majesty, or to ships wholly employed in Her Majesty's service while so employed, the masters of which have been appointed by Her Majesty's Government, either in the United Kingdom or in Canada. 36 V., c. 54, s. 4.

Names, &c., of pilots to be published.

**36.** The names and addresses of all licensed pilots shall be published in the following manner:—

List to be transmitted to collectors of customs.

(a.) Every pilotage authority shall, from time to time, and at last once in every year, prepare a list of the pilots holding licenses for their pilotage district, specifying the name and usual place of abode of every pilot holding such license, and the limits within which he is licensed to act; and shall transmit such list to the collector of customs at the principal port within such district;

And posted up at custom houses.

(b.) Every collector of customs, to whom any such list is so transmitted, shall, immediately after the receipt thereof, cause the same to be posted up, and shall always keep the last received of such lists posted up at the custom house of the port. 36 V., c. 54, s. 37.

No clearance until such dues, if payable, are paid or settled for.

**53.** No clearance shall be granted to any ship liable to pilotage dues at any port in Canada where there is a duly constituted pilotage authority which collects the pilotage dues, and at which 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 or some officer or person authorized by such authority to grant the same, that all pilotage dues in respect of such ship have been paid or settled for to the satisfaction of such authority. 40 V., c. 20, s. 4.

#### COMPULSORY PAYMENT OF PILOTAGE DUES, AND EXEMPTIONS THEREFROM.

Compulsory payment of pilotage dues

**58.** Every ship which navigates within either of the pilotage districts of Quebec, Montreal, Halifax or St. John, or

within any pilotage district within the limits of which the payment of pilotage dues is, for the time being, made compulsory by Order in Council under this Act, shall pay pilotage dues, unless either—

(a.) Such ship is on her inward voyage and no licensed pilot offers his services as a pilot, or—

(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 owner or master 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 pilotage district of Quebec, to the corporation of pilots for and below the harbour of Quebec, and if in any 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 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 so employed, the masters of which have been appointed by Her Majesty's Government, either in the United Kingdom or in Canada ;

(c.) Ships propelled wholly or in part by steam employed in trading from port to port in the same province, or between any one or more of the Provinces of Quebec, New Brunswick, Nova Scotia or 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, north of New York ; except only in the ports of Halifax, Sydney pilotage district, Miramichi and Pictou,—as respects each of which ports the pilotage authorities of the district may, from time to time, determine, with the approval of the Governor in Council, whether any, and which, if any, of the steam-ships so employed shall or shall not be wholly or partially, and, if partially, to what extent and under what circumstances, exempt from the compulsory payment of pilotage dues ;

(d.) Repealed—See 55-56 V., c. 20, s. 1, page 73.

(e.) Any ship of which the master or any mate has a certificate granted under the provisions of this Act and then in force, authorizing him to pilot such ship within the limits within which she is then navigating ;

(f.) Ships of such description and size, not exceeding two hundred and fifty tons, registered tonnage, as the pilotage authority of the district, with the approval of the Governor in Council, from time to time, determines to be exempt from the compulsory payment of pilotage in such district : Provided always, that this paragraph shall not apply to the river St. Lawrence, where all ships registered in Canada, if not more

in certain districts.

Special exceptions.

To whom payable.

Exempted ships.

Her Majesty's ships.

Ships employed by Her Majesty.

What steam-ships shall be exempt from pilotage dues.

Exception as to Halifax, Sydney, Miramichi and Pictou.

Ships of 80 tons and under.

Ships with certificated master.

Certain ships under 250 tons.

Proviso.

than two hundred and fifty tons registered tonnage, shall be exempt. 36 V., c. 54, s. 57, *part*;—38 V., c. 28, s. 1;—40 V., c. 20, s. 3.

## OFFENCES OF PILOTS.

- 73.** Every licensed pilot who, either within or without the district for which he is licensed,—
- (a.) Commits any fraud or offence in respect to the revenues of customs or inland revenue or the laws relating thereto,
- (b.) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, cargoes, crews or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods or chattels,
- (c.) Lends his license,
- (d.) Acts as pilot whilst suspended,
- (e.) Acts as pilot when in a state of intoxication,
- (f.) Employs or causes to be employed, on behalf of any ship of which he has the charge, any steam-boat, boat, anchor, cable, or other store, matter or thing, beyond what is necessary for the service of such ship, with the intent to enhance the expenses of pilotage for his own gain, or for the gain of any other person,
- (g.) Refuses or delays, when not prevented by illness or 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 make any special bargain for salvage,
- (i.) Unnecessarily cuts or slips, or causes to be cut or slipped, any cable belonging to any ship,
- (j.) Refuses, when requested by the master to conduct 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, 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 damages, be liable to a penalty not exceeding two hundred dollars, and suspension or dismissal by the pilotage authority of the district for which he is licensed; and every person who procures, abets or connives at the commission of such offence 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 licensed pilot, to suspension or dismissal by the pilotage authority of the district for which he is licensed. 36 V., c. 54, s. 70.
- Offences by pilots.
- Fraud, as to revenue.
- Corrupt practices.
- Lending license.
- Suspension.
- Intoxication.
- Unnecessary expenditure.
- Neglect of duty.
- Salvage.
- Cutting cables.
- Refusal to act.
- Quitting ship prematurely.
- Liability to damages and penalty.



## 55-56 VICTORIA.

## CHAPTER 20.

An Act to amend "The Pilotage Act."

[Assented to 10th May, 1892.]

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

1. The paragraph lettered (*d*) of section fifty-nine of *The Pilotage Act*, chapter eighty of the Revised Statutes, is hereby repealed and the following substituted therefor:—
- “(*d*.) Ships registered in Canada, of not more than one hundred and twenty tons registered tonnage.”
- R.S.C., c. 80,  
section 50  
amended.



## REVISED STATUTES.

### CHAPTER 81.

Extracts from "An Act respecting Wrecks, Casualties and Salvage."

#### INTERPRETATION.

Interpre- tion.	<b>2.</b> In this Act, unless the context otherwise requires,—
"Minister."	(a.) The expression "the Minister" means the Minister of Marine and Fisheries ;
"Master."	(b.) The expression "master" includes every person having command or charge of any vessel ;
"Ship."	(c.) The expression "ship" includes every description of vessel used in navigation not propelled by oars ;
"Vessel."	(d.) The expression "vessel" includes every description of vessel used in navigation ;
"Tackle."	(e.) The expression "tackle" used in relation to a vessel, includes all furniture and apparel thereof ;
"Goods."	(f.) The expression "goods" includes wares and merchandise of every description ;
"Receiver."	(g.) The expression "receiver" means receiver of wreck ;
"Shipwrecked persons."	(h.) The expression "shipwrecked persons" includes persons belonging to or on board of any British or foreign vessel wrecked, stranded or in distress at any place within the limits of Canada ;
"Wreck."	(i.) The expression "wreck" includes cargo, stores and tackle of any such vessel and of all parts of the vessel separated therefrom, and also the property of shipwrecked persons. 32-33 V., c. 38, s. 14 ;—36 V., c. 55, s. 3, s. 4, <i>part</i> , and s. 5, <i>part</i> .

#### 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 damaged on or near the lake, river or sea coasts of Canada, or 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 on board of any ship on or near such coast, island or place, loss of life ensues ;

(d.) Whenever any such loss, abandonment, damage or casualty happens elsewhere, and any competent witnesses thereof arrive or are found at any place in Canada ;

The principal officer of customs residing at or near the place where such loss, abandonment, damage or casualty occurred, if the same occurred on or near the coasts of Canada, or any island or place adjacent thereto, but if elsewhere, at or near the place where such witnesses as aforesaid arrive, or are found, or can be conveniently examined, or any officer of the Government of Canada whom the Minister by his name or title of office, and without otherwise naming or designating him, appoints, or any other person appointed by the Minister, may make inquiry respecting such loss, abandonment, damage or casualty. 32-33 V., c. 38, s. 1 ;—37 V., c. 29, s. 4, *part.*

Who shall  
make it.

#### APPOINTMENT OF RECEIVERS OF WRECK.

15. The Governor in Council may, from time to time, appoint any officer of customs or, when it appears to him more convenient, any other person, to be a receiver of wreck, and may, from time to time, remove any such receiver, and may also, from time to time, by Order in Council, establish, alter or abolish districts for the purposes of this Act, and assign a district to any receiver, and vary such district, from time to time, and may, from time to time, make and vary regulations for the conduct of receivers, subject to the provisions of this Act :

Appointment  
of receivers of  
wreck.

2. If, at any time, there is not any receiver appointed for any district in which the city of Quebec, the city of Halifax, or the city of St. John is included, then the agent of the Department of Marine and Fisheries at such city shall be the receiver for such district ; and if, at any time, there is not any receiver appointed for any other district, then the principal officer of customs at the principal port in such district, shall be the receiver for such district. 36 V., c. 55, s. 4, *part.*

Receivers  
*ex officio* where  
none specially  
appointed.



## 55-56 VICTORIA.

## CHAPTER 4.

An Act respecting aid by United States Wreckers in Canadian waters.

[Assented to 10th May, 1892.]

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

Privilege granted.

**1.** United States vessels and wrecking appliances may salve any property wrecked, and may render aid and assistance to any vessels wrecked, disabled or in distress, in the waters of Canada contiguous to the United States.

Interpretation.

**2.** Aid and assistance include all necessary towing incident thereto.

Customs and coasting laws.

**3.** Nothing in the customs or coasting laws of Canada shall restrict the salving operations of such vessels or wrecking appliances.

Commencement of Act.

**4.** This Act shall come into force from and after a date to be named in a proclamation by the Governor General, which proclamation may be issued when the Governor in Council is advised that the privilege of salving any property wrecked, and of aiding any vessels wrecked, disabled or in distress, in United States waters contiguous to Canada will be extended to Canadian vessels and wrecking appliances to the extent to which such privilege is granted by this Act to United States vessels and wrecking appliances.

Duration of Act.

**5.** This Act shall cease to be in force from and after a date to be named in a proclamation to be issued by the Governor General to the effect that the said reciprocal privilege has been withdrawn, revoked or rendered inoperative with respect to Canadian vessels or wrecking appliances in United States waters contiguous to Canada.

NOTE.—A proclamation was issued by the Governor General, dated 17th May, 1893, bringing the above Act into force from and after 1st June, 1893; and a Proclamation was issued by the President of the United States on 28th July, 1893, declaring the United States Act (similar) and amendments thereto in full force and effect.





## REVISED STATUTES.

### CHAPTER 83.

An Act respecting the Coasting Trade of Canada.

**H**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, the expression “British ships,” means and includes all ships belonging wholly to persons qualified or entitled to be owners of British ships, under the provisions of “*The Merchant Shipping Act, 1854*,” or any other Act of the Parliament of the United Kingdom in that behalf, in force for the time being. 33 V., c. 14, s. 3, *part*;—38 V., c. 27, s. 4.

Interpretation.  
“British ships.”

**2.** No goods or passengers shall be carried by water, from one port of Canada to another, except in British ships; and if any goods or passengers are so carried, as aforesaid, contrary to this Act, the master of the ship or vessel so carrying the same, shall incur a penalty of four hundred dollars; and any goods so carried shall be forfeited, as smuggled; and such ship or vessel may be detained by the collector of customs, at any port or place to which such goods or passengers are brought, until such penalty is paid, or security for the payment thereof given to his satisfaction, and until such goods are delivered up to him, to be dealt with as goods forfeited under the provisions of “*The Customs Act*.” 33 V., c. 14, s. 1, *part*.

No goods or passengers to be carried coastwise, &c., in Canada except in British ships. Penalty for contravention.

**3.** The master of any steam-vessel, not being a British ship, engaged, or having been engaged, in towing any ship, vessel or raft, from one port or place in Canada to another, except in case of distress, shall incur a penalty of four hundred dollars; and such steam-vessel may be detained by the collector of customs at any port or place to or in which such ship, vessel or raft is towed, until such penalty is paid. 38 V., c. 27, s. 1, *part*.

Penalties on foreign steamers towing vessels, &c., from place to place in Canada.

**4.** Penalties and forfeitures under this Act may be recovered and enforced in the manner provided by “*The Customs Act*,” with respect to penalties and forfeitures incurred under it, and

Penalties and forfeitures, how recoverable and enforceable.

as if imposed by it; and this Act shall accordingly be construed with reference to the said Act, and as forming one Act with it, and all words and expressions in this Act shall have the same meaning as the like words and expressions in the said Act. 33 V., c. 14, s. 1, *part*;—38 V., c. 27, s. 1, *part*.

Governor in Council may declare this Act not to apply to ships of certain countries.

5. The Governor in Council may, from time to time, declare that the foregoing provisions of this Act shall not apply to the ships or vessels of any foreign country in which British ships are admitted to the coasting trade of such country, and to carry goods and passengers from one port or place to another, in such country. 33 V., c. 14, s. 2;—38 V., c. 27, s. 2, *part*.

Imp. Act, 32 V., c. 11.

As to foreign vessels privileged by treaty.

6. In cases in which by treaty made before the passing of the Act of the Parliament of the United Kingdom, in the thirty-second year of Her Majesty's reign, intituled "*An Act for amending the Law in respect to the Coasting Trade and Merchant Shipping in British Possessions*," Her Majesty has agreed to grant to any ships of any foreign state, any rights or privileges in respect of the coasting trade of Her Majesty's possessions, such rights and privileges shall be enjoyed by such ships, for so long as Her Majesty has already agreed, or hereafter agrees to grant the same,—anything in this Act to the contrary notwithstanding. 33 V., c. 14, s. 3, *part*;—38 V., c. 27, s. 2, *part*. *Vide* O.C., 17 April, 1883.

*Vide*, O.C., 25th July, 1888, which will be found on pages 39 to 43 of "Customs Orders in Council," and which prescribes certain regulations for coasting trade of Canada.

*Vide*, also, pages 44 to 46 of same publication, for Orders admitting vessels of Italy, Germany, The Netherlands, Sweden and Norway, Austro-Hungary, Denmark, Belgium and the Argentine Republic, to benefits of coasting trade of Canada.

*Vide* also, pages 47 and 48 of same publication for O.C., 25th July, 1888, defining regulations *re* use of foreign vessels trading on the coast, or on inland waters of Canada.



## REVISED STATUTES.

### CHAPTER 84.

Extracts from "An Act respecting the Government Harbours, Piers and Breakwaters."

**3.** The Governor in Council may, from time to time, on the recommendation of the Minister of Marine and Fisheries, make rules and regulations for the use and management of such harbours, wharfs, piers and breakwaters, and a tariff or tariffs of the tolls and dues to be paid for the use of the same, and levied on persons or vessels using them, and on goods, wares or merchandise landed or shipped on or from off them, and may, by such rules and regulations, impose penalties not exceeding two hundred dollars, and punishment by imprisonment not exceeding sixty days, for any violation thereof; and such tolls, dues and penalties shall be a lien on the goods and on the vessels with their tackle in respect of which they are payable or incurred; and the officer or person appointed to collect the same may detain such vessel or goods until they are paid; and no vessel leaving any 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 dues on such vessel have been paid, or that none are payable thereon: but no such regulations shall be in force until they are published in the *Canada Gazette*. 40 V., c. 17, s. 3.

Governor in Council may make regulations for use of works and tariff of tolls; and may impose penalties for contravention.

Collection of tolls, &c., how enforced.

Proviso.

**8.** Nothing in this Act shall apply to the harbour of Quebec, Montreal, Toronto, St. John, N.B., Halifax, or Pictou, or any harbour under the management of commissioners appointed under any Act of the Parliament of Canada. 40 V., c. 17, s. 8.

Act not to apply to certain harbours.



## REVISED STATUTES.

### CHAPTER 85.

Extracts from "An Act respecting Port Wardens."

Clearance not to be granted to any vessel carrying grain, unless the requirements of this Act have been complied with.

**15.** No officer of customs shall grant a clearance to any vessel wholly or partly loaded with grain, for the purpose of enabling her to leave the harbour for any port not within the limits of inland navigation and not within Canada, unless the master of such vessel produces to him a certificate from the port warden, that all the requirements of this Act have been fully complied with if such grain is laden in bulk,—nor unless such master produces to him a certificate from the port warden, that all the requirements of this Act have been complied with, if such vessel is wholly or partly laden with grain, otherwise than wholly or partly in bulk; and if any vessel wholly or partly loaded with grain attempts to leave the harbour for any port not within the limits of inland navigation and not within Canada, without a clearance, any officer of customs, or the chief officer of the river police, or any person acting under the direction of the Minister of Marine and Fisheries, may detain such vessel until such certificate is produced to him. 37 V., c. 32, s. 28.

Vessel may be detained. Ports excepted.

**32.** This Act shall not apply to the ports of Quebec, Montreal and St. John, N.B. 37 V., c. 32, s. 1, *part.*



## REVISED STATUTES.

### CHAPTER 86.

Extracts from "An Act respecting Harbour Masters."

**3.** 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, Montreal and Three Rivers, in the Province of Quebec, the port of Toronto, in the Province of Ontario, the ports of Halifax and Pictou, in Nova Scotia, and the port of St. John, in New Brunswick. 36 V., c. 9, s. 14 ;—37 V., c. 34, s. 14.

Application of foregoing provisions. Ports excepted.

**11.** The harbour master shall be remunerated for his services solely by the fees hereinafter mentioned, or such portion thereof as he is, from time to time, authorized to retain by the regulations made by the Governor in Council under this Act : and for and in respect of all ships entering a port to which this Act applies, and at which a harbour master is appointed, and discharging or taking in cargo, ballast, stores, wood or water, there shall be paid the following fees, that is to say :—

Fees to harbour masters, and on what ships and where payable.

For every ship of fifty tons register or under—fifty cents ;

For every ship over fifty tons and not over one hundred tons register—one dollar ;

For every ship over one hundred tons and not over two hundred tons register—one dollar and fifty cents ;

For every ship over two hundred tons and not over three hundred tons register—two dollars ;

For every ship over three hundred tons and not over four hundred tons register—two dollars and fifty cents ;

For every ship over four hundred tons and not over five hundred tons register—three dollars ;

For every ship over five hundred tons and not over seven hundred tons register—four dollars ;

For every ship over seven hundred tons register—five dollars. 38 V. c. 30, s. 1, *part*.

**12.** Such fees shall also be payable for ships with cargo and steamers passing through or arriving at the harbours of 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 harbour master at each of the said harbours. 38 V., c. 30, s. 1, *part*.

As to certain harbours.

When and  
how often  
fees are  
payable.

**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 harbour master immediately on her entering or arriving at the first and second ports where there is a harbour master; and the collector or principal officer of customs thereat shall not grant any clearance, transire or let pass to any ship on which they are payable, until the master thereof produces to him a certificate of the payment of such fees or certificates of the payment of fees under this Act, once or twice within the then current year, as the case requires. 38 V., c. 30, s. 2.



## REVISED STATUTES.

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### CHAPTER 87.

An Act respecting tonnage dues levied in Canadian ports.

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

1. Whenever, under any Canadian Act or law, any tax, duty or due is to be levied on any ship in a Canadian port, 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.

Tonnage, how calculated for payment of dues.



## REVISED STATUTES.

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### CHAPTER 88.

An Act respecting the Exemption of Transports from Port and Harbour Dues.

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

Transports.  
exempted  
from all port  
and harbour  
dues.

1. All transports or vessels employed exclusively in carrying troops shall be exempt from any port or harbour duties, at any port or harbour in Canada, whether the same are imposed directly by the Parliament of Canada, or by any local or other authorities subject to its control. 37 V., c. 24, s. 1.





# REVISED STATUTES.

## CHAPTER 102.

### An Act respecting the Inspection of Petroleum.

**H**ER 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 Petroleum Inspection Act.*" Short title. 43 V., c. 21, s. 30.

#### INTERPRETATION.

- 2.** In this Act, unless the context otherwise requires,—
- (a.) Repealed—See 56 V., chap. 36, s. 1, page 96.
- (b.) The expression "specific gravity" means the weight of any fluid as compared with the weight of distilled water, both being at the temperature of sixty-two degrees by Fahrenheit's thermometer, the barometer standing at thirty inches; and in this Act specific gravity is expressed by stating in pounds and hundredths of a pound the weight of a gallon of the fluid compared or to be compared;
- (c.) The expression "petroleum" means and includes all the refined products, by distillation, of rock or mineral oil, coal, coal tar, or of any other mineral substance, and having a specific gravity of not less than seven pounds and seventy-five hundredths of a pound per gallon;
- (d.) The expression "naphtha" means and includes all the refined products, by distillation, of rock or mineral oil, coal, coal tar, or any other mineral substance having a specific gravity of less than seven pounds and seventy-five hundredths of a pound per gallon;
- (e.) The expression "flash-test" or "flash" means the momentary ignition or flash caused by applying a light or spark to the vapour arising from any fluid herein referred to, under conditions established by regulations made under this Act;
- (f.) The expression "fire-test" or "burning" means the ignition and continuous burning of any fluid herein referred to, on the application of a light or spark, under conditions established by regulations made under this Act;
- (g.) Repealed—See 56 V., chap. 36, sec. 2, part, page 96.
- (h.) Repealed—See 56 V., chap. 36, sec. 2, part, page 96.
- Interpreta-  
tion.  
"Specific"  
"gravity."  
"Petroleum."  
"Naphtha."  
"Flash-test"  
or "flash."  
"Fire-test,"  
or "burning."

## PROVISIONS AS TO SALE.

Tests of petroleum intended for sale. **3.** Except as herein otherwise provided, petroleum shall not be sold or offered for sale for use in Canada, for illuminating purposes,—

Flash tests. (a.) If, at a lower temperature than ninety-five degrees by Fahrenheit's thermometer, when tested by the pyrometer described in the schedule to this Act, it emits a vapour that will flash; or—(amended. See 56 V., chap. 36, s. 3, page 96).

Gravity test. (b.) If it weighs more than eight pounds and five hundredths of a pound per gallon; or—

The same. (c.) If it weighs less than seven pounds and seventy-five hundredths of a pound per gallon. 44 V., c. 23, s. 1.

**4.** Repealed—See 56 V., chap. 36, sec. 4.

Sale of naphtha. **5.** Naphtha shall only be sold or offered for sale in Canada—

For illuminating. (1.) For use for illuminating purposes—

(a.) In street lamps in which only the vapour is burned;

(b.) In dwellings, factories, and other places of business, when vaporized in secure underground tanks outside the building in which the vapour so generated is used for lighting;

For other purposes. (2.) For use for mechanical or chemical purposes in buildings not inhabited as residences for family purposes. 43 V., c. 21, s. 4.

Marks on packages. **6.** Every person who puts any petroleum or naphtha into any package shall cause the following marks to be correctly, and in conspicuously legible characters, placed on one end or side of every such package of Canadian petroleum:—

Flash. (a.) The flash-test of the petroleum contained therein;

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

Gross weight. (c.) The gross weight in pounds;

Tare. (d.) The tare or the weight of the empty package in pounds;

Net weight. (e.) The net weight of oil in pounds;

Gallons. (f.) The number of gallons contained in the package;

Date. (g.) The date when the package was filled;

Name of refiner. (h.) The name of the refiner, manufacturer or other person, or the name of his authorized agent, by whom the petroleum was put into the package so marked. 43 V., c. 21, s. 5;—44 V., c. 23, s. 3.

## INSPECTION.

Inspection, how to be performed. **7.** The quantity and quality of imported petroleum or naphtha in each package shall be ascertained by weighing and testing by the inspector, and the allowance for the tare of the package shall be in accordance with departmental regulations in that behalf:

2. The inspecting officer at the port of entry shall cause the following marks to be correctly placed upon the end or side of each package of imported petroleum in the presence of the importer or owner thereof, or of his authorized agent, who shall provide all necessary appliances for weighing the packages and their contents, and all labour necessary for moving, piling or handling such packages, and who shall also cause one end of each cask or one side of each package of any other description to be properly cleaned or otherwise prepared for receiving the marks herein required to be placed on such packages, that is to say:—

Duty of inspecting officers in marking packages.

(a.) Repealed—See 56 V., chap. 36, sec. 5, page 97.

(b.) Repealed—See 56 V., chap. 36, sec. 5, page 97.

(c.) Repealed—See 56 V., chap. 36, sec. 5, page 97.

(d.) Repealed—See 56 V., chap. 36, sec. 5, page 97.

(e.) Repealed—See 56 V., chap. 36, sec. 5, page 97.

(f.) Repealed—See 56 V., chap. 36, sec. 5, page 97.

8. Naphtha shall not be inspected for flash test, but only as to its gravity and quantity, but the marks on the packages in which it is contained shall be the same as on packages containing petroleum, except that the word "naphtha" shall be substituted for the flash test; and the importer shall provide all necessary means for enabling the inspecting officer to inspect such naphtha in the same way as is herein required with reference to imported petroleum. 44 V., c. 23, s. 5.

Rules for inspecting and marking naphtha.

9. No other mark or brand shall be placed upon the end or side of any package of Canadian or imported petroleum upon which any marks or brands have been placed in compliance with the provisions of this Act. 43 V., c. 21, s. 8.

No other mark.

10. Petroleum may be removed in bulk without inspection from one refinery to another refinery, or other place, for the purpose of completing the process of manufacture or placing it in packages under a permit in that behalf, obtained from the proper officer, and subject to such departmental regulations as are made respecting such removals. 43 V., c. 21, s. 9. Amended. See 56 V., chap. 36, sec. 6, page 97.

Removal of petroleum without inspection.

11. Repealed—See 56 V., chap. 36, sec. 7, page 97.

12. Packages containing petroleum or naphtha which is to be exported out of Canada direct from the refinery in which it is made and packed, shall only be marked and inspected as herein prescribed, at the option of the owner thereof; but if any petroleum or naphtha for which exemption from inspection is claimed under this section, is thereafter sold or offered for sale for consumption in Canada, or removed from the refinery otherwise than for exportation, it shall thereupon become liable to seizure and confiscation. 43 V., c. 21, s. 12.

Packages of petroleum or naphtha for export.

Forfeiture if sold in Canada.

Forfeiture for sale without inspection.

**13.** All petroleum and naphtha liable to inspection, sold or offered for sale for use in Canada without having been inspected immediately after being manufactured or imported into Canada, shall be subject to seizure by any officer of Customs of Inland Revenue, and shall be dealt with under regulations made by the Governor in Council. 43 V., c. 21, s. 13.

Responsibility for quality and quantity.

**14.** Every refiner, manufacturer or importer of petroleum or naphtha, and every person who deals in or keeps or offers any petroleum or naphtha for sale, shall be responsible, as to its quality and as to the quantity contained in each package, that the same shall not be inferior to the quality nor less than the quantity designated by the marks and descriptions then on the packages in which it is contained, all of which marks and descriptions the person in whose possession it is shall maintain in a perfectly legible state. 43 V., c. 21, s. 14.

**15.** Repealed—See 56 V., chap. 36, sec. 8, page 97.

What shall be sufficient inspection of a number of packages.

**16.** Whenever any petroleum or naphtha contained in not more than ten packages is inspected, it shall be sufficient if the inspector draws samples for inspection from not less than two of such packages, and the examination of the samples so taken shall be considered as applicable to the whole:

Of certain numbers of packages.

2. When there are more than ten packages and less than thirty, samples shall be drawn from at least three packages: for any larger number samples shall be drawn from at least one package in every ten: the samples so taken shall represent the whole, but the inspector shall, in every case, make his own selection of the packages from which he is to take such samples:

Marking packages.

3. The inspector shall mark or stamp in such manner as is directed by departmental regulations, all packages containing petroleum or naphtha inspected by him as herein directed; and the contents of such packages, so long as they are declared by the owner thereof to contain the same petroleum or naphtha as was first inspected, as herein required, shall not be subject to the payment of inspection fees for any subsequent inspection, unless it is ascertained, by such subsequent inspection, that the article found therein is inferior in quality or quantity to the article designated by the descriptive marks found on the packages at the time of any second or subsequent inspection. 43 V., c. 21, s. 16;—44 V., c. 23, s. 7, *part*.

As to fees for subsequent inspection.

Powers of inspectors to enter refineries, &c.

**17.** Any duly authorized inspector may, at any time during ordinary business hours, enter the refinery, shop or warehouse of any person who refines or keeps petroleum or naphtha for sale, and may take from any package of petroleum or naphtha found therein such quantity of the contents as is necessary for testing the quality thereof; and he may take similar samples from any package of petroleum or naphtha found in the pos-

session of any hawker or pedler on the public streets or highways, or offered for sale by any person. 43 V., c. 21, s. 17.

**18.** All tests of petroleum and naphtha shall be taken by means of instruments that have been compared with and which are certified as agreeing with the standard instruments kept in the Department of Inland Revenue at Ottawa, or in some other principal testing office established under departmental regulations, where similar standard instruments are kept for that purpose. 43 V., c. 21, s. 18.

What instrument shall be used.

**19.** Whenever any dispute arises as to the correctness of any test of the quality of petroleum made under this Act, a sample of the petroleum in dispute shall be drawn by the inspecting officer and sealed in the presence of the owner, or other person in whose possession the said petroleum then is,— which sample shall be forwarded to the Department of Inland Revenue at Ottawa, or to some other principal testing office established by departmental regulations, where the sample shall be tested ; and the test so made and certified by the officer making it shall be final and conclusive as to the quality of the petroleum in dispute. 43 V., c. 21, s. 19.

In case of dispute as to any test.

Sample to be sent to department.

Final test.

#### FEEES.

**20.** Repealed—See 56 V., chap. 36, sec 9, page 98.

**21.** All fees payable under this Act shall be payable before any certificate or bill of inspection is delivered, and if not so paid shall be recoverable, with costs, before any justice of the peace. 43 V., c. 21, s. 21.

When payable.

#### PENALTIES.

**22.** Repealed—See 56 V., chap. 36, sec. 10, page 98.

**23.** Every person who,—

(a.) Keeps or offers for sale for use in Canada any petroleum or naphtha which is not in conformity with this Act, or that is inferior in quality to the quality represented by the marks on the package in which it is contained, or—

Or not in conformity with the marks on the packages.

(b.) Puts or causes to be put into any package marked as herein required, any petroleum or naphtha which is not of the description or quality represented by the said marks, or—

Or wrongly putting it into packages marked.

(c.) Keeps or offers for sale or sells any whole package of petroleum or naphtha in which there is a less quantity than is represented by the marks on the package in which it is contained,—

Or if the marked quantity is not contained.

Is guilty of an offence against this Act, and for a first offence shall incur a penalty of two dollars for every package found in his possession in which such inferior petroleum or naphtha or such short quantity is discovered ; and for each subsequent

Offence ; penalty for first,

And for subsequent offence.

Limitation.

Seizure of petroleum not standing flash test.

Penalties for offences against this Act.

Other offences.  
Altering marks.

Counterfeiting marks.

Emptying packages inspected, &c.

Improperly using inspector's brands.

Hiring or lending such brands.

offence shall incur a penalty of four dollars for every package found in his possession in which such inferior petroleum or naphtha or such short quantity is discovered; but the pecuniary penalty incurred under this section shall not, for a first offence, exceed fifty dollars, or for a subsequent offence, one hundred dollars. 43 V., c. 21, s. 23;—44 V., c. 23, s. 7, *part*.

**24.** The petroleum, in respect of which any such penalty is imposed, for the reason that it will not stand the flash test hereby required, and the packages in which it is contained, shall be forfeited to Her Majesty, and shall be seized by any revenue officer or inspector having a knowledge thereof, and disposed of under any general regulations made by the Governor in Council. 43 V., c. 21, s. 24.

**25.** Every person who keeps or stores any petroleum or naphtha, in respect of which the provisions of this Act or the provisions of any order or regulation of the Governor in Council or of any departmental regulations made under this Act, have not been complied with, is guilty of an offence against this Act, and for every such first offence shall incur a penalty of twenty-five dollars, and for each subsequent offence, a penalty of fifty dollars; and petroleum or naphtha unlawfully imported, stored or kept shall be forfeited to Her Majesty, and seized by any revenue officer or inspector having a knowledge thereof. 44 V., c. 23, s. 6, *part*.

**26.** Every person who, with a fraudulent intention,—

(a.) Alters, effaces, or obliterates, wholly or partially, or causes to be altered, effaced or obliterated, any inspector's brands or marks on any petroleum or naphtha which has undergone inspection, or on any package which contains any petroleum or naphtha, or—

(b.) Counterfeits any such brand or mark, impressed or otherwise marked thereon or any mark purporting to be the mark of any inspector, either with the proper marking instruments of such inspector or with counterfeit imitations thereof, or—

(c.) Empties or partially empties any such package so marked, after inspection, in order to put into the same any other article not contained therein at the time of such inspection, or uses for the purpose of packing any petroleum or naphtha any old package bearing inspection marks, or

(d.) Not being an inspector of petroleum or naphtha, brands or marks any package containing it, with the inspector's marks, or gives any certificate purporting to be a certificate of inspection of any petroleum or naphtha, or—

(e.) Being in the employ of any inspector, hires or lends the marks or marking instruments of his employer to any person whatever, or connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid, or—

(f.) Being an inspector, hires out or lends his marking instruments to any person, or— Inspector hiring or lending them.

(g.) Being an inspector, gives any certificate of inspection, without having personally performed the inspection, or gives any wilfully false or untrue certificate, or connives at or is privy to any fraudulent evasion of this Act,— Giving false certificate.

Shall, for each such offence, incur a penalty of one hundred dollars. 43 V., c. 21, s. 25 ;—44 V., c. 23, s. 7, *part*. Penalty.

**27.** So soon as any package of petroleum or naphtha has been emptied, all marks or brands placed on it in pursuance of the requirements of this Act shall be obliterated ; and every such package from which such marks or brands have not been obliterated, as herein required, shall be seized and forfeited to the Crown ; and the person in whose possession the same is found, is guilty of an offence against this Act, and on conviction shall pay a penalty not exceeding ten dollars and not less than one dollar, for each and every such package. 44 V., c. 23, s. 8. Marks on casks emptied to be obliterated. Penalty, for contravention.

**28.** Every person not thereunto duly authorized under this Act, who, in any manner, assumes the title or office of inspector, or issues any bill, certificate or declaration purporting to establish the quality or quantity of any petroleum or naphtha shall, for every such offence, incur a penalty not exceeding one hundred dollars. 43 V., c. 21, s. 26 ;—44 V., c. 23, s. 7, *part*. Assuming title or office of inspector.

**29.** Every penalty and forfeiture imposed by this Act, or by any regulation made under it, shall be recoverable and enforceable by any complainant or informant suing for the same in a summary way, before a police or stipendiary magistrate or two justices of the peace ; and every such penalty shall, in default of payment, be levied by warrant of distress, to be issued by such magistrate or justices against the goods and chattels of the offender ; and a moiety of every such penalty, when recovered, shall belong to the complainant or informant, and the other moiety to Her Majesty for the public uses of Canada ; and if the penalty, together with any costs awarded, is not paid within thirty days, or is not recovered by seizure as hereinbefore provided, such offender shall be liable to imprisonment for a term not exceeding six months, and not less than two months ; Recovery of penalties and enforcement of forfeitures. Imprisonment, if not paid or made.

2. Every such complaint or information shall be heard and determined by the police or stipendiary magistrate or two justices of the peace before whom it is preferred, and no other justice of the peace shall take part in such hearing and determination. 43 V., c. 21, s. 27. By whom alone complaint shall be heard and determined.

**30.** No action or suit against any person for anything done under this Act or contrary to its provisions, shall be commenced except within six months next after the matter or Limitation of suits for things done under this Act.

Costs if  
plaintiff fails.

thing is done or omitted to be done ; and the defendant therein may plead the general issue, and that the matter or thing was done under this Act, and may give this Act and the special matter in evidence at any trial therein ; and if it appears so to have been done, then the judgment shall be for the defendant ; and if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover his costs and have the like remedy for the same as defendants have in other cases. 43 Vic., c. 21, s. 28.

#### REGULATIONS.

Regulations  
respecting  
storage of  
petroleum or  
naphtha.

**31.** The Governor in Council may, from time to time, make such regulations respecting the storage and possession of petroleum and naphtha as he deems necessary for the public safety, and may make special regulations as to the importation or possession of naphtha ; and no person shall have in his possession any such article without having first obtained a permit to that effect from the Minister of Inland Revenue, under such restrictions and regulations as are made, from time to time, by the Governor in Council, for the storage and possession of such articles ; and such permit shall be produced to the proper officer of the customs before the importation of any such articles above mentioned is permitted. 44 Vic., c. 23, s. 6, *part*.

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#### SCHEDULE.

MODE OF TESTING PETROLEUM SO AS TO ASCERTAIN THE TEMPERATURE AT WHICH IT WILL GIVE OFF INFLAMMABLE VAPOUR.

##### *Specification of the Test Apparatus or Pyrometer.*

The following is a description of the details of the apparatus :—

The oil cup consists of a cylindrical vessel two inches in diameter, two inches and two-tenths in height (internal), with outward projecting rim five-tenths of an inch wide, three-eighths of an inch from the top, and one and seven-eighths of an inch from the bottom of the cup. It is made of gun-metal or brass (17 B. W. G.) tinned inside. A bracket consisting of a short stout piece of wire bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is one and one-half inch. The cup is provided with a close-fitting overlapping cover made of brass (22 B. W. G.), which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions upon which it may be made to oscillate ; it is provided with a spout, the mouth of which is one-sixteenth of an inch in diameter. The



socket which is to hold the thermometer is fixed at such an angle and its length is so adjusted that the bulb of the thermometer when inserted to its full depth shall be one and one-half inch below the centre of the lid.

The cover is provided with three square holes, one in the centre, five-tenths by four-tenths of an inch, and two smaller ones, three-tenths by two-tenths of an inch, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of and in line with the mouth of the lamp, is fixed a white bead, the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B.W.G.), an inner one of three inches in diameter and two and one-half inches in height, and an outer one of five and one-half inches in diameter and five and three-quarter inches in height; they are soldered to a circular copper plate (20 B.W.G.), perforated in the centre, which forms the top of the bath, in such a manner as to inclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about three-eighths of an inch; that is, its diameter is about three-fourths of an inch greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite, to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the inner cylinder and of the oil cup is one-half of an inch. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted in the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe and two loop handles.

The bath rests upon a tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.), flanged at the top, and of such dimensions that the bath, while firmly resting on the ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is six and one-half inches. One of the three legs of the stand serves as support for the spirit lamp attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is one inch.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for

determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. The scale (in degrees of Fahrenheit) is marked on the tube. It is fitted with a metal collar, fitting the socket, and the part of the tube below the collar should have a length of about three and one-half inches, measured from the collar to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with a collar and the scale is cut on the tube in a similar manner to the one described. It measures from end of the collar to end of bulb two and one-quarter inches.

NOTE.—A model apparatus is deposited at the Weights and Measures Branch of the Inland Revenue Department.

*Directions for applying the Flashing Test.*

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be one hundred and forty degrees Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to one hundred and forty degrees by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water bath is again raised to one hundred and forty degrees by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candle wick, and filling it with colza or rape or fine sperm oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about fifteen hundredths of an inch in diameter, and this size of flame, which is represented by the projecting white bead on the cover of the oil cup, is readily maintained by simple manipulation, from time to time, with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test-flame arrangement for use with gas may be substituted.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds sixty-five degrees the samples to be tested should be cooled down (to about sixty-five degrees) by immersing the bottles containing them in cold water, or by any other convenient method, or if the sample is much below that temperature, it should be raised so as not to be less than sixty degrees when placed in the test cup. The lid of the cup, with the slide closed, is then put on, and the cup is placed in the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not, under any circumstances, to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, a pendulum beating seconds or a lead or plumb-line measuring thirty-nine inches from its point of suspension to the centre of the plumb weight, fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about ninety degrees the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree, in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.  
44 V., c. 23, sch.



## 56 VICTORIA.

## CHAPTER 36.

## An Act further to amend the Petroleum Inspection Act.

[Assented to 1st April, 1893.]

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

R. S. C. c. 102,  
s. 2 amended.

**1.** The paragraph lettered (*a.*) of section two of *The Petroleum Inspection Act*, chapter one hundred and two of the Revised Statutes, is hereby repealed and the following substituted therefor :—

“Package.”

“(a.) The expression ‘package’ means and includes any cask, can, jar or bottle into which any fluid referred to in this Act is put for the purpose of being stored, or of being removed from one place to another, or for delivery to any purchaser or consumer.”

Section 2 further  
amended.

**2.** The paragraphs lettered (*g.*) and (*h.*) of the said section two of the said Act are hereby repealed and the following substituted therefor :—

“Inspector.”

“(g) The expression ‘inspector’ or ‘inspecting officer’ means any officer of Inland Revenue, and any person appointed by the Governor in Council as inspector of such articles, who is directed by the Department of Inland Revenue to inspect petroleum or naphtha.”

“Departmental regulations.”

“(h.) The expression ‘departmental regulations’ means and includes all regulations and rules promulgated and duly authenticated by the Department of Inland Revenue.”

Section 3  
amended.

**3.** The paragraph lettered (*a.*) of section three of the said Act is hereby amended by striking out the word “five” in the first line thereof.

Section 4 re-  
pealed.  
High test pe-  
troleum may  
be sold on cer-  
tain condi-  
tions.

**4.** Section four of the said Act is hereby repealed, and the following substituted therefor :—

“**4.** Petroleum designated and known as ‘high test petroleum’ may be sold for use in Canada, for illuminating purposes, when it weighs not more than eight pounds and forty-

three hundredths of a pound, and not less than eight pounds and fourteen-hundredths of a pound, per gallon, if it will stand a fire test of two hundred degrees by Fahrenheit's thermometer, or if when heated in an open cup to a temperature of one hundred and eighty degrees by Fahrenheit's thermometer it does not emit a vapour that will flash.

"2. Packages containing high test petroleum shall be branded as such and shall have marked on them the actual weight per gallon and the flash test or the fire test of the petroleum contained therein." Packages to be branded.

5. The paragraphs lettered (a.) to (f.), inclusive, of subsection two of section seven of the said Act are hereby repealed and the following substituted therefor :— Section 7 amended.

"(a.) The flash test; Marks on packages.  
 "(b.) The weight per gallon in pounds and decimal parts thereof;  
 "(c.) The gross weight in pounds;  
 "(d.) The tare of package in pounds;  
 "(e.) The net weight of oil in pounds;  
 "(f.) The number of gallons contained in the package;  
 "(g.) The word 'inspected' and the date of inspection;  
 "(h.) The name of the inspector and the name of his port or district."

6. Section ten of the said Act is hereby amended by inserting the word "Canadian" before the word "petroleum" in the first line thereof. Section 10 amended.

7. Section eleven of the said Act is hereby repealed and the following substituted therefor :— Section 11 repealed.

"11. The inspection of petroleum and naphtha under this Act shall be performed by officers of the Inland Revenue duly authorized thereto under departmental regulations, or by such other persons as are appointed for that purpose by the Governor in Council. Inspection, by whom.

"2. Such instruments shall be used and process adopted in making the inspection as are directed by departmental regulations." Instruments.

8. Section fifteen of the said Act is hereby repealed and the following substituted therefor :— Section 15 repealed.

"15. All petroleum and naphtha made in Canada, except such as is to be exported under the provisions of this Act, shall, after it has been put into packages, marked as herein required, and before it leaves the premises of the refiner or manufacturer, be inspected by a duly authorized inspector. Inspection of petroleum and naphtha made in Canada.

"2. All petroleum and naphtha imported into Canada shall, except as hereinafter provided, be in packages containing not more than fifty gallons each, and shall be entered only at such customs ports as are determined by the Governor in Council, and shall be inspected and the packages marked, as herein Importation of petroleum and naphtha.  
Inspection.

In case of rejection.

required, at such ports, and before such petroleum or naphtha is entered for consumption; and, except in the case of lubricating oils, any petroleum so imported which does not conform to the requirements of this Act, shall be branded with the word 'rejected,' and shall, within ten days after the inspection, be exported from Canada,—and if not so exported within the prescribed time, it and the packages in which it is contained shall be seized and forfeited to Her Majesty and shall be disposed of under regulations made by the Governor in Council.

Importation in tank cars.

“3. Notwithstanding anything in this section contained, the Governor in Council may designate places at which petroleum for illuminating purposes may be imported in tank cars, under departmental regulations; but all petroleum so imported shall be put into packages, inspected and marked in accordance with the requirements of section seven of this Act.”

Section 20 repealed.

9. Section twenty of the said Act is hereby repealed and the following substituted therefor:—

Fees for inspection.

“20. The following fees shall be levied and collected for the inspection of petroleum and naphtha; and such fees shall be paid to the inspector or the collector of Inland Revenue, as the case may be, at the time the inspection is made, and shall form part of the Consolidated Revenue Fund of Canada:—

- For every package of petroleum or naphtha containing more than ten, but not more than fifty gallons... 10 cents.
- For every package of petroleum or naphtha containing more than five and not more than ten gallons... 5 cents.
- For every package of petroleum or naphtha containing not more than five gallons..... 2½ cents.

Section 22 repealed.

10. Section twenty-two of the said Act is hereby repealed and the following substituted therefor:—

Penalty for keeping petroleum or naphtha in unmarked packages or unlawfully entered.

“22. Every person who keeps or offers for sale for use in Canada, any petroleum or naphtha which is not in packages marked as herein required, or which has not been entered for consumption through one of the ports or places duly authorized by the Governor in Council, is guilty of an offence against this Act, and for a first offence shall incur a penalty of twenty dollars for every package in his possession not so marked, and for each subsequent offence a penalty of forty dollars for every package in his possession not so marked; and the petroleum and naphtha so unlawfully kept or offered for sale shall be seized by any revenue officer or inspector having a knowledge thereof, and forfeited to Her Majesty.”

Exemption of oils not for illuminating, if properly branded.

11. Oils intended solely for use as lubricants and unfit, owing to the properties thereof, for illuminating purposes shall be exempt from the provisions of *The Petroleum Inspection Act*, as regards inspection,—provided the packages containing such oils have conspicuously marked or branded thereon the word “non-illuminating,” otherwise the exemption herein provided shall not apply.”

**12.** Chapter forty-nine of the Statutes of 1891 is hereby repealed. 1891, c. 49  
repealed.

**13.** This Act shall come into force on the first day of July, Commence-  
ment of Act.  
one thousand eight hundred and ninety-three.



## CHAPTER 104.

### Extracts from "An Act respecting Weights and Measures."

Standard  
ounce, dram  
and grain.

**14.** One-sixteenth part of the Dominion standard pound shall be an ounce, and one-sixteenth part of such ounce shall be a dram, and one-seventh part of the Dominion standard pound shall be a grain :

Cental or cwt.  
and ton.

One hundred standard pounds shall be a cental or hundred weight, and twenty centals or two thousand pounds shall be a ton :

Troy ounce.

Four hundred and eighty grains shall be an ounce troy :

All other  
weights  
avoirdupois.

All the foregoing weights, except the ounce troy, shall be deemed to be avoirdupois weights. 42 V., c. 16, s. 15.

**16.** In contracts for the sale and delivery of any of the undermentioned articles, the bushel shall be determined by weighing, unless a bushel by measure is specially agreed upon—the weight equivalent to a bushel being as follows:—

Wheat, sixty pounds ;

Indian corn, fifty-six pounds ;

Rye, fifty-six pounds ;

Peas, sixty pounds ;

Barley, forty-eight pounds ;

Malt, thirty-six pounds ;

Oats, thirty-four pounds ;

Beans, sixty pounds ;

Clover seed, sixty pounds ;

Timothy seed, forty-eight pounds ;

Buckwheat, forty-eight pounds ;

Flax seed, fifty pounds ;

Hemp seed, forty-four pounds ;

Blue grass seed, fourteen pounds ;

Castor beans, forty pounds ;

Potatoes, turnips, carrots, parsnips, beets and onions, sixty pounds ;

Bituminous coal, seventy pounds.

2. Every person who violates any provision of this section shall be liable, for a first offence, to a penalty not exceeding twenty-five dollars, and for each subsequent offence, to a penalty not exceeding fifty dollars. 48-49 V., c. 64. s. 2.



TABLES of the Values of the principal denominations of Measures and Weights of the Metric System, expressed in terms of the Standard Measures and Weights of Canada

## 1.—MEASURES OF LENGTH.

Metric Denominations and Values.		Equivalents expressed in terms of the Standard of Canada.		
—	Metres.	In Standard yards and decimal parts of a yard.	In feet and decimal parts of a foot.	In links and decimal parts of a link.
Miriometre.....	10000	10939·444444	32818·333333	49724·74747
Kilometre.....	1000	1093·944444	3281·833333	4972·47475
Hectometre.....	100	109·394444	328·183333	497·24747
Decametre.....	10	10·939444	32·818333	49·72475
Metre.....	1	1·093944	3·281833	4·97247
Decimetre.....	$\frac{1}{10}$	·109394	·328183	·49725
Centimetre.....	$\frac{1}{100}$	·010939	·032818	·04972
Millimetre.....	$\frac{1}{1000}$	·001094	·003282	·00497

## 2.—MEASURES OF SURFACE.

Metric Denominations and Value.		Equivalents expressed in terms of the Standard of Canada.		
—	Square Metres.	In square yards and decimal parts of a square yard.	In square links and decimal parts of a square link.	
Hectare.....	100 ares.	10000	11967·1444	247255·0511
Decare.....	10 do	1000	1196·7144	24725·5051
Are.....	01 do	100	119·6714	2472·5505
Centiare.....	$\frac{1}{100}$ do	1	1·1967	24·7255

## 3.—WEIGHTS.

Metric Denomination and Value.		Equivalents expressed in terms of the Standard of Canada.	
—	Grams.	In pounds Avoirdupois and decimal parts of a pound.	In grams and decimal parts of a grain Troy
Millier.....	1000000	2204·62125	
Quintal.....	100000	220·46212	
Myriagramme.....	10000	22·046212	
Kilogramme.....	1000	2·204621	
Hectogramme.....	100	·220462	
Decagramme.....	10	·022046	
Gramme.....	1	·002204	15·4323487
Decigramme.....	$\frac{1}{10}$	·0002204	1·5432349
Centigramme.....	$\frac{1}{100}$	·0000220	·1543265
Milligramme.....	$\frac{1}{1000}$	00000022	·0154323

## 4.—MEASURES OF CAPACITY.

Metric Denominations and Value.			Equivalents expressed in terms of the Standard of Canada.	
—	Cubic Metres.	Litres.	In Imperial gallons and decimal parts of an Imperial gallon.	—
Kilolitre ... ..	1	1000	220·2443	
Hectolitre.....	$\frac{1}{10}$	100	22·0244	
Decalitre.....	$\frac{1}{100}$	10	2·2024	
Litre.....	$\frac{1}{1000}$	1	·2202	
Decilitre.....	$\frac{1}{10000}$	$\frac{1}{10}$	·0220	
Centilitre.....	$\frac{1}{100000}$	$\frac{1}{100}$	·0022	

42 V., c. 16, 3rd sch.

NOTE.—In Regulations under the Act respecting Weights and Measures (Chap. 104)—as per Chap. 42, Consolidated Orders in Council, it is provided, *Vide* Sec. 12—

“That the Collector of Customs, at the ports where such articles are imported, will notify the nearest Inspector or Assistant Inspector of Weights and Measures of the entry for consumption of any Weights, Measures or Weighing Machines at his port, which notice will state the number and description of such articles as are invoiced, and the names and residence of the parties to whom they are delivered.

“So long as such articles remain in the original packages they may be removed from the Custom House or from a Customs Warehouse to the premises of the importer without inspection.”

*Vide* Circular 248 of 7th August, 1880.



## CHAPTER 108.

### An Act respecting Agricultural Fertilizers.

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

1. This Act may be cited as "*The Fertilizers Act.*" 48-49 Short title. V., c. 68, s. 1.
2. In this Act the expression "fertilizer" means and includes every fertilizer which is sold at more than ten dollars per ton, and which contains phosphoric acid or ammonia, or its equivalent of nitrogen. 48-49 V., c. 68, s. 2. Interpretation.
3. Every manufacturer or importer of fertilizers for sale, shall, in the course of the month of January in each year, and before offering the said fertilizer for sale, transmit to the Minister of Inland Revenue, carriage paid, a sealed glass jar, containing at least two pounds of the fertilizer manufactured or imported by him, with the certificate of analysis of the same, together with an affidavit setting forth that such jar contains a fair average sample of the fertilizer manufactured or imported by him; and such sample shall be preserved by the Minister of Inland Revenue for the purpose of comparison with any sample of fertilizer which is obtained in the course of the twelve months then next ensuing from such manufacturer or importer, and which is transmitted to the chief analyst for analysis : Sample to be sent to Minister of Inland Revenue every year.
  2. The affidavit required by this section may be taken before any magistrate, justice of the peace or commissioner for taking affidavits for use in any court of the Province in which such affidavit is taken. 48-49 V., c. 68, s. 3. To be kept by Minister for comparison.
4. The officers of Inland Revenue, the officers of Customs, the inspectors and deputy inspectors of weights and measures, and the inspectors and deputy inspectors acting under "*The General Inspection Act,*" or any of them, shall, when required so to do, by any regulation made in that behalf by the Governor in Council, act as inspectors of fertilizers, and shall procure and submit samples of fertilizers suspected to be adulterated, to be analyzed. 48-49 V., c. 68, s. 4. Certain officers to act as inspectors.

At least one sample to be analyzed yearly.

**5.** Every inspector shall, at least once in each year, obtain for analysis from every manufacturer or importer of fertilizers for sale in the district for which the inspector is appointed, a sample of the fertilizer manufactured or imported by such manufacturer or importer; but the provisions of this section shall not be construed to limit the right of the inspector to procure samples for analysis in accordance with the following provisions of this Act :

Analysis and publication thereof.

2. Every sample so obtained by the inspector under this section shall be transmitted to the Minister of Inland Revenue for submission to the chief analyst for analysis; and the results of such analyses shall be published annually by the said Minister in such manner as he sees fit. 48-49 V., c. 68, s. 5.

Manufacturer's certificate of analysis.

**6.** If the fertilizer is put up in packages, every such package intended for sale or distribution within Canada shall have the manufacturer's certificate of analysis placed upon or securely attached to each package by the manufacturer; if the fertilizer is in bags, such certificate shall be distinctly stamped or printed upon each bag; if it is in barrels, such certificate shall be either branded, stamped or printed upon the head of each barrel, or distinctly printed upon good paper and securely pasted upon the head of each barrel, or upon a tag securely attached to the head of each barrel; if it is in bulk, such certificate shall be produced and a copy given to each purchaser :

No sale to be made till forms complied with.

2. No fertilizer shall be sold or offered or exposed for sale unless a certificate of analysis and a sample of the same have been transmitted to the Minister of Inland Revenue, and the provisions of the foregoing subsection have been complied with. 48-49 V., c. 68, s. 6.

Attachment of inspector's tag.

**7.** The inspector, after taking samples for analysis, shall, if requested so to do by the manufacturer, the importer or the person selling the fertilizer, cause to be applied, under his personal supervision, inspector's tags, one to each package, bag or barrel of fertilizer, before the same is offered for sale or distribution; inspector's tags shall be numbered consecutively and shall have printed upon each of them the words and figures, "Inspected, 18 , Canada," together with a *fac-simile* of the signature of the Minister of Inland Revenue. 48-49 V., c. 68, s. 7.

What to show.

If fertilizer is imported in bulk.

**8.** If the fertilizer is imported in bulk, or if it is proposed that it shall be removed from the manufactory, or out of the possession of the manufacturer's agent, in bulk, the manufacturer's certificate of analysis shall be produced to the inspector; and the inspector, after taking samples for analysis, shall deliver to the manufacturer, the importer, or his agent, if requested by any of them so to do, a bill of inspection specifying the quantity and the quality as set forth in the manufacturer's certificate, together with the name of the store or vessel, or the number of the car in which the fertilizer was when inspected,

Duty of inspector.

and he shall attach the manufacturer's certificate of analysis to the bill of inspection before so delivering it. 48-49 V., c. 68, s. 8.

**9.** If any fertilizer is imported for use by the importer thereof and not for sale, it may be inspected in conformity with the foregoing provisions at the Customs port of entry at which it is imported. 48-49 V., c. 68, s. 9. Inspection at port of entry.

**10.** The inspector shall be entitled, for each package to which a tag is attached under his supervision, and for each bill of inspection delivered by him, if the fertilizer is in bulk, to such fee in either case as the Governor in Council directs,—which fee shall be paid and the inspector's tag attached or certificate delivered, as the case requires, before the fertilizer may be removed from the mill, factory or storehouse, or out of the possession of the manufacturer's agent or the person importing the same. 48-49 V., c. 68, s. 10. Inspector's fee payable before removal.

**11.** The inspector shall not furnish any tag to be attached to any package of fertilizer unless the manufacturer's certificate of analysis is plainly placed upon each parcel or package, or, if the fertilizer is in bulk, shall not deliver any bill of inspection unless such certificate is produced to him, claiming, in the case of an ammoniated superphosphate, that it contains at least five per centum of soluble phosphoric acid and two per centum ammonia, and in the case of any acid phosphate or dissolved bone, that it contains at least eight per centum of available phosphoric acid; nor shall any such tag be furnished or applied to any package of fertilizer, or bill of inspection delivered in respect of any fertilizer, that is in a damaged or unmerchantable condition. 48-49 V., c. 68, s. 11. Conditions under which tag may be attached or certificate granted.

**12.** Every person who sells, or offers or exposes for sale, any fertilizer, in respect of which the provisions of this Act have not been complied with,—or who permits a certificate of analysis to be attached to any package, bag or barrel of such fertilizer, or to be produced to the inspector, to accompany the bill of inspection of such inspector, stating that the fertilizer contains a larger percentage of the constituents mentioned in the next preceding section than is contained therein,—or who sells, offers or exposes for sale any fertilizer purporting to have been inspected and which does not contain the percentage of constituents mentioned in the next preceding section,—or who sells or offers or exposes for sale any fertilizer which does not contain the percentage of constituents mentioned in the manufacturer's certificate accompanying the same, shall be liable in each case to a penalty not exceeding fifty dollars for the first offence, and for each subsequent offence to a penalty not exceeding one hundred dollars: Provided always, that a deficiency of one per centum of the ammonia or its equivalent of nitrogen, or of Penalty for selling &c. in violation of this Act.

the phosphoric acid, claimed to be contained, shall not be considered as evidence of fraudulent intent. 48-49 V., c. 68, s. 12.

Penalty for forging certificate, &c.

**13.** Every person who forges, or utters or uses, knowing it to be forged, any manufacturer's certificate, bill of inspection, certificate of analysis, or inspector's tag, required under this Act, is guilty of a misdemeanour, and liable to imprisonment for a term not exceeding two years, with or without hard labour. 48-49 V., c. 68, s. 13, *part*.

For unlawfully attaching tag or certificate.

**14.** Every person who wilfully applies to any fertilizer a certificate or tag, or produces to any person a bill of inspection, given in relation to any package or lot of fertilizer other than that to which it is so applied or in respect of which it is so produced, shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding twelve months. 48-49 V., c. 68, s. 13, *part*.

For giving false certificate.

**15.** Every person who gives a false certificate in writing to any person in respect to a fertilizer sold by him as a principal or agent, shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding twelve months. 48-49 V., c. 68, s. 13, *part*.

Application of penalties.

**16.** All penalties recovered under this Act shall form part of the Consolidated Revenue Fund. 48-49 V., c. 68, s. 14.



## 53 VICTORIA.

### CHAPTER 24.

Extract from "An Act respecting Agricultural Fertilizers."

[Assented to 24th April, 1890.]

4. The officers of Inland Revenue, the officers of Customs, the inspectors and deputy inspectors of weights and measures, the inspectors of food, drugs and agricultural fertilizers acting under "*The Adulteration Act*," and the inspectors and deputy inspectors acting under "*The General Inspection Act*," or any of them, shall, when required so to do, by any regulation made in that behalf by the Governor in Council, or by the Minister, act as inspectors of fertilizers, and shall procure and submit samples of fertilizers suspected to be adulterated, to be analyzed.

Certain officers to act as inspectors.



## 51 VICTORIA.

## CHAPTER 30.

An Act respecting a certain Treaty between Her Britannic Majesty and the President of the United States.

[Assented to 4th May, 1888.]

Preamble.

**W**HEREAS the treaty set forth in Schedule A to this Act, has been agreed upon between plenipotentiaries appointed by Her Majesty and by the President of the United States, and it is expedient that provision should be made by legislative enactment for giving effect to the same: Therefore 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 Treaty of Washington Act, 1888.*"

Interpretation.

"The treaty."

**2.** In this Act the expression "the treaty" means the Convention set forth in Schedule A hereto.

Treaty assented to.

**3.** The treaty is hereby assented to.

United States vessels to conform to certain regulations.

But exempt from certain other requirements.

Exception.

**4.** United States fishing vessels entering the bays or harbours on the Atlantic coasts of Canada as to which the privilege of entering for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water was reserved to American fishermen under the convention between His late Majesty King George the Third and the United States of America, dated the twentieth day of October, one thousand eight hundred and eighteen, shall conform to harbour regulations common to them and to fishing vessels of Canada, but shall not be required to report, enter or clear at the Customs when putting into such bays or harbours for shelter or for repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or obtaining water; except that any United States fishing vessel entering the said bays or harbours for any of the purposes aforesaid and remaining more than twenty-four



hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, shall report, enter and clear as if this Act had not been passed; but no provision in this section contained shall extend to excuse any person on board of any such vessel from giving to boarding officers any information required by law to be given.

Information to be given.

5. Notwithstanding anything contained in "*The Pilotage Act*" or in any regulations made by any pilotage authority thereunder, no United States fishing vessel shall be liable on entering the bays or harbours referred to in article one of the treaty to any compulsory pilotage dues; nor when therein for the purposes of shelter, of repairing damages, of purchasing wood or obtaining water, shall they be liable for harbour dues, tonnage dues, buoy dues, light dues or other similar dues: Provided always, that the enumeration in this section above set forth shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the said Convention of the twentieth day of October, one thousand eight hundred and eighteen, between His late Majesty King George the Third and the United States of America.

To be exempt from certain dues.

Proviso: liberties specified not affected.

6. Any United States fishing vessel entering the ports, bays and harbours of the eastern and north-eastern coasts of Canada under stress of weather or in consequence of any casualty, may unload, reload, tranship or sell, (subject to Customs laws and regulations) all fish on board, when such unloading, transshipment or sale is necessary as incidental to repairs, and may replenish outfits, provisions and supplies damaged or lost by disaster; and in case of death or sickness any such vessel shall be allowed all needful facilities, including the shipping of crews.

What privileges may be exercised by vessels entering ports under stress of weather.

7. The Minister of Marine and Fisheries and any officers of the Government of Canada whom he may authorize for that purpose, shall grant promptly, and upon application, and without charge, licenses to United States fishing vessels to purchase in established ports of entry of the aforesaid coasts of Canada, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, and any such vessel, having obtained a license in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels: Provided always, that no such provisions or supplies shall be obtained by barter, or purchased for re-sale or traffic. Such licenses may be in any form to be approved by the Governor in Council.

License to be granted.

Proviso.

Form.

8. No United States fishing vessel shall be entitled to receive any such license as in the next preceding section mentioned, unless such vessel has conformed to the provisions of article thirteen of the treaty.

What vessel only entitled to license.

Penalty for preparing to fish; R.S.C., c. 94.

As to other violations.

Proceedings to be summary.

Venue.

Security for costs, and bail.

Appeal.

Review by Governor in Council.

On removal of U. S. duties on fish, &c., reciprocal free importation thereof.

**9.** Notwithstanding anything contained in the "*Act respecting fishing by foreign vessels*" the penalty for preparing, in the waters, bays, creeks and harbours (as to which the United States by the aforesaid Convention of one thousand eight hundred and eighteen renounced any liberty previously enjoyed or claimed by the inhabitants thereof to take, dry or cure fish) to unlawfully fish in such waters shall be in the discretion of the court mentioned in the said Act, but shall not exceed that prescribed by the said Act for unlawfully fishing therein; and for any violation of the laws of Great Britain or of Canada relating to the right of fishery in such waters, bays, creeks or harbours, other than the offence of preparing to fish as aforesaid, and other than the offence of unlawfully fishing therein, to which latter offence the existing penalties shall continue to apply, penalties may be imposed by the court not exceeding in all three dollars for every ton of the boat or vessel concerned, and the boat or vessel shall be holden therefor and shall be made answerable for such penalty according to the procedure and practice of the court.

**10.** All proceedings for the recovery of any penalty or the enforcement of any forfeiture under this Act or under the "*Act respecting fishing by foreign vessels*" shall be conducted in a summary manner and shall be as inexpensive as practicable; and every suit, action or proceeding for the recovery of any such penalty or the enforcement of any such forfeiture shall, except as respects the appeal hereinafter provided for, be tried or heard by the proper Court of Vice-Admiralty at the place where the boat or vessel concerned is detained, unless the judge of such court, on application on the part of the defence, shall order the case to be tried at some other place adjudged by him to be more convenient:

2. No security for costs shall be required on the part of the defence except when bail is offered. In all cases such bail as the court deems reasonable shall be accepted, according to the practice of the court:

3. An appeal shall lie, at the instance of the person accused only, from the Court of Vice-Admiralty to the Supreme Court of Canada; and on every such appeal the evidence adduced at the trial of the case before the Court of Vice-Admiralty may be used.

**11.** All judgments involving forfeiture shall be reviewed by the Governor in Council before the same are carried into effect.

**12.** Whenever the United States by law remove the duties payable on the entry into the United States of fish oil, whale oil, seal oil and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada, as well as from the usual and necessary casks, barrels, kegs, cans and other usual and necessary coverings containing the products above mentioned, the like products, being the

produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same as above described, shall be admitted free of duty into Canada :

2. Upon such removal of duties, and so long as the aforesaid articles are allowed to be carried into the United States by all subjects of Her Majesty, without duty being re-imposed thereon, and so long as like privileges are continued or given to fishing vessels of Canada on the Atlantic coasts of the United States, the privilege of entering the ports, bays and harbours of the coasts of Canada aforesaid, shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes :—

(a.) The purchase of provisions, bait, ice, seines, lines and all other supplies and outfits ;

Other privileges in such case.

Provisions, &c.

(b.) Transhipment of catch for transport by any means of conveyance ;

Transhipment.

(c.) Shipping of crews :

Crews.

3. In such case no supplies shall be obtained by barter, but bait may be so obtained.

No barter.

13. The foregoing provisions of this Act shall come into force and take effect from and after a day to be named by proclamation of the Governor General.

When Act shall come into force.

14. For the purpose of carrying into effect the protocol set forth in Schedule B to this Act it is hereby enacted that pending the exchange of ratifications mentioned in article sixteen of the treaty, and for a period not exceeding two years from the fifteenth day of February, one thousand eight hundred and eighty-eight, the privilege of entering the bays and harbours of the Atlantic coasts of Canada shall be granted to United States fishing vessels by annual licenses at a fee of one dollar and fifty cents per ton, for the following purposes :—

Privileges accorded for a limited time.

(a.) The purchase of bait, ice, seines, lines and all other supplies and outfits ;

Licenses.

(b.) Transhipment of catch and shipping of crews :

2. If during the continuance of such arrangement the United States remove the duties on fish, fish oil, whale oil and seal oil, as well as on the necessary casks, barrels, kegs, cans and other usual and necessary coverings containing them, as in section twelve of this Act set forth, such licenses shall be issued free of charge by such officers and in such form as the Governor in Council may determine :

Provision in case of reciprocal trade.

3. No United States fishing vessel entering the bays and harbours of the Atlantic coast of Canada for any of the four purposes mentioned in article one of the Convention of the twentieth day of October, one thousand eight hundred and eighteen, and not remaining therein more than twenty-four hours, shall be required to enter or clear at the Customs, provided that such vessel does not communicate with the shore :

As to entering or clearing at custom house.

Forfeiture for certain offences only.

4. No United States fishing vessel shall be subject to forfeiture under the "*Act respecting fishing by foreign vessels*" except for the offences of fishing or preparing to fish in the waters referred to in section nine of this Act:

When this section shall cease to have effect.

5. This section shall cease to have any force or effect if the treaty is rejected by the Senate of the United States, and if by proclamation the Governor General declares this section to be no longer in operation. The day from and after which, in such case, this section shall cease to have force and effect shall be a day to be named in such proclamation.

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## SCHEDULE A.

Whereas differences have arisen concerning the interpretation of Article I of the Convention of October 20, 1818; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, being mutually desirous of removing all causes of misunderstanding in relation thereto, and of promoting friendly intercourse and good neighbourhood between the United States and the Possessions of Her Majesty in North America, have resolved to conclude a treaty to that end, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, The Right Hon. Joseph Chamberlain, M.P.; The Honorable Sir Lionel Sackville Sackville West, K.C.M.G., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and Sir Charles Tupper, G.C.M.G., C.B., Minister of Finance of the Dominion of Canada:

And the President of the United States, Thomas F. Bayard, Secretary of State; William L. Putnam, of Maine; and James B. Angell, of Michigan:

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

### ARTICLE I.

The High Contracting Parties agree to appoint a Mixed Commission to delimit, in the manner provided in this treaty, the British waters, bays, creeks and harbours of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the Convention of October 20, 1818, between Great Britain and the United States, renounced for ever any liberty to take, dry, or cure fish.

### ARTICLE II.

The Commission shall consist of two Commissioners to be named by Her Britannic Majesty, and of two Commissioners

to be named by the President of the United States, without delay, after the exchange of ratifications of this treaty.

The Commission shall meet and complete the delimitation as soon as possible thereafter.

In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act as such, the President of the United States or Her Britannic Majesty, respectively, shall forthwith name another person to act as Commissioner instead of the Commissioner originally named.

### ARTICLE III.

The delimitation referred to in Article I. of this treaty shall be marked upon British Admiralty charts by a series of lines regularly numbered and duly described. The charts so marked shall, on the termination of the work of the Commission, be signed by the Commissioners in quadruplicate, three copies whereof shall be delivered to Her Majesty's Government, and one copy to the Secretary of State of the United States. The delimitation shall be made in the following manner, and shall be accepted by both the High Contracting Parties as applicable for all purposes under Article I. of the Convention of October 20, 1818, between Great Britain and the United States:—

The three marine miles mentioned in Article I. of the Convention of October 20, 1818, shall be measured seaward from low water mark; but at every bay, creek, or harbour, not otherwise specially provided for in this treaty, such three marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbour in the part nearest the entrance at the first point where the width does not exceed ten marine miles.

### ARTICLE IV.

At or near the following bays the limits of exclusion under Article I. of the Convention of October 20, 1818, at points more than three marine miles from the low water mark, shall be established by the following lines, namely:—

At the Baie des Chaleurs the line from the Light at Birch Point on Miscou Island to Macquereau Point Light; at the Bay of Miramichi, the line from the Light at Point Escuminac to the Light on the Eastern Point of Tabisintac Gully; at Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from Cape Smoke to the Light at Point Aconi.

At Fortune Bay, in Newfoundland, the line from Connaigre Head to the Light on the South-easterly end of Brunet Island, thence to Fortune Head; at Sir Charles Hamilton Sound, the line from the South-east point of Cape Fogo to White Island,

thence to North end of Peckford Island, and from the South end of Peckford Island to the East Headland of Ragged Harbour.

At or near the following bays the limits of exclusion shall be three marine miles seaward from the following lines, namely :

At or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the South Point of Cape Sable, thence to the Light at Baccaro Point ; at Chedabucto and St. Peter's Bays, the line from Cranberry Island Light to Green Island Light, thence to Point Rouge ; at Mira Bay, the line from the Light on the East Point of Scatari Island to the North-easterly Point of Cape Morien ; and at Placentia Bay, in Newfoundland, the line from Latine Point, on the Eastern mainland shore, to the most Southerly Point of Red Island, thence by the most Southerly Point of Merasheen Island to the mainland.

Long Island and Bryer Island, at St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bay.

#### ARTICLE V.

Nothing in this treaty shall be construed to include within the common waters any such interior portions of any bays, creeks or harbours as cannot be reached from the sea without passing within the three marine miles mentioned in Article I. of the Convention of October 20, 1818.

#### ARTICLE VI.

The Commissioners shall from time to time report to each of the High Contracting Parties such lines as they may have agreed upon, numbered, described, and marked as herein provided, with quadruplicate charts thereof; which lines so reported shall forthwith from time to time be simultaneously proclaimed by the High Contracting Parties, and be binding after two months from such proclamation.

#### ARTICLE VII.

Any disagreement of the Commissioners shall forthwith be referred to an Umpire selected by Her Britannic Majesty's Minister at Washington and the Secretary of State of the United States ; and his decision shall be final.

#### ARTICLE VIII.

Each of the High Contracting Parties shall pay its own Commissioners and officers. All other expenses jointly incurred, in connection with the performance of the work, including compensation to the Umpire, shall be paid by the High Contracting Parties in equal moieties.

## ARTICLE IX.

Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States.

## ARTICLE X.

United States fishing vessels entering the bays or harbours referred to in Article I. of this treaty shall conform to harbour regulations common to them and to fishing vessels of Canada or Newfoundland.

They need not report, enter, or clear, when putting into such bays or harbours for shelter or repairing damages, nor when putting into the same, outside the limit of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in such bays or harbours for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbour dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the Convention of October 20, 1818.

## ARTICLE XI.

United States fishing vessels entering the ports, bays and harbours of the Eastern and North-eastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty, may unload, reload, tranship or sell, subject to Customs laws and regulations, all fish on board, when such unloading, transhipment or sale is made necessary as incidental to repairs, and may replenish outfits, provisions and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports promptly upon application and without charge, and such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels; but

such provisions or supplies shall not be obtained by barter, nor purchased for re-sale or traffic.

#### ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coasts of the United States all the privileges reserved and secured by this treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

#### ARTICLE XIII.

The Secretary of the Treasury of the United States shall make regulations providing for the conspicuous exhibition by every United States fishing vessel, of its official number on each bow; and any such vessel, required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the licenses provided for in this treaty.

Such regulations shall be communicated to Her Majesty's Government previously to their taking effect.

#### ARTICLE XIV.

The penalties for unlawfully fishing in the waters, bays, creeks, and harbours, referred to in Article I. of this treaty, may extend to forfeiture of the boat or vessel and appurtenances, and also of the supplies and cargo aboard when the offence was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the court, not to exceed those for unlawfully fishing; and for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbours, penalties shall be fixed by the court, not exceeding in all three dollars for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the judge shall, on request of the defence, order it to be held at some other place adjudged by him more convenient. Security for costs shall not be required of the defence, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeals available to the defence only; and the evidence at the trial may be used on appeal.

Judgments of forfeiture shall be reviewed by the Governor General of Canada in Council, or the Governor in Council of Newfoundland, before the same are executed.

#### ARTICLE XV.

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and of Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs,



cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being reimposed thereon, the privilege of entering the ports, bays and harbours of the aforesaid coasts of Canada and of Newfoundland shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes, namely :

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits ;

2. Transhipment of catch, for transport by any means of conveyance ;

3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to fishing vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

#### ARTICLE XVI.

This treaty shall be ratified by Her Britannic Majesty, having received the assent of the Parliament of Canada and of the Legislature of Newfoundland ; and by the President of the United States, by and with the advice and consent of the Senate ; and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, We, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, this fifteenth day of February, in the year of Our Lord one thousand eight hundred and eighty-eight.

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#### SCHEDULE B.

##### PROTOCOL.

The treaty having been signed the British Plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada, and the Legislature of Newfoundland.

In the absence of such ratification the old conditions which have given rise to so much friction and irritation might be

revived, and might interfere with the unprejudiced consideration of the treaty by the legislative bodies concerned.

Under these circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all possible subjects of controversy, the British Plenipotentiaries are ready to make the following temporary arrangement for a period not exceeding two years, in order to afford a *modus vivendi* pending the ratification of the treaty.

1. For a period not exceeding two years from the present date, the privilege of entering the bays and harbours of the Atlantic coasts of Canada and of Newfoundland shall be granted to United States fishing vessels by annual licenses at a fee of \$1.50 per ton—for the following purposes:—

The purchase of bait, ice, seines, lines and all other supplies and outfits;

Transshipment of catch and shipping of crews.

2. If during the continuance of this arrangement, the United States should remove the duties on fish, fish-oil, whale and seal oil (and their coverings, packages, &c.), the said licenses shall be issued free of charge.

3. United States fishing vessels entering the bays and harbours of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I. of the Convention of October 20, 1818, and not remaining therein more than twenty-four hours, shall not be required to enter or clear at the Custom house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offences of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect as soon as the necessary measures can be completed by the colonial authorities.

J. CHAMBERLAIN,  
L. S. SACKVILLE WEST.  
CHARLES TUPPER.

WASHINGTON, 15th February, 1888.



## 46 VICTORIA.

## CHAPTER 14.

An Act to encourage the manufacture of Pig Iron in Canada, from Canadian Ore.

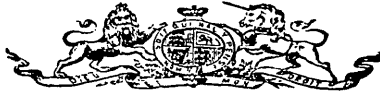
[Assented to 25th May, 1883.]

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

1. It shall be lawful for the Governor in Council to authorize the payment out of the Consolidated Revenue Fund of Canada, of a bounty of one dollar and fifty cents per ton, on all pig iron manufactured in Canada, from Canadian ore, between the first day of July, one thousand eight hundred and eighty-three, and the thirtieth day of June, one thousand eight hundred and eighty-six, both days inclusive, and of a bounty of one dollar per ton on pig iron so manufactured between the first day of July, one thousand eight hundred and eighty-six, and the thirtieth day of June, one thousand eight hundred and eighty-nine, both days inclusive, under such regulations as may be, from time to time, made by Order in Council as to the quality of the said iron and such other matters as it may be found expedient to provide for, to prevent fraud and ensure the good effect of this Act.

2. The regulations made as aforesaid under this Act, shall be laid before Parliament within the first fifteen days of each Session, with a statement of the moneys expended in payment of the said bounty, and of the parties to whom they have been paid, and the places at which the pig iron in respect of which they have been paid was manufactured, and such other particulars as may tend to show the effect of the said bounty.

*Vide* book of Customs Orders in Council, page 38.



## 49 VICTORIA.

## CHAPTER 38.

An Act respecting the bounty on Pig Iron manufactured in Canada, from Canadian Ore.

[Assented to 2nd June, 1886.]

**H**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, until the thirtieth day of June, one thousand eight hundred and eighty-nine, continue to grant the bounty of one dollar and fifty cents per ton on pig iron manufactured in Canada from Canadian ore, authorized to be granted until the thirtieth day of June, one thousand eight hundred and eighty-six, by the Act forty-sixth Victoria, chapter fourteen.

**2.** The Governor in Council may, in the manner by the said Act provided, grant a bounty of one dollar per ton on pig iron so manufactured, from the first day of July, one thousand eight hundred and eighty-nine, to the thirtieth day of June, one thousand eight hundred and ninety-two.

**3.** The provisions of the Act above cited shall apply to the bounties which the Governor in Council is hereby empowered to grant.

*Vide* book of Customs Orders in Council, page 38.



## 53 VICTORIA.

## CHAPTER 22.

An Act to make further provision respecting the bounty on Pig Iron manufactured in Canada from Canadian Ore.

[Assented to 16th May, 1890.]

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

1. The Governor in Council may authorize the payment, out of the Consolidated Revenue Fund of Canada, of a bounty of two dollars per ton on all pig iron manufactured in Canada from Canadian ore between the first day of July, one thousand eight hundred and ninety-two, and the thirtieth day of June, one thousand eight hundred and ninety-seven, both days inclusive, under such regulations as are, from time to time, made by Order in Council as to the quality of the said iron, and such other matters as it is found expedient to provide for in order to prevent fraud and ensure the good effect of this Act.

2. The regulations made as aforesaid shall be laid before Parliament within the first fifteen days of each session, with a statement of the moneys expended in payment of the said bounty, and of the persons to whom they have been paid, and the places at which the pig iron in respect of which they have been paid was manufactured, and such other particulars as tend to show the effect of the said bounty.

*Vide* book of Customs Orders in Council, page 38.

## 54-55 VICTORIA.

## CHAPTER 38.

An Act to amend Chapter seventy-seven of the Revised Statutes, respecting the Safety of Ships.

[Assented to 28th August, 1891.]

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

1. Chapter seventy-seven of the Revised Statutes, "An R.S.C., c. Act respecting the Safety of Ships and the Prevention of amended."

Accidents on board thereof," is hereby amended by adding the following section thereto, immediately after section nineteen :—

Sending dangerous goods.

" 19A. Every person who knowingly sends or attempts to send by, or carries or attempts to carry in any ship registered in Canada and carrying passengers to or from any port in Canada, or in any ship registered elsewhere than in Canada, but carrying passengers between any places in Canada, or from any place in Canada to any place out of Canada, the following dangerous goods, that is to say :— gunpowder (except as hereinafter provided), dynamite, nitro-glycerine, or any dangerous explosive, is guilty of a misdemeanour, and shall be liable to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both ; and such goods shall be forfeited to the Crown, and shall be dealt with accordingly :

Penalty.

Gunpowder for signals.

" 2. Notwithstanding anything in this section contained, any ship in this section mentioned may carry gunpowder in sufficient quantity to make necessary signals for one round voyage or trip, provided such gunpowder is stored or carried in such a place and in such a manner as are approved by a steamboat inspector :

Permits.

" 3. Notwithstanding anything in this section contained, the Minister may grant a permit to any steamboat which is engaged chiefly in the carriage of freight and only incidentally in the carriage of passengers, and which is specially fitted for the carriage of explosives, to carry explosives upon such terms and conditions, and in such manner as are specified in the said permit ; and if any of such terms and conditions are not performed and complied with, then this section shall apply to such steamboat as if the said permit had not been granted :

Prosecution.

" 4. No prosecution under this section shall be instituted except by or with the consent of the Minister :

No summary conviction.

" 5. A misdemeanour under this section shall not be punishable upon summary conviction :

Application.

" 6. Sections fourteen to nineteen of this Act, both inclusive, shall not, except in so far as they are not inconsistent with or in opposition to this section, apply to ships carrying passengers."



## REVISED STATUTES.

### CHAPTER 96.

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 :—

1. Repealed, *Vide* 54-55 Vict., chap. 42, page 122
2. Such grant shall be appropriated for the said purposes at such times and by such instalments, in each year, as the Governor in Council directs. 45 V., c. 18, s. 1, *part.* How to be appropriated.
3. During each session, a statement shall be laid before both Houses of Parliament, of the mode in which it is proposed to distribute the grant in the ensuing year, and the assent of Parliament shall be obtained thereto. 45 V., c. 18, s. 2, *part.* Yearly statement for Parliament and what it shall show.
4. A statement shall be laid before both Houses of Parliament within the first twenty days of each session of the 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.* For additional sections 5 and 6, *Vide* 54-55 Vict., chap. 42, page 122. Yearly report to Parliament and what it shall show.



## 54-55 VICTORIA.

## CHAPTER 42.

An Act to amend Chapter ninety-six of the Revised Statutes, intituled "An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels."

[Assented to 28th August, 1891.]

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

R.S.C., c. 96,  
s. 1, repealed.

**1.** Section one of "*An Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels*," chapter ninety-six of the Revised Statutes, is hereby repealed and the following substituted therefor:—

Annual grant  
of \$160,000 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 sixty 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."

Sections  
added.

**2.** The said Act is hereby further amended by adding the following sections thereto:—

Powers of fish-  
ery officer.

"**5.** Every fishery officer who, by virtue of his appointment as such, is authorized by the Governor in Council, under authority of "*The Fisheries Act*," chapter ninety-five of the Revised Statutes, to exercise the powers of a justice of the peace *ex officio*, 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 a fishery officer.

Regulations  
by Governor  
in Council.

"**6.** The Governor in Council may, from time to time, make such regulations as he deems necessary or expedient respecting the payment of the said grant and the manner in which applications for the same or any portion thereof shall be made and established, and may require persons applying for the grant or any portion thereof to verify their claims or any statements made by any person in connection therewith, upon oath; and any such regulations shall, after publication in the *Canada Gazette*, have the force of law."



THE FOLLOWING ARE THE REGULATIONS  
GOVERNING FISHING BOUNTIES.

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ORDER IN COUNCIL.

AT THE GOVERNMENT HOUSE AT OTTAWA,

Saturday, the 20th day of August, 1892.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**H**IS Excellency, in virtue of the provisions of the "Bounty Act of 1891," 54-55 Victoria, chapter 42, and by and with the advice of the Queen's Privy Council for Canada, is pleased to order that the following regulations governing the payment of fishing bounties, be approved:—

REGULATIONS governing the payment of fishing bounties, as provided by section 6 of the Bounty Act of 1891, 54-55 Victoria, chapter 42.

1. Fishermen who have been engaged in deep-sea fishing, for fish other than shell-fish, salmon and shad, or fish taken in rivers or mouths of rivers, for at least three months, and have caught not less than 2,500 pounds of sea-fish, shall be entitled to a bounty, provided always that no bounty shall be paid to men fishing in boats measuring less than 13 feet keel, and not more than three men (the owner included) will be allowed as claimants in boats under twenty feet.

2. Only one claim will be allowed in one season, even though the claimant may have fished in two vessels, or in a vessel and a boat, or in two boats.

3. The owners of boats measuring not less than thirteen feet keel, which have been engaged during a period of not less than three months in deep-sea fishing for fish other than shell-fish, salmon or shad, or fish taken in rivers or mouths of rivers, shall be entitled to a bounty on each such boat.

4. Canadian registered vessels of 10 tons and upwards (up to 80 tons) which have been exclusively engaged during a period of not less than three months in the catch of sea-fish other than shell-fish, salmon or shad, or fish taken in rivers or mouths of rivers, shall be entitled to a bounty to be calculated on the registered tonnage, one half of which bounty shall be payable to the owner or owners, and the other half to the crew, except in cases where one or more of the crew shall have failed to comply with the regulations, then such share or shares shall not be paid.

5. Owners or masters of vessels intending to fish and claim bounty on their vessels, must, before proceeding on a fishing voyage procure a license from the nearest Collector of Customs, or Fishery Overseer, said license to be attached to the claim when sent in for payment.

6. Dates and localities of fishing must be stated in the claim, as well as the quantity and kinds of sea-fish caught.

7. Ages of men must be given. Boys under 14 years of age are not eligible as claimants.

8. Claims must be sworn to as true and correct in all their particulars.

9. Claims must be filed on or before the 30th November in each year.

10. Officers authorized to receive claims will supply the requisite blanks, free of charge, and after certifying the same will transmit them to the Department of Marine and Fisheries.

11. No claim in which an error has been made by the claimant or claimants shall be amended after it has been signed and sworn to as correct.

12. Any person or persons detected in making returns that are false or fraudulent in any particular, will be debarred from any future participation in the bounty, and be prosecuted according to the utmost rigour of the law.

13. The amount of the bounty to be paid to fishermen and owners of boats and vessels will be fixed from time to time by the Governor in Council.

JOHN J. MCGEE,  
*Clerk of the Privy Council.*



## 54-55 VICTORIA.

## CHAPTER 4.

## An Act respecting Fishing Vessels of the United States of America.

[Assented to 10th July, 1891.]

**W**HEREAS the “*Act respecting Fishing Vessels of the United States of America*,” assented to on the sixteenth day of May, one thousand eight hundred and ninety, expired on the thirty-first day of December, one thousand eight hundred and ninety; and whereas it is expedient to continue, for the present season, the privileges accorded United States fishing vessels under the provisions of that Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The Governor in Council may authorize the issue of licenses to United States fishing vessels, enabling them to enter any port on the Atlantic coast of the Dominion of Canada, during the calendar year one thousand eight hundred and ninety-one, for the following purposes:—

(a.) The purchase of bait, ice, seines, lines and all other supplies and outfits;

(b.) The transshipment of catch, and the shipping of crews:

**2.** The fee for such licenses shall be one dollar and fifty cents per ton register, and the terms and conditions thereof shall be determined by the Governor in Council.

**2.** All licenses issued by the Government of Newfoundland, granting to United States fishing vessels the privilege of entering the ports of Newfoundland for the purposes hereinbefore mentioned, shall be valid in Canadian ports, whenever licenses issued by the Dominion of Canada to such vessels are valid for the said purposes in the ports of Newfoundland.

Preamble.

53 V., c. 19.

Licenses may be granted to U.S. fishing vessels for 1891.

For what purposes.

Fees, conditions, &amp;c.

Newfoundland licenses, when valid in Canadian ports.



## 55-56 VICTORIA.

## CHAPTER 3.

An Act respecting Fishing Vessels of the United States.

[Assented to 10th May, 1892.]

Preamble.

Chapter 4 of  
1891.

**W**HEREAS the *Act respecting Fishing Vessels of the United States of America*, assented to on the tenth day of July, one thousand eight hundred and ninety-one, expired on the thirty-first day of December, one thousand eight hundred and ninety-one; and whereas it may be expedient to continue, from time to time, the privileges accorded United States fishing vessels under the provisions of that Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Licenses may  
be granted to  
U.S. fishing  
vessels.

**1.** The Governor in Council may, from time to time, authorize the issue of licenses to United States fishing vessels, enabling them to enter any port on the Atlantic coast of Canada, during the periods mentioned in such licenses, for the following purposes:—

For what pur-  
poses.

(a.) The purchase of bait, ice, seines, lines and all other supplies and outfits;

Fees and con-  
ditions.

(b.) The transshipment of catch, and the shipping of crews;  
**2.** The fee for such licenses shall be one dollar and fifty cents per ton register, and the terms and conditions thereof shall be determined by the Governor in Council;

Term of  
license.

**3.** No license shall be issued for a longer period than one calendar year, and all licenses shall expire on the thirty-first day of December of the year for which they are issued.

Report to  
Parliament.

**2.** The Order in Council for the issue of such licenses shall without delay be communicated to both Houses of Parliament, if Parliament is then in session, or, if not then in session, within the first ten days of the then next session.



## 54-55 VICTORIA.

## CHAPTER 23.

## An Act respecting Frauds upon the Government.

[Assented to 30th September, 1891.]

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

1. (a.) Every one who makes any offer, proposal, gift, loan or promise, or who gives or offers any compensation or consideration, directly or indirectly, to any official or person in the employment of the Government, or to any member of his family, or to any person under his control, or for his benefit, with intent to obtain the assistance or influence of such official or person to promote either the procuring of any contract with such Government, for the performance of any work, the doing of any thing, or the furnishing of any goods, effects, food or materials, the execution of any such contract, or the payment of the price, or consideration stipulated therein, or any part thereof, or of any aid or subsidy payable in respect thereof; and,—

Gifts, &c.,  
made to officials to promote  
the procuring  
of contracts.

(b.) Every official or person in the employment of such Government, who, directly or indirectly, accepts or agrees to accept, or allows to be accepted by any person under his control, or for his benefit, any such offer, proposal, gift, loan, promise, compensation or consideration; and,—

Acceptance  
thereof by  
officials.

(c.) Every person who, in the case of tenders being called for by or on behalf of the Government, for the performance of any work, the doing of any thing, or the furnishing of any goods, effects, food or materials, directly or indirectly, by himself or by the agency of any other person on his behalf, with intent to obtain the contract therefor, either for himself or for any other person, proposes to make or makes any gift, loan, offer or promise, offers or gives any consideration or compensation whatsoever to any person tendering for such work or other service, or to any member of his family, or other person for his benefit, to induce such person to withdraw his tender for such work or other service, or to compensate or reward him for having withdrawn such tender; and,—

Gifts, &c.,  
made to persons tendering  
for contracts,  
to induce  
withdrawal of  
tender.

Acceptance thereof.

(d.) Every person so tendering who shall accept or receive, directly or indirectly, or shall permit, or allow to be accepted or received by any member of his family, or by any other person under his control, or for his benefit, any such gift, loan, offer, promise, consideration or compensation, as a consideration or reward for withdrawing, or for having withdrawn such tender; and,—

Receipt by officials of gifts, &c., for assisting or favouring business with the Government.

(e.) Every person who, being an official or employee of the Government, receives, directly or indirectly, whether personally, or by or through any member of his family, or person under his control, or for his benefit, any gift, loan, promise, compensation or consideration whatsoever, either in money or otherwise, from any person whomsoever, for assisting or favouring any individual in the transaction of any business whatsoever with such Government, and every person from whom any such gift, loan, promise, compensation or consideration is received; and,—

Demanding or receiving gifts &c., from claimants for or on pretence of exercising influence.

(f.) Every person who by reason of, or under the pretence of, possessing influence with the Government, or with any Minister or official thereof, shall demand, exact or receive from any person, any compensation, fee or reward, for procuring from the Government the payment of any claim, or of any portion thereof, or for procuring or furthering the appointment of himself, or of any other person, to any office, place or employment, or for procuring or furthering the obtaining for himself or any other person, of any grant, lease or other benefit from the Government; and every person who shall offer, promise or pay to such person, under the circumstances and for the causes aforesaid, or any of them; any such compensation, fee or reward; and,—

Paying commissions to officials and making gifts without written permission from Head of Department.

(g.) Every person, having dealings of any kind with the Government through any department thereof, who pays any commission or reward, or who, within one year before or after such dealings, without the express permission in writing of the Head of the Department with which such dealings have been had,—the proof of which permission shall lie upon him,—makes any gift, loan, or promises of any money, matter or thing, to any employee or official of the Government, or to any member of the family of such employee, or official, or to any person under his control, or for his benefit; and,—

Accepting such commissions and accepting gifts without permission.

(h.) Every person, being an employee or official of the Government, who demands, exacts or receives from such person, directly or indirectly, by himself, or by or through any other person for his benefit, or who permits or allows any member of his family, or any person under his control, to accept or receive,—

(1.) Any such commission or reward, or,—

(2.) Within the said period of one year, without the express permission in writing of the Head of the Department with which such dealings have been had,—the proof of which permission shall lie upon him,—accepts or receives any such gift, loan or promise:

(3.) Every person, having any contract with the Government for the performance of any work, the doing of anything, or the furnishing of any goods, effects, food or materials, and having or expecting to have any claim or demand against the Government by reason of such contract, who, either directly or indirectly, by himself or by any person on his behalf, subscribes, furnishes or gives, or promises to subscribe, furnish or give any money or other valuable consideration for the purpose of promoting the election of any candidate, or of any number, class or party of candidates to a Legislature or to Parliament, or with the intent in any way of influencing or affecting the result of a Provincial or Dominion Election,—

Contractor contributing money for election.

Is guilty of a misdemeanour, and liable to a fine of not less than one hundred dollars, and not exceeding one thousand dollars; unless the value of the amount or thing paid, offered, given, loaned, promised, received or subscribed, as the case may be, shall exceed the last mentioned sum,—in which case the fine may be raised to a sum not exceeding such value; and also to imprisonment for a term not exceeding one year and not less than one month, and in default of payment of such fine, to imprisonment for a further term not exceeding six months.

Penalties.

2. Every person convicted of any offence under the provisions of the section next preceding shall be incapable of contracting with the Government, or of holding any contract or office with, from or under it.

Offenders disqualified to be contractors.

3. Every prosecution under the provisions of this Act shall be commenced within two years from the commission of the offence.

Limitation of time for prosecution.

4. The words "the Government" shall include the Government of Canada and the Government of any Province of Canada, as well as Her Majesty in the right of Canada, or of any Province thereof.

Interpretation; "the Government."



## 54-55 VICTORIA.

## CHAPTER 36.

## Extracts from "An Act respecting the Shipping of Live Stock."

Interpretation.

"Minister."

"Inspector."

"Certificate."

"Ship."

Ship carrying live stock."

Fee payable before clearance is granted.

No clearance without inspector's certificate.

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

(a.) The expression "Minister" means the Minister of Marine and Fisheries;

(b.) The expression "inspector" means an inspector for the purposes of this Act only;

(c.) The expression "certificate" means a certificate issued under and for the purposes of this Act only;

(d.) The expression "ship" means any vessel used in navigation; and the expression "ship carrying live stock" means any ship employed in carrying live stock from any port or place in Canada to any port or place out of Canada, not being a port or place in the United States of America, or in Newfoundland, or in St. Pierre or Miquelon, or in Bermuda, or in any of the West Indian Islands, or in Mexico, or in South America.

**5.** The Governor in Council may establish a fee to be paid on each head of live stock shipped on any ship carrying live stock; and no officer of customs shall grant a clearance to any such ship with live stock on board until such fee has been paid.

**7.** No officer of customs shall grant a clearance to any ship carrying live stock until he receives the certificate of an inspector, certifying the number of live stock such ship is adapted to carry, as well as the number actually on board for the intended voyage, and that such ship is seaworthy, and that the arrangements for carrying such live stock are approved of by him, and also, if such live stock is carried on the upper or spar deck, that the shelters or fittings are sufficiently strong and substantial to ensure the safety of such live stock for the voyage, and that all the requirements of the rules and regulations at the time in force, respecting the health, security and safe carriage of live stock on ships, have been complied with :



2. Every person who sends or attempts to send, or is a party to sending or attempting to send, and every master who takes or attempts to take such ship to sea, without having first obtained the aforesaid certificate, shall be guilty of a misdemeanour; and the ship shall also be liable to a penalty of one thousand dollars, and may be seized and detained by any chief officer of Customs, whenever and wherever found in Canada, until such penalty and the costs of seizure are paid :

Violation, a misdemeanour.

Penalty.

3. A prosecution under this section shall not be instituted except by and with the consent of the Minister :

Prosecution.

4. A misdemeanour under this section shall not be punishable upon summary conviction.

Jurisdiction.

8. When any ship carrying live stock has complied with the foregoing requirements, and obtained a clearance at any port or place in Canada, and, not having on board as great a number of live stock as her certificate allows her for the intended voyage, proceeds to another port or place in Canada to complete her cargo of live stock, the master of such ship shall notify the inspector, before clearing, of his intention so to do; and it shall then be the duty of the inspector at the first port of clearance to notify the inspector at the port at which the ship is to complete her cargo of live stock, of the master's intention, the number of live stock on board, and the number allowed to be carried by the certificate for the intended voyage :

Completion of cargo at another port.

2. In such case the ship, upon her arrival at the port at which her cargo of live stock is to be completed, shall not take on any live stock until the accommodation for such additional stock has been inspected, and approved of by the inspector of the port, who shall certify that the additional live stock shipped on board such ship does not cause the number on board to exceed the number allowed by the certificate for the intended voyage, and that the arrangements for carrying such additional live stock are approved of by him :

Second inspection.

3. No officer of customs shall grant a clearance to any such ship for the additional live stock until he has received the inspector's certificate referred to in this section :

No clearance without certificate.

4. Any master of a ship who fails to comply with the requirements of this section, or who sails or attempts to go to sea without having complied with the requirements of this section, shall incur a penalty of one thousand dollars, and such ship shall be liable for such penalty, and may be seized and detained by any chief officer of customs wherever and whenever found in Canada, until such penalty and the costs of the seizure are paid.

Penalty for violation.



## 54-55 VICTORIA.

## CHAPTER 31.

An Act to encourage the production of Beet-Root Sugar.

[Assented to 30th September, 1891.]

**H**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 authorize the payment, out of the Consolidated Revenue Fund of Canada, under such regulations and restrictions as are made by Order in Council, to the producers of any raw beet-root sugar produced in Canada wholly from beets grown therein, between the first day of July, one thousand eight hundred and ninety-one, and the first day of July, one thousand eight hundred and ninety-three, of a bounty of one dollar per one hundred pounds, and in addition thereto, three and one-third cents per one hundred pounds for each degree or fraction of a degree over seventy degrees shown by the polariscopic test.

## 55-56 VICTORIA.

## CHAPTER 8.

An Act respecting the bounty on Beet-Root Sugar.

[Assented to 9th July, 1892.]

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

1. Chapter thirty-one of the Statutes of 1891, intituled *An Act to encourage the production of Beet-Root Sugar*, is hereby continued and shall remain in force until the thirtieth day of June, one thousand eight hundred and ninety-five.

2. From and after the first day of July, one thousand eight hundred and ninety-two, the cost of customs supervision in connection with the carrying out of the provisions of the said Act shall be paid by the producers therein mentioned.

Chapter 31 of 1891, continued.

Cost of customs supervision.



## 54-55 VICTORIA.

## CHAPTER 37.

## Extracts from "An Act respecting the Inspection of Ships."

- 2.** In this Act, unless the context otherwise requires,—
- (a.) The expression "ship" includes every description of vessel used in navigation, not propelled by oars or wholly or in part by steam, and registered in Canada; it includes tow-barges; Interpretation.  
"Ship."
- (b.) The expression "inspector" means an inspector appointed under this Act; "Inspector."
- (c.) The expression "Minister" means the Minister of Marine and Fisheries. "Minister."
- 6.** The master or owner of a ship, or the person in charge thereof, shall, at the earliest opportunity after the occurrence of any event whereby the hull, masts and spars or equipment or any part of the same is, in any material degree, injured, strained or weakened, report such occurrence to an inspector or the collector of customs; and in case of omission to so report, the owner of the ship shall incur a penalty not exceeding one hundred dollars; and such ship shall be liable for such penalty. Injury to ships to be reported to inspector.  
  
Penalty for default.
- 8.** Every inspector may, at any time, visit any ship, whether registered in Canada or elsewhere, and whether propelled wholly or in part by steam, and inspect and examine the tackle, machinery or apparatus used for the loading or unloading thereof, and if he considers such tackle, machinery or apparatus defective so as to be dangerous to life, shall report thereon to the Minister who may order that such tackle, machinery and apparatus shall not be used until permitted by the Minister, and any tackle, machinery or apparatus used in violation of such order shall be liable to forfeiture and seizure by the chief officer of customs at any port, and may thereupon be sold in the same way and under like provision as goods liable to forfeiture for non-payment of customs duties, and the owner of the ship shall incur a penalty of one hundred dollars; and such ship shall be liable for such penalty. Inspection of loading gear.
- 10.** If an inspector reports to the Minister in writing that he considers that any ship liable to inspection under this Act could Detention of unseaworthy ship.

not make a voyage or trip from any port or place in Canada without endangering life or property, stating the facts on which his report is based, the Minister may direct such ship to be detained, and the inspector may thereupon detain such ship and notify a chief officer of customs at any port; and no ship so detained shall go on any voyage or trip, as aforesaid, or be used for the purposes of navigation, until permitted by the Minister.

Seizure and  
sale of ship by  
officer of cus-  
toms.

**12.** When a ship is found liable by a conviction for the penalty in the next preceding section, the Minister may direct any chief officer of customs to seize and sell such ship; and it shall thereupon be the duty of such chief officer of customs to seize and sell such ship, in the same manner as goods seized and sold for non-payment of customs duties in Canada; and such chief officer of customs shall account and pay over all moneys received from such sale to the Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund of Canada:

Seizure and  
sale by in-  
spector.

2. Or such vessel may be seized by any inspector thereunto authorized by the Minister; in which case such inspector shall have the same powers as a chief officer of customs would have in like circumstances, and shall make to the Minister a report of his seizure, whereupon such report may be communicated by the Minister to the Minister of Customs, and like proceedings may be had for the forfeiture and sale of the vessel seized as if it had been duly seized by a chief officer of customs.



## REVISED STATUTES.

### CHAPTER 29.

An Act respecting the Public Revenue, the raising of loans authorized by Parliament, and the auditing of the Public Accounts. A. D. 1886.

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 Consolidated Revenue and Audit Act.*" Short title.

#### INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a.) The expression "public moneys," "public revenue" or "revenue," means and includes and applies to all revenue of 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. Interpretation.
- (b.) The expression "certify" includes "examine and certify if found correct"; "Public Moneys" or "Revenue."
- (c.) The expression "sub-accountant" means any officer or person receiving or expending public moneys and accounting for the same to or through any Minister or officer of any public department; "Sub-accountant."
- (d.) The expression "Department," when used in connection with the duty of preparing appropriation accounts, includes every public officer to whom the duties are assigned by the Treasury Board; "Department."

Who shall be subject to this Act.

2. Any officer, functionary or person whose duty it is to receive any moneys forming part of the revenue, or who 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 provisions of this Act, so far as regards the accounting for and paying over such moneys, whatever is the office or employment 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.

What moneys shall form part of Consolidated Revenue Fund.

Charges thereon.

First: collection, &c.

Second: public debt.

Third: salary of Governor General.

Fourth: Intercolonial Railway.

Fifth: sinking fund.

Sixth: advance for same.

Seventh: loan for same.

Eighth: loan to pay Hudson's Bay Company.

3. All public moneys and revenue over which the Parliament of Canada now has the power of appropriation, shall form one Consolidated Revenue Fund to be appropriated for the public service of Canada, in the manner and subject to the charges hereinafter mentioned, and in the following order, that is to say:—

*First.*—The costs, charges and expenses incident to the collection, management and receipt thereof, subject to be 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 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 exceeding four per cent per annum of the loan of three million pounds sterling, authorized by the Act passed in the thirty-first year of Her Majesty's reign, chapter thirteen, to be raised for the purpose of constructing the Intercolonial Railway, upon the guarantee of the payment of interest on such loan 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 per 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 the United Kingdom under "*The Canada Railway Loan Act, 1867*," with the interest thereon at the rate of five per centum per annum;

*Seventh.*—The sum of one million pounds sterling, which, by the thirty-second section of the Act passed in the thirty-first year of Her Majesty's reign, chapter thirteen, the Government of Canada is empowered to raise for the completion of the Intercolonial Railway, but without the guarantee of the Commissioners of Her Majesty's Treasury, and interest thereon; 31 V., c. 32, s. 1.

*Eighth.*—The principal and interest of the loan authorized by the third section of the Act passed in the session 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, with the guarantee of the Government of the United Kingdom, for the purpose of meeting a like sum, payable out of the Consolidated Revenue Fund, to 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 fund at the rate of one per centum per annum on the entire amount of the loan last mentioned ; 32-33 V., c. 1, s. 3 ;— 34 V., c. 3, s. 1. Ninth : sinking fund.

*Tenth.*—Any sum issued out of the Consolidated Fund of the United Kingdom, under the Act of the Parliament of the United Kingdom, known as "*The Canada (Rupert's Land) Loan Act, 1869*," with interest thereon at the rate of five per centum per annum ; 35 V., c. 5, Tenth : advance for same.

*Eleventh.*—The principal and interest of any loan guaranteed by the Treasury under the Act passed in the thirty-seventh year of Her Majesty's reign, chapter two, and the Act of the Parliament of the United Kingdom known as "*The Canada (Public Works) Loan Act, 1873*"; Eleventh : Public Works loan guaranteed.

*Twelfth.*—Such sums as are required to form a sinking fund at the rate of one per cent per annum on the entire amount of the loan guaranteed by the Treasury as herein last before mentioned ; Twelfth : sinking fund.

*Thirteenth.*—Any sum issued out of the Consolidated Fund of the United Kingdom, under "*The Canada (Public Works) Loan Act, 1873*," with interest thereon at the rate of five per cent per annum ; 37 V., c. 2, s. 3. Thirteenth : advance for same.

*Fourteenth.*—The yearly salaries of the judges of the Supreme and Exchequer Courts. 38 V., c. 11, s. 6, *part*. Salaries of judges of Supreme Court.

4. The grants payable to the several Provinces constituting the Dominion of Canada shall be charged upon the Consolidated Revenue Fund of Canada, and payable out of any unappropriated moneys forming part thereof. 31 V., c. 32, s. 3. Grants to the Provinces to be a charge on the fund.

#### PUBLIC DEBT AND THE RAISING OF LOANS AUTHORIZED BY PARLIAMENT.

5. The Governor in Council may, from time to time, make such regulations as he deems necessary for the management of the public debt of Canada and the payment of the interest thereon,—and may, subject to the provisions of the next following section, provide for the creation and management 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 Canada in the City of London, England, or elsewhere, and agree with them as to the rate of compensation to be allowed them for negotiating loans and for paying the interest on the public debt and for other services connected with the mana- Governor in Council to make regulations as to the debt and payment of interest.

Fiscal agents, &c.

gement of the said debt,—and may pay the sums necessary to provide such sinking fund or other means as aforesaid, and such compensation, out of the Consolidated Revenue Fund. 31 V., c. 32, s. 2.

How loans, &c., authorized by Parliament may be raised.

6. Whenever, in any Act passed by the Parliament of Canada, authority is given to the Governor in Council to raise, by way of loan, any sum of money for the public service, or the security of Canada is authorized to be given for any sum of money deposited in any government savings bank, or otherwise intrusted for safe keeping to the Government of Canada,—then, unless there is some provision to the contrary in the Act by which such authority as aforesaid is given, such sum shall, in the discretion of the Governor in 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 :—

By issue of debentures.

(a.) By the issue and sale, or the delivery as such security, of debentures of Canada, which shall be in such form, for such separate sums, and at such rate of interest not exceeding six per centum per annum, and the principal and interest whereof shall be made payable at such periods and places, as the Governor in Council deems most expedient, and subject to such regulations as he sees fit to make ; and such principal and interest shall be chargeable on the Consolidated Revenue Fund ;

By issue of Dominion Stock.

(b.) By the issue and sale, or the delivery as such security, of "Canada Dominion Stock," bearing such rate of interest not exceeding six per cent per annum as is deemed most advisable, payable half yearly, and the principal and interest whereof shall be chargeable on the Consolidated 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 thereof, as the Governor in Council sees fit to make ;

Governor in Council may provide a sinking fund general or special.

(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 ;]

Proviso.

By grant of terminable annuities.

(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.

By issue of Exchequer bills or bonds.

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 debentures for which Canada is liable, by substituting one class of the securities aforesaid for another or for such debentures,—provided that neither the capital of the debt, nor the annual charge for interest is thereby increased, except in any case in which four per cent Dominion stock or five per cent Dominion stock or debentures is or are substituted for securities bearing a higher rate of interest,—in which case only, the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the security bearing the higher interest and that of the four per cent stock or five per cent stock or debentures substituted for it ; but no such substitution shall be made, unless the consent of the holder of the security for which another is substituted is obtained, or such security is previously purchased or redeemed by or on account of Canada ; and such substitution may be made by 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.

Governor in Council may change the form of any part of funded debt, and on what conditions.

8. The Governor in Council may, from time to time, as the exigencies of the public service require, in the event of the Consolidated Revenue Fund being at any time insufficient to meet the charges placed thereon by law, direct the proper officer to raise, by temporary loans chargeable on the said fund, in 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 Council directs, such sums as are necessary to enable the said fund to meet such charges ; but the sums to be so raised shall never exceed the amount of the deficiencies in the Consolidated Revenue Fund to meet the charges thereon then due or payable either as principal or interest, and shall be applied to no other purpose whatsoever ; and an account in detail of all such temporary loans shall be laid before the House of Commons within the first fifteen days of the session then next ensuing. 35 V., c. 6, s. 3.

May raise temporary loans in certain cases of exigency.

Proviso.

Accounts to Parliament.

9. The regulations made or to be made by the Governor in Council, as to the inscription, transfer, management and

Certain regulations made by Gov-

ernor in Council to have force of law.

Officers not bound to see to trusts.

redemption of any Canada Dominion Stock, debentures or other Canada securities above mentioned, under this or any other Act, shall, in so far as they are not inconsistent with the Act under which they are made, have the same force and effect as if embodied and enacted in an Act of the Parliament of Canada ; and no officer of the Government of Canada employed in the inscription, transfer, management or redemption of any such stock or securities, or in the payment of any dividend or interest thereon, shall be bound to see to the execution of any trust expressed or implied to which such stock or securities are subject, or shall be liable in any way 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.

Duty of Deputy Minister as to debentures.

**10.** The Deputy of the Minister of Finance and Receiver General shall countersign all Canada debentures,—keep a debenture book, which shall contain a record and description of all debentures outstanding or authorized to be issued, showing the date of issue, period of redemption, when they were cancelled, and times of payment of interest,—and an interest account respecting them ; and also a register of Provincial notes or Dominion notes issued or cancelled. 41 V., c. 7, s. 20, *part*.

Examining and cancelling debentures, &c.

**11.** The Auditor General and the Deputy of the Minister of Finance and Receiver General shall examine and cancel debentures, Dominion or Provincial notes, and other securities 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 or 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 hereinbefore 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.

Governor in Council to determine what officers are necessary, &c.

**13.** The Governor in Council may, from time to time, determine what officers or persons it is necessary to employ in collecting, managing or accounting for the revenue, and in carrying into effect the laws thereunto relating, or for preventing any violation of such laws ; and may assign their names of office, and such salaries or pay for their labour and responsibility in the execution of the duties of their respective offices and employments, as to the Governor in

Council seems reasonable and necessary, and may appoint the times and manner in which the same shall be paid : but no such officer so appointed shall receive a higher annual salary than is allowed in his case by any Act of the Parliament of Canada respecting the civil service generally, then in force ; nor shall any such salary be paid until voted by Parliament. 41 V., c. 7, s. 2.

Proviso: as to salaries.

**14.** The salary or pay allowed to any such officer or person as aforesaid shall be in lieu of all fees, allowances or emoluments of any kind whatsoever, except actual and authorized disbursements, shares of seizures, forfeitures and penalties ; and no such officer or person, receiving a salary at or exceeding the rate of one thousand dollars per annum, shall exercise any other calling, profession, trade or employment whatsoever with a view to derive profit therefrom, directly or indirectly, or shall hold any other office of profit whatsoever, except, in either case, with the express permission of the Governor in Council. 41 V., c. 7, s. 3.

No fees allowed.

Officers receiving \$1,000 or more, to give their whole time.

Exception.

**15.** No officer or person regularly employed in the collection or management of the revenue, or in accounting for the same shall, while he remains such officer or so employed, be compelled to serve in any other public office or in any municipal or local office, or on any jury or inquest or in the Militia. 41 V., c. 7, s. 4.

Exemption from certain public services.

**16.** Every person appointed to any office or employment relative to the collection or management of the revenue, or to the accounting 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 :—

Oath of office.

“ I, A. B., do swear to be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge, by my appointment as  
 “ \_\_\_\_\_, and that I will not require, take or receive any fee, perquisite, gratuity or reward, or emolument, whether pecuniary or of any other sort or description whatever, either directly or indirectly for any service, act, duty, matter or thing done or performed or to be done or performed in the execution or discharge of any of the duties of my said office or employment, on any account whatsoever, other than my salary, or what shall be allowed me by law, or by order of the Governor in Council. So help me God.” 41 V., c. 7, s. 5.

Form of oath.

**17.** The Governor in Council may, from time to time, make such divisions of Canada into ports, revenue districts or otherwise, as are required with regard to the collection or management of the revenue,—and may assign the officers or persons by whom any duty or service relative to any

Governor in Council to divide Canada into ports, districts, &c., for revenue purposes, and

make regulations.

such purpose shall be performed within or for any such district or division, and the places within the same, where such duty or service shall be performed,—and may make all such regulations concerning such officers and persons, and the conduct and management of the business to them intrusted, as are consistent with the law, and as he deems expedient for carrying it into effect, in the manner best adapted to promote the public good ; and any general regulation or order made by the Governor in Council for any purpose whatsoever for which an order or regulation may be 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 made with reference to such particular case, and the officers, functionaries or persons concerned had been specially named therein. 41 V., c. 7, s. 6, *part.*

Application of general regulation or order.

Officers employed to be deemed the proper officers.

**18.** Every person employed on any duty or service relating to the collection or management of the revenue, by the order or with the concurrence of the Governor in Council, shall be deemed to be the proper officer for that duty or service ; and every act, matter or thing required by any law in force to be done or performed by, to or with any particular officer nominated for that purpose in such law, which is done or performed by, to or with any person appointed or authorized 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 or with such particular officer :

At what place any duty shall be performed.

2. Every act, matter or thing required by any law, at any time in force, to be done or performed at any particular place within any port, or within any other such district or division of Canada as aforesaid, which is done or performed at any place within such port, district or division, appointed by the Governor in Council for such purpose, 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, management or accounting for any branch of the revenue, may be employed in the collection, management or accounting for any other branch thereof, whenever it is deemed advantageous for the public service so to employ him. 41 V., c. 7, s. 8.

Hours of attendance, &c.

**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 collection and management of the 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 any particular portions of the duties of such officers or other persons shall be performed by them respectively ; and a notice of the hours of general

Notice to be posted.

attendance so appointed shall be kept constantly posted up in some conspicuous place in such offices and places of employment. 41 V., c. 7, s. 9.

#### AUDITOR GENERAL.

**21.** The Governor General may, for the more complete examination of the public accounts of Canada, and for the reporting thereon to the House of Commons, appoint an officer, under the Great Seal of Canada, to be called the Auditor General of Canada, and such officer may be paid out of the Consolidated Revenue Fund, a salary of three thousand two hundred dollars per annum. 41 V., c. 7, s. 11. Salary raised to four thousand dollars per annum. *Vide* 51 V., c. 7, s. 1-2, page 161.

Auditor General.

Appointment and salary.

**22.** The Auditor General shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons. 41 V., c. 7, s. 12.

Tenure of office.

**23.** The Governor in Council shall, from time to time, appoint the officers, clerks and other persons in the office of the Auditor General, and may regulate the numbers and salaries of the respective grades or classes into which the said officers, clerks and others shall be divided. 41 V., c. 7, s. 13, *part*.

Officers and clerks under him.

**24.** Repealed. *Vide* 54-55 V., c. 16, page 167.

#### HOW PUBLIC MONEYS SHALL BE DEALT WITH.

**25.** All public moneys, from whatever source of revenue derived, shall be paid to the credit of the account of the Minister of Finance and Receiver General through such officers, banks or persons, and in such manner as the said Minister, from time to time, directs and appoints. 41 V., c. 7, s. 25.

To be paid to credit of Minister of Finance, &c.

**26.** The Treasury Board may, from time to time appoint the times and mode in which any officer or person employed in the collection or management of, or the accounting for any part of the revenue, shall account for and pay over the public moneys which come into his hands,—and may determine the times and mode in which, and the officer by whom, any licenses on which any duty is payable, are to be issued: Provided, that such accounts and payments shall be rendered and made by such officers and persons respectively at least once every month. 41 V., c. 7, s. 26;—*Vide* 51 V., c. 7, page 161.

Time and mode of such payments.

As to license duty.

Proviso.

**27.** The Minister of Customs, the Minister of Inland Revenue, the Postmaster General, and all other Ministers, deputies of Ministers, officers, clerks or persons charged with

Ministers, deputies, &c., to pay in gross revenues of

their departments or offices,— when and how.

Daily accounts to Auditor General.

Payment of revenue into banks.

Cash books.

Books open to inspection.

Daily accounts.

Proviso : when there is no bank.

the receipt of public moneys, shall cause the gross revenues of their several departments or offices to be paid at such times and under such regulations as the Minister of Finance and Receiver General, from time to time, prescribes, to an account to be called "the account of the Minister of Finance and Receiver General," at such bank or banks as are determined by the Minister of Finance and Receiver General; and daily accounts of such moneys so deposited shall be rendered to the Auditor General in such form as the Treasury Board prescribes. 41 V., c. 7, s. 27.

**28.** Every officer of the Customs or of the Inland Revenue or otherwise employed in the collection of the revenue, receiving money for the Crown, shall deposit the same to the credit of the account of the Minister of Finance and 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 and papers of such officer shall, at all times during office hours, be open to the inspection and examination of any officer or person whom the Minister of Finance and Receiver General authorizes to inspect or examine the same; and daily accounts of such moneys so deposited shall be rendered to the Auditor General in such form as the Treasury Board prescribes: Provided, that where such money is received at a place where there is no bank into which it can conveniently be paid, the same shall be paid over in such manner as the Minister of Finance and Receiver General directs; and accounts of such money shall be rendered to the Auditor General in such form as the Treasury Board prescribes. 41 V., c. 7, s. 28.

#### PROCEEDINGS AS TO VOTES OF MONEY.

Warrant of the Governor to Minister of Finance.

**29.** When any sum of money has been granted to Her Majesty by a resolution of the House of Commons or by an Act of Parliament, to defray expenses for any specified public services, the Governor General may, from time to time, under his sign manual, countersigned by a member of the Treasury Board, authorize and require the Minister of Finance and Receiver General to issue out of the moneys appropriated for defraying the expenses of such services, and in his hands, the sums required, from time to time, to defray such expenses, not exceeding the amount of the sum so voted or granted. 41 V., c. 7, s. 29.

Minister of Finance to issue credits in favour of the proper departments and persons.

**30.** When any sum of money has been granted to Her Majesty by a resolution of the House of Commons or by an Act of Parliament, to defray expenses for any specified public services, and as soon as the Governor General has issued his warrant authorizing the payment of such sum or sums as are required to defray such expenses, the Minister of

Finance and Receiver General may, from time to time, on the application of the Auditor General, cause credits to be issued in favour of the deputy heads, officers, clerks or other persons connected with the several departments or services charged with expenditure of the moneys so authorized. Such credits shall issue on the several banks authorized to receive public moneys; and statements in duplicate of moneys drawn for under such credits, together with the cheques paid by the banks in connection therewith, shall be rendered at such times and under such forms and once in each month or more often, as the Treasury Board directs,—one duplicate of such statement together with the cheques to be rendered to the Auditor General, and the other duplicate to the Minister of Finance and Receiver General; whereupon the Auditor General, being satisfied of the correctness of the statement, may request the Minister of Finance and Receiver General to cause cheques to be prepared to reimburse the banks for such advances under such credits to cover the expenditures made or authorized,—such cheques being signed by the Minister of Finance and Receiver General and countersigned by the Auditor General or their respective deputies or officers thereunto duly authorized; but no such credit shall issue in favour of any officer or other person in excess of any appropriation authorized by an Act of Parliament. 41 V., c. 7, s. 30.

Credits to be on certain banks; accounts thereof in duplicate.

Statements to be rendered to Auditor General and Minister of Finance.

Cheques to make good expenditures on such credits.

No credit to exceed appropriation.

**31.** 41 V., c. 7, s. 31. Repealed. *Vide* 51 V., c. 7, page 163.

**32.** No cheque for public money shall issue except upon the certificate of the Auditor General that there is parliamentary authority for the expenditure, save only in the following cases:—

(a.) If, upon any application for a cheque, the Auditor General has reported that there is no parliamentary authority for issuing it, then upon the written opinion of the Attorney General of Canada, that there is such authority, citing it, the Treasury Board may authorize the Deputy Minister of Finance and Receiver General to prepare the cheque, irrespective of the Auditor General's report;

(b.) If, when Parliament is not in session, any accident happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arises when any expenditure not foreseen or provided for by Parliament is urgently and immediately required for the 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 that the necessity is urgent, the Governor in Council may order a special warrant to be prepared, to be signed by the Governor General for the issue of the amount estimated to be required, which shall be placed by the Minister of Finance and Receiver General to a special account,

No cheque of Finance Minister except on certificate of Auditor General.

Exceptions. Opinion of law officers that it may issue.

Accidents during recess of Parliament.

Special warrants.

against which cheques may issue from time to time, in the usual form, as they are required :

Provision if the Auditor General refuses to certify that a cheque may issue.

(c.) If the Auditor General has refused to certify that a cheque of the Minister of Finance and Receiver General may issue, on the ground that the money is not justly due, or that it is in excess of the authority granted by Council, or for any reason other than that there is no parliamentary authority, then upon a report of the case prepared by the Auditor General and the Deputy of the Minister of Finance and Receiver General, the Treasury Board shall be the judge of the sufficiency of the Auditor General's objection, and may sustain him or order the issue of the cheque in its discretion :

Statement to be submitted to Parliament in such cases.

2. The Auditor General shall in all such cases prepare a statement of all such legal opinions, reports of Council, special warrants and cheques issued without his certificate, and of all expenditure incurred in consequence thereof, which he shall deliver to the Minister of Finance and Receiver General, to be by him presented to Parliament not later than the third day of the session thereof then next ensuing. 41 V., c. 7, s. 32. *Vide* 51 V., c. 7, page 164.

Vouchers to be required by Auditor General.

**33.** No payment shall be authorized by the Auditor General 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 to any other voucher or certificate which is required in that behalf, the officer, under whose special charge such part of the public service is, certifies that such work has been performed, or such materials supplied, as the case may be, and that the price charged is according to contract, or if not covered by a 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.

**34.** The Public Accounts of Canada shall be kept by double entry in the office of the Minister of Finance and Receiver General ; and an annual statement shall be prepared as soon as possible after the termination of each fiscal year exhibiting the state of the public debt and the amount chargeable against each of the public works for which any part of the debt has been contracted ; also the state of the Consolidated Revenue Fund and the various trusts and special funds under the management of the Government of Canada, and such other accounts and matters as are required to show what the liabilities and assets of Canada really are at the date of such statement. 31 V., c. 32, s. 4.

**35.** Repealed. *Vide* 51 V., c. 7, page 164.

Yearly accounts for Parliament.

**36.** The Deputy of the Minister of Finance and Receiver General shall prepare and submit to the Minister of Finance



and Receiver General the public accounts to be annually laid before Parliament. 41 V., c. 7, s. 35. *Vide* 51 V., c. 7, page 164.

**37.** The public accounts shall include the period from the thirtieth of June in one year to the thirtieth of June in the next year, which period shall constitute the financial year; all estimates submitted to Parliament shall be for the services coming in course of payment during the financial year; and all balances of appropriation which remain unexpended at the end of the financial year, shall lapse and be written off: Provided, that upon cause being shown to the satisfaction of the Governor in Council, he may, by Order in Council to be made before the first of August of each year, extend the time for finally closing the account of any appropriation, for a period of not more than three months from the end of the financial year, —after the expiration of which extended time, and not before, the balance of such appropriation shall lapse and be written off. 41 V., c. 7, s. 36.

What period the said public accounts shall include.

Balances un-used.

Proviso, for extension of time for closing of accounts of appropriation.

**38.** Repealed. *Vide* 51 Vic., c. 7, page 164.

**39.** Repealed. *Vide* 51 V., c. 7, pages 164-165.

**40.** Repealed. *Vide* 51 V., c. 7, pages 164-165.

**41.** The Treasury Board may alter the period at or to which any accountant for public moneys, public officer, corporation or institution, is required to render any account or to make any return, whenever in its opinion such alteration will facilitate the correct preparation of the public accounts or estimates for the financial year. 41 V., c. 7, s. 39.

Treasury Board may alter times for accounting.

**42.** The deputy heads of the several departments or the officers, clerks or other persons charged with the expenditure of public moneys, shall respectively audit the details of the accounts of the several services in the first instance, and be responsible for the correctness of such audit. 41 V., c. 7, s. 40.

Deputy heads, &c., to audit details.

**43.** Repealed. *Vide* 51 V., c. 7, page 165.

**44.** Repealed. *Vide* 51 V., c. 7, page 165.

**45.** The Auditor General shall, in order that such examinations may, as far as possible, proceed *pari passu* with the cash transactions of the several accounting departments, have free access at all convenient times, to the books of account and other documents relating to the accounts of such departments, and may require the several departments concerned to furnish him, from time to time, or at regular

Auditor General to have free access to books of account.

periods, with accounts of the cash transactions of such departments respectively up to such times or periods. 41 V., c. 7, s. 42.

Auditor General to test castings and computations.

May admit vouchers if satisfied of correctness.

Proviso: if Minister of Finance requires further examination.

Objections arising to be communicated to department accounting.

**46.** In conducting the examination of the vouchers relating to the appropriation of the grants for the several services sanctioned by the Appropriation Act of the year, or by any Act of Parliament, the Auditor General shall test the accuracy of the additions and computations of the several items of such vouchers; but if he is satisfied that the accounts bear evidence that the vouchers have been completely checked, examined and certified as correct in every respect, and that they have been allowed, and passed by the proper departmental officers, he may admit the same as satisfactory evidence of payment in support of the charges to which they relate: Provided always, that if the Minister of Finance and Receiver General desires any such vouchers to be examined by the Auditor General in greater detail, the Auditor General shall cause such vouchers to be subjected to such further examination in detail as the Minister of Finance and Receiver General thinks fit to prescribe. 41 V., c. 7, s. 44.

**47.** If, during the progress of the examination by the Auditor General hereinbefore directed, any objection arises to any item to be introduced into the appropriation account of any grant, such objections shall, notwithstanding such account has not been rendered to him, be immediately communicated to the department concerned; and if the objections are not answered to his satisfaction by such department, they shall be referred by him to the Treasury Board, and the Treasury Board shall determine in what manner the items in question shall be entered in the annual appropriation account. 41 V., c. 7, s. 45.

**48.** Repealed. *Vide* 51 V., c. 7, page 166.

To present his report if Minister of Finance does not present it.

**49.** If the Minister of Finance and Receiver General does not, within the time prescribed by this Act, present to the House of Commons any report made by the Auditor General on the appropriation accounts, or any other accounts, the Auditor General shall forthwith present such report. 41 V., c. 7, s. 47.

Auditor General to examine and audit certain other accounts if required.

**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 of Finance and Receiver General, and in accordance with any regulations which are prescribed for his guidance in that behalf by the Treasury Board, the following accounts, viz.: the accounts of all receipts of revenues forming the Consolidated Revenue

Fund of Canada ; the accounts current with the several banks and financial agents of Canada ; the accounts relating to the issue or redemption of loans ; the accounts with the several Indian tribes, known as the Indian Fund ; the accounts with the several Provinces forming the Dominion of Canada ; the accounts with the Government of the United Kingdom,—and any other public accounts which, though not relating directly to the receipts or expenditure of the Dominion of Canada, the Treasury Board directs him to examine and audit. 41 V., c. 7, s. 48.

Accounts with Provinces and Imperial Government, &c.

**51.** The accounts which, by the next preceding section, the Minister of Finance and Receiver General is empowered to subject to the examination of the Auditor General, shall be rendered to him by the departments or officers directed so to do by the Minister of Finance and Receiver General ; and the expression "Accountant" when used in this and the following sections of this Act, with reference to any such accounts, means the department or officer that is so required 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 regulations so to do, or by subordinate or other officers whose duty it is to pay such moneys, wholly, or in part, into the 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 form as the Treasury Board determines, render an account of his receipts and payments to the Auditor General ; and the Clerk of the Queen's Privy Council for Canada shall inform the Auditor General of the appointment of every such officer. 41 V., c. 7, s. 49.

By whom such accounts shall be rendered.

Term "accountant" interpreted.

Duty of Clerk of Privy Council as to appointments.

**52.** The Auditor General shall examine the several accounts transmitted to him with as little delay as possible, and when the examination of each account is completed he shall make a statement thereof in such form as he deems fit, and if it appears from the statement so made up of any account, being an account current, that the balance thereon agrees with the accountant's balance, or if it appears from any account rendered by an accountant, as well as from the statement of such account by the Auditor General that the accountant is "even 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 other cases, the Auditor General after having made up the statement of account as hereinbefore directed, shall transmit the same to the Minister of Finance and Receiver General, who, having considered such statement, shall return it to him, with his certificate attached thereto, directing him to sign and pass the account, either conformably to the statement thereof, or with such alterations as he deems just and reasonable ; and

Examination to be made with as little delay as possible.

Statement by Auditor General when examination is completed.

Proviso : statement to be sent to Minister of Finance who shall examine it, &c.

a statement of the account made up by the Auditor General in accordance with such certificate from the Minister of Finance and Receiver General shall then be signed and passed by the Auditor General: Provided further, that a list of all accounts which the Auditor General has signed and passed (such list to be so prepared as to show thereon the charge, discharge and balance of each account respectively,) shall be submitted by him to the Treasury Board twice in every year, that is to say, not later than the first week of February, and the first week of August. 41 V., c. 7, s. 50.

Proviso: list of accounts examined to be submitted to Treasury Board and when.

Certificate to accountant and what to show:—its effect.

Proviso: no certificate unless Auditor General is satisfied as to balance.

**53.** As soon as any account has been signed and passed by the Auditor General, he shall transmit to the accountant a certificate, in which the total amounts of the sums forming, respectively, the charge and discharge of such account, and the balance, if any, remaining due to or by such accountant, shall be set forth; and every such certificate shall be signed by him, and shall be valid and effectual to discharge the accountant, as the case may be, either wholly or from so much of the amount with which he was chargeable, as he appears by such certificate to be discharged from: Provided always, that when any account, not being an account current has been signed and passed by the Auditor General with a balance due thereon to the Crown, he shall not make out or grant any such certificate as aforesaid until the accountant satisfies him, either that he has discharged the full amount of such balance, and any interest which is, as hereinafter provided, payable thereon, or that he has been relieved from the payment thereof, or of so much thereof as has not been paid, by an Order in Council passed on a report from the Treasury Board. 41 V., c. 7, s. 51.

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 the Minister of Finance and Receiver General to examine and audit the accounts of the receipt, expenditure, sale, transfer or delivery of any securities, stamps, Canadian or other Government stock or annuities, provisions or stores, the property of Her Majesty, he shall, after the examination of such accounts has been completed, transmit a statement thereof, or a report thereon to the Minister of Finance and Receiver General, who shall, if he thinks fit, signify his approval of such accounts; and the Auditor General on receipt of such approval shall thereupon transmit to the accountant a certificate in a form to be, from time to time, determined by the Auditor General, which shall be to such accountant a valid and effectual discharge from so much as he thereby appears to be discharged from. 41 V., c. 7, s. 52.

Power to examine persons on oath.

**55.** The Auditor General may examine any person on oath or affirmation on any matter pertinent to any account submitted to him for audit; and such oath or affirmation

may be administered by him to any person whom he desires to examine. 41 V., c. 7, s. 53.

**56.** The Auditor General may apply to any judge of the Exchequer Court of Canada, or to any judge of a superior court of any Province of Canada, for an order that a subpœna be issued from the court, commanding any person therein named to appear before him at the time and place mentioned in such subpœna, and then and there to testify to all matters within his knowledge relative to any account submitted to him, and (if so required) to bring with him and produce any document, paper or thing which he has in his possession relative to any such account as aforesaid; and such subpœna shall issue accordingly upon the order of such judge; and any such witness may be summoned from any part of Canada whether within or without the ordinary jurisdiction of the court issuing the subpœna; and any reasonable travelling expenses shall be tendered to any witness so subpœnaed at the time of such service. 41 V., c. 7, s. 54.

Auditor General may obtain writs of subpœna.

And of *duces tecum*.

Expenses.

**57.** If, by reason of the distance at which any person, whose evidence is required by the Auditor General, resides from the seat of government, or for any other cause, the Auditor General 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 first sworn before some justice of the peace faithfully to execute the duty intrusted to him by such commission, shall, with regard to such evidence, have the same powers as the Auditor General would have had if such evidence had been taken before him, and may, in like manner, apply to and obtain from any judge of any of the courts aforesaid, a subpœna for the purpose of compelling the attendance of any person, or the production of any document, paper or thing before him: and such subpœna shall issue accordingly on the order of 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.

Auditor General may issue commissions to take evidence.

Powers of commissioners.

**58.** Every person summoned, in the manner hereinbefore provided, to attend before the Auditor General or any commissioner appointed as aforesaid, who fails, without valid excuse, to attend accordingly,—or, being commanded to produce any document, paper or thing in his possession, fails to produce the same,—or refuses to be sworn or to answer any lawful and pertinent question put to him by the 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 which debts due to the Crown are recoverable,

Penalty on persons summoned failing to attend, or produce papers, &c.

And punishment as for contempt of court.

and may likewise be dealt with by the court out of which the subpoena issued, as a person who has refused to obey the process of such court, and who is guilty of a contempt thereof. 41 V., c. 7, s. 56.

Balances to be paid over in case of termination of charge, decease, &c.

**59.** Every accountant, on the termination of his charge as such accountant, or in the case of a deceased accountant, his representatives shall, forthwith, pay over any balance of public money then due to the Crown in respect of such charge, to the public officer authorized to receive the same; and whenever it appears to the Auditor General that balances of public money have been improperly and unnecessarily retained by an accountant, he shall report the circumstances of such cases to the Minister of Finance and 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 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.

Report if improperly retained, and proceedings for recovery.

#### LIABILITY OF ACCOUNTANTS,—CIVILLY.

Penalty for not accounting as required by law.

**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 lawfully 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 action for the recovery of such sum, it shall be sufficient to prove, by any one witness or other evidence, that such account, statement or return ought to have been transmitted by the defendant, as alleged on 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.

Evidence in action and burden of proof.

Notice to persons neglecting to pay over.

**61.** Whenever the Minister of Finance and Receiver General has reason to believe that any officer or person has received money for the Crown, or for which he is accountable to the Crown, or has in his hands any public money applicable to any purpose, and has not paid over or duly applied and accounted for the same,—he may direct a notice to such 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 pay over, or apply and account for such money to the Minister of Finance and Receiver

General, or to the officer mentioned in the notice, and to transmit to him the proper vouchers that he has so done. 41 V., c. 7, s. 59.

**62.** If any officer or person fails to pay over, apply or account for any such money, and to transmit such vouchers as aforesaid within the time limited by the notice served on 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 sufficient evidence to support any information or other proceeding for 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 to plead and give in evidence all such matters as are legal and proper for his defence; and the defendant shall be 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 accounted for the money therein mentioned, and transmitted the proper vouchers with such account, or unless he is sued for the same in a representative character, and is not personally liable for such money, or to render such account. 41 V., c. 7, s. 60.

Proceedings against person refusing to obey the notice.

Evidence in such case.

Costs.

**63.** Whenever any such officer or person as aforesaid has transmitted an account, either before or after notice as aforesaid, but without vouchers or with insufficient vouchers for any sum for which he therein takes credit,—the Minister of Finance and Receiver General may notify such officer or person, in the manner mentioned in the next preceding section but one, to transmit vouchers or sufficient vouchers within such period as the Minister of Finance and Receiver General deems fit after the service of the notice; and if 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 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; and such copy shall be sufficient evidence to support an information or other proceeding for the recovery of the amount therein shown to be in the hands of the defendant,—saving to the defendant the right to plead and give in evidence all such matters as are legal and proper for his defence; but such defendant shall be liable for the costs of the information or proceeding, whatever the judgment therein is, unless the vouchers by him transmitted within the time limited by the notice served on him, or before such service, are found of themselves sufficient for his defence,

Proceedings in case of insufficient vouchers.

Evidence.

Costs.

and for his discharge from all sums demanded of him. 41 V., c. 7, s. 61.

Proceedings in case public money appears to have been received, and has not been paid over.

**64.** If, at any time, it clearly appears, by the books or accounts kept by or in the office of any officer or person employed in the collection or management of the revenue, or in accounting for the same, or by his written acknowledgement or confession, that such officer or person has, by virtue of his office or employment, received moneys belonging to Her Majesty, and amounting to a sum certain, which he has refused or neglected to pay over to the officer duly appointed to receive the same, and in the manner and at the time lawfully appointed,—then, upon affidavit of the facts, by any officer cognizant thereof, and thereunto authorized by the Governor in Council, made before a justice or judge of any court having jurisdiction in civil matters to the amount of the sums so ascertained as aforesaid, such justice or judge shall cause to be issued against and for the seizure and sale of the goods, chattels and lands of the officer or person so in default as aforesaid, such writ or writs as might have issued out of such court, if the bond given by him had been put in suit, and judgment had been thereupon obtained in favour of Her Majesty, for a like sum, and any delay by law allowed between judgment and execution had expired; and such writ or writs shall be executed by the sheriff or other proper officer; and such sum as aforesaid shall be levied under them with costs, and all further proceedings shall be had, as if such judgment as aforesaid had been actually obtained. 41 V., c. 7, s. 62.

Seizure and sale of defaulter's goods.

Payment of price of property sold under writ of extent to discharge all further claim of Her Majesty thereon.

**65.** Whenever any estate belonging to a public accountant is sold under any writ of extent or any decree or order of any court of record, and the purchaser thereof, or of any part thereof, has paid his purchase money into the hands of any public accountant authorized to receive the same, such purchaser shall be wholly exonerated and discharged from all further claims of Her Majesty, for or in respect of any debt arising upon the account of such accountant, although the purchase money so paid is not 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.

**66.** If any officer or person has received public money for the purpose of applying it to any specific purpose, and has not so applied it within the time or in the manner provided by law, or if any person having held any public office and having ceased to hold the same, has in his hands any public money received by him as such officer for the purpose of being applied to any specific purpose to which he has not so applied it, such officer or person shall be deemed to have received such money for the Crown for the public uses of Canada, and may be notified by the Treasury Board



to pay such sum back to the Minister of Finance and Receiver General; and the same may be recovered from him as a debt due to the Crown, in any manner in which debts due to the Crown are recoverable,—and an equal sum may, in the meantime, be applied to the purpose to which such sum ought to have been applied. 41 V., c. 7, s. 64. Recovery if not paid.

**67.** If, by reason of any malfeasance, or of any gross carelessness or neglect of duty, by any officer or person employed in the collection or management of the revenue or in collecting or receiving any moneys belonging to the Crown, for the public uses of Canada, any sum of money is lost to the Crown,—such officer or person shall be accountable for such sum as if he had collected and received the same, and it may be recovered from him on proof of such malfeasance, gross carelessness or neglect, in like manner as if he had so collected and received it. 41 V., c. 7, s. 65. Liability for loss occasioned by malfeasance or culpable neglect.

**68.** Nothing in this Act shall weaken or impair any remedy which the Crown has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown, for the public uses of Canada, and in the possession of any officer or person whomsoever, by virtue of any other Act or law. 41 V., c. 7, s. 66. Other Crown remedies not affected.

#### LIABILITY CRIMINALLY.

**69.** Every officer, or person acting in any office or employment, connected with the collection or management of the revenue who— Punishment of officers.

(a.) Receives any compensation or reward for the performance of any official duty, except as by law prescribed, or— Receiving bribes.

(b.) Conspires or colludes with any other person to defraud the Crown, or makes opportunity for any person to defraud the Crown, or— Conspiring to defraud.

(c.) Designedly permits any violation of the law by any other person, or— Permitting breach of law.

(d.) Wilfully makes or signs any false entry in any book, or wilfully makes or signs any false certificate or return in any case, in which it is his duty to make an entry, certificate or return, or— Making false entries.

(e.) Having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against the Crown, under any revenue law of Canada, fails to report in writing, such knowledge or information to his next superior officer, or— Not giving information.

(f.) Demands or accepts or attempts to collect, directly or indirectly as payment or gift or otherwise, any sum of money, or other thing of value, for the compromise, adjustment or settlement of any charge or complaint for any violation or alleged violation of law, except as expressly author— Demanding reward for condoning an offence.

ized to do by law, or by the authority of the department of which he is an officer,—

Misdemeanour.

Shall be dismissed from office, and is guilty of a misdemeanour, and shall, on conviction, be liable to a fine not exceeding five hundred dollars, and to imprisonment for any term not exceeding one year. 41 V., c. 7, s. 67.

Punishment.

Offering bribes to revenue officers for certain purposes.

**70.** Every person who, directly or indirectly, promises, offers or gives, or causes or procures to be promised, offered or given any money, goods, right in action, bribe, present or reward, or any promise, contract, undertaking, obligation or security for the payment or delivery of any money, goods, right in action, bribe, present or reward, or any other valuable thing whatever, to any officer, or any person acting in any office or employment connected with the collection or management of the revenue, with intent—

To influence his decision.

(a.) To influence his decision or action on any question or matter which is then pending, or may, by law, be brought before him in his official capacity; or—

To induce him to connive at fraud.

(b.) To influence such officer or person to commit, or aid or abet in committing any fraud on the revenue, or to connive at, collude in, or allow or permit any opportunity for the commission of any such fraud; and,—

Punishment of persons offering and officers receiving bribes.

Every officer or person who in anywise accepts or receives any such moneys, goods, right in action, bribe, present or reward, or any promise, contract, undertaking, obligation or security for the payment or delivery thereof, or any other valuable thing whatever, or any part of the same respectively,—

Misdemeanour.

Is guilty of a misdemeanour, and liable, on conviction, to a fine not exceeding three times the amount so offered or accepted, and to imprisonment for any term not exceeding one year: and every officer or person who holds any office or place under the Crown, and is convicted under this section shall forfeit his office or place; and every person who is convicted under this section shall be for ever disqualified to hold any office of trust, honour or profit, under the Crown. 41 V., c. 7, s. 68.

Imprisonment.

Forfeiture of office and disqualification.

Becoming interested in manufacture of excisable articles.

**71.** Every officer and every person acting in any office or employment connected with the collection of the revenue who is or becomes, directly or indirectly, interested in the manufacture or production of any article subject to excise, or who trades in any article subject to excise duties, shall incur a penalty not exceeding five hundred dollars and not less than fifty dollars, which shall be recoverable in any court of competent jurisdiction. 41 V., c. 7, s. 69.

Penalty.

Other remedies of Her Majesty not impaired.

**72.** Nothing herein contained shall prevent, lessen, or impeach any remedy which Her Majesty or any other person has against such offender, or his sureties, or against any other person whomsoever; but nevertheless the conviction of any

such offender shall not be received in evidence in any suit, or action at law or in equity, against him. 41 V., c. 7, s. 70, *part.*

#### GENERAL PROVISIONS.

**73.** All books, papers, accounts and documents of what kind soever, and by whom and at whose cost soever the paper and materials thereof have been procured or furnished, kept or used by, or received or taken into the possession of any officer or person employed or having been employed in the collection or management of the revenue or in accounting for the same, by virtue of his employment as such, shall be deemed to be chattels belonging to Her Majesty,—and all moneys or valuable securities received or 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.*

Books of account, papers, moneys, &c., to belong to Her Majesty.

**74.** Whenever proof on oath or by affirmation or declaration is required, by any law relating to the collection or management of the revenue or to the accounting for the same, or is necessary for the satisfaction or consideration of the Governor in Council in any matter relating to the collection or management of the revenue or to the accounting for the same, and no person or officer is specially named as the officer or person before whom the same is to be made,—it may be made before any collector or chief officer of the Customs for the port or place where such proof is required, or before the persons acting for them respectively, or before such other officer or person as is appointed by the Governor in Council to receive the same; and such officers and persons shall administer such oath or affirmation or receive such declaration; and in any case or class of cases where an oath is required by this Act or by any law in force, in any matter relating to the collection or management of the revenue or the accounting for the same, the Governor in Council, may authorize the substitution for such oath, of a solemn affirmation or of a declaration, which shall then avail to all intents and purposes as such oath would have done. 41 V., c. 7, s. 71.

Before whom oaths or affirmation may be taken.

Affirmation may be substituted for oath by Governor in Council.

**75.** Upon all examinations and inquiries made by order of the Governor in Council for ascertaining the truth as to any fact relative to any matter concerning the collection or management of the revenue or the accounting for the same, or the conduct of 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 management of the revenue, in or at any port, district or place, or by any person or officer authorized by the Governor in Council to make such examinations and inquiries,

Inquiries concerning revenue matters.

Examination on oath.

any person 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. 41 V., c. 7, s. 72, *part.*

Appeal to Treasury Board by accountant dissatisfied.

**76.** Whenever an accountant is dissatisfied with any disallowance or charge in his accounts made by the Auditor General, such accountant may appeal to the Treasury Board, who, after such further investigations as they consider equitable, whether by *vivâ voce* examination or otherwise, may make such order, directing the relief of the appellant, wholly or in part, from the disallowance or charge in question, as appears to them to be just and reasonable; and the Auditor General shall govern himself accordingly. 41 V., c. 7, s. 73.

Holidays; what days shall be.

**77.** No day shall be kept as a public holiday by the officers and persons employed in the collection and management of the revenue, except Christmas day, New Year's day and Good Friday in every year,—any day appointed by proclamation of the Governor General for the purpose of a general fast, or of a general thanksgiving,—such days as are appointed for the celebration of the birth-day of Her Majesty and Her Royal successors, and any other statutory holiday—and such other days as are, from time to time, appointed as holidays by the Governor in Council. 41 V., c. 7, s. 10.

#### REMISSION OF DUTIES, FORFEITURES, &C.

Governor in Council may remit duties, forfeitures, &c., in certain cases.

**78.** The Governor in Council, whenever he deems it right and conducive to the public good, may remit any duty or toll payable to Her Majesty, imposed and authorized to be imposed by any Act of the Parliament of Canada, or by any Act or Ordinance of the legislature of the late Province of Canada, or of any of the Provinces of Nova Scotia, New Brunswick, British Columbia or Prince Edward Island, in force in Canada, and relating to any matter within the scope of the powers of the Parliament thereof, or any forfeiture or pecuniary penalty imposed or authorized to be imposed by any such Act or Ordinance for any contravention of the laws relating to the collection of the revenue, or to the management of any public work producing toll or revenue, although any part of such forfeiture or penalty is given by law to the informer or prosecutor, or to any other person; and such remission may be total or partial, conditional or unconditional, and may be granted either before or after, or pending any suit or proceeding for the recovery of any duty, toll, penalty or forfeiture, and either before or after any payment thereof has been made or enforced by process or execution; and such remission may be exercised by forbearance from instituting any suit or pro-

How such remission may be made.

Stay of proceedings.

ceeding for the recovery of any duty, toll, penalty or forfeiture, or, if the same has been already instituted, then by the delay, stay or discontinuance of any such suit or proceeding, or by the forbearance to enforce, or by the stay or abandonment of any execution or process upon any judgment, or by the entry of satisfaction upon any judgment, or by the 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 process upon any judgment as aforesaid: Provided always, that no duties of customs or excise, paid to Her Majesty on any goods, shall be remitted or refunded on account of such goods having, after the payment of such duties, been lost or destroyed by fire or other unavoidable accident :

Refund.

Proviso : as to goods destroyed by accident.

2. If the remission is conditional, the condition, if accepted by the person to whom the remission is accorded, shall be lawful and valid, and the performance thereof, or the remission only, if unconditional, shall have the same effect as if the remission had been made after the duty, toll, penalty or forfeiture had been sued for and recovered ; and if the condition is not performed, it may be enforced, or all proceedings may be had, as if there had been no remission :

Effect of conditional remission.

Failure to perform condition.

3. No remission shall be made in any case unless such case has been considered, and the remission, whether total or partial, conditional or unconditional, has been recommended by the Treasury Board, and sanctioned and ordered by the Governor in Council :

Recommendation by the Treasury Board.

4. A detailed statement of all remissions and refunds of any tolls or duties shall be annually submitted to both Houses of Parliament, within the first fifteen days of the next ensuing session thereof. 41 V., c. 7, s. 74.

Returns to Parliament.

**79.** If the Governor in Council directs that the whole or any part of any penalty imposed by any law relating to the revenue be remitted or returned to the offender, such remission or return shall have the effect of a pardon for the offence for which the penalty is incurred, which shall thereafter have no legal effect prejudicial to the person to whom such remission is granted. 41 V., c. 7, s. 75, *part*.

Effect of remission as pardon.

**80.** The Attorney General of Canada may sue for and recover in Her Majesty's name any penalty, or enforce any forfeiture imposed by any law relating to the revenue, before any court or other judicial authority before which such penalty or forfeiture is recoverable or enforceable under such 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 same has been brought ; and the whole of the penalty or forfeiture when recovered or enforced, shall belong to Her Majesty for the public uses of Canada, unless the Governor in Council, as he may do if he

Recovery of penalties and enforcement of forfeitures.

sees fit, allows any portion thereof to the seizing officer or other person by whose information or aid the penalty or forfeiture has been recovered or enforced. 41 V., c. 7, s. 75, *part.*



## 51 VICTORIA.

## CHAPTER 7.

An Act to amend "The Consolidated Revenue and Audit Act," Chapter twenty-nine of the Revised Statutes of Canada.

[Assented to 4th May, 1888.]

**WHEREAS** it is expedient to amend "*The Consolidated Revenue and Audit Act*" as hereinafter provided: Preamble. R.S.C., c. 29.  
Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The salary of the Auditor General of Canada shall be four thousand dollars per annum, and his salary shall be paid to him at such rate as from the first day of July, one thousand eight hundred and eighty-seven. Salary of the Auditor General.

**2.** The Auditor General shall be subject to the provisions of "*The Civil Service Superannuation Act*" except as regards his tenure of office. R.S.C., c. 18 to apply.

**3.** Section twenty-six of the Act cited in the preamble is hereby amended by striking out the words "Governor in Council" in the first line, and substituting the words "Treasury Board" in lieu thereof. Section 26 of R.S.C., c. 29 amended.

**4.** Section thirty-one of the said Act is hereby repealed and the following substituted therefor:— Section 31 repealed; new section.

"**31.** The Auditor General shall see that no cheque issues for the payment of any public money for which there is no direct parliamentary appropriation, or in excess of any portion of such appropriation, the expenditure of which has been authorized by the Governor in Council; and he shall report to the Treasury Board through the Minister of Finance and Receiver General, any case in which a sub-accountant has expended money out of the proceeds of any accountable credit, for any purpose for which there is no Duty of Auditor as to issue of cheques. Report in case of excess.

legislative authority, or beyond the amount for which there is such authority, or for any other appropriation or purpose not connected with such credit."

Section 32 amended.

**5.** Section thirty-two of the said Act is hereby amended by striking out the words "Minister of Finance and Receiver General" in the ninth line and substituting the words "Treasury Board" in lieu thereof.

Section 35 repealed; new section.

**6.** Section thirty-five of the said Act is hereby repealed and the following substituted therefor :—

Account by Minister of Finance for Auditor General; what to show.

"**35.** The Minister of Finance and Receiver General shall cause an account to be prepared and transmitted to the Auditor General, on or before the thirtieth day of September in every year, showing the issues made from the Consolidated Revenue Fund in the financial year ended on the thirtieth day of June preceding, for services directly under his control; and such accounts and the reports of the Auditor General thereon shall be laid before the House of Commons by the Minister of Finance and Receiver General, on or before the thirty-first day of January in the following year, if Parliament is then sitting, and if not sitting, then within one week after Parliament is next assembled."

Accounts and report to be laid before Parliament.

Sections 36 amended.

**7.** Section thirty-six of the said Act is hereby amended by striking out all the words after the word "Parliament" in the fourth line to the end of the section.

Sections 38, 39 and 40 repealed; new sections.

**8.** Sections thirty-eight, thirty-nine and forty of the said Act are hereby repealed and the following substituted therefor :—

Account to be prepared and transmitted for examination.

"**38.** On or before the thirtieth day of September in every year, accounts of the appropriation of the several supply grants comprised in the Appropriation Act for the year ending thirtieth June then last, or in any other Act, shall be prepared by the several departments, and be transmitted for examination to the Auditor General and to the Deputy of the Minister of Finance and Receiver General, and when certified and reported upon, as hereinafter directed, they shall be laid before the House of Commons; and such accounts shall be called the "Appropriation Accounts" of the moneys expended for the services to which they respectively relate; and the Auditor General shall certify and report upon such accounts, as hereinafter directed; and each account shall be examined under the direction of the Auditor General, by such officer or clerk in his office as he directs; and such officer or clerk shall certify to the due examination of such account, and the Auditor General shall certify that the account has been examined under his direction and is correct."

Examination of and report on such accounts.



**39.** The department charged with the expenditure of any vote under the authority of the Governor in Council, shall prepare the appropriation account thereof." Departmental appropriation accounts.

**40.** The department charged with the duty of preparing the appropriation account of a grant shall transmit to the Auditor General, together with the annual appropriation account of such grant, a balance sheet so prepared as to show the debtor and creditor balances in the ledger of such department on the day when the said appropriation account was closed, and to verify the balances appearing upon the annual appropriation account; and any balances outstanding in the hands of any person or persons unexpended or unaccounted for at such period shall be accounted for and settled as soon thereafter as is practicable, but not later than the termination of the next succeeding fiscal year." Duty of department preparing such accounts.

**9.** Sections forty-three and forty-four of the said Act are hereby repealed and the following substituted therefor :— Balances outstanding.

**43.** Every appropriation account, when rendered to the Auditor General, shall be accompanied by an explanation showing how the balances on the grants included in the previous account have been adjusted, and shall also contain an explanatory statement of any excess of expenditure over the grants included in such account; and such statement, as well as the appropriation account, shall be signed by the deputy head and the accountant or such other duly authorized officer of such department as the Treasury Board determines." Sections 43 and 44 repealed; new sections.

**44.** Every appropriation account shall be examined by the Auditor General, on behalf of the House of Commons; and in the examination of such accounts, the Auditor General shall ascertain, first, whether the payments which the accounting department has charged to the grant are supported by the vouchers required by this Act and by proofs of payment; and, second, whether the money expended has been applied to the purposes for which such grant was intended to provide: Provided always, that whenever it appears to the Minister of Finance and Receiver General, that the expenditure included, or to be included, in any appropriation account, or any portion of such expenditure, calls, for further examination, he may instruct the Auditor General to examine such expenditure and to report to the Minister of Finance and Receiver General thereon; and if the Minister of Finance and Receiver General does not, thereupon, see fit to sanction such expenditure, it shall be regarded as being not properly chargeable to a Parliamentary grant, and shall be reported to the House of Commons, in the manner hereinafter provided." Explanation as to balances to accompany accounts.

Examination of accounts by the Auditor General.

Further examination when required.

Report to House of Commons if not authorized.

Section 48 repealed; new section.

In report attention to be called to any excess of expenditure, &c.

**10.** Section forty-eight of the said Act is hereby repealed and the following substituted therefor :—

“ **48.** In reporting as hereinbefore directed for the information of the House of Commons, the result of the examination of the appropriation accounts, the Auditor General shall call attention to every case in which cheques have been issued without his certificate,—or in which a grant has been exceeded,—or in which money received by a department from other sources than the grants for the year to which the account relates has not been applied or accounted for according to the directions of Parliament,—or in which a sum charged against a grant is not supported by proof of payment,—or in which a payment so charged did not occur within the period of the account, or was, for any other reason, not properly chargeable against the grant or was, in any way, irregular.”



## 54 - 55 VICTORIA.

## CHAPTER 16.

An Act further to amend "The Consolidated Revenue and Audit Act."

[Assented to 28th August, 1891.]

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

1. Section twenty-four of "*The Consolidated Revenue and Audit Act*," chapter twenty-nine of the Revised Statutes, is hereby repealed, and the following substituted therefor:—

R.S.C., c. 29, section 24 repealed.

"24. The Auditor General may, from time to time, make orders and rules for the conduct of the internal business of his office, and prescribe regulations and forms for the guidance of principal and sub-accountants in making up and rendering their periodical accounts for examination: Provided always that all such rules, regulations and forms shall be approved by the Treasury Board previously to the issue thereof:

Auditor General to make rules as to business of his office.

Proviso: approval by Treasury Board.

"2. Notwithstanding anything in paragraph thirty-nine of section seven of "*The Interpretation Act*," or in section fifty-five of "*The Civil Service Act*," the Auditor General may suspend or remove any of the officers, clerks and others employed in his office:

Powers as to suspension and removal of officers.

"3. Subject to the provisions of "*The Civil Service Act*," and amendments with respect to promotions, the Auditor General may promote any of such officers, clerks or employees,—it being the intention of this subsection that, so far as promotions in his office are concerned, the Auditor General shall have all the powers which, under the said last mentioned Act and amendments, are vested in heads and deputy heads of departments; Provided that every promotion of an officer, clerk or employee in the said office shall be reported to the Governor in Council within fifteen days after it has been made:

Powers as to promotion.

"4. In any case in which the Auditor General deems it necessary to report for the information of the Governor in Council, such report shall be made through the Minister of Finance and Receiver General.

Report to Governor in Council.

2. This Act shall be construed as if it had been passed at the date of the coming into force of the Revised Statutes.

Retroaction.



# REVISED STATUTES.

## CHAPTER 17.

A. D. 1886.

An Act respecting the Civil Service of Canada.

**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 Civil Service Act.*" 48-49 V., c. 46, s. 1.

### INTERPRETATION.

Interpretation,

'Head of a Department.'

'Deputy Head.'

**2.** In this Act, unless the context otherwise requires,—  
(a.) The expression "Head of a Department" means the Minister of the Crown for the time being presiding over such department ;

(b.) The expression "Deputy," "Deputy Head," or "Deputy Head of the Department," means the Deputy of the Minister of the Crown presiding over such department, and also includes the "Auditor General," in all cases in which such meaning is not inconsistent with his powers and duties under "*The Consolidated Revenue and Audit Act.*" 48-49 V., c. 46, s. 2.

### CONSTITUTION OF THE CIVIL SERVICE.

Of whom the Civil Service shall consist.

**3.** The Civil Service, for the purposes of this Act, includes and consists of all classes of employees, elsewhere than in the North-west Territories, in or under the several departments of the executive government of Canada and in the office of the Auditor General, included in the schedules A and B to this Act, appointed by the Governor in Council or other competent authority before the first day of July, one thousand eight hundred and eighty-two, or thereafter appointed in the manner provided by the Civil Service Act for the time being in force, and such officers and employees in the North-west Territories holding positions, which, if held in other parts of Canada, would bring them under the provisions of this Act, as the Governor in Council brings under the provisions hereof. 48-49 V., c. 46, s. 3.

As to North-west Territories.

4. The service shall be divided into two divisions :—

The first or inside departmental division shall comprise employees of those classes mentioned in schedule A, employed on the several departmental staffs at Ottawa, and in the office of the Auditor General :

Two divisions.  
Inside division.

The second or outside departmental division shall comprise employees of those classes mentioned in schedule B, and who are employed otherwise than on the departmental staffs at Ottawa. 48-49 V., c. 46, s. 4.

Outside division.

5. The Governor in Council may, from time to time, make general rules and regulations, not inconsistent with the provisions of this Act, respecting the appointments and promotions of the officers in the Civil Service and all other matters pertaining thereto. 48-49 V., c. 46, s. 5.

Regulations to be made by Order in Council.

6. The Governor in Council shall, from time to time, determine the number of officers, chief clerks, clerks, messengers and other employees that are required for the working of the several departments in each division of the Civil Service, but the collective amount of the salaries of each department shall, in no case, exceed that provided for by vote of Parliament for that purpose :

Governor in Council to determine number of employees.

2. If the number of employees then attached to any department in either division thereof is greater than the number allowed to the department, as herein provided, the Governor in Council shall name the persons to fill the several offices ; and the remainder shall be supernumerary clerks, without being eligible for increase of salary, of that class 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.

If the actual number exceeds that allowed.

7. Repealed. *Vide* 51 V., c. 12, page 183.

#### BOARD OF EXAMINERS.

8. A board of examiners shall, from time to time, be appointed by the Governor in Council, who, for the purposes of this Act, shall be known and are hereinafter referred to as "The Board," consisting of three members ; and they shall examine all candidates for admission to the Civil Service, and give certificates of qualification to such persons as are found qualified, according to such regulations as are authorized by the Governor in Council for the guidance of the board :

Board of examiners of candidates for the service : their appointment and duties.

2. Repealed. *Vide* 52 V., c. 12, page 188.

3. Repealed. *Vide* 52 V., c. 12, page 188.

4. The members of the board, while engaged in their work, shall be paid such travelling expenses as are determined by the Governor in Council :

Travelling expenses.

- Assistants. 5. Such persons as are selected by the board to assist them in the conduct of examinations shall receive such sum not exceeding five dollars a day, as is fixed by the Governor in Council :
- Meetings. 6. The meetings of the board shall be held at such times, and the proceedings thereof shall be governed by such rules and regulations as the Governor in Council, from time to time, determines :
- Supervision of board. 7. The board shall be supervised by the Secretary of State. 48-49 V., c. 46, s. 8.
- Who may be appointed as assistants. 9. The board may obtain the assistance of persons who have had experience in the education of the youth of Canada, and with such assistance shall hold, or cause to be held, periodical examinations for admission to the Civil Service, in the cities of Halifax, St. John, N.B., Charlottetown, Quebec, Montreal, Ottawa, Toronto, Hamilton, London, Winnipeg, Victoria and such other places as 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 places at which the examinations shall be held shall be determined, from time to time, by the Governor in Council ; examinations shall, as far as possible, be in writing, and the cost thereof shall be defrayed out of moneys previously voted by Parliament for that purpose. 48-49 V., c. 46, s. 9. This section amended by adding certain subsections. *Vide* 51 V., c. 12, pages 183-184.
- Places and times of examinations.
- Expenses, how paid.

#### APPOINTMENTS AND SALARIES IN THE SERVICE.

- Conditions of appointment. During pleasure and after examination. Limits as to age. Appointment of Deputy Heads to be during pleasure.
10. Except as herein otherwise provided,—
- (a.) All appointments to the Civil Service shall be during pleasure, and no person shall be appointed or promoted to any place below that of a Deputy Head unless he has passed the requisite examination and served the probationary term hereinafter mentioned ;
- (b.) No person shall be appointed to any place in the first or inside departmental division of the Civil 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 by the Governor in Council, and shall hold office during pleasure ; but whenever such pleasure is exercised in the direction of removing a Deputy Head from his office, a statement of the reasons for so doing shall be laid on the table of both Houses of Parliament within the first fifteen days of the next following session. 48-49 V., c. 46, s. 11. Amended by addition of subsection. *Vide* 51 V., c. 12, page 184.

**12.** The salaries of the Deputy Heads shall be determined by the Governor in Council, according to the duties and responsibilities of their respective departments. The minimum salary of a Deputy Head shall be three thousand two hundred dollars, and the maximum salary shall be four thousand dollars. 48-49 V., c. 46, s. 12.

Salaries.  
Minimum.  
Maximum.

**13.** The Deputy Head of each department shall, subject to the directions of the Head of the department, oversee and direct the officers, clerks and employees in the department, and shall have general control of the business thereof, and shall perform such other duties as are assigned to him by the Governor in Council. 48-49 V., c. 46, s. 13.

Duties and powers of a Deputy Head.

**14.** In the absence of any Deputy Head, a chief clerk named by the Head of the department shall perform the duties of such Deputy Head, unless the performance of such duties is otherwise provided for by the Governor in Council; and there shall be in the office of the Auditor General a chief clerk who shall, at all times, act for the Auditor General in his absence. 48-49 V., c. 46, s. 14.

By whom performed in his absence.

**15.** A chief clerkship in any department shall only be created by Order in Council, passed after—

Chief clerkships.

(a.) The Deputy Head has reported that such an officer is necessary for the proper performance of the public business in the department, stating the reasons on which he has arrived at that conclusion;

Condition of creation of office.

(b.) The concurrence of the Head of the department in such report; and—

Concurrence of Head, &c.

(c.) The salary has been voted by Parliament. 48-49 V., c. 46, s. 15.

**16.** The minimum salary paid to a chief clerk shall be one thousand eight hundred dollars, with an annual increase of fifty dollars up to a maximum of two thousand four hundred dollars. 48-49 V., c. 46, s. 16.

Salary.

**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.

First class clerkship; condition of creation.

**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.

Salary.

**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

Second class clerkship, condition of creation.

the reasons for creating the office, and after the salary has been voted by Parliament. 48-49 V., c. 46, s. 19.

Salary.

**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.

Third-class clerkship, &c., condition of creation.

**21.** A third-class clerkship, or the office of a messenger, a packer or a sorter, 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. 21.

Salaries of third-class clerks.

**22.** The minimum salary of a third-class clerk shall be four hundred dollars per annum, with an annual increase of fifty dollars up to a maximum of one thousand dollars. 48-49 V., c. 46, s. 22.

Of messengers, &c.

**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.** Repealed. *Vide* 51 V., c. 12, page 184.

Salaries to be regulated as per schedule B.

**25.** The officers, clerks and employees mentioned in schedule B to this Act shall be paid according to the scale thereby established, and the salaries of officers, clerks and employees in the second or outside division of departments other than the Customs, Inland Revenue and Post Office Departments shall, subject to the provisions of any Act relating thereto, be fixed in each case by the Governor in Council. 48-49 V., c. 46, s. 25.

Conditions of increase.

**26.** No officer, clerk or employee shall receive any increase of salary except by Order in Council passed on the report of the Deputy Head, concurred in by the Head of the department, stating that such officer, clerk or employee is deserving of such increase :

May be suspended for neglect.

2. The increase of salary of any officer, clerk or employee authorized under this Act for the then current year may be suspended by the Head of the department for neglect of duty or misconduct, and may be subsequently restored by such Head, but without arrears. 48-49 V., c. 46, s. 26.

From what time payable.

**27.** The increase of salary shall be payable from the first day of the official quarter next succeeding the date on which, from his length of service, any clerk or employee for whom such increase is recommended is eligible for such increase :

In case of promotion.

2. In case of promotion, the increase of salary shall become payable from the day on which such promotion takes place. 48-49 V., c. 46, s. 27.



**28.** No salary shall be paid to any member of the Civil Service whose appointment or promotion, or whose increase of salary after the first day of July, one thousand eight hundred and eighty-two, has not been made in the manner provided by the Civil Service Act in force at the time of such appointment, promotion or increase. 48-49 V., c. 46, s. 28.

Appointment must have been according to law.

#### EXAMINATIONS.

**29.** Except as herein otherwise provided, no appointment shall be made to either division of the Civil Service unless the person appointed has passed an examination, which shall be of two kinds—

No appointment without examination.

The first or "preliminary" examination, to qualify for the following appointments:—

Preliminary, for what appointments.

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—

For such other offices in the lower grades as are determined by the Governor in Council :

The second or "qualifying" examination to qualify for the following appointments:—

Qualifying examination.

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 clerkships, and the offices in the second division for Post Office service :

But nothing in this section shall be construed to prevent candidates passing both examinations, at their option. 48-49 V., c. 46, s. 29.

Candidates may pass both examinations voluntarily.

**30.** No person shall be admitted either to the preliminary or qualifying examination until he has satisfied the board—

Conditions for preliminary or qualifying examination.

(a.) That at the time appointed for such examination he 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, 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 disease which would be likely to interfere with the proper discharge of his duties ;

(c.) That his character is such as to qualify him for employment in the service. 48-49 V., c. 46, s. 30.

**31.** Repealed. *Vide* 51 V., c. 12, page 185.

To whom examinations shall be open.

**32.** The examinations shall be open to all persons who comply with the requirements of this Act as to proof of age, health and character, and conform to the regulations made as herein provided, upon payment of such fees as are determined by the Governor in Council; and all examinations under this Act shall be held in the English or French language, at the option of the candidate. 48-49 V., c. 46, s. 32. *Vide* 51 V., c. 12, page 185.

Fees.

In either language.

Notice of time and place of holding.

**33.** Notice of every examination to be held under this Act for admission into the Civil Service shall be published in the English and French languages in the *Canada Gazette* at least one month before the date fixed for the examination.

(a.) Repealed. *Vide* 51 V., c. 12, page 185.

(b.) Repealed. *Vide* 51 V., c. 12, page 185.

Lists of persons found qualified to be made.

**34.** Immediately after each examination a list of the persons who are found qualified shall be made out, and published in the *Canada Gazette*. 48-49 V., c. 46, s. 34.

#### NEW APPOINTMENTS.

Proceedings when new appointments are required.

**35.** Whenever it becomes necessary to make any appointment to any of the classes to which it is herein provided that first appointments shall only be made after qualifying examination, such necessity shall be reported to the Head of the department by his Deputy; and upon such report being approved by the Head of the department, and after the salary to be paid has been voted by Parliament, the Head of the department shall select and submit to the Governor in Council for probation, from the lists of qualified candidates made by the board, a person fitted for the vacant place:

Selection of candidates.

Probation.

2. The person so selected shall not receive a permanent appointment until he has served a probationary term of at least six months:

Rejection during probation.

3. The Head of the department or the Deputy Head may, at any time during the period of probation, reject any clerk or employee appointed to his department. 48-49 V., c. 46, s. 35.

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 be struck off the list as unfit for the service generally, or whether he shall be allowed another trial. 48-49 V., c. 46, s. 36.

**37.** When the Deputy Head of a department in which a vacancy occurs reports, for reasons set forth in such report,—

(a.) That the qualifications requisite for such office or employment are wholly or in part professional or 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 the examination herein provided for should, as regards such vacancy, be wholly or partially dispensed with;

As to offices requiring special qualifications.

The Governor in Council may, without reference to the age of the person, if the Head of the department concurs in such report, select and appoint such person as is deemed best fitted to fill the vacancy, subject to such examination as is suggested in the report; and such appointment shall be made from the Civil Service, if any person employed therein is found available:

Selection and appointment.

From the service if available.

2. Repealed. *Vide* 52 V., c. 12, page 188.

3. The qualifying examination may be dispensed with in the case of any person actually and continuously employed on and since the first day of July, one thousand eight hundred and eighty-two, if the Deputy Head of the department, with the concurrence of the Head of the department, reports that the said employee has the requisite qualifications for 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 temporary employment his age did not exceed thirty-five years. 48-49 V., c. 46, s. 37.

In what cases qualifying examination may be dispensed with.

**38.** If a vacancy occurs in the office of the Auditor General, the report required as to such vacancy shall be made to the Minister of Finance and Receiver General. 48-49 V., c. 46, s. 38.

Vacancy in Auditor General's office.

#### PROMOTIONS.

**39.** No promotion in either division of the Civil Service shall take place without special examination, under regulations made by the Governor in Council.

Promotion to be by examination under regulations.

2. Repealed. *Vide* 51 V., c. 12, page 185.

3. When the vacancy to be filled by promotion exists in the inside division, the examination shall not be open to persons employed in the outside division who, at the date of their first appointment, were of a greater age than thirty-five years:

In inside division.

- Special case of excisemen. 4. Repealed. *Vide* 51 V., c. 12, page 185.
5. No such examination shall be required for the re-employment or promotion of excisemen who passed the departmental examinations for the special class in the excise service before the first day of July, one thousand eight hundred and eighty-two. 48-49 V., c. 46, s. 39.
- Additions. **40.** Repealed. *Vide* 51 V., c. 12, page 185.
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 division. 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.
- Selection for vacancies in higher classes. **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. 48-49 V., c. 46, s. 42. Amended. *Vide* 51 V., c. 12, page 186.
- Promotion subject to probation. **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 was previously engaged. 48-49 V., c. 46, s. 43.
- Further selection. **44.** When any clerk who is promoted on probation is rejected, the Head of the department shall select another in

his stead from the candidates whose names still remain on the lists of qualified persons, made by the board. 48-49 V., c. 46, s. 44.

**45.** During the period for which a clerk is promoted on probation the duties of the office previously held by him shall, if necessary, be performed by a person selected for that purpose by the Head of the department. 48-49 V., c. 46, s. 45. His former duties, by whom performed.

**46.** An exchange of positions between two officers serving in different departments, or in different divisions of the same department, and the filling of a vacancy in one department by a transfer from another division of the same department or from another department, may be authorized by the Governor in Council, to be made without examination of either officer; but such exchange or transfer shall be made without increase of salary of either of the persons exchanging or transferred; and no person shall be transferred from an outside to an inside division, whose age at the date of his first appointment exceeded thirty-five years. 48-49 V., c. 46, s. 46. Exchange of positions by officers without examination. Condition.

#### SUPERNUMERARY AND TEMPORARY CLERKS.

**47.** When, from a temporary pressure of work or from any other cause, the assistance of temporary clerks becomes necessary in any branch of the first or second division, the Head of the department may—if he is satisfied that such necessity exists—on the requisition of the Deputy Head of the department, select from the lists of qualified candidates, for whom no vacancies have, up to that time, been found, such number of temporary clerks as are required, or, if the list does not furnish such a person, may employ any other person qualified for the service in question; but such other person shall not be continued in such temporary employment after the period in which a preliminary or qualifying examination is held, unless he presents himself for examination and obtains a certificate of having passed the necessary examination: Employment of assistance in cases of temporary pressure. Term of employment limited, &c.

2. Repealed. *Vide* 51 V., c. 12, page 186.

3. The temporary and supernumerary clerks so employed shall be paid only out of money voted by Parliament for payment of the contingencies of the department, division or office of the service in which such clerks are employed, or out of money voted by Parliament for the construction of works upon which they are employed. 48-49 V., c. 46, s. 47. Out of what funds payable.  
New subsect. added. *Vide* 51 V., c. 12, page 186.

#### PRIVATE SECRETARIES.

**48.** Any member of the Civil Service may be appointed private secretary to the Head of a department, and may be Private secretaries of Ministers.

paid an additional salary not exceeding six hundred dollars a year whilst so acting.

Salary must have been voted.

2. No salary shall be payable to any private secretary unless the amount has been voted by Parliament. 48-49 V., c. 46, s. 48.

#### GENERAL PROVISIONS.

As to leave of absence.

**49.** The Head of a department, and in his absence the Deputy Head of such department, may grant to each officer, chief clerk, clerk or other employee, leave of absence for purposes of recreation for a period not exceeding three weeks in each year ; and every such officer, clerk or employee, whether in the first or second division, shall take the leave so granted at such time during each year as the Head or Deputy Head of the department determines :

In case of illness, &c.

2. In case of illness or for any other reason which to him seems sufficient, the Governor in Council may grant to any officer, chief clerk, clerk or other employee, leave of absence for a period not exceeding twelve months. 48-49 V., c. 46, s. 49.

Suspension of officers for cause.

**50.** The Head of a department, and in his absence the Deputy Head of such department, may,—

In what cases.

(a.) Suspend from the performance of his duty or from the receipt of his salary any officer or employee guilty of misconduct or negligence in the performance of his duties ;

Removal of suspension.

(b.) Remove such suspension ; but no person shall receive any salary or pay for the time during which he was under suspension :

Report in such cases.

2. All cases of suspension by the Deputy Head of the department shall be reported by him to the Head of the department. 48-49 V., c. 46, s. 50.

**51.** Repealed. *Vide* 51 V., c. 12, page 186.

2. Repealed. *Vide* 51 V., c. 12, page 186.

Deduction from pay for unauthorized absence.

3. When the absence of any officer is not occasioned by his employment on other duties by the Government, by leave of absence, or on account of illness certified by an authorized medical practitioner, appointed by the Governor in Council for that purpose, his salary for each day of such absence, shall be deducted from his monthly salary. 48-49 V., c. 46, s. 51.

Certain payments to be made only under Order in Council.

**52.** All payments of money to permanent employees, other than salaries, to be made under the provisions of this Act, and whether specifically stated in the estimates submitted to Parliament, or payable under subsection two of the next preceding section, shall be made only under the authority of the Governor in Council. 48-49 V., c. 46, s. 53.

**53.** Any officer, clerk or employee who has resigned, shall be eligible, without examination, under the authority of an Order in Council, to re-enter the service, at the same salary in the class in which he was serving at the time of such resignation, provided that funds are available for the payment of his salary. 48-49 V., c. 46, s. 52.

As to officers having resigned and wishing to re-enter service.

**54.** Nothing contained in this Act shall prejudicially affect the salary or emoluments of any Deputy Head, officer, clerk or employee in the Civil Service of Canada, appointed on or before the first day of July, one thousand eight hundred and eighty-two, so long as he is continued in office, nor shall anything herein contained affect any salary or emolument granted and fixed by any Act in force on the day in this section before mentioned. 48-49 V., c. 46, s. 54.

Act not to prejudice certain officers.

**55.** No provision herein contained shall impair the power of the Governor in Council to remove or dismiss any Deputy Head, officer, clerk or employee, but no such Deputy Head, officer, clerk or employee, whose appointment is of a permanent nature shall be removed from office except by authority of the Governor in Council. 48-49 V., c. 46, s. 55.

Powers of Governor in Council not impaired. Proviso.

**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 be called the attendance book, which shall be in such form as 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.

Attendance books to be kept; their use.

**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 or 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:

Oath of allegiance by officers and employees.

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 or employee of whom the Governor in 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:

Addition to oath in certain cases.

3. The Clerk of the Queen's Privy Council for Canada shall take and subscribe the said oaths before the Governor General or some one appointed by him to administer the same:

Clerk of P. C. for Canada.

Before whom  
in Ottawa.

4. In the case of persons residing or coming to reside at the city of Ottawa, the oaths shall be taken and subscribed before the Clerk of the Privy Council:

And else-  
where.

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.

6. The Clerk of the Privy Council shall keep a register of all such oaths. 48-49 V., c. 46, s. 57.

Annual re-  
port by Secre-  
tary of State  
and what it  
must show.

**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 preceding year, which report shall include a copy of the examination papers, a statement of all examinations held and of the number of candidates at each, and the names of the successful candidates, and also the rules and regulations made during the year under the provisions of section five of this Act:

2. Repealed. *Vide* 51 V., c. 12, page 186.

Yearly Civil  
Service list to  
be printed and  
laid before  
Parliament.

**59.** The Secretary of State shall cause to be printed each year a list, to be called the Civil Service List of Canada, of all persons employed in the several departments of the Civil Service, together with those employed in the two Houses of Parliament, upon the first day of July next preceding, showing the dates of their several appointments and promotions, 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.

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## SCHEDULE A.

- (a.) Deputy Heads of departments;
  - (b.) Officers who have special professional or technical qualifications;
  - (c.) Chief clerks;
  - (d.) First-class clerks;
  - (e.) Second-class clerks;
  - (f.) Third-class clerks;
  - (g.) Messengers, packers and sorters. 48-49 V., c. 46, sch. A.
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## 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.

Repealed. *Vide* 51 V., c. 12, pages 186-187.

## INLAND REVENUE.

Repealed. *Vide* 52 V., c. 12, pages 188-189.

## POST OFFICE.

*Post Office Inspectors.*

Chief Inspector.....	\$2,800
1st Class, on appointment.....	2,200
After 10 years' service.....	2,400
"    20    "    .....	2,600
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, 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:

*Railway Mail Clerks.*

Repealed. *Vide* 52 V., c. 12, page 189.

*Marine Mail Clerks.*

Repealed. *Vide* 51 V., c. 12, page 187.

*City Postmasters.*

Repealed. *Vide* 52 V., c. 12, pages 189-190.

*Assistant Postmasters.*

Repealed. *Vide* 52 V., c. 12, pages 189-190.

*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 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. 46, sch. B.

## SCHEDULE C.

“ I (A. B.), solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as \_\_\_\_\_ and that I will not ask, or receive any sum of money, services, recompense or matter or thing whatsoever, directly or indirectly, in return for what I have done or may do in the discharge of any of the duties of my said office, except my 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. C.

## 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.



## 51 VICTORIA.

## CHAPTER 12.

An Act to amend "The Civil Service Act," chapter seventeen of the Revised Statutes of Canada.

[Assented to 22nd May, 1888.]

**WHEREAS** it is expedient to amend "*The Civil Service Act*," in the manner hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.  
E.S.C., c. 17.

**1.** Section seven of the said Act is hereby repealed.

Section 7  
repealed.

**2.** Section nine of the said Act is hereby amended by adding the following subsections thereto:—

Section 9  
amended.

"2. Whenever the Board are satisfied that any irregularity or fraudulent practice has obtained at any examination held by them or by any person deputed by them to hold the same, they may summon before them by an instrument signed by the chairman or acting chairman of the Board, and may examine under oath or affirmation, any person who, in their opinion, is in a position to give evidence in relation to any such irregularity or fraudulent practice; and if the person so summoned neglects or refuses to appear, or having appeared, refuses to be examined upon oath or affirmation concerning the premises, or refuses to take an oath or affirmation, or having taken the oath or affirmation, refuses to answer such questions concerning the premises as are then put to him, without offering any just and lawful excuse for his refusal, the chairman or acting chairman of the Board shall be vested with all the powers conferred, in like cases, upon a justice of the peace by section thirty-two of "*The Summary Convictions Act*":

Inquiry as to  
irregularities  
at examina-  
tions.

Penalty for  
refusing to  
appear, &c.

"3. Every oath or affirmation required for the purposes of such examination may be administered by any member of the Board:

Administra-  
tion of oath.

Name of person implicated to be removed from list.

"4. If any person is proved by such inquiry to have been concerned in any fraudulent practice or to have been guilty of any breach of the regulations made in virtue of section thirty-one of this Act, the Board shall report the same to the Secretary of State, who may thereupon cause such person's name to be removed from the list of persons who are found qualified :

Penalty for personation.

"5. Every person who, at any examination held under this Act, personates any candidate or employs, induces or allows any person to personate him, is guilty of an offence against this Act, and is liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred dollars, and, if he is employed in the Civil Service, to be dismissed therefrom :

Penalty for wrongfully receiving or furnishing examination papers.

"6. Every person who surreptitiously procures from any printer or other person, and every person who, without authority, furnishes to any other person any examination question paper or any other paper relating to any such examination as aforesaid, is guilty of an offence against this Act, and liable, on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding two hundred dollars, and if he is employed in the Civil Service, to be dismissed therefrom ; and no such person shall be allowed to present himself at any subsequent examination."

Section 11 amended.

**3.** The following subsection is hereby added to section eleven of the said Act :—

Deputy heads.

"2. There shall be a deputy head for each department ; and no officer shall hereafter be raised to the rank of deputy head except in the case of a vacancy occurring, or when a new department is created by Act of Parliament ; but nothing herein shall affect persons who have been heretofore promoted to the rank of deputy head.

Section 24 repealed ; new section.

**4.** Section twenty-four of the said Act is hereby repealed and the following substituted therefor :—

Scale of salaries.

"**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, in addition, fifty dollars for each optional subject (not to exceed four) in which they have passed before their appointment, and except in the case of lower grade permanent employees who, upon passing the qualifying examination, may be appointed third class clerks, at the salary they were receiving at the time of such appointment, when such salary exceeds four hundred dollars :

Optional subjects.

"2 The optional subjects in the next preceding subsection mentioned shall be book-keeping, shorthand, translation and type-writing, composition in French by English candidates, composition in English by French candidates, and précis writing."

5. Section thirty-one of the said Act is hereby repealed and the following substituted therefor:—

Section 31 repealed; new section.  
Holding of examination.

"31. The preliminary and qualifying examinations shall be held only once a year and during the month of November, under such regulations, not inconsistent with this Act, as are, from time to time, made by the Governor in Council and published in the English and French languages in the *Canada Gazette*:"

"2. Graduates of the Royal Military College, and of any University in Canada, shall be exempt from the qualifying examination."

Exemption.

6. Section thirty-two of the said Act is hereby amended by striking out the words "or in both" in the last line thereof.

Section 32 amended.

7. Section thirty-three of the said Act is hereby amended by striking out all the words after "examination" in the fourth line thereof.

Section 33 amended.

8. Subsection two of section thirty-nine is hereby repealed and the following substituted therefor:—

Section 39 amended.

"2. Except as herein otherwise provided, such examination shall be held only once a year in the month of May, and shall be in such subjects 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 which the promotion 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 office:"

Subjects for examination.

2. Subsection four of the said section thirty-nine is hereby repealed and the following substituted therefor:—

Further amendment.

"4. In the case of barristers, attorneys, military or civil engineers, officers of the artillery in the militia department, and architects, draughtsmen and land surveyors, when employed or when seeking promotion in the line of their profession, and in the case of special class excisemen seeking promotion in the Department of Inland Revenue, the examination may be dispensed with on a report from the deputy head, concurred in by the head of the department, that such examination is not necessary."

Examination may be dispensed with in certain cases.

9. Subsection one of section forty of the said Act is hereby repealed and the following substituted therefor:—

Section 40 amended.

"40. Once in each year, and not later than the fifteenth day of March, the deputy head of each department shall make and lay before the Board, through the Department of the Secretary of State, an estimate of the number of vacancies likely to occur therein during the ensuing year, in the first division, in the classes of—

Estimate to be prepared.

(a.) Chief clerks;

- (b.) First class clerks ;  
 (c.) Second class clerks.'

Section 42  
 amended.

**10.** Section forty-two of the said Act is hereby amended by striking out all the words after "service" in the ninth line of the said section.

Section 47  
 amended.

**11.** Subsection two of section forty-seven is hereby repealed, and the following substituted therefor:—

Rate of remuneration.

" 2. The rate of remuneration to be paid for temporary service shall not exceed the minimum salary of a third class clerk, unless the service to be performed is technical and requires special qualifications ; and such temporary employment shall not be considered as giving any claim to permanent appointment."

Further amendment.

2. The said section forty-seven is hereby further amended by adding the following subsection thereto:—

Permanent appointment of temporary clerks.

" 4. Temporary clerks employed continuously since the first day of July, one thousand eight hundred and eighty-two, may be appointed permanently, if otherwise qualified, at a salary equal to their average pay during the two years previous to such permanent appointment, but in no case exceeding the maximum salary of a third class clerk."

Section 51  
 amended.

**12.** Subsections one and two of section fifty-one of the said Act are hereby repealed and the following substituted therefor:—

No extra remuneration.

" **51.** No extra salary or additional remuneration of any kind whatsoever shall be paid to any deputy head, officer or employee in the Civil Service of Canada, or to any other person permanently employed in the public service."

Section 58  
 repealed.

**13.** Subsection two of section fifty-eight of the said Act is hereby repealed.

Schedule B  
 amended.

**14.** So much of schedule B of the said Act as is included under the heading "CUSTOMS" is hereby repealed and the following substituted therefor:—

" CUSTOMS.

Scale of Salaries.

Inspectors .....	salary from	\$1,600 to 2,500
Collectors.....	"	300 to 4,000
Surveyors.....	"	1,200 to 2,500
Chief clerks.....	"	1,200 to 2,000
Clerks.....	"	400 to 1,200
Chief Landing Waiters	"	800 to 1,200
Landing Waiters.....	"	400 to 1,000
Gaugers.....	"	600 to 1,200
Chief Lockers.....	"	800 to 1,200

## Scale of Salaries.

Lockers.....	salary from \$	400 to	800
Tide Surveyors.....	"	800 to	1,000
Tide Waiters.....	"	400 to	600
Chief Packer.....	"	500 to	600
Packers.....	"	300 to	500
Messengers.....	"	200 to	500
Appraisers.....	"	800 to	2,000
Assistant Appraisers...	"	600 to	1,500

2. So much of the said schedule B as relates to Marine Mail Clerks, and to the Department of Justice, is hereby re-<sup>Further amendment.</sup>pealed.

**15.** Repealed. *Vide* 55-56 V., c. 14, page 191.



## 52 VICTORIA.

## CHAPTER 12.

An Act further to amend "The Civil Service Act"  
Chapter seventeen of the Revised Statutes.

[Assented to 16th April, 1889.]

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

Section 8 of  
R.S.C., c. 17,  
amended.

1. Subsections two and three of section eight of "*The Civil Service Act*," are hereby repealed and the following substituted therefor :

Salary of  
clerk.

" 2. The Governor in Council may appoint a person who shall be clerk to the board, at the salary not exceeding seven hundred dollars per annum :

And of mem-  
bers of board.

" 3 Each member of the board shall receive such salary, not exceeding four hundred dollars per annum, as is fixed by the Governor in Council."

Section 37  
amended.

2. Subsection two of section thirty-seven of the said Act, is hereby repealed and the following substituted therefor :—

Appointment  
without ex-  
amination in  
certain cases.

" 2. City Postmasters and Post Office Inspectors ; Inspectors, Collectors and Preventive Officers in the Customs Department ; Inspectors of Weights and Measures ; and Deputy Collectors and Preventive Officers in the Inland Revenue Department, may be appointed without examination and without reference to the rules for promotion herein prescribed."

Schedule B  
amended as  
to Inland  
Revenue.

3. So much of Schedule B of the said Act as relates to Inland Revenue, is hereby repealed and the following substituted therefor :—

" INLAND REVENUE.

Chief inspector .....	\$2,800
Inspectors.....	\$1,600 to 2,500
Collectors .....	500 to 2,200



Deputy collectors.....	\$ 400 to	\$1,500
Clerks (accountants).....	600 to	1,400
Special class excisemen (chief officers in charge of distilleries) .....	1,400 to	1,600
Special class excisemen, other than as above .....		1,200
First, second and third-class excisemen....	600 to	1,000
Probationary excisemen.....		500
Messengers.....	200 to	500

To which may be added for surveys of important manufactories an additional salary, for the special class excisemen who perform that duty, not exceeding \$200 per annum."

2. So much of the said Schedule B as relates to Railway Mail Clerks, is hereby repealed and the following substituted therefor:— And as to Railway Mail Clerks.

*“ Railway Mail Clerks.*

	On Appointment.	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.
	\$	\$	\$	\$
Chief Clerks . . . . .	1,000	1,200	1,350	1,500
1st Class . . . . .	720	800	880	960
2nd Class . . . . .	600	640	720	800
3rd Class . . . . .	480	520	560	640

“ To Railway Mail Clerks, in addition to regular salary an allowance not exceeding half a cent per mile for every mile travelled on duty in the Post Office cars, and an additional allowance of half a cent per mile for every mile so travelled between eight in the afternoon and eight in the forenoon.”

3. So much of the said Schedule B as relates to City Postmasters and Assistant Postmasters is hereby repealed and the following substituted therefor:— And as to City Postmasters and Assistant Postmasters.

*“ City Postmasters.*

Class 1. When postage collections exceed \$250,000...	\$4,000
do 2. do do are from \$200,000 to 250,000...	3,750
do 3. do do do 150,000 to 200,000...	3,500
do 4. do do do 100,000 to 150,000...	3,250
do 5. do do do 80,000 to 100,000...	2,800
do 6. do do do 60,000 to 80,000...	2,400
do 7. do do do 40,000 to 60,000...	2,200
do 8. do do do 20,000 to 40,000...	2,000
do 9. do do are less than.....	20,000... 1,400

to \$1,800, as the Postmaster General determines. These

salaries shall not be supplemented by any allowances, commissions or perquisites whatsoever.

*“ Assistant Postmasters.*

Class 1.	When postage collections exceed	\$80,000...	\$2,000
do 2.	do do are from	\$60,000 to	80,000... 1,800
do 3.	do do do	40,000 to	60,000... 1,600
do 4.	do do do	20,000 to	40,000... 1,400
do 5.	do do are less than	.....20,000...	1,100

to \$1,400, as the Postmaster General determines.”



## 55-56 VICTORIA.

## CHAPTER 14.

An Act to amend the Acts respecting the Civil Service.

[Assented to 9th July, 1892.]

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

1. Any person who, on the first day of July, one thousand eight hundred and eighty-two, was in the service or employment of the Government of Canada, or of any department thereof, and who has since been continuously engaged therein, may, notwithstanding anything in *The Civil Service Act*, be appointed to any position in the public service, without regard to age and without being required to pass the preliminary or qualifying examination provided for by the said Act, subject however to such regulations as are made by the Governor in Council, or by the head of a department, prescribing examinations for appointment or promotion in the Civil Service; and any such person may also, notwithstanding anything in the said Act, be temporarily continued in the public service :
 

Who may be appointed or promoted without examination.  
R.S.C., c. 17.
2. All appointments of such persons, and all payments of salaries to them, heretofore made, are hereby legalized and confirmed :
 

Retroaction.
3. No appointment or promotion shall be made under the provisions of this section after the first day of July, one thousand eight hundred and ninety-four.
 

Time limited.
2. Section fifteen of chapter twelve of the Statutes of 1888 is hereby repealed.
 

Section 15 of c. 12 of 1888 repealed.



# REVISED STATUTES.

## CHAPTER 18.

A.D. 1886. An Act respecting the Superannuation of persons employed in the Civil Service of Canada.

**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 Civil Service Superannuation Act.*" 46 V., c. 8, s. 18.

### APPLICATION OF ACT.

Who shall be deemed civil servants. **2.** The Civil Service, for the purposes of this Act includes and consists of—

Persons under Civil Service Act. (a.) All officers, clerks and employees in or under the several departments of the Executive Government who are paid a yearly salary, and to whom "*The Civil Service Act*" applies ;

Certain persons in the outside service. (b.) All such officers, clerks and employees of the second or outside division of the Civil Service, as the Governor in Council, from time to time, designates, and to whom "*The Civil Service Act*" does not apply, and who are paid a yearly salary and employed in an established capacity ;

Officers and servants of Senate and Commons. (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 purposes 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 or removal of its officers and servants ;

Present contributors to the fund. (d.) All persons now contributing to the superannuation fund ;

Certain others. (e.) All persons to whom this Act is by some other Act declared to apply. 46 V., c. 8, s. 1.

### SUPERANNUATION.

Conditions of allowance. **3.** The Governor in Council may grant to any person who has served in an established capacity in the Civil Service for ten years or upwards, and who has attained the 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 last

three years, and not exceeding the following rates, that is to say :—

(a.) If he has served for ten years, but less than eleven years, an annual allowance of ten fiftieths of such average salary, and if for eleven years and under twelve years, an annual allowance of eleven fiftieths thereof, and in like manner a further addition of one fiftieth of such average salary for each additional year of service up to thirty-five years, when an annual allowance of thirty-five fiftieths may be granted; but no addition shall be made for any service beyond thirty-five years ;

Rates of allowance.

Maximum rate for 35 years.

(b.) If the service has not been continuous, the period or periods during which such service has been interrupted shall not be counted, and the Order in 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.

Breaks in service not to be counted.

4. The Governor in Council may, in the case of any person who entered the Civil Service after the age of thirty years, as being possessed of some peculiar professional or other qualifications or attainments required for the office to which he was appointed, and not ordinarily to be acquired in the public service, add to the actual number of years' service of such person, such further number of years not exceeding ten, as is considered equitable, for reasons stated 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 which the superannuation allowance of such person shall be computed; and the Order in Council in any such case shall be laid before Parliament at its then current or next ensuing session. 46 V., c. 8, s. 3.

Governor in Council may add to service of persons appointed on account of special qualifications.

5. The superannuation of every civil servant shall be preceded by an inquiry by the Treasury Board—

Preliminary inquiry by Treasury Board.

(a.) Whether the person it is proposed to superannuate is 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 Treasury Board reports 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.

Report of Board.

6. A deduction towards making good the superannuation allowances hereinbefore mentioned, shall be made from the 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

Deductions from salaries.

Proviso.

years of service. 46 V., c. 8, s. 5. Basis for deduction changed in respect of persons appointed subsequently to 1st April, 1893. *Vide* 56 V., c. 12, page 196.

Ten years' contribution requisite for full allowance.

Diminution for less period of contribution.

Exception.

**7.** The full superannuation allowance shall only be granted to persons who have been subject to the said deduction 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 per 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 the abatement hereinbefore mentioned, during any year or years after his first thirty-five years of service. 46 V., c. 8, s. 6.

Compulsory retirement.

**8.** Retirement shall be compulsory on every person to 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 as having any absolute right to such allowance, but it shall be granted only in consideration of good and faithful service during the time upon which it is calculated:

Allowance conditional on good service.

Right of dismissal not impaired.

2. Nothing herein contained shall be understood as impairing or affecting the right of the Governor in Council to dismiss or remove any person from the Civil Service. 46 V., c. 8, s. 7.

Diminution when Head of Department reports unsatisfactory service.

**9.** If the Head of a department reports with respect to any person employed in his department, and about to be superannuated, from any cause other than that of ill-health or age, that the service of such person has not been satisfactory, the Governor in Council may, as to him seems fit, grant such person a superannuation allowance less than that to which he would have otherwise been entitled. 46 V., c. 8, s. 8.

Gratuity when yearly allowance not earned.

Gratuity in case of bodily injury on duty.

**10.** If any person to whom this Act applies, is constrained, from any infirmity of mind or body, to quit the Civil Service before the period at which a superannuation allowance might be granted him, the Governor in Council may allow him a gratuity not exceeding one month's pay for each year of his service; and if any such person is so constrained to quit the service before such period, by reason of severe bodily injury, received without his own fault, in the discharge 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 his average salary during the then last three years. 46 V., c. 8, s. 9.

Provision for abolition of office, reduced.

**11.** If any person to whom this Act applies is removed from office in consequence of the abolition of his office for

the purpose of improving the organization of the department to which he belongs, or is removed, or retired from office to promote efficiency or economy in the Civil Service, the Governor in Council may grant him such gratuity or superannuation allowance as will fairly compensate him for his loss of office, not exceeding such as he would have been entitled to if he had retired in consequence of permanent infirmity of body or mind, after adding ten years to his actual term of service. 46 V., c. 8, s. 10.

**12.** Every person who receives a superannuation allowance, and is under the age of sixty years, and is not disabled by bodily or mental infirmity, may be called upon to fill, in any part of Canada, any public office or situation for which his previous services render him eligible, and which is not lower in rank or emolument than that from which he retired; and, if he refuses or neglects so to do, he shall forfeit his said allowance. 46 V., c. 8, s. 11.

Pensioners under sixty liable to serve if required, under penalty of loss of allowance.

**13.** Service in an established capacity in any of the departments of the Executive Government or offices of the Legislature of any of the Provinces now included in the Dominion of Canada, before 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 purposes of this Act. 46 V., c. 8, s. 12.

Service before Confederation to be counted.

**14.** In any case of doubt the Governor in Council may, by general or special regulations, determine to what persons the provisions of this Act do or do not apply, and the conditions on which, and the manner in which, they shall apply in any case or class of cases. 46 V., c. 8, s. 13.

Discretionary power of Governor in Council.

**15.** The allowances and gratuities granted under this Act shall be payable out of the Consolidated Revenue Fund of Canada. 46 V., c. 8, s. 14.

Payment of allowances.

#### REPORT OF SUPERANNUATIONS.

**16.** The Minister of Finance and Receiver General shall lay before Parliament, within fifteen days after the commencement of each session thereof, a statement of all superannuations and retiring allowances in the Civil Service within the year, giving the name and rank of each person superannuated or retired, his salary, age and length of service, 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.

Annual return to be made to Parliament.



## 56 VICTORIA.

### CHAPTER 12.

An Act to amend the Civil Service Superannuation Act.

[Assented to 1st April, 1893.]

**H**ER 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 Superannuation Amendment Act, 1893.*

R.S.C., c. 18  
not to apply  
to future ap-  
pointees over  
forty-five  
years of age.

**2.** Notwithstanding anything therein or in any other Act contained, the provisions of *The Civil Service Superannuation Act*, chapter eighteen of the Revised Statutes, shall not apply to any person who is appointed to any branch of the Civil Service of Canada after the passing of this Act, and whose age at the time of such appointment exceeds forty-five years.

Rate of de-  
duction in-  
creased.

**3.** Instead of the deduction provided for by section six of the said Act, a deduction shall be made from the salary of every person who shall be hereafter appointed and to whom the said Civil Service Superannuation Act shall be applicable, at the rate of three and one-half per cent per annum on such salary, if it is six hundred dollars or upwards, and of three per cent per annum thereon, if it is less than six hundred dollars, such deduction to be carried to the credit of a fund called the Civil Service Superannuation Fund, No. 2, to which shall be added by the Government annually such a sum as may be sufficient to make the amount thereof equal to the value of the prospective annuities payable therefrom, as hereinafter mentioned, to the several contributors thereto, upon an estimate or valuation thereof based upon the H. M. Mortality Table of the Institute of Actuaries of Great Britain and a rate of interest of six per cent per annum.

Special fund.



4. The superannuation allowance to which all persons to whom this Act is applicable become entitled shall be chargeable upon and payable out of the said fund. Payment of allowances.

5. The Minister of Finance and Receiver General shall lay before Parliament within fifteen days after the commencement of each session thereof, a statement showing the condition of the said fund at the thirtieth day of June previous. Return to Parliament.



## 56 VICTORIA.

## CHAPTER 13.

An Act respecting Government Civil Service Insurance.

[Assented to 1st April, 1893.]

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 Insurance Act*.
- “Minister” defined.      **2.** In this Act, unless the context otherwise requires, the expression “Minister” means the Minister of Finance and Receiver General.
- Insurance contracts authorized.      **3.** The Minister may contract with any person to whom *The Civil Service Superannuation Act* applies, or who may be hereafter appointed to a permanent position in any branch of the Public Service of Canada, for the payment of a certain sum of money to be made upon the death of such person.
- Interpretation.      **2.** Any such contract is hereinafter called the “insurance contract;” the person so contracting with the Minister is hereinafter called the “insured;” and the amount so contracted to be paid is hereinafter called “insurance money.”
- Apportioning of insurance in case of married man or widower with children.      **4.** When the insured is a married man or a widower with children, the insurance contract shall be for the benefit of his wife, or of his wife and children, or of his wife and some one or more of his children, or of his children only, or of some one or more of them; and when the insurance contract is effected for the benefit of more than one, the insured may apportion the insurance money among them as he deems proper.
- Apportionment in case of unmarried man.      **5.** When the insured is an unmarried man, the insurance contract shall be for the benefit of his future wife, or of his future wife and children, and the insured may apportion

the insurance money among them in such manner as he sees fit ; but if, at the maturity of the contract, he is still unmarried, or is a widower without children, the insurance money shall fall into and become part of his estate.

**6.** Any apportionment under the next two preceding sections may be made in the insurance contract, or by a declaration endorsed thereon or annexed thereto and signed by the insured. Form of apportionment.

**7.** When it is stated in the insurance contract, or in a declaration endorsed thereon or attached thereto that the insurance contract is for the benefit of the wife and children generally, or of the children generally, of the insured, without specifying their names, then the word " children " shall mean all the children of the insured living at the time of his death whether by the same wife or by different wives. " Children " defined.

**8.** Where an apportionment has been made as hereinbefore provided and one or more of the persons in whose favour the apportionment has been made die in the lifetime of the insured, the insured may, by an instrument in writing endorsed on or attached to the insurance contract, declare that the shares formerly apportioned to the persons so dying shall be for the benefit of the wife and children of the insured, or of one or more of them, as he sees fit ; and in default of such declaration, the shares of the persons so dying shall be for the benefit of the survivor, or of the survivors of such persons in equal shares if more than one ; and if all the persons so entitled die in the lifetime of the insured, the insurance money shall fall into and become part of the estate of the insured. Share of person dying before the insured.

**9.** When no apportionment is made of the insurance money as hereinbefore provided, all persons interested shall be held to share equally therein. If there is no apportionment.

**10.** The Minister may decline to enter into an insurance contract in any case where there are, in his opinion, sufficient grounds for his declining to do so. Minister may decline to contract.

**11.** The Minister shall cause tables to be constructed fixing the premiums to be paid by the insured to the Minister as the consideration for such insurance contracts, and also all other tables necessary for the carrying out of the provisions of this Act. Tables to be prepared.

2. All such tables shall be based on the H. M. Mortality Table of the Institute of Actuaries of Great Britain, and on a rate of interest of six per cent per annum, no allowance being made for expenses. Basis of tables.

3. Such tables shall be framed so that the premium to obtain an insurance contract may be paid in one sum, or in Premium, how payable.

annual, semi-annual, quarterly, or monthly instalments, and either during the life of the insured or during a limited period.

Amount of insurance limited.

**12.** The minimum and maximum amounts payable at death which may be contracted for under this Act shall be one thousand dollars and two thousand dollars respectively.

Medical certificate.

**13.** Every applicant for insurance shall furnish with his application a medical certificate in such form as is prescribed by the Minister.

Regulations by Governor in Council.

**14.** The Governor in Council may from time to time make regulations for the following purposes under this Act :—

(a.) For regulating the mode and form of making contracts ;

(b.) For prescribing the mode of proving the age and identity, and the existence or death of persons ;

(c.) For prescribing the mode of paying sums of money in connection with insurance contracts ;

(d.) For dispensing with the production of probate of a will or letters of administration, either generally or in any particular class of cases ;

(e.) For prescribing the accounts to be kept and their management ;

(f.) For determining beforehand the cases or classes of cases in which insurance contracts may be surrendered and a cash surrender value paid therefor, or a free or paid-up insurance contract issued instead thereof, and for prescribing the manner in which such cash surrender value or amount of paid-up insurance shall be determined ;

(g.) For any other purpose for which it is deemed expedient to make regulations in order to carry this Act into effect.

Additional payment if insured now comes under R.S.C., c. 18.

**15.** In the event of any person to whom *The Civil Service Superannuation Act* now applies taking advantage of the provisions of this Act, a deduction at the rate of three per cent per annum shall be made from the salary of such person towards making good the superannuation allowance provided for by the said Act, such deduction to be instead of the deduction now payable under section six of the said Act.

Superintendent of insurance.

**16.** The provisions of this Act shall be carried out by the staff of the Finance Department, under the direction and supervision of the Superintendent of Insurance.

Annual report.

**17.** The said superintendent shall, within three months after the thirtieth day of June in each year, prepare for the Minister a statement showing the amount received for pre-

miums during the twelve months ending on the said thirtieth day of June for all insurance contracts entered into previous to the said date, and the amount of all sums paid in connection therewith during the said period, the number of new contracts entered into since the previous statement and the gross amount thereof, with such further details and particulars as are deemed advisable.

2. The Minister shall lay the said statement before Parliament within thirty days after the commencement of the session thereof next after the date of the said statement.

To be laid  
before Parlia-  
ment.

# REVISED STATUTES.

## CHAPTER 95.

A. D. 1886.

An Act respecting Fisheries and Fishing.

**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 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.

**3.** Every fishery officer shall take and subscribe an oath in the form following, that is to say:—

Form.

"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 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.

**5.** No one shall use mackerel, herring or caplin seines for taking codfish, and no codfish seine shall be of a less 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.

Nets for taking cod.

## WHALE, SEAL AND PORPOISE FISHERY.

**6.** Every one who hunts or kills whales, seals or porpoises by means of rockets, explosive instruments or shells, shall be liable to a penalty not exceeding three hundred dollars, and in default of payment to imprisonment for a term not exceeding six months. 31 V., c. 60, s. 5.

Seals, &c., not to be killed by rockets or shells.

Penalty.

**7.** Every one who, with boat or vessel, during the time of fishing for seals, knowingly or wilfully disturbs, impedes or injures any sedentary seal fishery, or prevents, hinders or frightens the shoals of seals coming into such fishery, shall, 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 :

Sedentary fisheries not to be disturbed.

Penalty.

2. Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting nets, shall be 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.

Disputes as to seal fisheries, how settled.

## SALMON FISHERY.

**8.** Salmon shall not be fished for, caught or killed, between the thirty-first day of July and the first day of May, in the Provinces of Ontario and Quebec, and in the river Restigouche; 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 April and the thirty-first day of August, in the Provinces of Ontario and Quebec, and between the first day of February and the fifteenth day of September, in the Provinces of New Brunswick and Nova Scotia:

Close season for salmon.

Proviso: as to fly-fishing.

2. Foul or unclean salmon shall not be, at any time, caught or killed:

Foul salmon.

3. Salmon fry, parr and smolt shall not, at any time, be fished for, caught or killed, and no salmon or grilse of less

Fry, parr and smolt not to be killed.

weight than three pounds shall be caught or killed ; but 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.

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 ; but nothing contained in this section shall prevent 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 :

Proviso : as to Ontario, &c.

Proviso : as to swing nets.

Boundaries of estuary fishing may be defined.

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 provided 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 imprisonment for a term not exceeding two months :

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 :

No one to drift for salmon. Exception.

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 :

Further distance between nets may be prescribed.

9. Any fishery officer may direct, either in writing or orally on sight, that a greater space than two hundred and fifty yards shall be left between salmon nets, or other fishing apparatus, and may prescribe their dimensions and extension : but gill or float nets shall not be used to lengthen, extend or enlarge any other kind of fishery :

Proviso.

As to spawning rivers.

10. No salmon shall be captured within two hundred yards of the mouth of any tributary, creek or stream which salmon frequent to spawn :

Mode of killing at certain places.

11. Except in the manner known as fly-surface-fishing with a rod and line, salmon shall not be fished for, caught 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 purpose 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. Salmon spawn.

#### TROUT AND WHITEFISH FISHERY.

9. The following provisions shall be observed with respect to trout, that is to say :— As to trout.

(a.) In the Province of Ontario, no person shall fish for, 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; In Ontario.

(b.) In the Province of Quebec, no person shall fish for, catch, 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 : In Quebec.

(c.) In the Province of Prince Edward Island, no person shall fish for, catch, kill, buy, sell or have in his possession any 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; In Prince Edward Island.

(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 other parts of Canada.

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 : In inland waters.

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 : Exception as to Indians.

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. Exception as to fish used for bait, &c.

10. No one shall fish for, catch, kill, buy, sell or have in his possession, whitefish— Close season for whitefish.

- In Ontario. (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 ;
- 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 ;
- 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 ;
- In other parts of Canada. (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 destroyed. 2. The fry of whitefish shall not be, at any time, destroyed :
- 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 :
- Seines. 4. Seines for catching whitefish shall have meshes of not less than four inches extension measure. 31 V., c. 60, s. 9.

## OTHER FISHERIES.

- Close season for bass, &c. **11.** Close seasons for bass, pike, pickerel (*doré*), maskinongé and other fish, may be fixed by the Governor in Council to suit different localities. 31 V., c. 60, s. 10.

## POSSESSION OF FISH.

- Prohibition to buy, sell, or have in close season. **12.** No one shall, without lawful excuse, (the proof whereof shall lie on him), buy, sell or possess any fish, or portion of any fish named in this Act, caught or killed at a time or in a manner prohibited by law :
- Certain officers to seize fish exposed for sale in close season. 2. Every customs officer, excise officer, police officer or constable, clerk of a market or other person in charge of any market-place in any village, town or city, shall seize and, upon view, confiscate to his own proper use, any fish mentioned in 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 circumstances thereof, shall be duly reported, together with 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.
- And report the same.

## CONSTRUCTION OF FISH-WAYS.

**13.** Every dam, slide, or other obstruction across or in any stream where the Minister of Marine and Fisheries determines it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or 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:

Fish-ways to be made where and in such manner as fishery officer directs.

2. Every one who violates the foregoing provisions of this 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:

Penalty for violation.

3. Fish-ways shall be kept open and unobstructed and shall be supplied with a sufficient quantity of water to fulfil the purposes of this enactment, during such times as are required by any fishery officer:

To be kept open, &c.

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:

Minister may pay one half the cost.

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:

May construct and recover the cost in certain cases.

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.

Not to be obstructed or injured.

## 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

Penalty for fishing in limits leased to another.

Apparatus, &c., may be seized.

Proviso: as to taking bait or angling.

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 :

Navigation not to be obstructed.

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 :

Stakes to be removed.

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 :

Main channels not to be obstructed.

4. The main channel or course of any stream shall not be obstructed by any nets or other fishing apparatus ; and one-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

Proviso : as to eel fishing.

apparatus or material shall be used or placed therein : Provided that the use of weirs for catching eels exclusively, and the use of mill-dams for catching eels, shall be prevented 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 :

No net, &c., to obstruct entirely the passage of fish.

5. No net or other device shall be so used as entirely to obstruct the passage of fish to or from any of the waters of Canada, by any of the ordinary channels connecting such waters, or prevent their passage to and from accustomed resorts for spawning and increasing their species :

Killing fish at certain places forbidden.

6. No one shall catch, kill or molest fish when passing or attempting to pass through any fish-way, or fish-pass, or in 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 :

Certain nets forbidden.

7. No one shall use a bag-net, trap-net or fish-pound, except under a special license, granted for capturing deep-sea fish other than salmon :

Fish not to be killed in certain ways.

8. No one shall fish for, catch or kill salmon, trout or lunge of any kind, maskinougé, winaniche, bass, barfish, 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 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 :

Proviso : as to Indians.

Young of fish not to be taken.

9. No one shall fish for, catch, kill, buy, sell or possess the young of any of the fish mentioned in this Act, or in any regulation under it :

Seines for barfish.

10. Seines for barfish shall have meshes of not less than three inches, extension measure :

11. Fishery officers may determine or prescribe the distance between each and every fishery (*pêcherie*), and shall forthwith remove any fishery which the owner 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:

Distance between fisheries.

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:

Fascine fisheries with box-traps.

13. Nets or other fishing apparatus shall not be so used as to impede or divert the course of fish in any small river:

Nets, &c., in small rivers.

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, in 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 close time no one shall catch fish by such means; and any fish so taken, caught or killed, together with the nets or other apparatus used, shall be forfeited: Provided always, that this subsection 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 side of the mouth of any river or harbour frequented by salmon. 31 V., c. 60, s. 13.

Fish to be allowed free passage on Sunday.

And forfeited if then taken.

Proviso: as to certain fisheries in tidal waters.

#### INJURIES TO FISHING GROUNDS AND POLLUTION OF RIVERS.

15. Every one who throws overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbour or roadstead, or any water where fishing is 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

Penalty for throwing overboard certain substances prejudicial to fisheries.

Proviso: as to the disposal of offal.

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 may be dropped into perforated boxes or inclosures built upon the beach, or under stage-heads, in such manner as to prevent the same from being floated or drifted into the streams, or may be disposed of in such other manner as any fishery officer prescribes :

Poisonous substances.

Mill rubbish  
Saw-dust.

Proviso :  
Minister may exempt any stream, &c.

2. Lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or any other deleterious substance, shall not be thrown into, or allowed to pass into, or be left or remain in any water frequented by any of the kinds of fish mentioned in this Act ; and every one who throws or allows to drift into any stream frequented by fish, sawdust or mill rubbish, shall incur a penalty not exceeding one hundred dollars : Provided always, that the Minister of Marine and Fisheries may exempt from the operation of this subsection, wholly or partially, any stream or streams in respect to which he considers that its enforcement is not requisite in the public interest. 31 V., c. 60, s. 14.

#### FISHERY REGULATIONS.

Governor in Council may make fishery regulations.

And may thereby vary certain provisions of this Act.

Publication of regulations.

Offences against regulations.

**16.** The Governor in Council may, from time to time, make regulations for the better management and regulation of the sea-coast and inland fisheries,—to prevent or remedy 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 extend, vary or alter any of the provisions of this Act respecting the places or modes of fishing or the times specified as prohibited or close seasons, and may fix such other modes, times or places as are deemed by the Governor in Council adapted to different localities, or otherwise expedient :

2. Such regulations shall take effect from the date of the publication thereof in the *Canada Gazette* :

3. Every offence against any regulation made under this Act may be stated as in violation of this Act. 31 V., c. 60, s. 19.

#### POWERS OF FISHERY OFFICERS AND OTHER JUSTICES.

Fishery officer may convict on view.

Search may be made.

In what locality offence shall be prosecuted.

**17.** Any fishery officer or other justice of the peace may, on view, convict of any of the offences punishable under the 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, or grant a warrant to search, any vessel or place where there is reason to believe that any fish taken in violation of this Act, or anything used in violation thereof, is concealed :

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 districts, or before the fishery officer for either fishery district :

4. In the discharge of his duties any fishery officer, or other 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 ;

Right of fishery officer to pass over lands.

5. Disputes between persons relative to fishing limits or claims to fishery stations, or relative to the position and use of nets and other fishing apparatus, shall be settled by the local fishery officer :

Disputes as to boundaries.

6. Gurry grounds may be designated or defined by any fishery officer. :

Gurry grounds.

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, harbours or ports of Canada, shall, for the purpose of affording protection 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, harbours or ports, and on all the coasts of Canada where, for the time being and for the purposes above described, they are so engaged :

Certain officers to have powers of a justice of the peace under this Act.

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 :

Property seized, how dealt with.

9. Whenever it is impracticable for any fishery officer, stipendiary magistrate or naval officer, acting in such capacity, 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 into the custody of the sheriff or other officer of the county or district in which the common gaol is situated to which he is ordered to be committed ; and until such prisoner is so delivered into the immediate custody of any sheriff or gaoler the fishery officer, stipendiary magistrate or naval officer having him in charge, shall have, in all places through which 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 :

Powers of officer, &c., as to detention of prisoners.

Conveyance of prisoners.

Where the offence shall be held to have been committed.

10. Every such offence shall be deemed to have been committed in the county or district to the common gaol of which the commitment has been actually made. 31 V., c. 60, s. 18.

#### PENALTIES AND FORFEITURES.

Penalty in cases where no other is provided.

18. Except as herein otherwise provided, every one who violates any provision of this Act, or of the regulations under it, shall be liable to a penalty not exceeding twenty dollars 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:

Distress for penalty, &c.

2. If any defendant has goods and chattels whereon the costs may be levied, the complainant may distrain for the amount under warrant by any fishery officer or other justice of the peace, notwithstanding the imprisonment of the person convicted:

Forfeiture of articles used in violation of this Act.

3. All materials, implements or appliances used, and all fish caught, taken or killed in violation of this Act or any regulation under it, shall be confiscated to Her Majesty, 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:

Application of pecuniary penalties.

4. A moiety of every penalty levied by virtue of this Act shall belong to Her Majesty, and the other moiety shall be paid to the prosecutor, not being a fishery officer, together with costs taxed to him in respect thereof; but if a fishery officer is the informer, the whole shall belong to Her Majesty:

Crown's share.

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 applied towards the expenses incurred for the protection of the fisheries:

Appeal to Minister.

6. Persons aggrieved by any such conviction may appeal by petition to the Minister of Marine and Fisheries, who may remit penalties and restore forfeitures under this Act. 31 V., c. 60, s. 16, *part*.

#### MODE OF RECOVERY.

Before whom to be sued for.

19. Every penalty or forfeiture imposed by this Act, or regulations made under it, may be recovered or enforced on parol complaint, before any fishery officer, stipendiary magis-



trate 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 return 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 summons 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 summons :

Service of summons, &c.

proviso : for cases not admitting of delay.

3. Penalties incurred under this Act, or the regulations made under it, shall be sued for within two years from the commission of the offence :

Limitation of 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 :

Who shall be liable.

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 or commitment shall be held void by reason of any defect therein, if it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same. 31 V., c. 60, s. 17.

No quashing for want of form, &c.

#### FORMS OF PROCEDURE.

20. The forms in the schedule to this Act may be used when applicable ; and the "*Act respecting summary proceedings before Justices of the Peace*" shall apply to proceedings under this Act. 31 V., c. 60, s. 23.

Forms of proceedings under this Act.

#### GENERAL PROVISIONS.

21. The Minister of Marine and Fisheries may authorize to be set apart, and to be leased, any river or other water for the natural or artificial propagation of fish ; and every person who wilfully destroys or injures any place set apart or used for the propagation of fish, or who fishes therein without written permission from a fishery officer, or from the holder thereof under lease or license, or uses therein any fishing light 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 :

Waters may be set apart for the propagation of fish.

Penalty for trespass.

2. Nothing contained in this Act shall preclude the granting by the Minister of written permission to obtain fish and

Licenses to take spawn &c

fish spawn for purposes of stocking or artificial breeding, or for scientific purposes :

Fishery lessees in arrears, &c.

3. Lessees or licensees of fisheries shall have no claim to renewal of leases or licenses if in arrears of rent or percentage during four months after the same is due, and any lessee or licensee convicted of a violation of this Act, or any regulation under it, shall be liable to forfeit his lease or license :

Special licenses for oyster beds.

4. Special licenses and leases for any term of years may be granted to any person who wishes to plant or form oyster beds in any of the bays, inlets, harbours, 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 :

Minister may expend parliamentary grant for making or re-stocking oyster beds.

5. The Minister may authorize to be expended annually any sum appropriated by Parliament for the formation of oyster beds in various waters and places found adapted for that purpose, and for transplanting oysters and re-stocking exhausted fisheries by natural or artificial means, and for 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.

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 :

Penalty for injuring them.

Shell-fish fisheries.

7. Shell-fish fisheries shall be subject to the provisions of this Act, and any regulations made under it. 31 V., c. 60, s. 15.

As to right to use vacant public property for fishing purposes and as to taking bait, &c.

**22.** Every subject of Her Majesty may use vacant public property, such as by law is common and accessory to public rights of fishery and navigation, for the purposes of landing, salting, curing and drying fish, and may cut wood thereon for such purposes, and no other person shall occupy 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 Her Majesty may take bait or fish in any of the harbours 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.

Proviso.

## SCHEDULE.

*Form of Complaint.*

Province of }  
 County (or District) of }

This day of , 18 .

To J. S., a Justice of the Peace  
 for the said County (or District).

A. B., of , complains that C. D., of , hath  
 (state the offence briefly in any intelligible terms, with the time  
 and place at which it was committed), in contravention of  
 "The 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.*

Province of }  
 County (or District) of }

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  
 the like effect*) in contravention of "The Fisheries Act": There-  
 fore you are hereby commanded to come before me, at  
 on the day of , at o'clock in the  
 , to answer the said complaint and to be dealt  
 with according to law.

Witness my hand and seal, this day of , 18 .

Justice of the Peace for

[L.S.]

*Subpœna to a Witness.*

Province of }  
 County (or District) of }

To E. F., of &c.

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 commanded to appear before me, at \_\_\_\_\_, on the day of \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_, to testify what you know concerning the matter of the said complaint.

Witness my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

J. S.,  
(*as in summons.*)  
[L. S.]

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*Form of Conviction.*

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 \_\_\_\_\_, 18 \_\_\_\_\_.

J. S.,  
(*as in summons.*)  
[L. S.]

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*Form of Warrant of Commitment for non-payment of penalty or forfeiture and costs.*

Province of \_\_\_\_\_ }  
County (*or* District) of \_\_\_\_\_ }

To the Constable and Peace Officers of the County (*or* District) of \_\_\_\_\_ and the Keeper of the Common Gaol of the said County (*or* District), at \_\_\_\_\_ .  
Whereas C. D., of \_\_\_\_\_, was on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, convicted before me, for that he, &c. (*as 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 \_\_\_\_\_ of \_\_\_\_\_ at \_\_\_\_\_ 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 imprisoned 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 \_\_\_\_\_

J. S.,

(*as in summons.*)

[L. S.]



## 52 VICTORIA.

## CHAPTER 24.

An Act to amend "The Fisheries Act," chapter ninety-five of the Revised Statutes.

[Assented to 2nd May, 1889.]

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

Section 8 of R.S.C., c. 95, amended.  
Use of nets and other apparatus.

No swing nets.

1. Subsection five of section eight of "*The Fisheries Act*" is hereby repealed and the following substituted therefor:—

"5. The use of nets or other apparatus for the capture of salmon shall 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: Provided, that no one shall fish for or catch salmon with swing nets in any of the waters of Canada."



## REVISED STATUTES.

### CHAPTER 91.

An Act respecting the Protection of Navigable Waters. A.D. 1886.

**H**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,—

(a.) The expression “vessel” includes every description of ship, boat or craft of any kind, and whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only;

Interpretation.  
“Vessel.”

(b.) The expression “owner” means the registered owner. 49 V., c. 36, s. 1.

“Owner.”

**2.** If the navigation of any navigable water, over which the Parliament of Canada has jurisdiction, is obstructed, impeded or rendered more difficult or dangerous by the wreck, sinking, lying ashore or grounding of any vessel or part thereof or other thing, the owner, master or person in charge of such vessel or other thing, by which any such obstruction or obstacle is caused, shall forthwith give notice of the existence thereof to the Minister of Marine and Fisheries, or to the collector of customs at the nearest or most convenient port, and shall place and, as long as such obstruction or obstacle continues, shall maintain, by day a sufficient signal and by night a sufficient light to indicate the position thereof,—and in default of giving such notice and placing and maintaining such signal and light shall, on summary conviction before two justices of the peace, be liable to a penalty of forty dollars for every day during which he neglects so to do without lawful or reasonable excuse. 49 V., c. 36, s. 2.

Notice of any obstruction to be given to the Minister of Marine and Fisheries.

Signal to be placed to indicate such obstruction.

Penalty for neglect.

**3.** The Minister of Marine and Fisheries may cause such signal and light to be placed and maintained, if the owner, master or person in charge of such vessel or other thing by which the obstruction or obstacle is caused fails or neglects so to do. 49 V., c. 36, s. 3.

Minister may cause signal to be placed.

Minister may cause obstruction to be removed.

4. If, in the opinion of the Minister of Marine and Fisheries, the navigation of any navigable water as aforesaid is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck, sinking or lying ashore or grounding of any vessel or of any part thereof, or other thing, the said Minister may, under the authority of the Governor in Council (if such obstruction or obstacle 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 fit,—and may use gunpowder or other explosive substance for that purpose if he deems it advisable,—and may cause such vessel, or its cargo, or any thing causing or forming part of such obstruction or obstacle to be conveyed to such place as he thinks proper, and to be there sold by auction or otherwise as he deems most advisable,—and may apply the proceeds of such sale to make good the expenses incurred by him in placing and maintaining any signal or light to indicate the position of such obstruction or obstacle, or in the removal, destruction or sale of such vessel, cargo, or thing,—paying over any surplus of such proceeds to the owner of the vessel or thing sold, or other persons entitled to such proceeds or any part thereof, respectively. 49 V., c. 36, s. 4.

Sale of vessel causing obstruction for costs incurred.

Recovery of costs if proceeds of sale are insufficient to defray it.

5. Whenever, under the provisions of this Act, the Minister of Marine and Fisheries has caused any signal or light to be placed and maintained to indicate the position of any obstruction or obstacle, or has, with the authority of the Governor in Council, caused to be removed or destroyed any obstruction or obstacle to the navigation of any navigable water occasioned by the wreck, sinking or lying ashore or grounding of any vessel, or part thereof, or other thing, and the cost of placing and maintaining such signal or light or of removing or destroying such vessel or part thereof or other thing has been defrayed out of the public moneys of Canada,—and the net proceeds of the sale under this Act of such vessel or its cargo, or the thing, which caused or formed part of such obstruction, are not sufficient to make good the expenses incurred for the purposes aforesaid 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 recoverable with costs by the Crown from the owner of such vessel or other thing or from the managing owner or from the master or person in charge thereof at the time such obstruction or obstacle was occasioned, or from any person through whose act or default, or through the act or default of whose servants such obstruction or obstacle was occasioned or continued; and any sum so recovered shall form part of the Consolidated Revenue Fund of Canada. 49 V., c. 36, s. 5.

And from whom.



6. Nothing in this Act shall be construed to exempt any owner, master or person from any obligation or responsibility with respect to any obstruction or obstacle imposed on him by any other law, or to derogate from or impair any power or right vested by any such law in the Quebec Harbour Commissioners, or Montreal Harbour Commissioners, or other authority, with respect to such obstruction or obstacle, and not incompatible with the powers hereby vested in the Minister of Marine and Fisheries. 49 V., c. 36, s. 6.

Existing rights and liabilities not impaired.

7. 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 saw-dust, edgings, slabs, bark or rubbish of any description whatsoever, into any river, stream or other water, any part of which is navigable or which flows into any navigable water; and every person who violates the provisions of this section shall, on summary conviction, be liable, for a first offence, to a penalty of not less than twenty dollars, and for each subsequent offence, to a penalty of not less than fifty dollars:

No saw-dust or saw-mill rubbish to be thrown into navigable waters.

2. The several fishery officers shall, from time to time, examine and report on the condition of such rivers, streams and waters, 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 Act*."

Fishery officers to enforce this provision.

3. The Governor in Council, when it is shown to his satisfaction that the public interest would not be injuriously affected thereby, may, from time to time, by proclamation published in the *Canada Gazette*, declare any such river, stream or water, or part or parts thereof, exempted from the operation of this section, in whole or in part, and may, from time to time, revoke such proclamation. 49 V., c. 36, s. 7.

Exemption by proclamation in certain cases.

## REVISED STATUTES.

## CHAPTER 94.

A. D. 1886.

An Act respecting fishing by Foreign Vessels.

**H**ER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Governor may grant licenses to foreign vessels, &c. to fish in Canadian waters.

**1.** The Governor in Council may, from time to time, grant to any foreign ship, vessel or boat, or to any ship, vessel or boat not navigated according to the laws of the United Kingdom or of Canada, at such rate and for such term not exceeding one year, as he deems expedient, a 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 harbours of Canada, not included within the limits specified and described in the first article of the convention between His late Majesty King George 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, s. 1

Certain British or Canadian officers may board vessels hovering in such waters.

**2.** Any commissioned officer of Her Majesty's navy, serving on board of any vessel of Her Majesty's navy cruising and being in the waters of Canada for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, or any commissioned officer of Her Majesty's navy, fishery 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 harbour in Canada or hovering in British waters within three marine miles of any of the coasts, bays, creeks or harbours in Canada, and stay on board so long as she remains within such harbour or distance. 31 V., c. 61, s. 2.

Vessels found hovering in British waters may be brought into port and examined.

**3.** Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel or boat, being within any harbour in Canada, or hovering in British waters, within three marine miles of any of the coasts, bays, creeks or harbours in Canada, into port, and search her cargo, and may 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 dollars; and if such ship, vessel or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (a) 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 harbours 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, or (b) has entered such waters for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time being in force, such ship, vessel or boat and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited. 49 V., c. 114, s. 1.

Forfeiture for fishing without a license, &c.

And for entering such waters for an unlawful purpose.

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 misdemeanour, and liable to a fine of eight hundred dollars and to two years' imprisonment. 31 V., c. 61, s. 4.

Vessels, &c., forfeited may be seized.

Penalty for resisting seizure.

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.

Custody of vessels, &c., seized.

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 regulations 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

Sale of goods, vessels, &c., seized.

Application of proceeds.

Proviso.

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 Governor in Council may, nevertheless, direct that any goods vessel 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.

Forfeiture,  
how enforced.

**7.** Every penalty or forfeiture under this Act may be recovered or enforced in any court of vice-admiralty within Canada. 31 V., c. 61, s. 7.

Vessel, &c.,  
may be  
released on  
security being  
given.

**8.** The judge of the court of vice-admiralty may, with the consent of the person who seizes any goods, ship, vessel, or boat and the tackle, rigging, apparel, furniture, stores and cargo, forfeited under this Act, order the re-delivery thereof, on security by bond to be given by the party, with two sureties, to the use of Her Majesty; and if any goods, ship, vessel or boat, or the tackle, rigging, apparel, furniture, stores and cargo so re-delivered are condemned as forfeited, the value thereof shall be paid into court and distributed as hereinbefore directed. 31 V., c. 61, s. 8.

Value to be  
distributed in  
case of con-  
demnation.

Attorney  
General of  
Canada to  
sue.

**9.** The Attorney General of Canada may, in Her Majesty's name, sue for or enforce any penalty or forfeiture incurred under this Act. 31 V., c. 61, s. 9.

As to proof of  
legality of  
seizure.

**10.** If a dispute arises as to whether any seizure has or has not been legally made or as to whether the person who seized 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. 31 V., c. 61, s. 10.

Claims must  
be made on  
oath.

**11.** No claim to anything seized under this Act and returned into any court of vice-admiralty for adjudication 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.

And security  
must be  
given.

**12.** No person shall enter a claim to anything seized under this Act until security is given, in a penal sum not exceeding 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.

Protection of  
officers, &c.,  
acting under  
this Act.

**13.** No writ shall be sued out against any officer or other person authorized to seize under this Act for anything done

under this Act, until one month after notice in writing has 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 action, the name and place of abode of the person who is 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.

**14.** Every such action shall be brought within three months after the cause thereof has arisen. 31 V., c. 61, s. 14. Limitation of suits.

**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 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 be fined more than twenty cents. 31 V., c. 61, s. 15. If judgment is for the claimant but there was probable cause of seizure, no costs allowed.

**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 agent, and may plead such tender. 31 V., c. 61, s. 16. Tender of amends.

**17.** All actions for the recovery or enforcement of penalties or forfeitures imposed by this Act shall be commenced within three years after the offence committed. 31 V., c. 61, s. 17. Limitation of suits for penalties.

**18.** No appeal shall be prosecuted from any decree, or sentence of any court, in respect of any penalty or forfeiture 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. As to appeals from decrees under this Act.

**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 such terms as are deemed right. 31 V., c. 61, s. 19. Governor in Council may relieve from penalty.

**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 Act to apply to inland waters; and other courts substituted for vice-

admiralty in  
such case.

foreign ship, vessel or boat, apply to the Maritime Court of Ontario and to the superior courts, and any penalty or forfeiture 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.

# STATUTES

AFFECTING

## DUTIES OF CUSTOMS OFFICERS.

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