

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for scanning. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of scanning are checked below.

L'Institut a numérisé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de numérisation sont indiqués ci-dessous.

- | | | | |
|-------------------------------------|---|-------------------------------------|---|
| <input type="checkbox"/> | Coloured covers /
Couverture de couleur | <input checked="" type="checkbox"/> | Coloured pages / Pages de couleur |
| <input type="checkbox"/> | Covers damaged /
Couverture endommagée | <input checked="" type="checkbox"/> | Pages damaged / Pages endommagées |
| <input type="checkbox"/> | Covers restored and/or laminated /
Couverture restaurée et/ou pelliculée | <input type="checkbox"/> | Pages restored and/or laminated /
Pages restaurées et/ou pelliculées |
| <input type="checkbox"/> | Cover title missing /
Le titre de couverture manque | <input checked="" type="checkbox"/> | Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées |
| <input type="checkbox"/> | Coloured maps /
Cartes géographiques en couleur | <input type="checkbox"/> | Pages detached / Pages détachées |
| <input type="checkbox"/> | Coloured ink (i.e. other than blue or black) /
Encre de couleur (i.e. autre que bleue ou noire) | <input checked="" type="checkbox"/> | Showthrough / Transparence |
| <input type="checkbox"/> | Coloured plates and/or illustrations /
Planches et/ou illustrations en couleur | <input checked="" type="checkbox"/> | Quality of print varies /
Qualité inégale de l'impression |
| <input checked="" type="checkbox"/> | Bound with other material /
Relié avec d'autres documents | <input type="checkbox"/> | Includes supplementary materials /
Comprend du matériel supplémentaire |
| <input type="checkbox"/> | Only edition available /
Seule édition disponible | <input type="checkbox"/> | Blank leaves added during restorations may
appear within the text. Whenever possible, these
have been omitted from scanning / Il se peut que
certaines pages blanches ajoutées lors d'une
restauration apparaissent dans le texte, mais,
lorsque cela était possible, ces pages n'ont pas
été numérisées. |
| <input checked="" type="checkbox"/> | Tight binding may cause shadows or distortion
along interior margin / La reliure serrée peut
causer de l'ombre ou de la distorsion le long de la
marge intérieure. | | |
| <input checked="" type="checkbox"/> | Additional comments /
Commentaires supplémentaires: | | Various pagings. |

1883

ACT

OF THE

PARLIAMENT OF THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND

PASSED IN THE SESSION HELD IN THE

45TH & 46TH YEARS OF THE REIGN OF HER MAJESTY,

QUEEN VICTORIA,

BEING THE THIRD SESSION OF THE TWENTY-SECOND PARLIAMENT OF THE UNITED KINGDOM.

*Office of the Peace,
Quebec 3^d Oct 1883.*

*H. M. Clark
Clerk of the Peace*



OTTAWA:

PRINTED BY BROWN CHAMBERLIN,

LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI, 1883.



45-46 VICTORIA.

CHAP. 76.

An Act to amend the Merchant Shipping Acts, 1854 to A. D. 1882. 1880, with respect to Colonial Courts of Inquiry.

[18th August, 1882.]

WHEREAS it is expedient to amend the Merchant Shipping Acts, 1854 to 1880, with respect to Inquiries held in British possessions abroad into charges of incompetency or misconduct on the part of masters, mates or engineers of ships, or into shipwrecks or other casualties affecting ships:—

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords' Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Merchant Shipping (Colonial Inquiries) Act, 1882. Short title.
2. This Act shall be construed as one with the Merchant Shipping Act, 1854 and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts 1854 to 1882. Construction of Act.
3. Every court or tribunal which is already authorized or which may hereafter be authorized by the legislative authority in any British possession to make inquiries into charges of incompetency or misconduct on the part of masters, mates or engineers of ships, or as to shipwrecks or other casualties affecting ships, shall in the cases following; that is to say,—
 1. When the incompetency and misconduct has occurred on board of a British ship on or near the coasts of the British possession or on board of a British ship in the course of a voyage to a port within the British possession: Colonial courts or tribunals to have jurisdiction to make inquiry into charges of misconduct or incompetency and shipping casualties in certain cases occurring outside the

Merchant Shipping (Colonial Inquiries) Act, 1882.

Himits of the colony.

II. When the incompetency or misconduct has occurred in any part of the world on board a British ship registered in the British possession :

III When the shipwreck or casualty occurs to a British ship on or near the coast of the British possession or to a British ship in the course of a voyage to a port within the British possession :

IV. When the shipwreck or casualty occurs in any part of the world to a British ship registered in the British possession :

V. When the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board of such British ship is found in the British possession :

VI. When some of the crew of a British ship which has been wrecked or to which a casualty has occurred, and who are competent witnesses to the facts, are found in the British possession :

wherever the incompetency, misconduct, shipwreck, or casualty has occurred, have the same jurisdiction as such court or tribunal would have had, if such incompetency, misconduct, shipwreck, or casualty had occurred within the ordinary jurisdiction of such court or tribunal, but subject to all provisions, restrictions, and conditions which would have been applicable if they had so occurred: Provided that no inquiry shall be held under this Act into any shipwreck, or other casualty, or charge of incompetency or misconduct, which has once been the subject of such an inquiry and has been reported on by any competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been suspended or cancelled by a naval court; and provided also, that where any inquiry has been commenced in the United Kingdom no inquiry shall be made in the same case under the authority of this Act in any British possession.

In all the above cases the "British possession" shall mean the British possession by the legislative authority whereof the court or tribunal is authorized to make inquiry.

Colonial legislative authorities empowered to authorize inquiries into

4. The legislative authority in any British possession is hereby empowered to authorize courts or tribunals to make inquiries in the cases enumerated in the last preceding section of this Act into charges of incompetency or misconduct

Merchant Shipping (Colonial Inquiries) Act, 1882.

on the part of masters, mates, or engineers of ships, or as to shipwrecks or other casualties affecting ships, subject to the provisions in the last preceding section of this Act mentioned.

shipping casualties and charges of misconduct and incompetency in certain cases.

5. The powers of suspending or cancelling the certificate of any master, mate, or engineer of a ship, conferred by the provisions of the Merchant Shipping Acts, 1854 to 1880, upon or after any inquiry or investigation held under the provisions of the said Acts, shall be applicable to and be exercised upon or after any inquiry by any court or tribunal authorized by this Act, or authorized by the legislative authority of any British possession under the powers conferred by this Act. Such power of suspension or cancellation shall be exercised by the court or tribunal holding the inquiry in the manner provided by section twenty-three of the Merchant Shipping Act Amendment Act, 1862, and the Board of Trade shall in such cases have all the powers conferred upon them by the said section.

Suspension or cancellation of certificates.

25 & 26 Vict. c. 63.

6. Whenever any inquiry authorized by or in pursuance of this Act has been held, a rehearing of the case may be ordered, and if an application for such rehearing has not been made or has been refused, an appeal shall lie from any order of finding of the court or tribunal holding such inquiry to the following court, namely, the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice in England.

Appeal from colonial courts.

Provided always, that no appeal shall lie from any order or finding in an inquiry into a casualty affecting a ship registered in a British possession, or from any decision respecting the suspension or cancellation of the certificate of a master, mate, or engineer, unless such certificate has been granted under the authority of the Merchant Shipping Act, 1854, or any Act amending the same, or of the Merchant Shipping Colonial Act, 1869.

32 & 33 Vict. c. 11.

Any such appeal shall be subject to and conducted in accordance with such conditions and regulations as may from time to time be prescribed by general rules made under section thirty of the Merchant Shipping Act, 1876.

39 & 40 Vict. c. 80.

7. The words "and such report is confirmed by the governor or person administering the government of such possession" in case (V) of the cases enumerated in section two hundred and forty-two of the Merchant Shipping Act, 1854, are hereby repealed, and this repeal shall be deemed to take effect as if the said words had been expressly repealed by

Repeal of part of 17 & 18 Vict., c. 104, s. 242.

Merchant Shipping (Colonial Inquiries) Act, 1882.

A. D. 1862.
—

the Merchant Shipping Act Amendment Act, 1862. The confirmation of the report required by the said words shall be deemed to have been no longer necessary after the passing of the Merchant Shipping Act Amendment Act, 1862, as a condition precedent to the suspension or cancellation of the certificate of any master, mate, or engineer.

OTTAWA:—Printed by BROWN CHAMBERLIN, Law Printer (for Canada) to the Queen's Most Excellent Majesty.

ORDERS IN COUNCIL & DESPATCHES

OF THE

IMPERIAL GOVERNMENT

TOGETHER WITH

TREATIES NEGOTIATED

BETWEEN

HER MAJESTY, THE QUEEN

AND

FOREIGN POWERS!



OTTAWA:

**PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1883.**

ORDERS IN COUNCIL, TREATIES AND DESPACHES.

IMPERIAL

AT THE COURT AT WINDSOR, THE 3rd DAY OF MAY, 1882.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854," have been adopted in Hayti by the Haitian Government ;

HER MAJESTY is hereby pleased, by and with the advice of Her Privy Council, to direct that the ships of Hayti, the certificates of Haitian nationality and registry or the certificates of measurement of which are dated on or after the twenty-sixth day of January, one thousand eight hundred and eighty-two, shall be deemed to be the tonnage denoted in the said certificates of Haitian nationality and registry or certificates of measurement.

C. L. PEEL.

Imperial—Merchant Shipping—Measurement of Tonnage.

At the Court at *Osborne House*, Isle of Wight, the 18th day of August 1882.

PRESENT :

The QUEEN'S Most Excellent Majesty in Council.

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

And whereas by the Merchant Shipping Act, 1876, it is enacted that "when Her Majesty has power under the Merchant Shipping Act, 1854, or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for Her Majesty from time to time, to make such Order in Council, and by Order in Council to revoke, alter, or add to any Order so made."

And whereas it was made to appear to Her Majesty that the rules concerning the Measurement of Tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854," had been adopted in Sweden by the Government of His Majesty the King of Sweden and Norway, and came into force in Sweden on the 1st day of April 1875:

And whereas it was subsequently made to appear to Her Majesty that the said rules concerning the Measurement of Tonnage of the merchant ships of Sweden had been, as regards vessels propelled by steam or any other power requiring engine room, modified by the introduction therein of a slight difference in the mode of estimating the allowance for engine room and that the same came into force in Sweden on the 1st day of April 1882:

And whereas by Order in Council dated the 17th day of March, 1875, and the 3rd of May, 1882, Her Majesty was pleased, by and with the advice of Her Privy Council, to direct:

1. That the ships of Sweden, the certificates of Swedish nationality and registry of which are dated on and after the first day of April, one thousand eight hundred and seventy-five, should be deemed to be of the tonnage described in the said certificates of Swedish nationality and registry:
2. That the ships of Sweden which are propelled by steam or any other power requiring engine room the measurement whereof shall after the 1st day of April, 1882 have been ascertained and described on the certificates of registry or other national papers of such steamships testified by the date thereof should be deemed to be of the tonnage described in such certificate of registry or other national papers.

Imperial—Merchant Shipping—Measurement of Tonnage.

And whereas it has been made to appear to Her Majesty that the said modifications introduced into the said rules for the measurement of Swedish steam ships came into force on the 1st day of April 1882 as regards steam ships measured or remeasured after that date :

And whereas it has been made to appear desirable to Her Majesty that the provisions of the said recited Order in Council of the 3rd May 1882 shall be made applicable to Swedish steam ships registered on or after the said 1st day of April 1882, and that the said recited Orders in Council of the 17th day of March 1875 and the 3rd day of May 1882, should be revoked and a new Order in Council made and substituted in lieu thereof :

Now, THEREFORE, Her Majesty, in virtue of the powers vested in Her by the said recited Acts, by and with the advice of Her Privy Council is pleased to direct that the said recited Orders in Council of the 17th March 1875 and the 3rd day of May 1882, shall be and the same are hereby revoked and in lieu thereof and in substitution therefor Her Majesty is hereby pleased, by and with the advice of Her Privy Council, to direct as follows :

1. As regards sailing ships : that merchant sailing ships belonging to Sweden the measurement whereof, on or after the said 1st day of April 1875, has been ascertained and denoted in the certificates of registry or other national papers of such sailing ships, testified by the date thereof, shall be deemed to be of the tonnage denoted in such certificates of registry or other national papers in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British sailing ships is deemed to be the tonnage of such ships.
2. As regards steam ships : that merchant ships belonging to Sweden which are propelled by steam, or any other power requiring engine room, the measurement whereof on or after the said 1st day of April 1882, has been ascertained and denoted in the certificates of registry or other national papers of such steam ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such certificates of registry or other national papers in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships ; provided nevertheless, that if the owner or master of any such Swedish steam ship desires the deduction for engine room in such ship to be estimated under the rules for engine room measurement and deduction applicable to British ships, instead of under the Swedish rules, the engine room shall be measured and the deduction calculated according to the British rules, and that in the event of the net registered tonnage of such steam ships, estimated under the British rules, being denoted in the said certificates of registry or other national papers, the same shall be deemed to be of the tonnage so denoted therein.

C. L. PEEL.

Imperial—Aliens naturalized in British Colonies, &c.

Passports for subjects naturalized in the Colonies.

(Circular).

DOWNING STREET,

18th May, 1882.

SIR,—Her Majesty's Government have had under their consideration the position of Aliens naturalized in a Colony, when travelling beyond the limits of the Colony in which naturalization has been granted, and they have decided that Aliens naturalized in British Colonies shall, as regards their claim to British protection out of Her Majesty's Dominions, be placed, in future, on the same footing as Aliens naturalized in this country under the Naturalization Act of 1870.

2. To carry out this object, Aliens naturalized in British Colonies will be allowed to receive from the Governor of the Colony in which they have been naturalized a passport unlimited in point of duration, instead of a passport for one year, as is now authorized. These passports will also be issued by the Foreign Office in London, on the recommendation of the Secretary of State for the Colonies.

3. If however, an Alien naturalized in the Colony, and not possessing such passport, finds himself in need of one when in a foreign country, a British Minister or Consul will be empowered, on such evidence as he may deem sufficient, to grant him a provisional passport, limited in duration, in order to meet the immediate requirements of his case, and to enable him to return to his Colony or to the United Kingdom, and so establish his identity beyond question, and obtain a permanent passport.

4. I enclose an amended Regulation, which will be substituted in the Colonial Regulations for the present Regulation No. 404, Chapter XIV; and also an amended form of passport, which will be inserted in the Appendix, in place of the form and memorandum now in use.

I have the honor to be, Sir,

Your most obedient, humble servant,

KIMBERLEY.

The Officer administering
the Government of Canada.

S. II. Passports to Naturalized British Subjects in the Colonies

404. Governors are authorized to issue Passports for foreign travel to persons naturalized in their respective Colonies. The form of Passport is inserted in the Appendix (page 317). These Passports must be signed by the Officer administering the Government, and must contain an express declaration that the person receiving the Passport has been naturalized as a British subject in the Colony.

*Imperial—Form of Passport, &c.**Form of Passport.*

This Passport is granted to A. B., naturalized as a British subject in this Colony, to enable him to travel in Foreign parts.

This Passport is granted with the qualification that the bearer shall not, when within the limits of the Foreign State of which he was a subject previously to obtaining his Colonial Certificate of Naturalization, be entitled to British protection, unless he has ceased to be a subject of that State in pursuance of the laws thereof or in pursuance of a Treaty to that effect.

(Signed)

C. D.

Governor, (Lieutenant Governor, or
Officer Administering the Government)
of the (Colony, Island, or Province) of

(Circular).

DOWNING STREET,

1st July, 1882.

SIR,—I have the honor to transmit to you for publication in the Colony under your Government, a copy of a declaration signed on the 9th day of June between the British and Russian Governments on the subject of Tonnage Measurement.

I have the honor to be, Sir,

Your most obedient, humble Servant,

KIMBERLEY.

The Officer Administering
the Government of Canada.

DECLARATION between the British and Russian Government, on the subject
of Tonnage Measurement.

Signed at London, June 9th, 1882.

The English system of Tonnage Measurement (Moorsom's system) being henceforward in force as well in the Empire of Russia and the Grand Duchy of Finland as in the United Kingdom of Great Britain and Ireland, and in the British Colonies, the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the Emperor of all the Russias, have agreed to the following Declaration:—

1. Russian and Finland vessels measured according to the above-mentioned system shall be admitted into the ports of the United Kingdom and its Colonies; and British vessels measured according to the same system shall be admitted into the ports of Russia or Finland, without being subjected, for the purpose of payment of navigation dues, to any fresh operation of measurement.

The navigation dues above mentioned shall be calculated on the net tonnage.

Imperial—Declaration between British and Russian Governments.

2. The Finland and English Regulations respecting tonnage being substantially the same, English certificates of Tonnage Measurement shall, in the Grand Duchy of Finland, and Finland certificates of Tonnage Measurement, taken out after the 31st May, 1877, shall, in the United Kingdom and its Colonies, be recognized, without any operation of measurement or other formality whatsoever; and the net tonnage of all British or Finland ships inscribed on the ship's papers shall be considered in the respective ports of each country as equivalent to the net register tonnage of national vessels.

3. English Certificates of tonnage measurement shall, in Russia, and Russian Certificates of Tonnage Measurement, taken out after the 20th December, 1879—1st January, 1880, shall, in the United Kingdom and its Colonies, be likewise reciprocally recognized in the ports of each country without any operation of measurement.

As, however, the provisions of the Russian Regulation do not entirely correspond to the English Regulations relative to the mode to be followed in the determination of crew spaces in ships, and machine and coal spaces in steamers, the deductions in respect of these shall, for English vessels in Russian ports, be calculated, according to the figures shown in the Certificates of Tonnage Measurement, in conformity with the Regulation, sanctioned the 20th December, 1879—1st January, 1880, without remeasurement of the vessel.

This measure shall be applicable in British ports to Russian vessels touching there, if the captains of the said vessels shall express a desire to that effect; and, in such case, the provisions of the Merchant Shipping Act of the 10th August, 1854, shall be complied with.

4. The above mentioned arrangements shall apply also to vessels propelled by any other artificial power than steam.

The present Declaration shall come into operation on the 1st—13th July, 1882, and shall remain in force so long as one of the Contracting parties shall not have notified to the other six months in advance its intention of terminating it.

In witness whereof the Undersigned, duly authorized for this purpose, have signed the present Declaration, and have affixed thereto the seal of their arms.

Done, in duplicate, at London, the 28th day of May—9th day of June, 1882.

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

GRANVILLE.
LOBANOW.

Imperial—Extradition Acts.

AT THE COURT AT WINDSOR, THE 30TH DAY OF
NOVEMBER, 1882.

Present :

The QUEEN'S Most Excellent Majesty.
His Royal Highness Prince Leopold, Duke of Albany.
Lord Privy Seal.
Lord Steward.
Mr. Gladstone.
Secretary Sir William Vernon Harcourt.

Whereas by "The Extradition Acts 1870 and 1873," it was, amongst other things, enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State, and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in, or suspected of being in, the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient.

And, whereas, a Treaty was concluded on the twenty-ninth day of November, one thousand eight hundred and seventy-nine, between Her Majesty and His Majesty the King of Tonga, of which Treaty Article IV, relating to the extradition of fugitive criminals, is in the terms following:—

"Her Britannic Majesty agrees to surrender to His Majesty the King of Tonga any Tongan subject who, being accused or convicted of any of the undermentioned crimes, committed in the territory of the King of Tonga, shall be found within the territory of Her Britannic Majesty. The crimes for which such surrender may be granted are the following: murder, or attempt to murder; embezzlement or larceny; fraudulent bankruptcy; forgery.

"Her Britannic Majesty may, however, at any time put an end to this Article by giving notice to that effect to His Majesty the King of Tonga. The Article shall, however, remain in force for six months after the notice of its termination."

And, whereas, previously to the exchange of ratifications of the said Treaty, a Protocol bearing date the third day of July, one thousand eight hundred and eighty-two, was signed and sealed by the Plenipotentiaries of Her Majesty and of His Majesty the King of Tonga respectively, being duly authorized for that purpose, which Protocol is in the terms following:—

"It is agreed that the arrangement contained in Article IV of the said Treaty shall be subject to the restrictions on the surrender of fugitive criminals contained in the Acts respecting extradition, which are in force in the dominions of Her Britannic Majesty, and the procedure to be adopted with respect to the surrender of such criminals shall be in conformity with the provisions of the said Acts."

Imperial—Extradition Acts, &c.

“And, whereas, the ratifications of the said Treaty were exchanged at Nukualofa on the third day of July, one thousand eight hundred and eighty-two :

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered that the said Acts shall apply in the case of Tonga and of Article IV, of the said Treaty with His Majesty the King of Tonga, and of the said Protocol.

C. L. PEEL.

(Circular).

DOWNING STREET,
11th March, 1882.

Sir,—With reference to my Circular Despatch of the 25th of October last, I have the honour to transmit to you, for the information of your Government, a copy of the instructions which have been issued for the guidance of the Metropolitan Police Force by the Secretary of State for the Home Department, in regard to the provisions of the “Fugitive Offenders Act,” 1881.

I have the honor to be, Sir,
Your most obedient, humble Servant,

KIMBERLEY.

The Officer administering
the Government of Canada.

Circular (1.)

DOWNING STREET,
21st September, 1882.

Sir,—With reference to my Circular Despatches of the 25th of October, 1881, and the 11th of March last, I have the honor to inform you that I have been in correspondence with the Home Office respecting the course of proceeding to be adopted in cases where it is desired that a fugitive from a Colony should be apprehended in this country.

It will, of course, be understood that the expenses attending the apprehension and surrender of such fugitives cannot be thrown upon the Police Funds of this country ; while on the other hand the Colonies are not asked to bear the expenses of apprehending fugitives from the United Kingdom. Whenever, therefore, a Police officer or other person arrives from a Colony armed with a warrant for the apprehension of a fugitive, or other proceedings under the Act are required, all proper assistance will be given, and the expenses claimed from the Government of the Colony, unless they are defrayed at the time by the bearer of the warrant or other person requiring the assistance.

But in case where the apprehension of a fugitive from a Colony is desired upon a Provisional Warrant, and the necessary communication is

Imperial — Fugitive Offenders in British Possessions.

made by telegraph, Sir W. V. Harcourt is of opinion, and I concur, that all telegrams should be sent by the Governor of the Colony to the Secretary of State for the Colonies, both as affording a proof of the genuine character of the demand and as implying a guarantee that the expenses will be paid.

It is not, however, intended that this rule should prevent direct communication between the Home and Colonial Police for the supply of information; and in cases of extreme urgency, where the crime is a very serious one, and where the delay of a day or two might lead to a failure of justice, it may sometimes be permissible to make direct application to the Police, with a view to the fugitive's immediate arrest, at the same time that the ordinary application is addressed to the Secretary of State for the Colonies.

I enclose, for your information, a copy of the form of guarantee which it is the practice to take from persons seeking the intervention of the authorities to obtain the apprehension and surrender of an offender escaping from this country.

I request that you will communicate this despatch to your Government for their information

I have the honor to be, Sir,
Your most obedient, humble Servant,

KIMBERLEY.

The Officer administering
the Government of Canada.

WHEREAS, I (*or we*), the undersigned, have requested the Constabulary of _____ to take the necessary steps under the Fugitive Offenders Act, 1881, for the surrender of _____ from the United Kingdom to _____, being a British possession (*or from* _____, being a British possession, to the United Kingdom); and the Constabulary of _____ have agreed to take such steps on the indemnity hereinafter contained. NOW THEREFORE, I (*or we*) do hereby undertake to pay on demand to _____ (person to be named by the Constabulary) the expenses which are incurred by the Constabulary of _____ or by any other persons on their behalf, in taking steps to procure the surrender of the above-named _____, and to indemnify the Constabulary of _____ against any expenses to which they, or any persons acting on their behalf, may be put, and against any damages or compensation paid by or on behalf of the said Constabulary of _____ in the event of the unlawful arrest of any person erroneously supposed to be the said _____ if such unlawful arrest is, in the opinion of one of Her Majesty's Principal Secretaries of State, caused by imperfect and inaccurate information or description given by me (us).

Witness my (*or our*) hand (*or hands*) this _____ day
of _____ 188

(Signature.)
(Address.)

Signed by the said
in the presence of
VOL. 1—B

Imperial—Fugitive Offenders, &c.

FUGITIVE OFFENDERS ACT, 1881

On 1st January 1882, the Fugitive Offenders Act, 1881, 44 & 45 Vict., c. 69, comes into operation (s. 40) and provides for the surrender from the United Kingdom to a British possession, or from a British possession to the United Kingdom, of fugitives who are charged with having committed, either before, or after the commencement of the Act (s. 38), treason, piracy, or some offence which (whether felony, misdemeanor, or other crime) is, in the part of Her Majesty's dominions where it was committed, punishable by imprisonment with hard labor for twelve months or more, or by some greater punishment (s. 9).

The Act extends to the Channel Islands and Isle of Man as if they were part of England and of the United Kingdom (s. 37).

SURRENDER FROM THE UNITED KINGDOM TO A BRITISH POSSESSION.

Arrest on endorsed warrant.—The usual mode of arrest is on an endorsed warrant, *i. e.*, a warrant issued in the British possession where the offence was committed, and endorsed in the United Kingdom (ss. 2 and 3). The Act provides to the effect that where a warrant has been issued in any British possession for the apprehension of a fugitive therefrom, and the fugitive is or is suspected of being in or on his way to the United Kingdom, such warrant may be endorsed (s. 3.) by—

1. A judge of a superior court; * or,
2. A Secretary of State; † or,

3. One of the police magistrates of the Bow Street Police Court :

Provided that the person endorsing is satisfied that the warrant was issued by some person having lawful authority to issue the same.

The warrant so endorsed will be sufficient authority to any of the persons named in the endorsement and the persons to whom the warrant was originally directed, and also every constable to apprehend the fugitive in any part of the United Kingdom and Channel Islands or Isle of Man (ss. 3 and 37), and bring him before a police magistrate at Bow Street Police Court ‡ or before any other magistrate, § who will then order him to be brought before such police magistrate † (ss. 3, 5, 26, and 30).

* The expression "Superior Court" means, in England, Her Majesty's Court of Appeal and High Court of Justice :

In Scotland, the High Court of Justiciary ;

In Ireland, Her Majesty's Court of Appeal and Her Majesty's High Court of Justice at Dublin (s. 39).

† In Ireland, also by the Lord Lieutenant, or Lords Justices, or other Chief Governor or Governors of Ireland, or the Chief Secretary of the Lord Lieutenant (s. 11)

‡ In Scotland, the Sheriff or Sheriff Substitute of the County of Edinborough ;

In Ireland, a police magistrate of the Dublin Metropolitan Police District (s. 30).

§ The expression "magistrate" means, in England, a justice of the peace ;

In Scotland, a sheriff or sheriff substitute ;

In Ireland, a justice of the peace ;

In the Channel Islands and Isle of Man, any person having authority to issue a warrant for the apprehension of persons accused of offences, and to commit such persons for trial (s. 39).

Imperial Fugitive Offenders, &c.

Where the warrant has been endorsed, any court or magistrate § has the same power of issuing a *search-warrant* to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by the fugitive, or otherwise to be the subject of such offence, as that court or magistrate § would have, if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been wholly committed within the jurisdiction of such court or magistrate (s. 24).

Arrest on provisional warrant.—Occasionally, however, an endorsed warrant cannot be had in time. In these cases the arrest may, in the first instance be made by a *provisional warrant* pending the procurement of the endorsed warrant. A provisional warrant may be issued (s. 4) by any magistrate § for the apprehension of any fugitive who is or is suspected of being in or on his way to the United Kingdom, upon such information and under such circumstances as would, in his opinion, justify the issue of the warrant if the offence of which the fugitive is accused had been committed within his jurisdiction. The provisional warrant may, if necessary, be backed for execution. The magistrate § issuing the provisional warrant will forthwith send a report of the issue, together with the information or a certified copy thereof, to a Secretary of State † who may, if he think fit, discharge the fugitive (s. 4).

The magistrate § before whom the fugitive offender who has been apprehended under a provisional warrant is brought, is to order him to be brought before one of the police magistrates of the Bow Street Police Court ‡ (ss. 5 and 30), who may remand him for such reasonable time, not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an endorsed warrant (s. 5).

Hearing.—When the fugitive has been brought before a police magistrate, † the warrant having been duly endorsed, the police magistrate, † will proceed to hear the case—subject to the provisions of the Act—in the same manner and with the same jurisdiction and powers as near as may be (including the power to remand and admit to bail) as if the fugitive were charged with an offence committed within his jurisdiction (s. 5).

Depositions (whether taken in the absence of the fugitive or otherwise), and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under the Act (s. 29). Warrants, depositions, copies thereof, official certificates of or documents stating facts, will be deemed duly authenticated for the purposes of the Act. if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a judge, magistrate, or officer of the part of Her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the oath of some witness, or by being sealed with the official seal of the Secretary of State, or with the public seal of a British possession, or with the official seal of a Governor of a British possession, or of a Colonial Secretary, or of some secretary or minister administering a department of the Government of a British possession. And all courts and magistrates † will take judicial notice of every such seal, and will admit in evidence without further proof the documents authenticated by it (s. 29).

Imperial—Fugitive Offenders, &c.

If the endorsed warrant is duly authenticated, and such evidence is produced as (subject to the provisions of the Act), according to the law ordinarily administered by the police magistrate, * raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one within the Act, the police magistrate will commit the fugitive to prison to await his return, sending forthwith to a Secretary of State † a certificate of the committal and a report of the case (s. 5).

He will at the same time inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of *habeas corpus* or other like process (ss 5 and 10).

Surrender.—Upon the expiration of fifteen days from the committal or the final decision of a Superior Court ‡ in the case, the Secretary of State may, by warrant under his hand, order the fugitive to be delivered into the custody of the person or persons to whom it is addressed, and to be held in custody and conveyed to the British possession from which he is a fugitive (s. 6).

If the fugitive is not conveyed out of the United Kingdom within one after his committal, he may apply to a Superior Court for his discharge (s. 7).

The chief officer of any prison, on request of the person having the custody of a fugitive under a warrant of return, is bound on payment or tender of a reasonable amount for expenses, to receive and detain him for such reasonable time as may be requested (s. 6).

The fugitive may under such warrant be returned, in any ship belonging to Her Majesty or to any of Her Majesty's subjects, and the Secretary of State may order the master of any ship belonging to a British subject bound for the required destination to receive and afford a passage and subsistence during the voyage to the fugitive, his escort, and the witnesses, but not exceeding in number one prisoner for every 100 tons of his ship's registered tonnage, or one witness for every 50 tons of such tonnage.

The Secretary of State will also cause to be endorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her as the Board of Trade may, from time to time, require.

The master will on his ship's arrival in the British possession cause such fugitive, if he is not in the custody of any person, to be given into the custody of some constable, and if the master fails, on payment or tender of a reasonable amount for expenses, to comply with such order, or to cause a fugitive prisoner committed to his charge to be given into the custody of a constable on arrival at his destination, he will be liable on summary conviction to a fine of 50 *l.* (s. 27).

If a prisoner escape out of the custody of a person acting under a warrant issued or endorsed in pursuance of this Act, he may be retaken in the same manner as a person accused of a crime against the laws of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape (s. 28.)

* See note † on p. xviii.

† See note † on p. xviii.

‡ See note * on p. xviii.

Imperial—Fugitive Offenders, &c.

When a person is in legal custody in a British possession, and is required to be removed in custody to another place in or belonging to the same British possession, he will, if removed by sea in a vessel belonging to Her Majesty or any of Her Majesty's subjects, be deemed to continue in legal custody until he reaches the place to which he is required to be removed; and the provisions of the Act with respect to the retaking of an escaped prisoner will apply (s. 25).

If the fugitive, when returned to the British possession, is not prosecuted for his offence within six months of his arrival therein or is acquitted of the said offence, the Governor of that Possession may, if he think fit, upon the request of the fugitive, cause him to be sent back to the United Kingdom free of cost and with as little delay as possible (s. 8).

Duties of Metropolitan Police.—No part of the expenses either of arresting in the United Kingdom a fugitive from a British possession, or of surrendering him to that possession, will be borne by the Metropolitan Police Fund or any local or imperial fund.

It is for the persons seeking the surrender to pay the whole expense, and to conduct all proceedings in the case.

Accordingly, as a rule, the Commissioner of Police will incur no expense, and take no steps,—as by causing an application to be made either for a provisional warrant or for an endorsement of a warrant, or by directing the execution of an endorsed warrant, unless he has obtained either express instructions from the Secretary of State, or an adequate indemnity or prepayment from the persons seeking the surrender.

If, without such indemnity or prepayment, he should receive from any private person, or directly from the Colonial police, a request to take any of such steps, he should whenever time admits, apply for instructions to the Secretary of State, who, where necessary, will cause inquiry to be made at the Colonial Office. Only, in the event of emergency, where the loss of a few hours would be irretrievable, the Commissioner of Police, in the exercise of his discretion, will be justified in taking such action as may seem imperatively required; but in that case he will, as soon as possible afterwards, report the matter to the Secretary of State.

SURRENDER FROM A BRITISH POSSESSION TO THE UNITED KINGDOM.

Arrest on endorsed warrant.—The usual mode of arrest is on an endorsed warrant, *i.e.*, a warrant issued in the United Kingdom, and endorsed in the British possession* (ss. 2 and 3). The Act provides to the effect that where a warrant has been issued in the United Kingdom for the apprehension of a fugitive therefrom, and the fugitive is or is suspected of being in or on his way to a British possession, such warrant may be endorsed (s. 3) by—

* The expression "British possession" means any part of Her Majesty's dominions exclusive of the United Kingdom, Channel Islands, and Isle of Man. All territories and places within Her Majesty's dominions which are under one legislature shall be deemed to be one British possession and one part of Her Majesty's dominions; and the expression "legislature," where there are local legislatures as well as a central legislature, means the central legislature only (s. 39).

Imperial—Fugitive Offenders, &c.

1. A judge of a Superior Court* in that possession, or—
2. The Governor† of that Possession :

Provided that the person endorsing is satisfied that the warrant was issued by some person having lawful authority to issue the same.

The warrant so endorsed will be a sufficient authority to any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every constable to apprehend the fugitive in any part of the British possession and bring him before a police magistrate,‡ or before any other magistrate,§ who will then order him to be brought before such police magistrate.

Where the warrant has been endorsed, any court or magistrate has the same power of issuing a *search-warrant* to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by the fugitive, or otherwise to be the subject of such offence, as the court or magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been wholly committed within the jurisdiction of such court or magistrate (s. 24).

Arrest on provisional warrant.—Occasionally, however, an endorsed warrant cannot be had in time. In these cases the arrest may, in the first instance, be made by a *provisional warrant* pending the procurement of the endorsed warrant.

A provisional warrant may be issued (s. 4) by any magistrate for the apprehension of any fugitive who is or is suspected of being in or on his way to the British possession, upon such information and under such circumstances as would, in his opinion, justify the issue of the warrant if the offence of which the fugitive is accused had been committed within his jurisdiction. The provisional warrant may, if necessary, be backed for execution. The magistrate issuing the provisional warrant will forthwith send a report of the issue, together with the information, or a certified copy thereof, to the Governor of the Possession, who may, if he think fit discharge the fugitive (s. 4).

The magistrate before whom the fugitive offender who has been apprehended under a provisional warrant is brought, is to order him to be brought before a police magistrate (ss. 5 and 30), who may remand him for such reasonable time, not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an endorsed warrant (s. 5).

Hearing.—When the fugitive has been brought before a police magistrate, the warrant having been duly endorsed, the police magistrate will proceed to hear the case—subject to the provisions of the Act—in the same

* The expression "Superior Court" means any court having in that possession the like criminal jurisdiction to that which is vested in the High Court of Justice in England, or such court or judge as may be determined by an Act or Ordinance in that possession (s. 39).

† The expression "governor" means any person or persons administering the Government of a British possession, and includes the governor or lieutenant governor of any part of India (s. 39).

‡ The expression "police magistrate" means a judge, justice of the peace, or other officer having the like jurisdiction as one of the magistrates of the metropolitan police court in Bow Street, or such other court, judge, or magistrate as may be, from time to time, provided by an Act or Ordinance passed by the legislature of the possession (ss. 3, 5, 26, 20).

§ The expression "magistrate" means any person having authority to issue a warrant for the apprehension of persons accused of offences, and to commit such persons for trial.

Imperial—Fugitive Offenders, &c.

manner, and with the same jurisdiction and powers, as near as may be (including the power to remand and admit to bail), as if the fugitive were charged with an offence committed within his jurisdiction (s. 5).

Depositions (whether taken in the absence of the fugitive or otherwise), and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under the Act (s. 29).

Warrants, depositions, copies thereof, official certificates of or documents stating facts, will be deemed duly authenticated for the purpose of the Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a judge or magistrate or officer of the part of Her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the oath of some witness, or by being sealed with the official seal of the Secretary of State, or with the public seal of a British possession, or of a Colonial Secretary, or of some secretary or minister administering a department of the Government of a British possession; and all courts and magistrates will take judicial notice of every such seal, and will admit in evidence, without further proof, the documents authenticated by it (s. 29).

If the endorsed warrant is duly authenticated, and such evidence is produced as (subject to the provisions of the Act), according to the law ordinarily administered by the police magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one within the Act, the police magistrate will commit the fugitive to prison to await his return, sending forthwith to the Governor of the Possession a certificate of the committal and a report of the case (s. 5).

The police magistrate will, at the same time, inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of *habeas corpus* or some other like process (ss. 5 and 10).

Surrender.—Upon the expiration of fifteen days from the Committal or the final decision of the Superior Court in the case, the Governor of the Possession may, by warrant under his hand, order the fugitive to be delivered into the custody of the person or persons to whom it is addressed, and to be held in custody and conveyed to the United Kingdom (s. 6).

If the fugitive is not conveyed out of the British Possession within one month after his committal, he may apply to a Superior Court for his discharge (s. 7).

The chief officer of any prison, on request of the person having the custody of a fugitive under a warrant of return, is bound on payment or tender of a reasonable amount for expenses, to receive and detain him for such reasonable time as may be requested (s. 6).

The fugitive may, under such warrant, be returned in any ship belonging to Her Majesty, or to any of Her Majesty's subjects, and the Governor of the Possession may order the master of any ship belonging to a British subject bound for the required destination, to receive and afford a passage and subsistence during the voyage, to the fugitive, his escort, and the wit-

Imperial—Fugitive Offenders, &c.

nesses, but not exceeding in number, one prisoner for every hundred tons of his ship's registered tonnage, or one witness for every fifty tons of such tonnage.

The Governor will also cause to be endorsed upon the agreement of the ship such particulars, with respect to any fugitive prisoner or witness sent in her, as the Board of Trade may, from time to time, require.

The master will, upon his ship's arrival in the United Kingdom, cause such fugitive—if he is not in the custody of any person—to be given into the custody of some constable; and if the master fails, on payment or tender of a reasonable amount for expenses, to comply with such order, or to cause a fugitive prisoner committed to his charge to be given into the custody of a constable on arrival at his destination, he will be liable on summary conviction to a fine of 50*l.* (s. 27).

If a prisoner escape out of the custody of a person acting under a warrant issued or endorsed in pursuance of this Act, he may be retaken in the same manner as a person accused of a crime against the laws of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape (s. 28).

When a person is in legal custody in a British Possession, and is required to be removed in custody to another place in or belonging to the same British Possession, he will, if removed by sea in a vessel belonging to Her Majesty or any Her Majesty's subjects, be deemed to continue in legal custody until he reaches the place to which he is required to be removed; and the provisions of the Act with respect to the retaking of an escaped prisoner will apply (s. 25)

If the fugitive when returned to the United Kingdom, is not prosecuted for his offence within six months of his arrival therein, or is acquitted of the said offence, a Secretary of State may, if he think fit, upon the request of the fugitive, cause him to be sent back to the British Possession free of cost, and with as little delay as possible (s. 8).

The Fugitive Offenders Act only applies where an offender escapes, or is at least suspected to have succeeded in escaping, from the shores of this country to a British Possession. It does not, therefore, interfere with the duties and powers of police forces of the United Kingdom or of other persons effecting arrests and dealing with such offenders before they so leave; and if the escape is to a country subject to foreign government (such as France or America), any steps to be taken will be under powers distinct from those in the Fugitive Offenders Act.

The Act does not make necessary the intervention either of the Home Office or Colonial Office; but it will in all cases be convenient that the papers should pass through those Departments.

The course of proceedings will be as follows:—

The first step will be to obtain a warrant of arrest on sworn information and depositions taken, if necessary, as the Act authorizes, in the absence of the accused. A copy of each of these (the warrant, information, and

Imperial—Fugitive Offenders, &c.

depositions) should be taken and certified to be a copy by the magistrate, and his signature (except in the case of the Lord Mayor or a metropolitan police magistrate) should, for the satisfaction of the Secretary of State, be verified by a statutory declaration of some person who either saw the document signed or is familiar with the signature. The original and copies should then be forwarded to the Secretary of State, together with a description, and, if possible, a photograph, of the accused, and all details serving to identify him or contributing to his discovery in the British possession.

These should be accompanied with a covering letter moving the Secretary of State to authenticate both the original documents and the copies with his official seal, to return the originals so authenticated to the applicant, and to forward to the Colonial Office the copies so authenticated of each (viz., the warrant, information, and depositions), together with the photograph, description, and other details, in order that the Colonial Secretary may transmit them to the Governor of the British Possession to which the accused is supposed to have fled, and may also at once telegraph to the Governor instructions for the arrest of the accused on a provisional warrant.

In some cases it may be advisable that the prosecutor should cause the original documents (duly authenticated) to be despatched in charge of some person as soon as a telegram notifying the arrest in a British Possession has been received, and it then may be of importance that this person should be able personally to identify the accused.

Duties of Metropolitan Police.—The conduct of the proceedings belongs to the prosecutor, who may, if he thinks fit, obtain the return of the accused without availing himself of the services of the police; and whether or not the police are called on to act, the whole of the costs of procuring the arrest, surrender, and return to the United Kingdom from a British Possession of an offender will (in consequence of the Act having repealed the statute 6 and 7 Vict., c. 34, by which a Court trying a fugitive from a British Possession had power to order costs to be paid out of borough or county funds) fall on the prosecutor.

In cases where the prosecution is taken up by the Director of Public Prosecutions with a view to obtaining the surrender of the fugitive, or where instructions have been received from the Secretary of State, there can be no difficulty as to the duty of the police; but in other cases the police will not apply for a warrant in the Metropolis as a first step towards obtaining the surrender from a colony of an offender, or make any request to the Colonial police for his arrest on provisional warrant in the colony, or take any other step involving expense, unless adequate prepayment or indemnity has been received against all expenses that may be incurred, including the expenses of returning the accused to the British Possession in the event of his being acquitted or not being prosecuted in the United Kingdom. In any case the action of the Metropolitan police (except so far as auxiliary to that of the local police forces) in obtaining surrender will be confined to offences committed or triable within the Metropolitan police district.

W. V. HARCOURT.

Home Office,
4th February, 1832.

Imperial—Extradition Acts suspended, &c.

*(Lord Derby to Lord Lorne.)*DOWNING STREET,
7th February, 1883.

MY LORD,—I have the honor to transmit to you for communication to your Government, copies of an Order of Her Majesty in Council, suspending within the Dominion of Canada "The Extradition Act, 1870," so far as it relates to any Foreign State in the case of which it applied at the date of the Order, and so long as the provisions of certain Canadian Acts continue in force. I also enclose a printed list of the Extradition Treaties between this Country and Foreign powers.

I would point out that with the exception of that between this country and the United States, of August 9th, 1842 (Article X), all these arrangements have been applied by Order in Council under "The Extradition Act, 1870."

A note has been taken at the Foreign Office of the terms of the Order in Council now enclosed with the view to suitable provision being made to meet the case of Canada, in any Order in Council that may be issued to carry into effect any subsequent arrangements with a Foreign State.

I have, etc.,

DERBY.

Governor General
The Right Honble.
The Marquis of Lorne,
K.T., G.C.M.G.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT.

The 28th day of December, 1882.

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by section 18 of "the Extradition Act, 1870" it is among other things enacted that if, by any law made after the passing of the said Act by the Legislature of any British Possession, provision is made for carrying into effect, within such Possession, the surrender of Fugitive Criminals who are in, or suspected of being in such British Possession, Her Majesty may, by Order in Council applying the said Act in the case of any Foreign State or by any subsequent Order, suspend the operation within any such British Possession of the said Act or of any part thereof so far as it relates to such Foreign State and so long as such law continues in force there and no longer.

And whereas by an Act enacted by the legislature of the Dominion of Canada in the 40th year of Her Majesty's Reign, the short title of which is, "The Extradition Act, 1877," provision is made for carrying into effect within the Dominion of Canada during the continuance of any treaty, convention or arrangement made by Her Majesty with a Foreign State for the surrender of fugitive criminals and extending to Canada which exists

Imperial—Extradition Acts Suspended, &c.

at or after the time the same Act comes into force the surrender of Fugitive Criminals of such Foreign State who are in, or suspected of being in Canada, provided that the operation of "The Extradition Act of 1870" shall have ceased or been suspended within Canada in the case of that State.

And whereas the said Act of the legislature of Canada has been amended by an Act of the said legislature passed in the 45th year of Her Majesty's reign and intituled: "An Act to amend the Extradition Act 1877."

NOW THEREFORE, Her Majesty, in pursuance of the "Extradition Act, 1870" and in exercise of the power in that behalf in the same Act contained, doth, by this present Order, by and with the advice of Her Majesty's Privy Council, direct that the operation within the Dominion of Canada of any said "Extradition Act, 1870," shall be suspended so far as it relates to any Foreign State in the case of which it now applies and so long as the provisions of the Canadian Acts aforesaid continue in force and no longer.

And the Right Honourable the Earl of Derby, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

(Copy 2584.)

EXTRADITION TREATIES IN FORCE, JANUARY, 1883.

	Fol. No.
Austria-Hungary — 3rd Dec., 1873	567
Belgium — 20th May, 1876	598
Belgium — 23rd July, 1877	613
Brazil — 13th Nov., 1872	564
Denmark — 31st Mar., 1773	552
France — 14th Aug., 1876	619
Germany — 14th May, 1872	536
Hayti — 7th Dec., 1874	583
Italy — 5th Feb., 1873	548
Italy — 7th May, 1873	550
Luxemburg — 24th Nov., 1880	673
Netherlands — 19th June, 1874	572
Portugal — 26th Dec., 1873	
India only (Art. xix)	640
Salvador — 23rd June, 1881	704
Spain — 4th June, 1878	627
Sweden and Norway 26th June, 1873	566
Switzerland — 26th Nov., 1880	674
Tonga — 29th Nov. 1879	703
(Tonga Subjects escaping to British Territory only, Article iv.)	
United States—9th Aug., 1842 (Art. x)	284

The Extradition Acts are 33rd and 34th Vic., Ch. 52, 9th August, 1870, and 36th and 37th Vic., Ch. 60, 5th August, 1873.

E. H.

Imperial—Extradition Treaty with Republic of Salvador.

AT THE COURT AT WINDSOR, THE 16TH DECEMBER, 1882.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness the Duke of	Earl of Derby.
Connaught and Strathearne.	Earl of Kimberley,
Marquess of Hartington.	Mr. Gladstone and Mr. Childers.

WHEREAS by the " Extradition Acts, 1870 and 1873," it was amongst other things enacted, that where an arrangement has been made with any Foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such Foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in, or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the twenty-third day of June, one thousand eight hundred and eighty-one, between Her Majesty and the President of the Republic of Salvador, for the Mutual Extradition of fugitive criminals, which Treaty is in the terms following:—

" Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the President of the Republic of Salvador, having judged it expedient, with a view to the better administration of justice and the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have named as their Plenipotentiaries to conclude a Treaty (that is to say):

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

" And His Excellency the President of the Republic of Salvador, Senor Don José Maria Torres-Caicedo, Minister Plenipotentiary of the Republic of Salvador to Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Grand Officer of the Legion of Honour ;"

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

ARTICLE I.

" The High Contracting Parties engage to deliver up to each other, under the circumstances and conditions stated in the present Treaty, those

Imperial—Extradition Treaty with Republic of Salvador.

persons who, being accused or convicted of any of the crimes or offences enumerated in Article II, committed in the territory of the one Party, shall be found within the territory of the other Party.

ARTICLE II.

“ The extradition shall be reciprocally granted for the following crimes or offences :—

- “ 1. Murder (including assassination, parricide, infanticide, poisoning) or attempt to murder ;
- “ 2. Manslaughter ;
- “ 3. Administering drugs or using instruments with intent to procure the miscarriage of women ;
- “ 4. Rape ;
- “ 5. Aggravated or indecent assault ; carnal knowledge of a girl under the age of 10 years ; carnal knowledge of a girl above the age of 10 years and under the age of 12 years ; indecent assault upon any female, or any attempt to have carnal knowledge of a girl under 12 years of age ;
- “ 6. Kidnapping and false imprisonment, child stealing, abandoning, exposing, or unlawfully detaining children ;
- “ 7. Abduction of minors ;
- “ 8. Bigamy ;
- “ 9. Wounding or inflicting grievous bodily harm ;
- “ 10. Assaulting a magistrate, or peace or public officer ;
- “ 11. Threats, by letter or otherwise, with intent to extort money or other things of value ;
- “ 12. Perjury or subornation of perjury ;
- “ 13. Arson ;
- “ 14. Burglary or housebreaking, robbery with violence, larceny or embezzlement ;
- “ 15. Fraud by a bailee, banker, agent, factor, trustee, director, member or public officer of any Company, made criminal by any law for the time being in force ;
- “ 16. Obtaining money, valuable security, or goods by false pretences ; receiving any money, valuable security or other property, knowing the same to have been stolen or unlawfully obtained ;
- “ 17 (a.) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money ;
- (b.) Forgery, or counterfeiting or altering, or uttering what is forged counterfeited, or altered ;
- (c.) Knowingly making, without lawful authority, any instrument, tool, or engine, adapted and intended for the counterfeiting of coin of the realm ;
- “ 18. Crimes against Bankruptcy Law ;
- “ 19. Any malicious act done with intent to endanger persons in a railway train ;
- “ 20. Malicious injury to property, if such offence be indictable ;
- “ 21. Crimes committed at sea :—
- “ (a.) Piracy by the law of nations ;

Imperial—Extradition Treaty with Republic of Salvador.

“ (b.) Sinking or destroying a vessel at sea, or attempting or conspiring to do so ;

“ (c.) Revolt or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the Master ;

“ (d.) Assault on board a ship on the high seas with intent to destroy life, or to do grievous bodily harm ;

“ 22. Dealing in slaves in such manner as to constitute an offence against the laws of both countries.

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

ARTICLE III.

“ No Salvadorian shall be delivered up by the Government of Salvador to the Government of the United Kingdom, and no subject of the United Kingdom shall be delivered up by the Government thereof to the Government of Salvador.

ARTICLE IV.

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

“ If the person claimed on the part of the Government of the United Kingdom, or on the part of the Government of Salvador, should be under examination for any other crime in the territory of Salvador or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial and the full execution of any punishment awarded to him.

ARTICLE V.

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

ARTICLE VI.

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

ARTICLE VII.

“ A person surrendered can in no case be kept in prison or be brought to trial in the State to which the surrender has been made, for any other

Imperial—Extradition Treaty with Republic of Salvador.

crime, or on account of any other matters, than those for which the extradition shall have taken place. This stipulation does not apply to crimes committed after the extradition.

ARTICLE VIII.

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

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

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

“A requisition for extradition cannot be founded solely on sentences passed *in contumaciam*, but persons convicted for contumacy shall be deemed to be accused persons.

ARTICLE IX.

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

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

ARTICLE X.

“A fugitive criminal may be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction: provided, however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. He shall, in accordance with this Article, be discharged, as well in Salvador as in the United Kingdom, if within the term of thirty days a requisition for extradition shall not have been made by the Diplomatic Agent of his country, in accordance with the stipulations of this Treaty.

“The same rule shall apply to the cases of persons accused or convicted of any of the crimes or offences specified in this Treaty, and committed on the high seas on board any vessel of either country which may come into a port of the other.

Imperial—Extradition Treaty with Republic of Salvador.

ARTICLE XI.

“The extradition shall take place only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the same State or to prove that the prisoner is the identical person convicted by the courts of the State which makes the requisition, and no criminal shall be surrendered until after the expiration of fifteen days from the date of his committal to prison to await the warrant for his surrender

ARTICLE XII.

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

ARTICLE XIII.

“If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other powers, on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date; unless any other arrangement should have been made between the different Governments to determine the preference, either on account of the gravity of the crime or offence, or for any other reason.

ARTICLE XIV.

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

ARTICLE XV.

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

ARTICLE XVI.

“The High Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered and his conveyance till placed on board ship; they reciprocally agree to bear such expenses themselves.

Imperial—Extradition Treaty with Republic of Salvador.

ARTICLE XVII.

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

"The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign Possessions shall be made to the Governor or chief authority of such Colony or Possession by the Chief Consular Officer of the Republic of Salvador in such Colony or Possession.

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

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

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

ARTICLE XVIII.

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

"The Treaty, after receiving the approval of the Congress of Salvador, shall be ratified and the ratifications shall be exchanged at London as soon as possible.

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

"Done at Paris, the twenty-third day of June, in the year of our Lord one thousand eight hundred and eighty-one.

"(L. S.) LYONS.

"(L. S.) J. M. TORRES CAICEDO."

And whereas the ratifications of the said Treaty were exchanged at London on the eighth day of November, one thousand eight hundred and eighty-two:

Now, therefore, Her Majesty by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the thirteenth day of January, one thousand eight hundred and eighty-three, the said Acts shall apply in the case of Salvador, and of the said Treaty with the President of Salvador.

C. L. PEEL

Imperial—Italian Shipping—Measurement of Tonnage.

AT THE COURT AT WINDSOR,

The 14th day of February, 1883.

PRESENT :

The QUEEN'S Most Excellent Majesty in Council.

WHEREAS by the "Merchant Shipping Act Amendment Act, 1862," it is enacted that whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of Merchant ships for the time being in force under the "Merchant Shipping Act, 1854," therein called the Principal Act, have been adopted by the Government of any foreign country, and are in force in that country, it shall be lawful for Her Majesty, by Order in Council, to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers, and thereupon it shall no longer be necessary for such ships to be re-measured in any port or place in Her Majesty's dominions, but such ships shall be deemed to be of the tonnage denoted on their certificates of registry or other papers in the same manner, and to the same extent and for the same purposes, in, to and for which, the tonnage denoted in the certificates of registry of British ships is to be deemed the tonnage of such ships :

And whereas Her Majesty, by Order in Council dated the 30th day of September, 1873, was pleased to direct that merchant sailing and steam ships belonging to the Kingdom of Italy, the measurement whereof had, after the first day of July one thousand eight hundred and seventy-three, been ascertained and denoted in the registers and other national papers of such ships, testified by the dates thereof, should be deemed to be of the tonnage denoted in their registers or other national papers, in the same manner, and to the same extent and for the same purposes in, to and for which, the tonnage denoted in the certificates of registry of British ships is deemed to be the tonnage of such ships ; provided nevertheless, that if the owner or master of any Italian steam ship should desire the deduction for engine room in such ship to be estimated under the rules for engine room measurement and deduction applicable to British ships instead of under the Italian rule, the engine room should be measured and the deduction calculated according to the British rules :

And whereas the Government of His Majesty the King of Italy have, by Royal Decree, dated the 30th day of July, 1882, modified the rules for engine room measurement and deduction applicable to Italian steam ships, and the said modified rules are now the same as those in force under the said principal Act, and came into operation in the said kingdom of Italy on the 21st day of September, 1882 :

Her Majesty is hereby pleased, by and with the advice of Her Privy Council to direct that the steam ships of Italy, the certificates of Italian nationality and registry of which are dated on or after the 21st day of September, 1882, shall be deemed to be of the tonnage denoted in the said certificates of Italian nationality and registry.

C. L. PEEL.

Imperial—Danish Shipping—Measurement of Tonnage.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT,

The 20th day of April, 1883.

PRESENT :

The QUEEN'S Most Excellent Majesty in Council.

WHEREAS by "the Merchant Shipping Act Amendment Act, 1862," it is enacted that "whenever it is made to appear to Her Majesty that the Rules concerning the measurement of tonnage of Merchant Ships for the time being in force under the principal Act have been adopted by the Government of any Foreign Country, and are in force in that Country, it shall be lawful for Her Majesty by Order in Council to direct that the ships of such Foreign Country shall be deemed to be of the Tonnage denoted in their Certificates of Registry, or other national papers; and thereupon it shall no longer be necessary for such ships to be re-measured in any port or place in Her Majesty's Dominions, but such ships shall be deemed to be of the tonnage denoted in their Certificates of Registry or other papers, in the same manner, to the same extent, and for the same purposes, in, to and for which the tonnage denoted in the Certificates of Registry of British Ships is to be deemed the tonnage of such ships.

And whereas by the "Merchant Shipping Act, 1876," it is enacted that "where Her Majesty has power under the 'Merchant Shipping Act, 1854,' or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for Her Majesty from time to time to make such Order in Council, and by Order in Council to revoke, alter, or add to, any Order so made."

And whereas by Order in Council dated the 29th day of February, 1868, Her Majesty, to whom it was made to appear that the Rules concerning the measurement of tonnage of Merchant Ships now in force under the "Merchant Shipping Act, 1854," had been adopted by the Government of His Majesty the King of Denmark, and were in force in that Country, was pleased to direct that the ships of Denmark, the Certificates of Danish Nationality and Registry of which were dated on or after the 1st day of October, 1867, should be deemed to be of the tonnage denoted in the said Certificates of Danish Nationality and Registry.

And whereas certain modifications were subsequently made in the said Rules concerning the measurement of tonnage of Merchant Ships in Denmark, whereby, from and after the 1st day of October, 1873, the allowance for Engine Room in certain ships would be estimated in a mode differing from that in force in this Country; and it was made to appear to Her Majesty that it was desirable to alter the said first recited Order in Council so far as the same applied to or related to the mode of estimating the allowance for Engine room in Danish Steamships :

And whereas Her Majesty by Order in Council dated the 30th day of December, 1878, was pleased to direct as regards Danish Steamships, that if the Owner or Master of any Danish Steamship measured after the said 1st day of October, 1878, desires the allowance for Engine Room in his ship to

Imperial—Danish Shipping—Measurement of Tonnage, &c.

be estimated under the British instead of under the Danish Rules, such Engine Room shall be measured, and the allowance calculated according to the British Rules.

And whereas it has been made to appear to Her Majesty that it is expedient that certain additions should be made to the provisions of the said last recited Order in Council in regard to the mode of estimating the net registered tonnage of certain Danish Steamships.

Now therefore, Her Majesty, in virtue of the powers vested in Her by the said recited Acts, and by and with the advice of Her Privy Council, is further pleased to direct as follows, viz: that in the event of the net registered tonnage of Merchant Ships belonging to the said Kingdom of Denmark, which are propelled by steam or any other power requiring Engine Room estimated under the British Rules being denoted in the said Certificates of Danish Nationality and Registry issued on or after the 1st day of September, 1882, such ships shall be deemed to be of the tonnage so denoted in the said certificates.

C. L. PEEL.

ORDERS IN COUNCIL, &c.

CANADA.

Governor General.

GOVERNMENT HOUSE, OTTAWA.

Wednesday, 20th day of September, 1882.

Present :

THE HONORABLE SIR WILLIAM JOHNSTON RITCHIE, KNIGHT, THE DEPUTY OF
THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS the Lieutenant Governor of the Province of Ontario, with the Legislative Assembly of that Province, did on the 10th day of March, 1882, pass an Act which has been transmitted, intituled as follows, viz: "An Act for protecting the Public Interest in Rivers, Streams and Creeks;"

And whereas the said Act has been laid before the Deputy of the Governor General in Council, together with a report from the Minister of Justice recommending that the said Act should be disallowed,—

The Honorable the Deputy of His Excellency the Governor General has thereupon this day been pleased, by and with the advice of the Queen's Privy Council for Canada, to declare His Disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Ontario, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

JOHN J. MCGEE,

Clerk, Queen's Privy Council, Canada.

I, Sir William Johnston Ritchie, Knight, Deputy of the Governor General of Canada, do hereby certify that the Act passed by the Legislature of Ontario, the 10th day of March, 1882, intituled "An Act for protecting the Public Interest in Rivers, Streams and Creeks," was received by His Excellency the Governor General on the 17th day of March, A.D., 1882.

Given under my Hand and Seal this 20th day of September, A.D., 1882.

[L. S.]

(Signed)

W. J. RITCHIE,

Deputy Governor.

Governor General.

GOVERNMENT HOUSE, OTTAWA.

Friday, the 3rd day of November, 1882.

Present :

THE HONORABLE SIR WILLIAM JOHNSTON RITCHIE, KNIGHT, THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS the Lieutenant Governor of the Province of Manitoba with the Legislative Assembly of that Province did, on the 25th day of May, 1881, pass the following Acts, viz: 44 Victoria Chapter 38, 1881, intituled "An Act to incorporate the Manitoba Tramway Company;"

44 Victoria, Chapter 39, 1881, intituled "An Act to incorporate the Emerson and North-Western Railway Company;"

And on the 30th May, 1882, did pass the Act 45 Victoria Chapter 80, 1882, intituled "An Act to encourage the Building of Railways in Manitoba," which Acts have been transmitted :

And whereas the said Acts have been laid before the Deputy of the Governor General in Council, together with a report from the Minister of Justice recommending that the said Acts should be disallowed,—

The Honorable the Deputy of His Excellency the Governor General has thereupon this day been pleased, by and with the advice of the Queen's Privy Council for Canada, to declare his disallowance of the said Acts, and the same are disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Manitoba, and all other persons whom it may concern, are to take notice and govern themselves accordingly

JOHN J. MCGEE,

Clerk of the Queen's Privy Council, Canada.

I Sir William Johnston Ritchie, Knight, Deputy of the Governor General of Canada, do hereby certify that the Acts passed by the Legislature of the Province of Manitoba, on the 25th day of May, 1881, viz — 44 Vic., Chap 38 "An Act to incorporate the Manitoba Tramway Company" and 44 Vic., Chap. 39 "An Act to incorporate the Emerson and North-Western Railway Company" were received by His Excellency the Governor General as follows: a copy without certificate of authenticity on the 22nd day of November, A.D. 1881, and a copy with such certificate, on the 28th day of February, A.D. 1882, and that the Act passed by the Legislature of the Province of Manitoba the 30th day of May, 1882, 45 Vic., Chap. 30 "An Act to encourage the Building of Railways in Manitoba," was received by His Excellency the Governor General on the 3rd day of October, A.D. 1882.

Given under my Hand and Seal this third day of November A.D. 1882.

(Signed)

[L.S.]

W. J. RITCHIE,

• Deputy Governor.

Governor General.

By a Proclamation, bearing date the 14th day of December, 1882, the Act of the Parliament of Canada held in the forty-fifth year of Her Majesty's Reign, chaptered eighty, and intituled "An Act respecting the Portage, Westbourne and North-Western Railway Company," was proclaimed and declared to come into force upon, from and after the fifteenth day of September, in the year of Our Lord one thousand eight hundred and eighty-two.

Vide Canada Gazette, Vol. 16, p. 438.

GOVERNMENT HOUSE, OTTAWA.

Friday, the 16th day of March, 1883.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS the Lieutenant Governor of the Province of Ontario with the Legislative Assembly of that Province, did, on the 1st day of February, 1883, pass an Act which has been transmitted entitled as follows, viz.: "An Act for protecting the Public Interest in Rivers, Streams and Creeks;"

And whereas the said Act has been laid before the Governor General in Council together with a Report from the Minister of Justice recommending that the said Act should be disallowed,—

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of the Queen's Privy Council for Canada, to declare His Disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Ontario, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

JOHN J. MCGEE,

Clerk, Queen's Privy Council, Canada.

I, Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of Ontario, the 1st day of February, 1883, intituled: "An Act for protecting the Public Interest in Rivers, Streams and Creeks," was received by me on the 12th day of March, A.D., 1883.

Given under my Hand and Seal this 16th day of March, 1883.

(Signed) LORNE.

[L. S.]

Governor General, &c.

GOVERNMENT HOUSE, OTTAWA.
Saturday, 12th day of May, 1883.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS the Lieutenant Governor of the Province of British Columbia with the Legislative Assembly of that Province, did, on the 21st day of April, 1882, pass an Act which has been transmitted, intituled "An Act to consolidate and amend the laws relating to gold and other minerals excepting coal:"

And whereas the said Act has been laid before the Governor General in Council together with a report from the Minister of Justice, recommending that the said Act should be disallowed,—

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of the Queen's Privy Council for Canada, to declare his disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of British Columbia and all other persons whom it may concern, are to take notice and govern themselves accordingly.

JOHN J. MCGEE,

Clerk, Privy Council.

I, Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, Governor-General of Canada, do hereby certify that the Act passed by the Legislature of British Columbia, the 21st day of April, 1882, intituled "An Act to consolidate and amend the laws relating to gold and other minerals excepting coal," was received by His Excellency the Governor General on the 13th day of May, 1882.

Given under my Hand and Seal this 12th day of May, 1883.

(Signed),

LORNE.

[L.S.]

Agriculture and Statistics.

By Order in Council of Thursday, 27th day of July, 1882, His Excellency, by and with the advice of the Queen's Privy Council for Canada, was pleased to make the following Regulations and Orders, namely:—

1st. That Partridge Island, near St. John, New Brunswick, be a Cattle Quarantine Station between the dates of April 30th and September 30th in any year.

Agriculture and Statistics.

2nd. That cattle for breeding purposes may be admitted for Quarantine at such Station subject to the regulations and restrictions contained in the "Health of Animals Order" dated 23rd of April, 1880, and published in the *Canada Gazette*.

Vide Canada Gazette, Vol. XV, p. 205.

By Order in Council of Tuesday, 26th day of December, 1882, His Excellency, by and with the advice of the Queen's Privy Council for Canada, was pleased to order, that the annexed Rules, Regulations and Forms for the collection and publication of Mortuary Statistics for the localities and in the manner and on the conditions therein set forth, should be approved and adopted.

1. The following Rules, Regulations and Forms shall apply to the collection of Statistics of Deaths and their causes within the limits of the following named Cities or Towns, being the Capitals of Canada and of the Provinces and others having a population of 25,000 inhabitants or upwards, according to the Census of 1880-81, that is to say: Montreal, Toronto, Quebec, Halifax, Hamilton, Ottawa, Saint John, N.B., Charlottetown, Winnipeg, Fredericton and Victoria, B.C., to which neighbouring localities may be added from time to time or to such other cities, towns or localities or joint cities, towns and localities whenever by experience it will appear that the system is satisfactorily worked and when sufficient means are granted by Parliament for that purpose.

2. In pursuance of Section 31st of the Census and Statistics Act of 1879, the system involved in the following Rules, Regulations and Forms may be put in operation in each of the above mentioned cities by the Minister of Agriculture whenever it is satisfactorily demonstrated to him that there is in existence for the said city a local "Board of Health" to which is attached a permanent salaried medical officer, whether such "Board of Health" and "Sanitary Medical Officer" are appointed and paid by the corporation of the said city or by the Provincial Government, or in any other way provided by the local laws or by-laws; and on the further condition that the application of the system to any city can be withdrawn by the Minister of Agriculture for inability or negligence to carry it to such degree of accuracy as is necessary for the purpose intended.

3. On being satisfied of the existence of such "Board of Health" and of the appointment of such "Sanitary Medical Officer" being a licensed medical practitioner, the Minister of Agriculture shall take the necessary means to put the system of Mortuary Statistics, provided by these Rules, into operation in such city as aforesaid.

4. The Minister of Agriculture may, out of the grant voted by Parliament for vital or sanitary statistics, devote the sums necessary for the printing of schedules, forms, circulars and other necessary papers, for the collection, compilation and publication of the necessary information, and for all other expenses connected with the working of the system of Mortuary Statistics as aforesaid.

5. The Minister of Agriculture may, subject to his own direction and arrangements, make out of the Parliamentary grant hereinbefore mentioned

Agriculture and Statistics.

an allotment equal to one cent (\$0.01) for every individual unit of the population, in favour of each of the cities aforesaid, in order to defray the expenses of collecting the said Mortuary Statistics, to be paid by monthly instalments, or otherwise, and such allotment may be withdrawn in case of unsatisfactory working of the system.

6. The Minister of Agriculture may, if he deems it necessary, add to such allotment for every one of the said cities, a lump sum not to exceed four hundred dollars (\$400) in any case, to assist the local authorities in their procuring the necessary information of Mortuary Statistics, and may withdraw the granting of such lump sum.

7. Pursuant to Section 30th of the Census and Statistics Act of 1879, the Governor General in Council will, whenever one or more or all of the said cities have complied with the requirements hereinbefore stated, appoint the Sanitary Medical Officer of the local Board of Health, a Statistical officer for the collection of Mortuary Statistics, from the local records, which appointment may be made to terminate for reason of unsatisfactory working of the system.

8. The salary of the statistical officer aforesaid shall consist of twenty-five per cent (25 %) of all the sums allotted as aforesaid to the city for which he is appointed; which salary shall be paid to him by the Minister of Agriculture.

9. In case of epidemics, endemics or in the case of contagious or infectious diseases threatening or breaking out, the Minister of Agriculture may cause special investigations to be made in any locality, by any or several of the said statistical officers, and regulate and defray out of the Parliamentary grant the cost of such investigations.

10. The forms for collecting the said Mortuary Statistics shall be as prescribed in the Schedule hereunto annexed and marked A,—the blanks of which shall be furnished by the statistical officers, free of charge, to be made use of and a copy returned with the required information, in accordance with the instructions given from time to time by the Minister of Agriculture.

11. The form for the Death and Burial certificate from which the information sought for is to be derived shall be as indicated in the Schedule hereunto annexed and marked B,—the blanks of which shall be furnished to the local Board of Health or statistical officer by the Minister of Agriculture, free of charge.

12. The Minister of Agriculture may request the statistical officer to supplement the numerical returns by such statements and information as relate to the various medical and other questions relevant to the subject of accidents, crimes, diseases and public health as causes of deaths reported by the Mortuary Statistics as aforesaid.

13. The sums allotted by the Minister of Agriculture for the collection of such Mortuary Statistics shall be employed in the manner and for the objects which, from time to time, shall be directed by the Minister of Agriculture, who may, at any time, withdraw the payment of such sums for non-compliance with his instructions.

Agriculture, &c.

A.

Form under which the information is to be collected for the Mortuary Statistics.

Columns with their headings.

1. Class of disease.
 2. Order of disease.
 3. Name of disease.
 4. Serial number of reference.
 - 5 & 6. Sexes of the deceased,—Male, Female.
 - 7 to 21 inclusive. Age of the deceased.
 - 22 to 24 inclusive. Marriage state of deceased,—single, married or widowed.
 - 25 to 30 inclusive. Religion of the deceased,—Roman Catholic, Anglican, Presbyterian, Methodist, Baptist, other creeds.
 - 31 to 35 inclusive. Origin of the deceased,—English, French, Irish Scotch, other origins.
 - 36 to 42 inclusive. Occupation of the deceased or of the head of the family of the deceased,—Agricultural, Commercial, Domestic, Industrial, Professional, Labourers, not classed.
- The said information to be tabulated as regards ruling and space as shall suit the requirements of the operation of the system adopted by the Rules and Regulations.

B.

Death Certificate.

- | | | |
|-------------------------------------|--------|--------|
| | Day of | 18 |
| 1. Name and surname of deceased. | | |
| 2. Sex of deceased. | | |
| 3. Age of deceased at | | |
| 4. Marriage State. | | |
| 5. Religion. | | |
| 6. Nationality. | | |
| 7. Occupation. | | |
| 8. Time of death. | The | of the |
| month of | 18 | |
| 9. Disease or other cause of death. | | |

Signature.

Customs.

By Order in Council of Tuesday, 27th day of June, 1882, Wingham, in the Province of Ontario, was erected into an Outport of Customs and a Warehousing Port under the survey of the Collector of Customs at the Port of Kincardine, to take effect from 1st July, 1882.

Vide Canada Gazette, Vol. XVI, p. 55.

Customs.

By Order in Council of Tuesday, 27th day of June, 1882, Portage La Prairie, in the Province of Manitoba, was erected into an Outport of Customs and a Warehousing Port under the survey of the Collector of Customs at the Port of Winnipeg, to take effect from the 1st July, 1882.

Vide Canada Gazette, Vol. XVI, p. 55.

By Order in Council of the 27th day of July, 1882, "Tagging metal, plain, japanned or coated, in coils not over 1½ inches in width when imported by manufacturers of shoe and corset laces, for use in their factories," was added to the articles admitted duty free.

Vide Canada Gazette, Vol. XVI, p. 258.

By Order in Council of Wednesday, 20th day of September, 1882, it was ordered, that sewing machines imported into Canada shall be appraised and entered at the price at which they are sold at the place of manufacture by the agents of the manufacturers, and not at the prices at which the manufacturers supply such agents—and the duty shall be levied and collected upon the value so ascertained and not upon a lower value.

Vide Canada Gazette, Vol. XVI, p. 471.

By Order in Council of Wednesday, 20th day of September, 1882, the duty payable and to be paid and collected on "Steel Boiler Plates" was fixed at 12½ per cent *ad valorem*, being the same as that payable on "Boiler Plate" of iron, the material being the same in both.

Vide Canada Gazette, Vol. XVI, p. 471.

By Order in Council of Tuesday, 26th day of September, 1882, the Village of Wiarton, in the Province of Ontario, was erected into an Outport of Customs and a Warehousing Port under the survey of the Collector of Customs at the Port of Stratford.

Vide Canada Gazette, Vol. XVI, p. 507.

By Order in Council of Thursday, 12th day of October, 1882, "Locust Beans for the manufacture of Horse and Cattle Food," then non-enumerated and dutiable at 20 per cent *ad valorem*, were transferred to the list of goods which may be admitted free of duty when imported into Canada.

Vide Canada Gazette, Vol. XVI, p. 613.

By Order in Council of Monday, 12th day of March, 1883, Gretna, in the Province of Manitoba, was erected into an Outport of Customs and a Warehousing Port under the survey of the Collector of Customs at the Port of Emerson.

Vide Canada Gazette, Vol. XVI, p. 1532.

Customs.

REGULATIONS respecting transporting, manifesting and reporting dutiable goods by Railway in or through Canada.

1. All goods removed in bond ex-warehouse under Removal Entry when the transportation is intended to be partly through a foreign country shall be manifested to the Customs port of destination in Canada, and one copy shall be forwarded by mail to the Frontier port of exit to be there recorded and remailed without delay to the port of destination.
2. All goods exported in bond, ex-warehouse or otherwise, shall be manifested to the Frontier port of exit from Canada, but the foreign port of destination shall be recorded on the face of the manifest.
3. All goods forwarded from one port in Canada to another, under frontier or general bond, shall be forwarded under manifest.
4. All goods received at Frontier ports, to be forwarded under bond to other ports in Canada, shall be forwarded to the ports of destination under manifest.
5. Manifests shall be in such form as may be prescribed by the Minister of Customs, who shall also direct the information to be given therein.
6. Manifests shall be made in triplicate for each car, one copy to be attached to the way bill and forwarded therewith to the Customs port of destination, one to be forwarded to the same port by mail or first train, and the third copy to be retained on file at the sending port ; provided that instead of a third copy of the separate car manifest a general or train manifest may be substituted to be kept on file at the sending port.
7. All transfers from road to road or from car to car, which may occur between the sending and receiving ports, shall be noted on the separate car manifest accompanying the way bill by the Customs Officer in attendance ; and no transfer shall be made except in the presence of a Canadian Customs Officer, except as hereinafter provided.
8. In the case of accidents between stations, where an officer cannot be procured to supervise the transfer, the conductor shall make and subscribe to a declaration to the effect that the goods described in the manifest have been transferred under his supervision from the wrecked or damaged car, giving the No etc., to car No.—using the forms provided, such declaration to be forwarded with the way bill to destination.
9. A separate consecutive number must be given at sending ports to manifests for each port of destination ; where there is more than one station at such ports, under charge of different officers, from which manifests may be forwarded, the series of numbers at each station are to be kept distinct by prefixing a letter to the number to distinguish the particular station at which such manifests are made. Manifests of foreign goods in transit through Canada must be separately recorded at the ports of entrance and departure.
10. Duplicate and triplicate manifests must be compared with the original, and with the way bill before being forwarded ; and the way bill numbers must be shewn on the manifest.
11. Manifests are to be recorded at the receiving ports, with consecutive numbers in the order of their arrival with ships or other Reports Inwards,

Customs.

and the sending port numbers also recorded. When the packages are all checked out of the cars the manifests are to be receipted and one copy returned to the sending port, the receiving port number and the entry or re-manifest number and stamp of the port being first placed thereon, with overs and shorts, if any, marked on both copies. All manifests received are to be returned to sending port within thirty days from date of reception as above, but if any goods received have not been entered the item must be marked with the number of the unclaimed list or the page of the book in which account of the unclaimed goods is kept.

12. Transit manifests are to be cancelled at the Frontier port of exit by the officer whose duty it is to see that the cars have passed out with unbroken seals, and if any seals are found broken or the car bears evidence of having been tampered with in Canada, the officer shall satisfy himself as to the correctness of the contents by a comparison of the packages with the manifest.

13. Manifests must be legibly filled in with ink ; in no case is a pencil of any kind to be used for the purpose.

14. Excise goods when removed or exported by railway under Customs supervision must be manifested in same manner as Customs goods, but such Excise goods must be delivered to the Customs Officer by the proper Officer of Excise with a removal entry or warrant, otherwise they are not to be taken charge of by Customs Officers.

15. Enquiries as to goods short received should be made by Officers of both receiving and sending ports, as both are responsible for the due discharge of all goods called for by manifest.

16. Should receipted manifests not be received within 30 days after the forwarding of the goods, the Collector of the sending port will cause a copy of the missing manifest to be sent to the port in arrear, with request that it may be returned with receipt or explanation.

17. Each Canadian Railway Company, before being permitted to manifest goods in bond, shall enter into a general bond to be duly executed in the penal sum of eighty thousand dollars conditional for the due and faithful production at the respective ports of destination in Canada of all packages passing over such road under manifest, and for the general compliance with the Customs laws and regulations governing such traffic.

18. All Railway Companies shall provide secure and commodious suffrance warehouses, and other necessary premises, in connection with their stations at every Customs port or out port, for landing, storing, transferring, delivering and forwarding bonded goods ; also, suitable office accommodation, with fuel and light, for the Officers of Customs appointed to attend such stations. All such premises to be made secure to the satisfaction of the Collector or proper Officer of Customs.

19. Loading, transferring or landing bonded goods before or after regular Customs hours, or on Sundays or legal holidays, shall only be permitted upon application to the Collector or proper Officer of Customs ; and Railway Companies shall pay such sum or sums for the extra services of Officers, either weekly or monthly, appointed to attend to such duty, to the Collector of the port, as may be considered fair and reasonable ; but no such money shall be paid by any Railway Company to any Officer of

Customs.

Customs, except through the Collector of the port, who will, in every case, give his receipt for the same.

20. All goods under bond, in charge of any railway, should have preference over other goods, and be promptly landed in presence of the Officers of Customs in attendance.

21. Such locks, seals or other fastenings, for freight cars as may be approved by the Minister of Customs shall be provided by the Customs Department, and furnished for use of Railway Companies at their expense.

22. All former Regulations inconsistent with the foregoing are hereby cancelled.

PRIVY COUNCIL,

OTTAWA, 19th March, 1883.

I hereby certify that the foregoing Customs Regulations with respect to transporting, manifesting and reporting dutiable goods by Railway in or through Canada, the same to come into force and take effect on and after the 1st day of May, 1883, have been this day approved by His Excellency the Governor General in Council.

JOHN J. MCGEE,

Clerk, Privy Council.

By Order in Council of Tuesday, 3rd day of April, 1883, the sub-port of Port Richmond, under the survey of the Port of Arichat, in the Province Nova Scotia, was abolished.

Vide Canada Gazette, Vol. XVI, p. 1656.

By Order in Council of Tuesday, 17th day of April, 1883, it is provided that the Outport of "North Joggins" in the Province of New Brunswick, shall, for all the purposes of the Customs Act, be designated and known as "Rockport."

Vide Canada Gazette, Vol. XVI, p. 1738.

By Order in Council of Tuesday, 17th day of April, 1883, Tuskent Wedge, in the Province of Nova Scotia, was erected into an Outport of Customs and a Warehousing Port under the survey of the Collector of Customs at the Port of Yarmouth, to take effect from the 1st May, 1883.

Vide Canada Gazette, Vol. XVI, p. 1738.

By Order in Council of Tuesday, 17th day of April, 1883, the following Regulations respecting the Coasting Trade of the Dominion of Canada were adopted and established:

Customs.

Coasting Regulations

1. Vessels and boats employed in the transport of goods or passengers from one port or place to another port or place within the limits of the Dominion of Canada, shall be deemed to be engaged in the Coasting Trade, and shall be subject to the regulations governing the same.

2. None but British registered vessels and boats wholly owned by British subjects and such other vessels or boats as may be owned by the subjects of countries included in any treaty with Great Britain by which the Coasting Trade is mutually conceded, can lawfully be engaged in the Coasting Trade of the Dominion of Canada, and the names of such vessels or boats and the names of their Port of Registry shall be distinctly painted on the stern of the said vessels or boats.

3. Such vessels and boats may, without being subject to entry or clearance, as required by law, for vessels trading between ports in the Dominion of Canada, as well as with foreign ports, carry goods the produce of Canada, or goods duty free, or goods duty paid, or passengers from any ports or places in the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island to any other ports or places in the said several Provinces, provided always that the owners or masters of such vessels or boats shall take out a license for the year or part of the year always terminable on the 30th day of June, for that purpose, from a Collector of Customs in Canada, and that the owners or masters in taking out the said license shall enter into bonds of \$500.00 conditioned that such vessels or boats shall not be employed in the foreign trade, unless as hereinafter provided, and provided also that the master of every such vessel or boat shall report inwards and outwards on entering or leaving a port, on the forms hereinafter prescribed.

4. The master of any such vessel or boat shall produce his license to any officer of Customs, whenever the same shall be demanded, and answer all questions put to him, and such officer of Customs shall be at liberty to go on board any such coasting vessel when he may deem proper, and if he should find any dutiable goods therein which have not been entered at the Customs, or any prohibited or smuggled goods, or if any goods had been unladen therefrom before the master had reported to a Customs officer, the goods and vessel shall be forfeited, and the master shall incur a penalty of \$100.00

5. Before any coasting vessel or boat shall depart from any port of lading in any one of the Provinces of the Dominion of Canada for any other port in the said Dominion, a report with a duplicate thereof, in the form or to the effect following, and signed by the master, shall be delivered to the Collector or some officer of Customs, who shall retain the duplicate and return the original report dated and signed by him; and such report shall be the clearance of the vessel or boat for the voyage, except for goods under bond, or goods liable to Excise or Internal Revenue duty which shall require the entries and warrants for landing to be signed by the proper officers as required by law; and if any report be false, the master who signed it shall forfeit the sum of \$100.00.

Customs.

Report Inwards.

Coastwise for a registered coasting vessel or boat arriving at one port from another in the Dominion of Canada.

Port of	Registered Tonnage,	tons.
Name of vessel,	Where from,	
Master's name,		
Port of Registry,		

I, the undersigned, master of the above described vessel, do solemnly declare that I have not touched at any foreign port, nor have I taken on board, nor landed nor put off of said vessel any goods liable to Customs duty or other revenue impost since leaving the above named port of departure.

day of , 188 ,

Collector of Customs.

Master.

Report Outwards.

Coastwise for a registered coasting vessel or boat proceeding from one port to another in the Dominion of Canada.

Port of	Port of Registry,	
Name of Vessel,	Registered Tonnage,	tons.
Master's name,	Whither bound,	

I, the undersigned, master of the above named vessel, do solemnly swear that I am bound for, and will proceed directly to, the Port of and that I will not, during said voyage, touch at any foreign port, nor take on board nor land, nor put off of said vessel any goods liable to Customs duty, or other revenue impost, before arriving at the above named port of destination.

day of 188

Collector of Customs.

Master.

6. Vessels and boats employed in the coasting trade that shall not have taken up a license for carrying goods, shall report inwards and outwards at the nearest port to their place of arrival or destination, and require clearances whenever they depart from any port or place within the

Customs.

Dominion of Canada; and in default of their so reporting the vessel and cargo, the master shall in such cases be subject to the penalty of \$100 for departing and arriving without due entry inwards or outwards, as the case may be. Provided that when a vessel shall sail from any place where there is no Custom House or officer of Customs, it shall be sufficient for the carrying out of this regulation that the owner or master of such vessel do, as soon afterwards as possible, forward to the nearest Custom House a similar report in duplicate, or lodge the same at the first port at which he shall touch where there is a Custom House Officer.

7. Goods under a removal bond from one Canadian port to another Canadian port may be carried in any British registered vessel or boat trading coastwise with a proper license, upon such goods being properly entered in the report outwards and clearance in duplicate,—the Collector at the port from which such goods are removed being required to forward by mail, to the Collector of the port for which the goods are destined all the particulars and description of the goods so forwarded, and the packages shall be properly marked in red as now provided; but no goods under bond shall be carried in any coasting vessel or boat without being so reported and cleared.

8. No coasting vessel or boat shall touch at any foreign port unless forced by unavoidable circumstances, or thereunto authorized by a Collector or proper officer of Customs; and the master of any coasting vessel or boat which has touched at any foreign port shall declare the same in writing under his own hand to the Collector or proper officer of Customs at the port or place in Canada where his vessel or boat afterwards first arrives, under a penalty of \$100.

9. If any goods are unshipped from any vessel or boat arriving coastwise, or unshipped or water borne to be shipped, to be carried coastwise, on Sundays or holidays, or unless in the presence or with the authority of the proper officer of Customs, or unless at such times and places as shall be appointed and approved by him for that purpose,—the same shall be forfeited, and the master of the vessel or boat shall forfeit the sum of \$100.

10. Officers of Customs may board any coasting vessel or boat in any port or place, and at any period of the voyage search her, and examine all goods on board, and demand all the documents which ought to be on board; and the Collector may require such documents to be brought to him for inspection.

11. No fishing boat or boat used in ferrying under fifteen tons burthen shall, except by special license or permission, carry any goods from a Foreign country, which are liable to duty, under pain of seizure, unless the same (in the case of ferry boats) be for the sole use of some passenger then on board.

12. No goods can be carried in any coasting vessel or boat, except such as are laden to be so carried at some port or place in Canada, and no goods shall be taken into or put out of any coasting vessel or boat while on her voyage by river, lake or sea.

13. The reports inwards and outwards coastwise required by these Regulations may, in the case of any steam vessel carrying a Purser, be signed by such Purser, with the like effect in all respects, and subject to the like

Customs.

penalty on the Purser, and the like forfeiture of the goods, in case of any untrue statement, or violation of Customs law, as if the report was signed by the master; and the word master, for the purposes of these Regulations shall be construed as including the Purser of any steam vessel; but nothing herein contained shall preclude the Collector or proper officer of Customs from calling upon the master of any steam vessel to answer all such questions concerning the vessel, passengers, cargo and crew, as might be lawfully demanded of him if the Report had been made by him, or to exempt the master from the penalties imposed by these regulations for failure to answer any such question or for answering untruly or to prevent the master from making such report, if he shall see fit so to do.

14. The foregoing regulations are also to govern the Coasting Trade of the Province of British Columbia so far only as relates to vessels trading or making voyages between the several ports in that Province.

15. The Coasting Regulations dated the 28th July, 1868, and 31st May, 1870, and all regulations heretofore existing in the Dominion of Canada in reference to Coasting in any of the said Provinces, are hereby repealed.

By Order in Council, of Friday, 25th day of May, 1883, the regulations governing the payment of drawback on goods exported to Newfoundland bearing date the 17th July, 1879, were amended by striking out the words "The claim for drawback must have been made within three months of the exportation," and substituting therefor the words, "*The claim for drawback must have been made and fully completed within six months of the date of the exportation.*"

Also by striking out of the clause "3rd" which provides for the declaration of the claimant, the words, "And also whether said goods were entered for duty prior or subsequent to the 15th day of March 1879."

The said first amendment shall only apply to claims made after the date hereof.

Vide Canada Gazette, Vol. XVI, p. 1993.

By Order in Council of Friday, 25th day of May, 1883, Hoop Iron, not exceeding three eighths ($\frac{3}{8}$) of an inch in width and being No. 25 guage or thinner used for the manufacture of Tubular Rivets, was placed on the list of goods which may be imported into the Dominion of Canada free of duty of Customs.

Vide Canada Gazette, Vol. XVI, p. 1993.

By Order in Council of Monday, 4th day of June, 1883, *silver and German silver in sheets*, for manufacturing purposes, were placed on the list of articles that may be imported into Canada free of Customs duties.

Vide Canada Gazette, Vol. XVI, p. 2035.

By Order in Council of Thursday, 7th day of June, 1883, the term "Coal dust" as expressed in the Customs Tariff is to be held to be only such screenings or fine coal as is capable of being passed through a screen the meshes whereof do not exceed one-half of an inch in diameter.

Vide Canada Gazette, Vol. XVI, p. 2075.

Customs, &c.

By Order in Council dated Thursday, 14th day of June, 1883, the town of Owen Sound, in the Province of Ontario, was constituted a Port at which Raw or Leaf Tobacco may be imported.

Vide Canada Gazette, Vol. XVI, p. 2076.

Inland Revenue.

By Proclamation bearing date 24th August, 1882, it was proclaimed and declared that the Act of the Parliament of Canada, held in the forty-fifth year of Her Majesty's Reign, chaptered twenty-six, and intituled "An Act further to amend 'The Petroleum Inspection Act, 1880,'" should come into force, upon from and after the first day of September then next.

Vide Canada Gazette, Vol. XVI, p. 374.

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 20th day of September, 1882.

Present :

THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Minister of Inland Revenue, and under the provisions of the Act 45 Victoria, Chapter 8, intituled "An Act to amend the Inland Revenue Act, 1880,"—

The Deputy of His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the Order in Council of the 5th July, 1882, approving certain Regulations for abatement of duty charged on spirits for such quantity of fusil oil or other refuse as may be separated therefrom by a second process of distillation and destroyed, be and the same is hereby cancelled—and that in lieu thereof His Excellency has been pleased to order, and it is hereby ordered, that the following Regulations be and the same are hereby approved and adopted:—

1. No application for remission of duty in respect of Fusil Oil or other deleterious ingredients extracted from spirits during the process of rectification shall be considered by the Department unless the following Regulations shall have been complied with.

2. The Distiller shall give notice in writing to the Commissioner of Inland Revenue of his intention to apply for such allowance subject to the restrictions contained in these Regulations.

3. A vessel or vessels shall be provided by the distiller, of such form and capacity and secured in such manner as the Department may require and direct into which the ingredients referred to shall be conducted, and in which they shall remain until released in the presence of the Inspector of

Inland Revenue.

distilleries or such other officer as may be specifically authorized to that duty by the Department.

4. The tail of the worm used in connection with the rectifying still or other apparatus used in the re-distillation of spirits, shall be secured in such manner as may be approved by the Department.

5. At such intervals as may be designated by the Collector and approved by the Department the "Fusil Oil Receivers" shall be opened by the senior officer in charge of the Distillery, in the presence of the Inspector of Distilleries, or such other person as may be specifically authorized by the Department. The contents shall then be gauged and after having been well plunged and mixed shall be tested as in the case of spirits by Sykes' hydrometer.

6. A sample shall at the same time be taken therefrom in the presence of the Collector and shall be forthwith transmitted by him to the Department at Ottawa, for the purpose of analysis, together with an abstract of the lock label shewing

The "wet dip" in inches,
Indication by hydrometer,
Temperature,
Standard Gallons,
Strength, and
Proof gallons.

7. The said contents shall then be destroyed in the presence of the said parties, and the number of proof gallons so ascertained and destroyed shall be recorded in the diaries of any officer of Inland Revenue in attendance, and shall forthwith be reported to the Department by the Collector of the Division.

8. After the expiration of each Distillery license, or so soon as the season's operations have been concluded, and the results of stock taking have been duly reported to the Department, and after the books and accounts of the distillery required by law and Departmental Regulations to be kept, have been checked by the Collector, examined by the District Inspector and reported upon by the Inspector of distilleries and pronounced satisfactory, then the quantity so ascertained may be written off the stock books of the distillery and thereafter entered upon the Distillers semi-monthly return, subject however to the following conditions, viz:—

I. The Inspector of Distilleries or other officer authorized by the Department, shall certify (a) that he has tested and gauged the said fusil oil and other ingredients and that the quantity ascertained is correctly represented by the aforesaid lock-label;

(b) That he has submitted it to such test (chemical or otherwise) as the Department may have required, and has thereby ascertained to his entire satisfaction that no foreign substances have been introduced, and that he is of opinion that the commodities so tested and gauged have been wholly extracted from the spirits produced in the said distillery;

(c) That the whole quantity so ascertained has been destroyed in his presence.

II. A refund may then be made of one dollar for each proof gallon so ascertained to have been destroyed, or the quantity thus disposed of may be

Inland Revenue.

deducted from the quantity of spirits charged with duty in the next succeeding semi-monthly, return of the distiller as the Department may decide, but in no case shall such amount exceed three per cent. of the entire quantity of rectified spirits produced.

III. All raw or unrectified spirits sold or removed after the first process of distillation, and all such raw and unrectified spirits in stock, whether in bond or duty paid, shall be deducted from the aggregate production of the distillery, in order to determine the quantity of rectified spirits upon which the percentage referred to in the next preceding paragraph is to be estimated.

IV. Neither shall an allowance be made in any case (even if within the said limit of percentage) which shall exceed the actual deficiency shown upon the stock statements of the distiller.

9. All the conditions required by the law and regulations as to the "Closed Spirit Receiver" so far as such are deemed by the Department to aid in the protection of the revenue, shall be observed with respect to the receiver provided for in section 3 of these Regulations.

JOHN J. MCGEE,

Clerk, Privy Council.

GOVERNMENT HOUSE, OTTAWA,
Wednesday, 27th day of September, 1882.

Present :

THE HONORABLE THE DEPUTY OF THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Inland Revenue, and under the provisions of the 49th section of the Act passed in the Session of the Parliament of Canada, held in the forty-second year of Her Majesty's Reign, chaptered 16 and intituled "An Act to amend and consolidate the laws relating to weights and measures,"—

"The Deputy of His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that Section 4 of Letter B, Schedule D, of the Regulations respecting the inspection of weights and measures adopted by Order in Council of 14th August, 1879, be and the same is hereby cancelled, and that the following be and the same is hereby substituted therefor, viz :—

"That the following descriptions of tin are the lightest that will be admitted to verification when manufactured into measures of capacity, viz : for the gallon and half gallon without top or bottom rims or bands, DXXX ; for quart and smaller measures without rims or bands, DXX, and for the gallon and half gallon with top and bottom rims or bands, IXX, for quart and smaller measures with top and bottom rims or bands, IX."

JOHN J. MCGEE,

Clerk, Privy Council.

Inland Revenue.

GOVERNMENT HOUSE, OTTAWA,
Wednesday, 27th day of September, 1882.

Present:

THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Minister of Inland Revenue and under the provisions of the Act 45 Victoria, Chapter 8, intituled "An Act to amend the Inland Revenue Act, 1880,"—

The Deputy of His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following regulations for the warehousing and removal of Raw Leaf Tobacco of Canadian growth and continuing to completion the manufacture and sale of common Canada Twist, and also for giving effect to the provisions of the said Act, be and the same are hereby adopted:—

1. All raw leaf tobacco grown in Canada shall be removed direct from the farm or premises upon which it was grown to the premises of a dealer in raw leaf tobacco duly licensed under the Inland Revenue Act, or to a licensed tobacco factory:

(a) Except that the cultivator may sell from the farm to any person, solely for the use of such person or family, and not for sale, a quantity not in excess of thirty pounds for each adult male of the family of the purchaser.

(b) No tobacco shall be so removed (except under the conditions covered by paragraph a) unless accompanied by a permit obtained from the Collector of Inland Revenue for the Division within which the said tobacco was grown or to which it is to be removed.

2. The Department of Inland Revenue may authorize its Collectors (or other officers) to grant Season Removal Permits to any cultivators who shall have made before them the following declaration:—

"In consideration of being permitted without let or hindrance to remove the raw leaf tobacco grown upon my farm, Lot No. , I hereby undertake under pain of forfeiture that all tobacco so removed, except such as may be sold for the use of the purchaser (under authority of and subject to the restrictions contained in the 7th Section of the Inland Revenue Act) shall be carried directly to the premises of a licensed dealer in raw leaf tobacco, or of a manufacturer of tobacco duly licensed under the said Act.

3. When such declaration has not been made, a permit must be obtained from the Collector of Inland Revenue for each such removal, in the absence of which the tobacco so removed is forfeited and may be seized by any officer of Inland Revenue.

4. Any person engaged or known to have been engaged in the removal of tobacco and refusing when called upon by an officer of Inland Revenue to exhibit the permit under authority of which such tobacco is or was ostensibly removed, shall be deemed to have removed the same without permit, and the tobacco so removed shall be forfeited and may be seized by any officer of Inland Revenue.

Inland Revenue.

5. All raw leaf tobacco sold or offered for sale by any person other than the cultivator thereof or a duly licensed dealer in tobacco, shall be forfeited and may be seized by any officer of Inland Revenue.

6. Any person who in ignorance of the law before the publication of these Regulations, has purchased raw leaf tobacco, may, within one month after publication hereof, upon application to the nearest Collector of Inland Revenue setting forth the quantity held by him, receive, and Collectors of Inland Revenue are authorized to grant permits for the removal of such tobacco, to a licensed dealer in raw leaf tobacco or to a licensed tobacco factory, but the said applicant will be required to prove to the satisfaction of the said Collector that the raw leaf tobacco in his possession was not purchased after the publication of the said Regulations.

7. Collectors of Inland Revenue or other parties authorized by the Department of Inland Revenue to sell stamps for "Common Canada Twist" tobacco, shall require each applicant for stamps to make a declaration that the said stamps are to be placed upon tobacco manufactured by him, and not for transfer to any other person, and that such Canada twist tobacco is made wholly from the unstemmed leaf in accordance with the provisions of the Inland Revenue Act.

8. No person not having a license to manufacture tobacco shall be permitted to use, nor (without having notified the Collector of Inland Revenue thereof in writing) to have in possession any rotary tobacco-cutting machine or any other machine for the purpose of cutting tobacco, which shall be capable of cutting a greater quantity of tobacco than 100 lbs. per diem. Except that persons dealing in manufactured tobacco at retail may, upon signing a declaration that such machine will be used solely for cutting "plug" or "cavendish" tobacco after sale thereof to their customers, receive a permit to use the same during the pleasure of the Minister of Inland Revenue.

9. All persons (other than those hereinbefore excepted) having in their possession any tobacco-cutting machine of the class so prohibited are required to notify the Collector of Inland Revenue of the same, and it shall be the duty of the said Collector to cause the same to be so fastened or sealed as to render them incapable of being used without removal of the said seal.

10. All tobacco-cutting machines of the class prohibited found in possession of any person not licensed under the Inland Revenue Act as a manufacturer of tobacco, who shall not have notified the Collector of their having the same in possession, are forfeited and may be seized and removed by any officer of Inland Revenue.

JOHN J. MCGEE,

Clerk, Privy Council.

Inland Revenue.

GOVERNMENT HOUSE, OTTAWA,
Wednesday, 27th September, 1882.

Present :

THE HONORABLE THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL
IN COUNCIL.

ON the recommendation of the Minister of Inland Revenue, and under
7,— and in pursuance of the 6th section of the Act 41 Victoria, Chapter

His Excellency has been pleased to order, and it is hereby ordered, that
the several Inland Revenue Districts and Divisions in the Dominion of
Canada, enumerated in the List hereunto appended, and the Counties com-
posing them respectively, be and the same are hereby constituted and esta-
blished.

JOHN J. MCGEE.

Clerk, Privy Council.

OFFICIAL LIST of Inland Revenue Districts and Divisions in the Dominion
of Canada, and the Territorial Extent of each.

PROVINCE OF ONTARIO.

Inspection Districts.	Revenue Divisions	Head Office.	Territory Comprised in each Revenue Division.
WINDSOR: Office at Windsor.	Brantford.....	Brantford.....	The Counties of Brant, Norfolk, and Oxford. Middlesex, Elgin, and Lambton. Bruce, Huron and Perth. Essex and Kent.
	London.....	London.....	
	Stratford,	Stratford.....	
	Windsor.....	Windsor.....	
TORONTO: Office at Toronto.	Algoma.....	P. Arthur's Landing.. ...	Algoma District, including the Manitoulin Islands. Durham and Northumberland. Wellington and Waterloo. Hamilton (city) and Wentworth. Grey. Peterborough and Victoria. St. Catharines (city), Haldimand, Lincoln and Welland. Toronto (city), Halton, North and South Ontario, Peel, Simcoe, York, with the Districts of Mus- koka and Parry Sound. Hastings and Prince Edward. Glengarry, Prescott (county) and Stormont. Frontenac, Kingston (city), Lennox and Addington. Ottawa (city), Carleton and Russell, in Province of Ontario. Ottawa (county) and Pontiac, in the Province of Quebec.
	Cobourg.....	Cobourg.....	
	Guelph.....	Guelph.....	
	Hamilton.....	Hamilton.....	
	Owen Sound..	Owen Sound..	
	Peterborough..	Peterborough..	
St. Catharines	St. Catharines		
Toronto.....	Toronto.....		
KINGSTON: Office at Ottawa.	Belleville.....	Belleville.....	Hastings and Prince Edward. Glengarry, Prescott (county) and Stormont. Frontenac, Kingston (city), Lennox and Addington. Ottawa (city), Carleton and Russell, in Province of Ontario. Ottawa (county) and Pontiac, in the Province of Quebec.
	Cornwall.....	Cornwall.....	
	Kingston.....	Kingston.....	
	Ottawa and Pontiac.....	Ottawa.....	

ORDERS IN COUNCIL, &c.

Inland Revenue.

OFFICIAL LIST of Inland Revenue Districts and Divisions, &c.—Continued.

PROVINCE OF QUEBEC.

Inspection Districts	Revenue Divisions	Head Office.	Territory Comprised in each Revenue Division.
MONTREAL: Office at Montreal.	Perth.....	Perth.....	Lanark and Renfrew, and District of Nipissing.
	Prescott.....	Prescott.....	Dundas, Leeds, Grenville.
	Montreal.....	Montreal.....	Montreal (city), Hochelaga, Jacques Cartier, Laval, Vaudreuil, Soulanges, La Prairie, Chambly.
	Beauharnois..	Ormatown.....	Beauharnois, Chateauguay, Huntingdon.
	Joliette.....	Joliette.....	Berthier, Joliette, Montcalm and L'Assomption.
	Pontiac.....	Included in the Division of Ottawa
	Sherbrooke.....	Sherbrooke.....	Richmond, with Town of Sherbrooke, Wolfe Compton and Stanstead.
QUEBEC: Office at Quebec.	Sorel.....	Sorel.....	Richelieu, Verchères, and Yamaska.
	St. Hyacinthe.	St. Hyacinthe.	St. Hyacinthe (county and town), Rouville and bagot.
	Iberville.....	Iberville.....	Brome, Iberville, Missisquoi, Napierville, Shefford and St. John's.
	Terrebonne.....	Ste. Thérèse...	Argenteuil, Two Mountains and Terrebonne.
NEW BRUNSWICK: Office at St. John	Three Rivers..	Three Rivers...	City of Three Rivers, Champlain, Maskinongé, Nicolet, St. Maurice, Drummond and Arthabaska
	Quebec.....	{ Quebec..... Amherst, M. Islands.....	Quebec (city and county) Montmorency, Portneuf, Lotbinière, Bellechasse, Beauce, Mégantic, and all to the East thereof, including the Magdalen Islands.
NOVA SCOTIA: Office at Halifax	Chatham.....	Chatham.....	Restigouche, Gloucester, Northumberland, Kent-
	St. John.....	St. John.....	Albert, Carleton, Charlotte, Kings, Madawaska, Queen's, St. John (city and county) Sunbury, Victoria, Westmoreland, York.
	Cape Breton...	Sydney.....	Cape Breton, Inverness, Richmond, Victoria.
P. E. ISLAND: Office at Halifax.	Halifax.....	Halifax.....	Annapolis, Colchester, Cumberland, Hants, Halifax, (city and county), Kings, Lunenburg.
	Pictou.....	Pictou.....	Antigonish, Guysborough, Pictou.
	Yarmouth.....	Yarmouth.....	Digby, Shelburne, Queens, Yarmouth.
MANITOBA: Office at Winnipeg.	Charlottetown	Charlottetown	The whole Province.
	Winnipeg.....	Winnipeg.....	The whole Province.
BRITISH COLUMBIA: Office at Victoria.	Victoria.....	Victoria.....	The whole Province.

BY an Order of His Excellency in Council dated 12th October, 1882, the fourth and fifth paragraphs of the Regulations, established by Order in Council of the 1st June, 1881, for the governance of the Ferry between Pembroke and Allumette Island, have been amended so as to read as follows:—

4. The ferry boat shall make three round trips before noon and three afternoon, daily as follows:—Leaving Thistle's Wharf on the west side of Muskrat River, it shall call at the Wharf on the east side of the said river known as Supple's Wharf, and cross then to Desjardins' Wharf on Allumette Island. Returning, it shall proceed from the said Island Wharf to Supple's Wharf and thence to Thistle's Wharf. Such trips to be made at fixed hours,

Inland Revenue.

of which notice shall be at all times posted upon the ferry boat and at each landing

Regulation No. 5. Tariff of Tolls to be amended as follows :

5. For a two horse cart or conveyance and driver, each way (including horses).....	40c.
For a one horse cart or conveyance and driver, including horse, each way.....	30c.
For one horse each way.....	25c.
For each additional horse, the property of the same party	15c.
For horned cattle, when only one, each way.....	25c.
For each additional head of horned cattle, the property of the same party each way.....	15c.
For swine or sheep, when only one, each way.....	10c.
For each additional head of swine or sheep, the property of the same party, each way.....	5c.
For each passenger, with baggage not exceeding fifty pounds, each way.....	12½c.
For each package of merchandise or goods (other than the above) per 100 lbs., each way.....	5c.

Vide Canada Gazette, Vol. XVI, p. 666.

By an Order in Council, dated 28th October, 1882, the tolls chargeable upon crude gypsum passing eastward through the Welland Canal were reduced from twenty cents to five cents per ton, and upon the same article passing westward through the St. Lawrence Canals were also reduced from fifteen cents to five cents per ton.

Vide Canada Gazette, Vol. XVI, p. 782.

GOVERNMENT HOUSE, OTTAWA.

Wednesday, the 29th day of November, 1882.

Present :

THE HONORABLE THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL
IN COUNCIL.

WHEREAS by Order in Council of 19th day of May, 1881, it is ordered that all importations of spirits in casks containing one hundred gallons or over made by railway shall be and they are hereby excepted from the operation of the 2nd section of the Act 40 Vict., Chap. 10.

The Honorable the Deputy of His Excellency the Governor General in Council has been pleased to order, and it is hereby ordered, that the said regulation be amended and that importations of spirits in casks of not less than thirty-five (35) Imperial gallons capacity, when for the purpose of being manufactured into other articles under regulations and surveillance of the Department of Inland Revenue, may also be excepted from the operation of said Act.

JOHN J. MCGEE,

Clerk, Privy Council.

Inland Revenue.

REGULATIONS FOR THE PRESCOTT AND OGDENSBURG FERRY.

1. The limits of the Ferry shall be coterminous with the Easterly and Westerly limits respectively of the Town of Prescott and a point in the City of Ogdensburg to be fixed by the municipal authorities of that place.

2. Suitable landing wharves or docks shall be secured and at all times maintained at some central point in the said Town of Prescott, which must be safe and available at all states of the river and subject to the approval of the Department of Inland Revenue.

3. The vessel used shall be a substantial seaworthy steamer of not less than 85 feet keel and 18 feet beam and having projecting guards so as to afford sufficient spaces for horses and carriages, and of a speed of not less than eight miles per hour.

4 The engine shall be of not less than 50-horse-power, high pressure, and shall be, as well as the vessel generally, subject to the inspection and approval of the Dominion Inspector of Steamboats. It shall be supplied with life-preservers and be in all respects fully equipped, having a respectable and efficient commander; and the Minister of Inland Revenue shall be at liberty to reject any steamer which may, at any time, be placed upon the said Ferry, or the commander thereof, or the said dock or wharf, should he consider them or any of them respectively unsuitable to the service, or unsafe or inadequate to meet the wants of the public.

5. That the lessee of the Ferry for the time being shall, at all times during the continuance of the lease, carry across on the said Ferry, without fee, toll or reward, Her Majesty's mails and upon requisition by the Postmaster General of Canada the mails of the United States of America.

6. That the lessee shall not at any time carry or convey, or permit or suffer to be carried or conveyed over the said Ferry any contraband articles whatsoever.

7. That the lessee shall observe all Customs and Revenue laws of the Dominion of Canada and of the United States of America.

8. That during the period commencing on the 1st day of April and ending on the 30th day of November in each and every year, the said Ferry shall commence to ply at the hour of 7 o'clock in the morning, Sundays excepted, and shall continue to cross from each side at intervals of 45 minutes successively thereafter until the hour of 7 o'clock at night, and during the residue of each and every such year the said Ferry shall make not less than six trips per diem, Sundays excepted, unless such crossing is rendered impossible by the freezing of the river.

9. That the charges for fares and tolls to be made on the said Ferry shall not at any time exceed the following, that is to say:—

For foot passengers, each way, adults.....	10	cents.
" " " children.....	5	"
For one horse or head of horn cattle.....	25	"
" double team wagon and load.....	50	"
" single team " " 	37½	"
" stage coach and two horses 	50	"
" two-wheeled carriage and 1 horse.....	37½	"

Inland Revenue.

For sheep not exceeding 5.....	4 cents each.
“ “ exceeding 5	2½ “ “
“ swine not exceeding 5.....	5 “ “
“ “ exceeding 5.....	4 “ “
“ every 100lbs, of freight.....	5 “ “
Winter rates for passengers	20 “ “
Or double the summer rates	

10. Notices of the rates of fares and rates of tolls on the said Ferry shall be put up and kept up, and exhibited at all times in a conspicuous place on or near the said dock or wharf, and also on the steamer employed from time to time on the said Ferry.

11. That the Governor in Council shall be at liberty to alter and modify the tariff of charges and tolls hereinbefore contained, should it be deemed expedient in the public interests, and after such notification as aforesaid the lessee shall not take or receive any other or larger fares or tolls than those which shall be imposed in such modified tariff during the subsistence thereof.

12. That the Governor in Council shall be at liberty at any time at which it may be shewn that the lessee has failed to observe, perform, fulfil and keep any or other of the said provisos, restrictions or conditions hereinbefore contained and expressed, to declare the lease forfeited and void—whereupon the same shall become and be void to all intents and purposes as if the same had never been granted, without indemnification to the lessee.

13. That the said lessee shall not at any time during the existence of the lease wilfully or knowingly infringe any of the laws or by-laws or of the regulations of the United States of America or of the State of New York, or the City of Ogdensburg in reference to ferriage which may be applicable to the said Ferry or such portion thereof as may be within the jurisdiction of any of them, the United States of America, State of New York or the City of Ogdensburg—or permit or suffer the same to be infringed by any officer, servant or employé of the said lessee :

14. Provided always that if the United States of America or the State of New York, or the City of Ogdensburg shall, in the exercise of any authority in any of them existing, at any time during the existence of the said lease, prevent or hinder ferriage at or upon the said Ferry or such portion thereof as may be within the jurisdiction of such one of them, or put the lessee to any loss, expense, charge or damage in respect to the same, no claim or demand for compensation, or any right or title thereto shall be made upon or against the Dominion of Canada.

15. The Ferry boat shall be placed on the route immediately on the expiration of the present lease.

16. The lease will be granted for a period of five (5) years. The lessee will be required to give two sureties, satisfactory to the Department of Inland Revenue, who shall be bound jointly and severally with the principal in the sum of ten thousand dollars (\$10,000) for the full compliance by the said lessee with the terms of the lease.

17. The lease shall not be sub-let or assigned.

Inland Revenue.

PRIVY COUNCIL OFFICE.

OTTAWA, 2nd May 1883.

I hereby certify that the foregoing Regulations for the government of a Ferry between Prescott, Ont., and Ogdensburg, U. S., on the St. Lawrence River, have been this day approved by His Excellency the Governor General in Council.

JOHN J. MCGEE.

Clerk, Privy Council.

(For Carillon Dam Tolls notice, see Public Works.)

LORNE.

[L.S.]

CANADA.

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

To all to whom these presents shall come, or whom the same may in any wise concern,—GREETING.

A PROCLAMATION.

GEO. W. BURBIDGE, }
Deputy of the Minister of Justice, }
Canada. } WHEREAS it is, in and by an Act of the Parliament of Canada, passed in the Forty-fifth year of Our Reign, chaptered Twenty-five, and intituled "An Act to repeal certain provisions of "The General Inspection Act, 1874," after reciting that it is expedient to repeal certain provisions of "The General Inspection Act, 1874," in effect enacted, that the words "Herring packed and inspected in Newfoundland, and imported into Canada, shall be marked and branded 'Newfoundland' without further inspection" in the third sub-section of the sixty-sixth section of the said Act, and also the words "For branding or marking Newfoundland fish which have been inspected in Newfoundland, two cents per barrel," forming the twenty-sixth sub-section of the sixty-eighth section of the said Act, are thereby repealed.

And that the foregoing provisions of the said Act now under recital shall come into force by proclamation of the Governor-General.

NOW KNOW YE that We do hereby, under and by virtue of the power vested in Us by the said Act now under recital, and by and with the advice of Our Privy Council for Canada, proclaim that upon, from and after the date hereof, the said in part recited Act of the Parliament of Canada, passed in the forty-fifth year of Our Reign, chaptered twenty-five and intituled "An Act to repeal certain provisions of 'The General Inspection Act, 1874,' shall be in force.

Inland Revenue.

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

IN TESTIMONY WHEREOF, &c., &c., &c.

At Our Government House, in Our city of Ottawa, this fifth day of June, in the year of Our Lord, one thousand eight hundred and eighty-three, and in the Forty-sixth year of Our Reign.

Interior.

GOVERNMENT HOUSE, OTTAWA.

TUESDAY, the 26th day of December, 1882.

Present :

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL.

ON a Report dated 18th December, 1882, from the Minister of the Interior, submitting with reference to the Regulations which govern the leasing of Coal Lands, approved by Order in Council of 17th December, 1881, that while under these Regulations, no individual is permitted to acquire more than 320 acres, yet persons who become lessees cannot be prevented from uniting and forming themselves into companies, and thus large areas of territory might be brought under one management in violation of the spirit of the Regulations:

That if this were to be allowed the Minister apprehends that the area within which *bonâ fide* mining would be carried on might be seriously restricted, and that the revenue derived from the Coal Lands would be much less than it ought to be.

The Minister after giving the subject his best consideration recommends that the leasing of Coal Lands be discontinued, and that with the exception of the fourth clause—"That the boundaries beneath surface, of such locations, shall be the vertical planes or lines in which their surface boundaries lie," the Regulations governing the same be cancelled.

The Minister further recommends in lieu of leasing Coal Lands, that certain Districts in which the known existence of coal in large quantities, and in proximity to facilities for reaching market, indicates them as the early seats of the coal mining industry in the North-West Territories, be withdrawn from ordinary sale and from settlement and declared to be "Coal Districts," and that the said Coal Districts be known as those of the Souris River, the Bow River, the Belly River and the Saskatchewan River.

The Minister recommends after consultation with the Director of the Geological Survey that the said Districts, for the present, be composed as follows, viz. :—

1. The Souris River Coal District shall consist of thirty-eight and a half (88½) Townships, being Townships numbers one and the south halves of Townships numbers two in Ranges numbers four, five and six ; Townships

Interior.

numbers one and two in Ranges numbers seven and eight; Townships numbers one, two and three in Ranges numbers nine and ten; Townships numbers one, two, three and four in Range number eleven; Townships numbers one, two, three, four and five in Ranges numbers twelve and thirteen; Townships numbers two, three, four and five in Range number fourteen; Townships numbers three, four and five in Range number fifteen; Townships numbers four and five in Range number sixteen, and Township number five in Range number seventeen. All west of the Second Principal Meridian.

2. The Bow River Coal District shall consist of twelve townships; being Townships numbers nineteen, twenty and twenty-one in Ranges numbers eighteen and nineteen, and Townships numbers twenty, twenty-one and twenty-two in Ranges numbers twenty and twenty-one—All west of the Fourth Principal Meridian.

3. The Belly River Coal District shall consist of nine townships; being Townships numbers eight, nine and ten in Ranges numbers twenty-one, twenty-two and twenty-three—west of the Fourth Principal Meridian

4. The Saskatchewan River Coal District shall consist of eighteen townships; being Townships numbers eleven, twelve, thirteen, fourteen, fifteen and sixteen in Ranges numbers three, four and five—west of the Fourth Principal Meridian.

The Minister also recommends that the land within the said Coal Districts be surveyed as soon as possible, and, thereafter, be periodically offered for sale by tender or at public auction at an upset price per acre, the same together with the terms and conditions of sale, to be fixed, from time to time, by the Minister of the Interior.

The Minister further recommends in respect to the leases which have already been granted under the existing regulations, that each lessee who has fulfilled the conditions thereof, may, within two years from the date of the Order in Council authorizing his lease, convert the leasehold into freehold by paying in cash, the upset price placed by the Minister of the Interior upon the lands in the Coal District wherein the said leasehold is situate; and that in all cases where the conditions of the said Regulations—especially clause five thereof—have not been fulfilled by the lessee, the leases should be held to be absolutely null and void.

The Committee concur in the foregoing Report and recommendations therein submitted, and they advise that the same be approved and carried into effect, saving the rights of Lessees and of persons in favor of whom Orders in Council authorizing leases have been passed.

JOHN J. MCGEE,

Clerk, Privy Council.

By an Order in Council of Tuesday, 27th day of March, 1883, the Town of Regina in the Provisional District of Assiniboia, was declared to be the Seat of Government of the North-West Territories, from and after the 27th day of March, 1883.

Vide Canada Gazette, Vol. XVI, p. 1614.

Interior.

By a Proclamation bearing date 27th March, 1883, His Excellency set off and formed four additional Registration Districts, in the said the North-West Territories, between the Western Boundary of Manitoba and the Third Principal Meridian of the Dominion Lands system of survey, to be severally described and designated as follows, that is to say:—

1st. Prince Albert, being composed of all that portion of the Provisional District of Saskatchewan East of the Third Initial Meridian, containing about 55,000 square miles.

2nd. Touchwood, being composed of part of the Provisional District of Assiniboia and bounded as follows, viz.: on the North by the Southern Boundary of the Provisional District of Saskatchewan; on the East by the Western Boundary of the Province of Manitoba; on the South by the sixth correction line of the Dominion Lands system of survey, and on the West by the Third Initial Meridian, containing about 13,680 square miles.

3rd. Regina, being composed of part of the Provisional District of Assiniboia and bounded as follows, viz.: on the North by the sixth correction line of the Dominion Lands system of survey, on the East by the Western Boundary of the Province of Manitoba, on the South by the third correction line of the Dominion Lands system of survey, and on the West by the Third Initial Meridian, containing about 14,180 square miles.

4th. Souris, being composed of part of the Provisional District of Assiniboia and bounded as follows, viz.: on the North by the third correction line of the Dominion Lands system of survey, on the East by the Western Boundary of the Province of Manitoba, on the South by the International Boundary line, and on the West by the Third Initial Meridian, containing about 12,240 square miles.

Vide Canada Gazette, Vol. XVI., p. 2073.

Justice.

By a Proclamation bearing date the 28th day of October, 1882, under the provisions of the Act passed in the thirty-second and thirty-third years of Her Majesty's Reign, chaptered twenty-four, and intituled "An Act for the better preservation of the peace in the vicinity of Public Works," as amended by the Act passed in the thirty-third year of Her Majesty's Reign, chaptered twenty-eight, and intituled "An Act to amend an Act for the better preservation of the peace in the vicinity of Public Works," it was declared that upon and after the first day of November then next, all the sections of the said first mentioned Act as so amended, excepting sections two, three, four, five, six, seven, eight, nine and ten thereof, should be in force in the following localities, namely: all those portions of the Province of Ontario, lying within ten miles on each side of the located line of the Canadian Pacific Railway including the line itself, as are comprised between a point one mile East from the Eastern Boundary line of the village of Prince Arthur's Landing and the River Pic.

Vide Canada Gazette, Vol. XVI., p. 744.

Justice, &c.

By a Proclamation bearing date the 25th day of April, 1883, under the authority of the thirteenth section of an Act of the Parliament of Canada called and known as "The North-West Territories Act, 1880," it was declared that,—

The Act passed in the thirty-second and thirty-third years of Her Majesty's Reign, chaptered twenty-eight, and intituled "An Act respecting vagrants;"

The Act passed in the thirty-seventh year of Her Majesty's Reign, chaptered thirty-seven and intituled "An Act for the suppression of voluntary and extra-judicial oaths;"

The Act passed in the thirty-seventh year of Her Majesty's Reign, chaptered forty-three and intituled "An Act to amend 'An Act respecting vagrants;'"

The Act passed in the forty-fourth year of Her Majesty's Reign, chaptered thirty-one and intituled "An Act to remove doubts as to the power to imprison with hard labor under the Acts respecting vagrants,"—

Should be in force in the North-West Territories in our Dominion of Canada.

Vide Canada Gazette, Vol. XVI., p. 1821.

Marine.

By a Proclamation bearing date the 27th day of June, 1882, under the provisions of the Act passed in the Session of the Parliament of Canada, held in the thirty-sixth year of Her Majesty's Reign, chaptered nine, and intituled "An Act to provide for the appointment of Harbor Masters for certain ports in the Provinces of Nova Scotia and New Brunswick," the Port of Northport was designated a port to which the said Act and the Acts amending the same should apply, and the limits of the Port to be from Aggremore Point to the East of Goose River.

Vide Canada Gazette, Vol. XVI., p. 5

At a meeting of the Nanaimo Pilot Commissioners, held on the 2th January, 1881, the following amendments and alterations to the Nanaimo Pilotage By-laws 1879, were adopted and ordered to be submitted to the Honorable the Minister of Marine and Fisheries :

No. 5. To read as follows :—

Vessels spoken by a duly licensed pilot shall pay to the said pilot the sum of one dollar (\$1.00) per foot, if his services be declined. (Remainder of clause disallowed.)

No. 6. The rates of pilotage both inwards and outwards shall be as follows, viz. :—

For all vessels irrespective of draught.....	\$3.00 per foot
For all vessels in tow of a steam tug.....	2.00 " "

Marine.

For all steam vessels other than foreign tugs or tug-boats or steamers employed as such, whose master or mate has not a pilot's license, one-third ($\frac{1}{3}$) less than the above rates if a pilot be employed.

Gulf of Georgia and Straits Navigation.

No. 9. The pilotage rates for vessels bound between Nanaimo and Royal Roads, either way, shall be ten dollars (\$10.00) per day, or a fraction of a day of 24 hours, if assisted by steam in addition to Port pilotage; but for vessels under canvas, similarly bound, the rate shall be four dollars (\$4.00) per foot, inclusive of Port pilotage.

Regulations

In addition to No. 21, "less a deduction of $7\frac{1}{2}$ per cent., which sum shall be retained by the Commissioners for the payment of the working and incidental expenses of the Board; and should $7\frac{1}{2}$ per cent. be more than sufficient to meet such expenses, the surplus shall, provided the earnings of the pilots will, in the opinion of the Commissioners admit of it, be passed to the Nanaimo Pilots' Relief Fund, otherwise it shall be divided *pro rata* among the pilots; and should $7\frac{1}{2}$ per cent. be found insufficient to meet said expenses, the additional amount necessary shall be reserved from the Pilots' dues *pro rata*."

The various amounts received for fees, licenses and fines shall be invested as a Nanaimo Pilots' Relief Fund, and such fund shall be under the management of the Board of Pilot Commissioners.

Nanaimo Pilot Grounds.

No. 24. In the first line—For "inside" read *outside*.

(Signed) M. BATE,
" T. E. PECK,
" JOHN HIRST.

PRIVY COUNCIL,
27th June, 1882.

I hereby certify that the foregoing alterations and amendments to the Nanaimo Pilotage By-laws have been approved this day by His Excellency the Governor General in Council.

JOHN J. MCGEE,
Clerk, Privy Council.

By a Proclamation bearing the date the 15th day of July, 1882, under the provisions of an Act passed in the Session of the Parliament of Canada, held in the forty-fifth year of Her Majesty's Reign, chaptered forty-eight, and intitled "An Act respecting the Harbor and River Police of the

Marine.

Province of Quebec," it was declared that the said Act should come into force on the first day of August then next, and that the jurisdiction of the Harbor and River Police Force established under the said Act should extend to all that part of the River St. Lawrence between an imaginary line drawn from the Parish Church at Lachine, in the County of Jacques Cartier, in the Province of Quebec, and the Parish Church of Caughnawaga, in the County of Laprairie, in the said Province, and an imaginary line drawn from the Lighthouse at Pont des Monts, in the County of Saguenay, in the said Province, to the Lighthouse at Cape Chatte, in the County of Gaspé, in the said Province, and also to the land extending back three miles from high water mark on each side of that part of the said River St. Lawrence.

Vide Canada Gazette, XVI., p. 149.

By a Proclamation bearing date the 22nd day of July, 1882, under the provisions of the Act passed in the thirty-seventh year of Her Majesty's Reign, chaptered thirty-four, and intituled "An Act to provide for the appointment of Harbor Masters for certain ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," the Port of River Ouelle, in the County of Kamouraska, in the Province of Quebec, was designated a Port to which the said Act and the Acts amending the same shall apply, and the limits of the said Port defined to be from Point Iroquois to Point St. Denis,

Vide Canada Gazette, Vol. XVI., p. 202.

By a Proclamation bearing date the 22nd day of July, 1882, under the provisions of the Act passed in the thirty-seventh year of Her Majesty's Reign, chaptered thirty-four and intituled "An Act to provide for the appointment of Harbor Masters for certain ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," the Port of Matane, in the County of Rimouski, in the Province of Quebec, was designated a port to which the said Act and the Acts amending the same shall apply; and the said Port declared to extend from the Parish Church, situated in the Village of Matane, a distance easterly of two miles, and a similar distance westerly from the same point.

Vide Canada Gazette, Vol. XVI., p. 202.

By a Proclamation bearing date the 22nd day of July, 1882, under the provisions of the Act passed in the thirty-seventh year of Her Majesty's Reign, chaptered thirty-four, and intituled "An Act to provide for the appointment of Harbor Masters for certain ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," the Port of Midland, in the County of Simcoe, in the Province of Ontario, was designated a port to which the said Act, and the Acts amending the same

Marine.

shall apply; and the limits of the said port declared to be from the concession line between the first and second concessions where it reaches the water upon the East, and the line of intersection between Park Lots seventy-eight and seventy-nine on the West.

Vide Canada Gazette, Vol. XVI, p. 203.

ADDITIONAL Regulations respecting the Pilots and pilotage in the Pilotage District of Montreal, adopted by the Harbor Commissioners of Montreal, on the 26th July, 1882.

APPRENTICESHIP.

Article 134.—The Board of Examiners for the purpose of examining persons desiring to be apprenticed as Pilots, and subsequently applying for license as Pilots, shall consist of any three or more Harbor Commissioners who shall be present at any meeting for such purpose, but the Committee of Pilots appointed as hereinafter provided for, together with some person selected by the Harbor Commissioners, as being skilled in nautical matters, shall be notified to be, and may be present, and may assist at such examination, without a vote thereon. And the decision of the majority of the Commissioners forming such Board on all matters coming before the said Board, shall be final and binding.

Article 135.—A person licensed as an apprentice Pilot shall serve for five seasons of navigation on board of vessels trading between Montreal and Quebec, or between Montreal and ports on the River St. Lawrence below Quebec for the whole period of open navigation in each season, and during the time of his said apprenticeship he must be employed at least one season as second Pilot and one season as first Pilot on a tug-boat towing sea-going vessels.

Article 136.—The apprentice, during the winter seasons, shall make three ocean voyages before the mast, two at least on a sailing vessel.

Article 137.—The apprentice must be able to speak the two languages, French and English, to the satisfaction of the Board of Examiners hereinbefore provided for, and must be able to write either French or English.

Article 138.—If after five years apprenticeship, as above mentioned, such apprentice is found competent by the said Board of Examiners, a permit will be granted him to serve one year under different Pilots, the apprentice being under the control of the Harbor Commissioners, and it shall be obligatory on all Pilots to take such apprentices with them when they are piloting vessels, should they be required so to do by order of the Harbor Commissioners of Montreal.

Article 139.—No apprentice shall be eligible to obtain a license as Pilot who is under the age of twenty-one years, or above the age of forty years, and he shall also satisfy the said Board of Examiners that his character for sobriety and honesty is good, and that he is possessed of the qualities requisite for a good Pilot.

Marine.

Article 140.—When the apprentice has furnished proof that he has duly performed the terms of his apprenticeship and has passed a satisfactory examination before the Board of Examiners, his name shall be entered as qualified to receive his branch whenever an addition to the number of Pilots becomes necessary.

PILOTAGE.

Article 141.—The number of Pilots shall not be increased beyond forty-five until such time as, in the opinion of the Harbor Commissioners, the requirements of the trade render such increase expedient, and then only to such extent as the Harbor Commissioners shall order.

Article 142.—Article 85 is hereby amended by adding thereto the following words, which shall hereafter be read and construed as part of the said Article, namely :—

“And if such accident shall consist of the grounding or stranding of any vessel in charge of such Pilot, or the collision of such vessel with any other vessel, such pilot shall be *ipso facto* suspended from the exercise of his functions as such Pilot until the cause of such accident shall have been investigated and the decision of the Harbor Commissioners pronounced thereon, and for such further time (if any) as shall be determined by them by such decision. And in such case also such Pilot shall also deliver over his license as such Pilot to the Harbor Commissioners along with the report required by this Article.”

Article 143 —Articles 130 and 131 of the By-Laws of this Corporation are hereby repealed and the following By-Laws are substituted for them, and shall be read and enforced in their place and stead in connection with Article 129, namely :—

“Any Pilot may take special service with any one of the regular lines of steamships trading to the Port of Montreal (but not with more than one); and in that case, if he shall be employed upon any vessel of such line in advance of his regular turn of service in rotation, as shown by such register, his name when arrived at shall be placed at the foot of such register, as if he had been employed in regular rotation. But if he shall not be so employed in advance of his turn, he shall be employed when his turn arrives in such rotation, as if he had not taken such special service.”

Article 144.—The Master, or Agent, of any transient vessel requiring a Pilot shall notify the officer at Quebec, who will thereupon designate the first Pilot on the register for the service; should however, he be objected to for good and sufficient reasons, the Master or Agent may also object for similar good and sufficient reasons to the second Pilot on the register, but there the right of objection shall cease. Objections to the employment of Pilots must be for good and sufficient reasons, and unless the officer of the Harbor Commissioners at Quebec shall be of opinion that such reasons are good and sufficient, the Pilot objected to shall not lose his turn. But if so held to be good and sufficient, such Pilot shall be entitled to take the next vessel to which such reasons are not applicable. And the officer at Quebec shall be satisfied that the selected Pilot has not directly or indirectly used any influence to secure himself such pilotage. And in case of any Pilot

Marine.

being employed out of his turn for any purpose, on his again presenting himself at the office at Quebec, his name shall be placed last on the register.

Article 145.—Any Pilot taking a vessel contrary to the preceding Article shall, in addition to such penalties as he shall be lawfully subjected to, forfeit the amount of pilotage of such vessel, which sum shall be paid in to the Treasury of the Committee of Pilots, to assist in defraying the general expenses of the Pilots.

Article 146.—Any question that may arise in the carrying out of these By-Laws shall be decided by the officer at Quebec, subject to revision by the Harbor Commissioners of Montreal.

Article 147.—The Pilots shall appoint annually from amongst themselves a Committee, who shall be notified to attend at the Board of Examiners as above mentioned, and who shall be recognized by the Harbor Commissioners as representing them in all matters relating to pilotage.

Article 148.—Every vessel moving from one wharf to another within the limits of the Harbor of Montreal, or from any of the wharves into the Lachine Canal, or out of the said canal to any of the wharves in the Harbor, or from the foot of St. Mary's Current, or from Longueuil into the Harbor, or from the Harbor to the foot of the Current, or to Longueuil, shall be obliged to employ the services of a Branch Pilot, except in the case of vessels which are merely shifting their positions at a wharf attached to their moorings.

Article 149.—All By-Laws or portions of By-Laws inconsistent with the terms of the fifteen next preceding amending By-Laws are, and each of them is, hereby repealed. And the By-Laws now in force respecting fines and penalties, being Articles numbered from 117 to 125, inclusive, of the existing By-Laws of this corporation, shall apply to the foregoing By-Laws.

Harbor Commissioners Office,
Montreal, 27th July, 1882.

Certified, H. D. WHITNEY,
Secretary.

PRIVY COUNCIL,
OTTAWA, 29th July, 1882.

I hereby certify that the foregoing additional regulations respecting Pilots and Pilotage in the Pilotage District of Montreal have been this day approved by His Excellency the Governor General in Council.

JOHN J. MCGEE,
Clerk, Privy Council.

By a Proclamation bearing date the 19th day of August, 1882, under provisions of an Act passed in the Session of the Parliament of Canada, held in the thirty-sixth year of Her Majesty's Reign, chaptered sixty-five, and intituled "An Act for the better protection of navigable Streams and Rivers," it was proclaimed and declared that that portion of St. Francis River, in the County of Richmond, in the Province of Quebec, in the

Marine.

Dominion of Canada, called Brompton Falls, shall be, and is hereby exempted under section four from the operation of the said Act.

Vide Canada Gazette, Vol. XVI. p 340.

Rules and Regulations

For the government of Pilots, for the Pilotage District of a part of Prince County, Prince Edward Island, made by the Pilotage Authority under the Act 36 Vict., chap. 54;—

All Rules and Regulations made by any Pilotage Authority, for the said Pilotage District, are hereby repealed.

1. No person shall be licensed as a pilot unless he be at least twenty-one years of age, and shall upon examination be found qualified to discharge the duties of a pilot.

2. Every licensed pilot, at the time of receiving his license shall pay a fee of ten dollars (\$10) for the same.

3. Every master or mate taking a license shall pay for said license the yearly sum of twenty dollars (\$20) on receipt of his license or renewal thereof.

4. The pilot first hailing a vessel and offering his services, shall be entitled to take charge of said vessel, and receive payment therefor, and any pilot, piloting a vessel from sea, shall be entitled to pilot her to sea, when she next leaves port, unless, on complaint of the master, owner or agent, the Pilotage Authority direct otherwise.

5. Any questions or disputes arising between pilots and themselves, or between pilots and masters of vessels and others, respecting pilotage or remuneration as pilots, and all other questions or disputes between them (as pilots) shall be submitted to the Pilotage Authority, to be adjusted and decided by them, and the judgment of the Commissioners or a majority of them respecting all such questions and disputes, shall be final and binding on all parties; and every licensed pilot who shall act contrary to this regulation, or shall refuse or neglect to appear before the Commissioners after twenty-four hours notice, when his attendance shall be required by them on any occasion, or shall give unnecessary trouble, annoyance or detention to masters of vessels shall, for every offence, be liable to a penalty not exceeding twenty dollars (\$20), and also to suspension or dismissal at the discretion of the Commissioners.

6. Licensed pilots shall be provided with suitable boats, in good repair and seaworthy, the *bonâ fide* property of a pilot or pilots, said boats to be kept in strict conformity with sections 75 and 76 of the Pilotage Act of 1873,—said boats to be examined by the Commissioners at least once in each year, and if found unfit for service, to be condemned as so unfit for pilot service.

7. Each licensed pilot on application shall receive a copy of these regulations, from the Pilotage Authority, and when taking charge of a vessel he shall exhibit them and his license to the master.

Marine.

8. Every licensed pilot shall report to the Pilotage Authority any casualty or accident that may have happened to any vessel under his charge, or any other matter of importance connected with vessels, coming under his observation, and shall also report any buoys out of place, or any of the light-houses not lighted at the proper time,—which report shall be made as above in writing, immediately after his arrival in port, or as soon as practicable.

9. All pilotage dues shall be paid to the pilot individually, from which amount the pilot shall pay to the Pilotage Authority five per cent. of the several amounts received by him, to be applied in payment of such expenses as the Pilotage Authority may duly incur.

10. The rates of pilotage dues at the ports within the said Pilotage District shall be as follows:—

		Per foot draught.	
		Inwards.	Outwards.
Vessels of 80 tons and under 150 tons.....		\$1 00	\$ 80
do 150 do 250 tons.....		1 50	1 00
do 250 do upwards.....		2 00	1 53

And on all vessels under 80 tons accepting the services of a pilot, eight cents per ton inwards and six cents per ton outwards.

Dated at Cascumpec, in Prince County, this first day of March, one thousand eight hundred and eighty-two.

JAS. F. WHITE,
WILLIAM P. REID,
PETER GAVIN.

PRIVY COUNCIL,
OTTAWA, 24th day of August, 1883.

I certify that the foregoing Rules and Regulations for the Pilotage District of that portion of Prince Edward County, Prince Edward Island, extending from Cape Egmont to Lennox Island, in Richmond Bay and embracing the ports and harbors along the coast line of that district, have been this day approved by His Excellency the Governor General in Council.

JOHN J. MCGEE,
Clerk, Privy Council.

By an Order in Council dated Tuesday, 26th day of September, 1882, the Port of Napanee, in the County of Lennox, Province of Ontario, a port for the registration of ships, was abolished, save so far as to remain a port of record of transactions regarding vessels already registered until through the lapse of time such vessels be transferred to other ports of registry, pass out of the Dominion or cease to exist.

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

By a Proclamation bearing date the 27th day of September, 1882, under the provisions of the Act passed in the Session of the Parliament of Canada,

Marine.

held in the thirty-sixth year of Her Majesty's Reign, chaptered nine and intituled "An Act to provide for the appointment of Harbor Masters for certain ports in the Provinces of Nova Scotia and New Brunswick," the Port of Pubnico, in the County of Yarmouth, in the Province of Nova Scotia, was designated a port to which the said Act and Acts amending the same shall apply.

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

SCHEDULE OF TOLLS to be collected for the use of the Public Breakwater at Brooklyn, Queen's County, Nova Scotia.

<i>Articles.</i>	<i>Rates</i>
	<i>cts. per</i>
Flour, meal, apples, lime, calcined plaster, hydraulic cement, salt, fish, &c.....	2 barrel
Potatoes, carrots and like articles.....	2 "
All articles contained in casks, hogsheads or puncheons...	10 cask, &c.
Coal, iron, building stone, salt and the like.....	5 ton.
Chains and anchors.....	10 "
Salt, meal, oats, potatoes, apples, Indian corn and like articles in bags.....	½ bag.
Dried fish in bulk.....	1 quintal.
Rough plaster from quarry.....	2 ton.
Timber, lumber, boards and deals of all kinds.....	5 thous. ft.
Cordwood and bark.....	5 cord.
Goods in cases, boxes, bales, &c.....	½ cubic ft.
Naval stores, paints, oil, &c., and articles of a similar nature.....	5 ton.
Stone and gravel or earth ballast for shipping.....	2 "
Horses, each.....	15
Carriages, ".....	10
Oxen and cows, each.....	10
Sheep, each.....	2
Unenumerated articles.....	4
Gravel for use of roads.....	free.

The following dues shall be charged on each steamboat and sailing vessel for each day or fraction of a day they make use of said wharf, viz :

On each steamboat.....	\$1.00
On each sailing vessel, under 50 tons.....	25
of 50 tons and under 100 tons.....	30
100 " 200 ".....	50
200 " 300 ".....	70
300 " 500 ".....	1.00
500 " 800 ".....	1.25
800 " 1200 ".....	1.50
1200 " 1600 ".....	1.75
above 1600 tons.....	2.00

Marine.

No cattle shall be allowed to remain on the wharf after orders have been given by the wharfinger for their removal, under a penalty of twenty cents per head.

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

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

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

The ton weight mentioned shall be 2,000 pounds.

The tolls payable upon any steamboat or other vessel are hereby imposed upon and may be collected and recovered from the master or owner or person in charge of such vessel; those payable upon any other articles are imposed upon and may be collected and recovered from the owner or person in charge thereof; and those payable upon any articles shipped or landed at the wharf off any vessel, are imposed upon and may be levied and collected on and from such vessel and on and from the master or owner or person in charge thereof.

PRIVY COUNCIL.

OTTAWA, 20th October, 1882.

I certify that the foregoing Schedule of Tolls and Regulations have been approved by the Deputy of His Excellency the Governor General in Council this 20th day of October, 1882.

JOHN J. MCGEE.

Clerk, Privy Council.

SCHEDULE OF TOLLS to be collected for the use of the Public Breakwater at Meteghan River, Digby County, Nova Scotia :

<i>Articles.</i>	<i>Rates</i>
Flour, meal, apples, lime calcined plaster, hydraulic cement, salt, fish, &c, per barrel.....	<i>cts.</i> 02
Potatoes, carrots and like articles, per barrel.....	02
All articles contained in casks, hogsheads or puncheons, per cask &c.....	10
Coal, iron, building stone, salt and the like per ton.....	05
Chains and anchors, per ton.....	10
Salt, meal, oats, potatoes, apples, Indian corn and like articles in bags, per bag.....	00 $\frac{1}{2}$
Dried fish in bulk, per quintal.....	01
Rough plaster from quarry, per ton.....	02
Timber, lumber, boards and deals of all kinds, per thousand feet	05
Cordwood and bark, per cord.....	05
Goods in cases, boxes, bales, &c. per cubic foot.....	00 $\frac{1}{2}$
Naval stores, paints, oils, &c., and articles of a similar nature, per ton.....	05

Marine.

Stone and gravel or earth ballast for shipping, per ton..	02
Horses, each.....	15
Carriages "	10
Oxen and cows, "	10
Sheep "	02
Unenumerated articles.....	04
Gravel for use of roads.....	free.

Dues to be charged on each steamboat and sailing vessel for each day or fraction of a day they make use of said wharf, viz:—

On each steamboat.....	\$1 00
On each sailing vessel under 50 tons.....	0 25
“ “ of 50 tons and under 100 tons.....	0 30
“ “ 100 “ “ 200 “	0 50
“ “ 200 “ “ 300 “	0 70
“ “ 300 “ “ 500 “	1 00
“ “ 500 “ “ 800 “	1 25
“ “ 800 “ “ 1,200 “	1 50
“ “ 1,200 “ “ 1,600 “	1 75
“ “ above 1,600 tons.....	2 00

No cattle shall be allowed to remain on the wharf after orders have been given by the wharfinger for their removal, under a penalty of twenty cents per head.

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

Vessels lying with moorings attached for shelter and a harbor, to pay 1 cent per registered ton for every 24 hours or portion thereof.

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

The ton weight mentioned shall be 2,000 pounds.

The tolls payable upon any steamboat or other vessel are hereby imposed upon and may be collected and recovered from the master or owner or person in charge of such vessel; those payable upon any other articles are imposed upon and may be collected and recovered from the owner or person in charge thereof, and those payable upon any articles shipped or landed at the wharf upon or from off any vessel, are imposed upon and may be levied and collected on and from such vessel and on and from the master or owner or person in charge thereof.

PRIVY COUNCIL,

OTTAWA, 31st day of January, 1883.

I hereby certify that the foregoing Schedule of Tolls to be collected for the use of the Public Breakwater at Meteghan River, in the Province of Nova Scotia, has been this day approved by His Excellency the Governor General in Council.

JOHN J. MCGEE,

Clerk, Privy Council.

Marine.

YARMOUTH, NOVA SCOTIA, HARBOR PORT WARDEN'S SCALE OF FEES.

First survey of hatches, and certificate.....	\$2 50
Every subsequent survey of cargo, and certificate.....	2 00
Survey of cargo when hatches have not been previously surveyed, and certificate.....	5 00
Every survey of damaged goods on the wharf or in store, value \$200, and certificate.....	3 00
Every survey of damaged goods, on wharf or in store, value \$200, and under \$500, and certificate.....	4 00
Every survey of damaged goods on wharf or in store, value \$500 and over, and certificate.....	5 00
Survey of vessel damaged or arriving in distress, and certificate.....	8 00
Every subsequent survey and certificate.....	5 00
Valuation of a vessel for average, under 200 tons and certificate.....	5 00
Valuation of vessel for average, over 200 tons and 500 tons, and certificate.....	7 50
Valuation of a vessel for average, 500 tons and upwards, and certificate.....	10 00
Survey of cargo reported to have shifted, and certificate.....	5 00
All extra copies of certificates when required.....	0 50
For certificates under seal.....	1 00
Hearing and settling disputes between master and consignee of ship and owners of cargo \$200 value, \$2.00; \$200 to \$500, \$3.00; \$500 to \$1,000 \$4.00; \$1,000 and over, \$5.00.	
Filing papers of auctioneers, &c.....	0 25
Ascertaining if vessel is seaworthy, and certificate.....	8 00
Survey that repairs ordered if not seaworthy have been made, and certificate, 200 tons and under, \$3.00; all over 200 tons, \$5.00.	
General superintendence of a vessel loading.....	5 00
Vessels putting in in distress or otherwise from foreign ports, for every 1,000 bushels and every proportionate quantity of wheat and peas, 15 cents. For every 1,000 bushels and every proportionate quantity of barley, 12 cents. For every 1,000 bushels and every proportionate quantity of oats, 10 cents. For every 1,000 bushels and every proportionate quantity of corn, 10 cents. For every 1,000 barrels of flour, 75 cents. Coal oil, per barrel, $\frac{1}{2}$ cent. Ores and minerals, per ton, ballast excepted, 4 cents.	
Lumber and all other descriptions of timber, per ton weight.....	0 02

Marine.

PRIVY COUNCIL,
OTTAWA, 29th January, 1883.

I hereby certify that the foregoing scale of fees has been submitted to and approved by His Excellency the Administrator of the Government in Council, on this 29th day of January, 1883.

JOHN J. MCGEE,
Clerk, Privy Council.

By a Proclamation bearing date the 31st day of January, 1883, under the provisions of the Act passed in the Session of the Parliament of Canada, held in the thirty-sixth year of Her Majesty's Reign, chaptered nine and intituled "An Act to provide for the appointment of Harbor Masters for certain ports in the Provinces of Nova Scotia and New Brunswick," the said Act and Acts amending the same were declared to apply to the Port of Meteghan River, in the County of Digby, in the Province of Nova Scotia, embracing the waters extending from a quarter of a mile north of Meteghan River to a quarter of a mile south of Meteghan Break-water or Pier.

Vide Canada Gazette, Vol. XVI, p. 1306.

BY-LAWS OF THE HARBOR COMMISSIONERS OF THREE
RIVERS.

Duly made and passed at a meeting of said Harbor Commissioners, duly called and held at their Board Room, in Three Rivers, in the Province of Quebec, on the 4th day of November, one thousand eight hundred and eighty-two.

Present :

Messrs. Sévère Dumoulin, Chairman,
Alex. Baptist,
P. E. Panneton,
James McDougall,
F. X. Bellefeuille,

WHEREAS under and by virtue of the provision of the Act of Parliament of Canada, passed in the forty-fifth year of Her Majesty's Reign, intituled "An Act to provide for the improvement and management of the Harbor of Three Rivers," a Harbor Commission has been established for Three Rivers, and Rules and Regulations defined, which Rules and Regulations said Harbor Commission is authorized to execute; and by the said Act certain other powers and authority have been granted to said Harbor Commissioners which rendered it necessary that By-laws should be enacted by the said Harbor Commissioners for regulating the exercise of their

Marine.

powers and duty in conformity with said Act, and with the jurisdiction thereby conferred upon them ;

Therefore, the said Harbor Commissioners have enacted, made and passed, and do hereby enact, make and pass, the following By-laws, for the regulation of the various matters lying within their jurisdiction, under and by virtue of the said Act, namely :—

Proceedings of the Commissioners.

Article 1. A President shall be elected by the Commissioners from among themselves, annually, on the first Saturday in September, or at the earliest convenient period thereafter, and shall hold office till the first Saturday in the ensuing September, or till the election of his successor.

Article 2. Ordinary meetings of the Commissioners shall be held on Saturday in each week, at such hour as may be fixed for such meetings by resolution, at which meetings any business within the jurisdiction of the Commissioners may be dealt with and disposed of.

Article 3. Special meetings of the Commissioners may be called by the President, or by any three of the Commissioners ; and a notice of every such special meeting shall be sent by the Secretary to each Commissioner, specifying the object for which such special meeting is called, and no other business shall be transacted at any special meeting other than that which is specified in the notice so sent, or such business as is incidental or accessory thereto.

Article 4. At any ordinary or any special meeting called for the purpose the Commissioners may appoint Committees to deal with all matters within the limits of the purpose for which they are so appointed respectively. And such Committees shall report their deliberations and decisions to the Commissioners ; and the Commissioners shall always have power to reject or reverse any decisions or determination of any Committee.

Article 5. The presence of any three members of the Corporation of the Commissioners at any ordinary or special meeting shall constitute a quorum for the transaction of any ordinary business.

Article 6. The annual meeting of the Commissioners shall be held on the first Wednesday in January—at which annual meeting a report of the doings in office during the preceding calendar year shall be read, and the account in detail of their receipts and expenditure during the same period shall be furnished,—which report and account shall be forwarded to the Departments or Ministers according to instruction and in the form and tenor as the Governor in Council may see fit to direct.

Article 7. The order of business at all meetings of the Commissioners shall be as follows, namely :—

1st. The reading, and correction or approval, of the minutes of the last preceding meeting ;

2nd. The reception and consideration of the Reports of the Committees ;

3rd. The reception and consideration of the Report of the Officers of the Harbor and Port of Three Rivers respectively ;

4th. The consideration of any business which has been adjourned from a preceding meeting ;

Marine.

5th. The consideration of new business.

Article 8. The President shall preside at all meetings of the Commissioners, and shall have authority to maintain order and regularity; but, in his absence, one of the Commissioners shall be chosen by vote to perform his duties, and during such absence, shall have all the powers hereby conferred upon the President.

Article 9. The President, as Commissioner, is entitled to vote on all questions brought before the Corporation; but in case of an equal division of votes, he is not entitled to a second or casting vote.

Article 10. No account shall be paid nor any moneys disbursed, except by order of the Commissioners; all debentures to be issued by the Commissioners shall be signed by any three of them; all cheques shall be signed by one Commissioner at least; all deeds and other documents whatsoever shall be executed by the President. And no debentures, cheques, deeds or other documents, shall be binding on the Corporation unless signed and executed in conformity with this By-law, and then only provided they are countersigned or endorsed by the Secretary.

Article 11. The Corporation shall have no dealings of any kind with any of its members; nor shall any member thereof, or any officer or other person employed by, or in the service of the said Harbor Commissioners, be concerned, directly or indirectly, in any contract that may hereafter be entered into appertaining to any works carried on by the Commissioners; but all such transactions shall hereafter be conducted by and through the Secretary, with the approval of the Board.

Article 12. No By-law and no regulation shall in future be adopted unless submitted for consideration at two consecutive weekly meetings of the Corporation; and whenever a By-law or a regulation affects private or public interests, it shall be published twice, namely, in English and in French in two newspapers of the city, and this before being read a second time and finally passed.

Arrival of Vessels.

Article 13. The master or person in charge of every vessel arriving in the harbor, shall, without delay and before he shall break bulk, make and deliver at the Harbor Commissioners Office, at the Custom House or at the Wharfinger's Office, a true and correct report in writing, signed and certified by him, of the arrival of such vessel, of her cargo, of the value thereof, of her tonnage, and of her draft of water; such report also to contain a description of the rig of such vessel, the name of such vessel, and of her master or captain, the place from whence and the date when such vessel sailed, the name of the consignee thereof and of the pilot thereof; the number of passengers carried thereby, and the name of the steamer (if any) which towed such vessel into harbor; and shall pay all dues in respect of such vessel and of her cargo, to the officer of the Commissioners or to the Collector of Customs; and shall also then pay all arrears of dues, and all penalties then due to said Corporation in respect of such vessel, or of her cargo on any previous voyage thereof.

Article 14. The Harbor Master shall assign to each vessel arriving in the said harbor, the berth it shall occupy, giving precedence, however,

Marine.

when practicable, to a vessel with cargo over a vessel in ballast; and shall have power to change such berth from time to time as he may see fit; and no vessel shall take up or occupy any berth in the said harbor, unless such berth shall have been assigned to her by the Harbor Master.

Article 15. The colors of every vessel arriving in the said harbor shall be kept flying until the report mentioned in the foregoing By-law shall have been made and delivered, as therein provided, and until the Harbor Master shall have allotted a berth to such vessel.

Article 16. No vessel shall anchor within the limits of the said harbor in such a place or position as to prevent a free or unobstructed passage for all other vessels to and from the said harbor, and to and from any wharf or pier in the said harbor.

Vessels lying in the Harbor.

Article 17. All vessels in the said harbor shall be under the control of the Harbor Master, so far as regards their position, mooring, fastening, removal and the extent of accommodation masters or persons in charge thereof may require from each other; and no person on board or in charge of any vessel in the said harbor shall disregard or disobey the orders of the Harbor Master in such respects.

Article 18. In the event of the resistance of any person or persons on board of any vessel to the orders of the Harbor Master to remove the same, under the powers conferred upon him by the last preceding section, it shall be lawful for the Harbor Master—the Commissioners being informed thereof—to take possession of such vessel by force; to remove, to moor, anchor or make fast such vessel at such other place as he shall see fit.

Article 19. No raft, crib, raft-bottom, or floating timber, shall be or remain attached or secured to any wharf, or to any part of the beach in said harbor, without the express permission of the Harbor Master.

Article 20. No hawser or rope shall be run or fastened across any part of the harbor, excepting for the express purpose of hauling a vessel in or out immediately, or for the purpose of hauling a vessel off the ground—in which case the hawser or rope shall be slackened in order to give a free and uninterrupted passage to any other vessel that may require to pass.

Article 21. Vessels lying at any wharf or within a tier, within the limits of the harbor, shall not have any anchor out, except for the purpose of immediately hauling in or out.

Article 22. The shore fastenings of every vessel within the harbor shall be attached to the rings placed on the outer edges of the wharves, or to mooring posts, and shall not, in any manner, cross or traverse the said wharves, or be attached to any lamp post or to any matter or thing on the wharves other than those specially provided for that purpose.

Article 23. All vessels lying at the wharves within the harbor shall have their yards topped up, their booms and outriggers rigged in, their jib-booms rigged in as far as practicable, their studding sail boom-irons taken off, their sprit-sail yards laid fore and aft, and their anchors secured, so as to avoid doing damage to other vessels.

Article 24. No master or other person in charge of, or on board of any vessel within the said harbor, to which any other vessel shall be made

Marine.

fast by any rope, hawser or chain, shall cut or cast off such rope, hawser or chain, or cause or permit the same to be cut or cast off, without giving ample and distinct notice of the intention so to do to the master or person in charge of the vessel so made fast.

Article 25. Every steam vessel at any of the wharves in the said harbor, or at any landing place within the limits of the same, shall provide a good and sufficient gangway from such steam vessel to such wharf or landing place, with ridge ropes on both sides, supported by wooden or iron stanchions, not less than three feet high, for the use of persons going and coming from on board such steam vessel; and on dark nights a light provided by such vessels shall be placed on every such vessel near such gangway, so that such gangway may be seen clearly from the wharf and from on board such vessel.

Article 26. When two or more vessels are lying at the same wharf, one outside of another, a free and unincumbered passage over the decks of those nearest the wharf shall be allowed to those lying outside of them, as well for loading or unloading such outside vessel or vessels, as for the purpose of ordinary communication with the above shore, provided such outside vessels have gangways of their own, extending to the wharf, over the decks of the vessels nearest thereto.

Article 27. All steam vessels, except those using coal for generating steam, shall, while within the limits of the said harbor, have wire caps fitted over their chimneys so as to prevent sparks issuing therefrom, the interstices of which caps shall not be more than a quarter of an inch square.

Article 28. Any vessel aground within the said harbor shall show three bright white lights over that side or end of such vessel nearest which other vessels must approach in passing her.

Article 29. There shall be a watch, consisting of one or more grown persons, kept and maintained from sunset to sunrise on board of every vessel lying in said harbor, and such watch shall instantly give the alarm in the event of any danger, accident, disturbance, desertion or fire, on board of such vessel, or on board of any other vessel in the said harbor, as soon as perceived; and shall, at all hours and times during the said period, respond to the call, hail or enquiry of any officer of the Harbor Commissioners or of any of the officers or men of the Police.

Article 30. Every vessel lying in the said harbor shall be supplied during the whole period between sunset and sunrise with not less than six (6) buckets filled with water, which shall be placed and shall stand during the whole of the said period at some convenient place upon the deck of such vessel, ready for instant use in case of fire.

Article 31. The master or person in charge of any vessel lying alongside of any of the wharves, or adjoining to any other vessel, shall cause her hatchways to be securely and completely covered with hatches or gratings, immediately after the work of loading or unloading shall have been finished for the day, and shall cause the same to remain so covered until the time when the work shall recommence in the morning.

Article 32. There shall be no fire or light of any kind used between sunset and sunrise on board of any vessel loaded with hay or straw while within the said harbor, and no steamer shall carry as freight any hay or straw

Marine.

whatsoever, unless the same is pressed into bundles ; and such bundles shall be kept completely and constantly covered with tarpaulin or oil-cloth.

Article 33. No fires shall be used or suffered to remain alight, on board of any vessel in the said harbor, except in close cabooses of iron or other metal, or of brick or stone, when made on deck, or in stoves of similar materials, when under deck ; and, when made on deck, such fires shall not be lighted before sunrise and shall be extinguished at sunset ; provided always that fires necessary for generating steam may be at any time made on board of any steam vessel with a competent person as a watch on board.

Article 34. In case of any vessel meeting within the limits of the said harbor a wreck, a spar, parts of rigging or other obstructions whatever, which may be injurious to navigation, the master of such vessel shall send or give to the Harbor Commissioners a notice in writing, describing the nature of the obstacle and the time and place of meeting the same.

Vessels loading and unloading.

Article 35. Vessels arriving in the harbor with cargo shall be allowed for unloading as follows :—

One working day for fifty (50) tons of cargo, or less than 50 tons. Two working days for over fifty tons of cargo and not exceeding one hundred (100) tons ; and one working day additional for every additional fifty tons.

And for loading :—

One working day for fifty (50) tons, or under. Two working days for over fifty tons, and under one hundred (100) tons ; one working day additional for every additional fifty tons.

Provided always that vessels that shall be discharged or loaded in a shorter time, or that shall have ceased discharging or loading from any cause, shall not be entitled to retain their berths, should the Harbor Master see fit to order them to remove ; and provided also, that on application to that effect the Harbor Master shall have power, if he sees fit, to extend such time for a further period to be named by him.

Article 36. No coals shall be discharged from any vessel except upon such wharf as shall be indicated for that purpose by the Harbor Master ; and, when discharged, such coals shall be immediately removed and taken away from such wharf by the owner or consignee thereof as fast as they shall be landed thereon ; provided always that no special authorization has been obtained from the Harbor Master to dispose of it otherwise.

Article 37 Vessels loading or unloading, whether on the wharves or into lighters or into any other kind of vessels, shall have a good tight stage or spout, in order to prevent any portion of their cargo from falling into the water.

Article 38. Rafts or cribs loaded with boards, planks, firewood, or other lumber, shall not be permitted to remain in berths assigned to them, unless the unloading of the cargo thereof be commenced immediately and diligently and continuously proceeded with, and, when unloading firewood alongside of any wharf, at the rate of not less than twenty-five cords (25) cords per day.

Marine.

Miscellaneous.

Article 39. Boards, planks, oars, staves, firewood and all lumber whatsoever, and all ballast, rubbish, refuse matter, cinders or ashes, or other things not forming part of the cargo of any vessel, landed on any wharf in the said harbor, or on the beach thereof, shall be conveyed away, or thrown into the wharf when requested, as fast as landed, by the master or person in charge of the vessel from on board of which such substances shall have been landed.

Article 40. No goods or cargo of any kind (other than those kinds mentioned in the last foregoing by-law), landed from any vessel, and no goods or cargo, and no ballast placed upon any wharf in said harbor, or upon the beach thereof, to be shipped on board of any vessel, shall be allowed to remain upon such wharf or beach for a longer period than 24 hours after being landed or placed there; provided always that the water casks belonging to any vessel may be placed upon the wharf at such place and for such time as may be fixed by the Harbor Master.

Article 41. No goods shall be so placed on any wharf in said harbor, or on the beach thereof, as to obstruct the thoroughfare thereon, and if so placed shall be removed forthwith by the owner or person in charge thereof, upon the orders of the Harbor Master, or other officer of the Harbor Commissioners to that effect. And no goods whatever shall be placed upon any wharf, nearer to the edge thereof than eight (8) feet therefrom; and no cattle or live animals shall be allowed to remain on any wharf or beach for a longer period than three (3) hours, and then only under the control and management of competent drivers and persons in charge thereof.

Article 42. No person whomsoever shall boil or heat tar, pitch, turpentine, rosin or grease, or cause the same to be boiled or heated, for grading or breaming vessels, or for any other purpose, in any vessel, or on any part of the wharves, beaches, or jetties in the said harbor, except in such places as the Harbor Master may point out; and in every case, a proper person shall be placed in charge of the pot or kettle in which the same may be boiling or heating, provided with a shovel, and a sufficient cover, for instantly extinguishing any fire arising from the ignition of such tar, pitch, turpentine, rosin or grease, and for extinguishing completely the original fire, when the purpose for which it was kindled shall be accomplished; and no vessel shall be graded or breamed within the limits of the said harbor without the permission of the Harbor Master.

Article 43. No person shall make or dress any masts or spars, or do any carpenter's work on any of the wharves, beaches, or jetties in the said harbor, except with the express permission of the Harbor Master previously obtained, and at such place as he shall have designated for the purpose.

Article 44. No ballast, coals, ashes, hay or straw, or matter or thing whatsoever, shall be thrown from any vessel,—be she lying to, or passing through the harbor—by which the navigation may be impeded or injured.

Article 45. No person or persons shall place, pile or deposit any stones, dirt, rubbish, snow, ice or other matter or thing whatsoever, upon any of the wharves, property or jetties in the said harbor, or upon any part of the beach thereof, or upon the roads or open spaces therein, or upon the ice

Marine.

thereon in winter, except in the latter case in such place as may be designated for that purpose by the Harbor Master.

Article 46. No person shall erect or place any shed, shanty, boat-house or other movable building of any kind or nature whatsoever, in or upon any place within the boundaries of the said harbor, without the express permission in writing of the Harbor Master being first obtained, under such rules and restrictions as the Commissioners may appoint.

Article 47. The master or person in charge of every vessel, ship, steamer, barge, bateau or other river craft, arriving in the Harbor of Three Rivers for winter quarters, shall report his arrival to the office of the Harbor Commissioners, or to the Harbor Master, or officer or person who shall have authority for the said Harbor Commissioners in that behalf. And the Harbor Master, or officer, or person so authorized, shall assign to such vessel, ship, steamer, barge, bateau, or other river craft, or assent to the berth it shall occupy for the winter season; and no ship, steamer, vessel, barge, bateau or other river craft, shall take up or occupy any berth in the said harbor, unless such berth shall have been assigned to, or approved, by such officer.

Article 48. No steamer or vessel shall anchor or be moored for winter quarters nearer a wharf, or any other vessel, than at the distance of ten (10) feet therefrom: and if such steamer or vessel shall be anchored or moored at a less distance from the wharf than ten (10) feet, the master or person in charge thereof shall remove the same within one hour after having been required to do so by the officer or person authorized to act in that behalf by the said Harbor Commissioners.

Article 49. No vessel or steamer shall be anchored or moored at any wharves for winter quarters nearer any other vessel or steamer, longitudinally, than thirty (30) feet therefrom, and the master, pilot or person in charge of such vessel shall remove the same, if anchored or moored at a less distance than thirty (30) feet longitudinally, within one hour after being required so to do.

Article 50. No person or persons, without the consent of the said Commissioners, shall encroach, enter upon, take possession of, or use any part or portion of the Harbor of Three Rivers, or any part or portion of the immovable property, lands or beach, the control and management whereof are vested in the Harbor Commissioners of Three Rivers, in and by virtue of the Act incorporating the said Commissioners and relating to the Harbor of Three Rivers. And if, at any time, any person or persons be found encroaching upon or in possession of any part or portion of the said harbor, land, beach or premises, the said Commissioners shall have the right to give a notice in writing to such person or persons, under the hand of the Secretary of the said Commission, notifying and requiring him or them to desist from such encroachment, and to leave such portion of said harbor, land, beach, or premises, within such period, not less than forty-eight (48) hours thereafter, as shall be fixed in such notice.

Article 51. Any person or persons who shall infringe any of the foregoing By-laws, Rules or Regulations, and any person or persons who shall so encroach, enter upon, take possession of, or use any part or portion of such harbor, land, beach or premises, without the consent of the said

Marine.

Commissioners, shall, and each of such person or persons shall incur a penalty not exceeding twenty (20) dollars or an imprisonment not exceeding sixty (60) days.

Departure of Vessels.

Article 52. No vessel of any description whatever shall leave the harbor, and the Collector of Customs shall not grant a clearance outwards from the said Port of Three Rivers, until the master or person in charge of said vessel shall have made and delivered at the Custom House, at the Harbor Commissioners' or the Wharfinger's office, a full and correct report in writing, signed and certified by the Collector of Customs, by the Wharfinger or the officer appointed in that behalf, of her outward cargo, with the description thereof in detail, and its value, and also of her draught of water; and until all dues on such vessel and on her cargo, and all penalties incurred thereby, or by the master or person in charge thereof and all costs and charges with which such vessel or the master or person in charge thereof shall be chargeable towards the Harbor Commissioners, shall have been fully paid

Vehicles.

Article 53. No person shall drive a horse or horses on any of the wharves or any of the descents leading to the wharves, at a quicker motion than a walk; and all carts, trucks and other vehicles going to or from any vessel in the harbor shall take the descent nearest to such vessel.

Article 54. No omnibus, cab, caleche, truck or vehicle whatsoever, shall be permitted to stand on any wharf or pier in the said harbor in such a manner as to obstruct the passage to and fro upon such wharf and pier, —or to or from any vessel arriving or lying at, or departing from such wharf or pier; nor shall any driver of any such vehicle, or any other person, obstruct, importune or annoy any passenger or person, landing from or embarking on board of any vessel in said harbor.

Article 55. Every person in charge of a horse or horses, or of any vehicle drawn by a horse or horses, shall remain beside such horse or horses, except when loading or discharging such vehicle, and shall not then leave them so far as they shall be beyond his control; and no cabman or driver of any omnibus or other vehicle on any wharf or pier in said harbor shall leave such vehicle on any pretence whatsoever until he shall have been called and his vehicle engaged.

Article 56. No railway car, carriage, truck or locomotive engine shall be permitted to stand on any wharf or pier, or any railway track laid on the wharves in the said harbor, except while such car, carriage or truck is being loaded, or such locomotive engine is in use, or being attached to cars, trucks or carriages then being loaded, or is immediately about to be so put in use. And in the event of any empty railway car, carriage or truck, or any locomotive engine being left standing or not in use, or not immediately about to be used as aforesaid, upon any wharf or pier, or upon such railway track, except for the purpose of being immediately thereafter loaded and taken away, the Harbor Master or such other officer duly authorized in

Marine.

that behalf, may give notice to the person in charge of such car, carriage, truck or locomotive engine, or to the railway company owning or possessing such car, carriage truck or locomotive engine, to remove the same, either out of the harbor limits, or to such place within them as said Harbor Master or officer shall order or direct.

Fines and Penalties.

Article 57. Any person, in whatsoever capacity he may be acting, who shall violate or infringe any of the By-laws of the corporation of the Harbor Commissioners of Three Rivers, or any part or portion of any of them; —and any person or persons who shall encroach, enter upon, take possession of, or use any part or portion of the said harbor, land, beach or premises, the control or management whereof are vested in the Harbor Commissioners of Three Rivers, shall, and each of such persons shall incur a penalty not exceeding twenty (20) dollars or an imprisonment not exceeding sixty (60) days.

Interpretation.

Article 58. The word "vessel" when made use of in the foregoing Regulations, is to be understood as comprehending and meaning rafts and every other description of floating vessels: The words "working days" are to be understood as comprehending and meaning days on which work can legally be performed: The word "owner" shall comprehend and mean every part owner or owners: The word "Harbor Master" shall comprehend and mean the Deputy Harbour Master: Also, the word "goods" shall be understood as comprehending lumber, firewood, ballast, and merchandise of any description, together with all kinds of live stock: And when more persons than one are hereinbefore made subject to any penalty in the disjunctive, the said corporation shall have the option of proceeding for such penalty against such one of such persons as the said corporation may see fit.

Article 59. The foregoing By-laws shall not come into force until after the first Monday in January, 1883, from and after which day, if then approved by the Governor in Council, or if not, then from and after the date of such approval, they shall have full force and effect according to their terms.

THREE RIVERS HARBOR COMMISSIONERS' TARIFF.

Rates and dues to be levied in the Harbor of Three Rivers, under and by virtue of the Act 45 Vict., chap. 52, on and after the first day of January, 1883.

Tonnage dues to be levied on all vessels in the Harbor.

On every ferry steamer, small market steamer or steamers used by local establishments or private individuals, plying in or to the Harbor of Three Rivers, for the season—\$5 to \$10, according to tonnage.

Marine.

- On the steamers of the Richelieu and Ontario Navigation Company, and all steamers of other Companies, plying between Montreal and Quebec, stopping at Three Rivers, and plying between Montreal or Quebec and Three Rivers—\$50 each for the season.
- On all river steamers carrying freight or passengers, not being regular boats or running regular lines, plying in or to the Harbor of Three Rivers, for each time the vessel uses the harbour—\$5.
- On all other river steamers or tow-boats, plying in or to the Harbor of Three Rivers, for the first trip in the season, when above twenty (20) tons register—\$3; and when under 20 tons register—\$2; and each succeeding trip during the season—half dues.
- On all schooners and barges of from twenty-five to eighty tons, entering and using the Harbor of Three Rivers, for the first trip in the season—2 cents per ton register; and each succeeding trip during the season—half dues.
- On all schooners and barges of from eighty (80) to two hundred (200) tons, entering and using the harbor, for the first trip in the season—3 cents per ton register; and each succeeding trip during the season—half dues.
- On all other vessels of less than twenty-five (25) tons burthen, whether registered or not registered, and not included in the foregoing provisions, for each trip—25 cents; or for the season—\$1 50.
- On all steamers and sailing vessels coming from, or trading to ports outside of the Province of Quebec, entering and using the Harbor of Three Rivers and not included in the foregoing provision—3 cents per ton register.
- On all Gulf ports and Ocean steamers using the Harbor of Three Rivers to take in, or to discharge part of a cargo, for each day of twenty-four (24) hours, or part of a day they remain in the harbor, reckoned from the hour of their arrival to that of their departure— $\frac{3}{4}$ cent per ton register; on all other vessels per day, as aforesaid, $\frac{1}{2}$ cent.
- On all steamers and towboats wintering in the Harbor of Three Rivers, when over twenty (20) tons—5 cents per ton register; when under twenty (20) tons, each 1 dollar for the winter season; and all other vessels, from twenty (20) tons and more—3 cents per ton register; and when under twenty (20) tons, each 50 cents for the winter season.
- Provided, always, that vessels coming from or going to Montreal or Quebec, and merely passing through the Harbor of Three Rivers, or stopping only to take in provision or fuel, and not landing or taking in any cargo, or bringing in or taking off in tow any vessel or rafts—in fact transacting no regular business—shall not be liable to any tonnage dues under the foregoing section.

Harbor dues to be levied on goods imported to and shipped from the Port of Three Rivers.

All goods, wares, merchandise, including lumber and wood goods of every kind, imported to or exported from the Port of Three Rivers by sea, to or from any place out of the Province of Quebec;

Marine.

And all such goods, wares and merchandise imported into or exported from the said Port of Three Rivers to or from the United States, or by transit from any other country through the United States, whether by sea or otherwise ;

And all such goods, wares and merchandise including produce, live stock, etc., imported or shipped by river craft ;

And all timber, logs, lumber and wood goods sent to, or directed to any place in or out of the Province of Quebec, for transhipment or any other purpose, whether by rail or by water—shall, if entering or clearing at the Custom House of Three Rivers, pay to the Collector of Customs, and in any other case to the Harbor Commissioners, according to the rules of Article 13 and 52 of the By-laws, the following rates :—

	cts.
Apples, per bushel.....	¼
Anchors, each	5
Anvils, do	5
Ale, per 100 galls.....	5
Beef, per barrel	1½
Brooms, dozen	½
Broom and tool handles, per gross.....	1
Bark, per cord.....	5
Barrels, empty per 100	10
Boxes do do	10
Bricks, per 1000	5
Biscuit, per 100 lbs	2
Bran do	1
Brandy, per 100 galls.....	20
Casks, empty, per 100.....	15
Cattle, each.....	3
Coals, per ton.....	5
Corn, per 100 bushels.....	15
Candles, per 100 lbs.....	3
Cement, per ton.....	6
Calves, each.....	1
Earthenware, per ton.....	5
do (loose) per 100 pieces.....	5
Fish, per barrel.....	1
Flour do	1
Firewood, per cord.....	2
Glass, per box.....	¼
Grain, per 100 bushels.....	15
Grease, per 100 lbs.....	3
Gunpowder, do	5
Gypsum, per ton	5
Gin, per 100 galls.....	15
do per case	1
Horses, each.....	5
Hides, per dozen.....	2
Hay, per ton.....	5

Marine.

	cts.
Iron and Ironware, per ton.....	5
Junk, per ton.....	5
Laths, per mille.....	1
Lumber, per 1000 ft. B.M.....	3
Leather, per 100 lbs.....	2
Linseed, per 100 bushels.....	15
Molasses, per 100 galls.....	5
Nails, per ton.....	5
Oats, per 100 bushels.....	10
Oysters, per bushel.....	¼
Ores (of all kinds) per ton.....	5
Oils do per 100 galls.....	5
Pork, per barrel.....	2
Pitch do.....	1
Pails, per dozen.....	½
Plates, per box.....	½
Potatoes, per 100 bushels.....	10
Paint, per 100 lbs.....	1
Putty do.....	1
Ploughs, each.....	2
Paper (wrapping) per 100 lbs.....	1
Pigs, each.....	2
Phosphate, per ton.....	5
Rosin, per bar.....	1
Rice, per 100 lbs.....	1
Rags, per do.....	1
Rope, per do.....	1
Railroad sleepers, per 100 pcs.....	20
Shovels, per doz.....	1
Skins (untanned), per doz.....	1
Skins (Buffalo and Elk), per doz.....	3
Sand, per ton.....	5
Staves, per 1000 ft. B.M.....	10
Straw, per 100 bundles.....	3
Stone, per 100 feet cube.....	5
Seeds, per 100 bush.....	15
Salt, per ton.....	5
Spikes, per ton.....	10
Sugar, per 100 lbs.....	1
Soap, per box.....	¼
Starch, per 100 lbs.....	1
Spices, per do.....	1
Snuff, per do.....	1
Shingles, per mille.....	2
Square and flat timber:—	
Hardwood, per 100 cube feet.....	10
Soft, do do.....	5
Spools, per great gross.....	1
do wood, per cord.....	5

Marine.

	cts.
Sheep, each.....	1
Tar, per brl.....	1
Tobacco, per 100 lbs.....	2
do per hhds.....	5
Tea, per chest.....	1
Tallow, per 100 lbs.....	1
Vehicles, each.....	5
Varnish, per brl.....	½
Wire, per 100 lbs.....	1
Wines, per 100 gallons.....	10
Whiskey do.....	15

And any other goods, wares and merchandise not included or specified in the above list, shall pay at a rate of one fifth ($\frac{1}{5}$) of one (1) per cent of the invoice value thereof.

Wharfage Dues to be levied on all merchandise, animals and things, whatsoever landed at, or shipped from the Commissioners' wharf.

- 10 cents per Ton—All goods, wares and merchandise not elsewhere specified.
- 10 cents per Ton—Hay, straw, pig and scrap iron, pot and pearl-ashes, horses, neat cattle, sheep, swine, apples, crates and their contents, flour and meal, meats, potatoes, pitch, tar, fire-bricks, gypsum, lime, phosphates, salt, coal and coke, grain and seeds of all kinds.
- Special —Bricks, 10 cents per 1,000; cordwood, 5 cents per cord; lumber, 10 cents per 1,000 feet, board measure.

On all goods, wares and merchandise whatsoever, the quantity of which by weight, measurement or other mode of estimate provided for in the tariff, cannot be conveniently ascertained, it shall be lawful for the Commissioners to levy a rate of one-quarter ($\frac{1}{4}$) of one (1) per cent of the value thereof.

Standard for Estimating Weights.

Ashes, pot or pearl.....	3 barrels to 1 ton.
Apples, flour, meal, potatoes.....	9 " "
Fish, meats, pitch, tar.....	7 " "
Horses.....	2 to 1 ton.
Neat cattle.....	3 " "
Sheep.....	15 " "
Swine.....	10 " "

Each entry shall pay not less than 5 cents.

Wharfage shall be charged at the above rates on all merchandise discharged into other vessels or landed on the wharves, whether in store or otherwise. Also on all goods shipped from off the wharves or out of the stores.

All property landed for re-shipment shall only pay one wharfage.

Marine.

The owners of goods and the persons landing or taking them from the wharf are both to be accountable for the wharfage.

All goods landed on the wharves are subject to be removed at the expense of the owner.

No articles of any kind put upon the wharves are to be considered as at the risk of the Commissioners, nor entitled to remain there over five (5) days free of charge, after which they shall be charged per month according to the space occupied.

Any person wishing to pile lumber or other goods on the wharves to remain, shall first obtain a berth.

RATES OF MOORAGE OF VESSELS DISCHARGING OR LOADING CARGO.

Vessels of	60 Tons and under	\$0	30	per day
"	100	"	"	0 50
"	150	"	"	0 75
"	200	"	"	1 00
"	250	"	"	1 20
"	300	"	"	1 35
"	350	"	"	1 50
"	400	"	"	1 70
"	450	"	"	1 85
"	500	"	"	2 00
"	550	"	"	2 20
"	600	"	"	2 35
"	650	"	"	2 50
"	700	"	"	2 65
"	750	"	"	2 80
"	800	"	"	3 00
"	850	"	"	3 15
"	900	"	"	3 35
"	950	"	"	3 50
"	1,000	"	"	3 70
"	1,100	"	"	4 00
"	1,200	"	"	4 35
"	1,300	"	"	4 65
"	1,400	"	"	5 00
"	1,500	"	"	5 35
"	1,600	"	"	5 70
"	1,700	"	"	6 00
"	1,800	"	"	6 35
"	1,900	"	"	6 70
"	2,000	"	"	7 00

and 35 cents for every 100 tons over.

Marine.

PRIVY COUNCIL,
OTTAWA, 22nd Feb., 1883.

I certify that the foregoing By-laws and Tariff of the Harbor Commissioners of Three Rivers have been this day approved by His Excellency the Governor General in Council.

JOHN J. MCGEE,
Clerk, Privy Council.

By a Proclamation bearing date the 19th day of March, 1883, under the provisions of the Act passed in the thirty-seventh year of Her Majesty's Reign, chaptered thirty-four, and intituled "An Act to provide for the appointment of Harbor Masters for certain ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," the said Act was declared to apply to the port of Parry Sound, in the Electoral District of Muskoka and Parry Sound, in the Province of Ontario, defining the limits of said port as follows, viz. : All the waters and coast line inside or to the eastward of a line drawn from Red Rock to Love Rock, the northern and southern limits being lines drawn due east from each of these and including all navigable waters between Parry Island and the mainland, as well as the whole of Parry Sound.

Vide Canada Gazette Vol. XVI. p. 1579.

ADDITIONS and alterations to the rules of the existing Pilotage Regulations for the government of Pilots for the Pilotage District of Miramichi, in the Province of New Brunswick.

That that portion of Rule 4 relating to rates of Inward Pilotage be altered so as to read as follows:—

"When inward bound, two dollars and twenty-five cents per foot, for every foot of water such ship shall draw at the time: and all vessels propelled wholly or in part by steam shall pay, in addition to above, the sum of two cents per register or net ton."

That the following be added to Rule 12:

"A Pilot boat, with two or more Pilots on board, shall always be kept outside the bar, from the opening of navigation until the time of removal of the lightship in the Fall, in order that there may always be a Pilot on hand to board any vessel approaching the harbor, under a penalty of twenty dollars for each and every case of neglect,—said penalty to be paid by each Pilot belonging to the crew of the Pilot whose turn it was to be outside."

Marine.

PRIVY COUNCIL,

Ottawa, 19th March, 1883.

I hereby certify that the foregoing rules and regulations amending the Pilotage Regulations for the District of Miramichi, New Brunswick, have been this day approved by His Excellency the Governor General in Council.

JOHN J. MCGEE,

Clerk, Privy Council.

On a Memorandum dated 16th April, and approved 19th April, 1883, from the Minister of Marine and Fisheries, stating with reference to the Order in Council of 23rd May, 1882, approving the By-law passed by the Harbor Commissioners of Quebec at a meeting held on the 3rd May last, repealing the existing rates of Pilotage and increasing the rates, and providing that such By-law should have effect and the increased rates continue in force only during the season of navigation in the year 1882, that no material reduction has as yet been made in the number of pilots for and below the Harbor of Quebec, and recommending that the By-law referred to shall have effect and the increased rates of pilotage shall continue in force during the season of navigation in the year 1883.

The Committee concur in the above recommendation and submit the same for Your Excellency's approval.

JOHN J. MCGEE,

Clerk, Privy Council.

RULES AND REGULATIONS,

Framed by the Board of Steamboat Inspection in reference to boilers, life boats, and duties and liabilities of Engineers.

Boilers.

The following rules, copied in the main from the Imperial Board of Trade Rules, relating to the construction of marine boilers, have in view the same object, namely:—

“That boilers well constructed, well designed and made of good material should have an advantage in matter of working pressure over boilers inferior in any of the above respects, as unless this is done, the superior boiler is placed at a disadvantage and good workmanship and material will be discouraged.”

1. When cylindrical boilers or the cylindrical part of boilers are made of the best material with all the rivet holes drilled in place and all the seams fitted with double butt straps, each of at least five-eighths the thickness of the plates they cover, and all the seams at least double rivetted with rivets having an allowance of not more than 75 per cent. over the single

Marine.

shewe, and provided that the boilers have been open to inspection during the whole period of construction, then 5 may be used as "the factor of safety." The tensile strength of the material is to be taken as equal to 60,000 lbs. per square inch with the grain, and 50,000 lbs across the grain.

When the above conditions are not complied with, the additions in the following scale must be added to the factor 5, according to the circumstances of each case.

- A .15—To be added when all the holes are fair and good in longitudinal seams, but drilled out of place after bending.
- B .3—To be added when all the holes are fair and good in the longitudinal seams, but drilled out of place before bending.
- C .3—To be added when all the holes are fair and good in the longitudinal seams, but punched after bending instead of drilled.
- D .5—To be added when all the holes are fair and good in the longitudinal seams, but punched before bending.
- E*.75—To be added when all the holes are not fair and good in the longitudinal seams.
- F .1—To be added if the holes are all fair and good in the circumferential seams, but drilled out of place after bending.
- G .15—To be added if the holes are fair and good in the circumferential seams, but drilled before bending.
- H .15—To be added if the holes are fair and good in the circumferential seams, but punched after bending.
- I .2—To be added if the holes are fair and good in the circumferential seams, but punched before bending.
- J*.2—To be added if the holes are not fair and good in the circumferential seams.
- K .2—To be added if double butt straps are not fitted to the longitudinal seams, and the said seams are lap and double riveted.
- L .1—To be added if double butt straps are not fitted to the longitudinal seams, and the said seams are lap and treble riveted.
- M .3—To be added if single butt straps are fitted to the longitudinal seams, and the seams are double riveted.
- N.15.—To be added if only single butt straps are fitted to the longitudinal seams and the said seams are treble riveted.
- O .1—To be added when any description of joint in the longitudinal seams is single riveted.
- P .1—To be added if the circumferential seams are fitted with single butt straps and are double riveted.
- Q .2—To be added if the circumferential seams are fitted with single butt straps and are single riveted.
- R .1—To be added if the circumferential seams are fitted with double butt straps and are single riveted.
- S .1—To be added if the circumferential seams are lap joints and are double riveted.
- T .2—To be added if the circumferential seams are lap joints and are single riveted.
- U .25—To be added when the circumferential seams are lap, and the strakes of plates are not entirely under or over.

Marine.

V 3—To be added when the boiler is of such a length as to fire from both ends, or is of unusual length, such as flue boilers; and the circumferential seams are fitted as described opposite P. R. and S, but of course when the circumferential seams are as described opposite Q and T, V 3 will become V 4.

W* 4—To be added if the seams are not properly crossed.

X* 4—To be added when the iron is in any way doubtful, and the Inspector is not satisfied that it is of the best quality.

Y 1—To be added if the boiler is not open to inspection during the whole period of its construction.

The strength of the joints is found by the following method:—

$$\frac{\text{Pitch} - \text{Diameter of rivets}}{\text{Pitch}} \times 100 = \text{Percentage of strength of plate at joint as compared with the solid plate.}$$

$$\frac{(\text{Area of rivets} \times \text{No. of rows of rivets})}{\text{Pitch} \times \text{thickness of plate}} \times 100 = \text{Percentage of strength rivet as compared with the solid plate.}$$

Where marked * the allowance may be increased still further if the workmanship or material is very doubtful or unsatisfactory.

† If the rivets are exposed to double shear multiply the percentage as found by 1.75.

Then take iron as equal to 60,000 per square inch and use the small of the two percentages as the strength of the joint, and adopt the factor of safety as found from the preceding scale:

$$(60,000 \dagger \times \text{percentage of strength of joint}) \times \text{twice the thickness of the plate in inches.}$$

Inside diameter of boiler in inches \times factor of safety = Pressure to be allowed per square inch on the safety valves.

Plates that are drilled in place must be taken apart and the burr taken off, and the holes slightly countersunk from the outside.

Butt straps must be cut from plates and not from bars, and must be of as good quality as the shell plates, and for the longitudinal seams must be cut across the fibre.

The rivet holes may be punched or drilled, when the plates are punched or drilled out of place, but when in place must be taken apart and the burr taken off and slightly countersunk from the outside.

When single butt straps are used and the rivet holes in them punched, they must be one eighth thicker than the plates they cover.

The diameter of rivets must not be less than the thickness of the plates of which the shell is made, but it will be found where the plates are thin, or when lap joints or single butt straps are adopted that the diameter of the rivets should be in excess of the thickness of the plates.

The distance of the rivet holes from the ends or edge of the plates, shall not be less than to allow a sectional area of plate between the rivet hole and the edge or end of the plate, equal to the area of the rivet.

Dished ends that are not truly hemispherical must be stayed; if they are not theoretically equal in strength to the pressure needed they must be

† The Board of Trade assume 47,000 lbs.

Marine.

stayed as flat surfaces, but if they are theoretically equal in strength to the pressure needed, the stays may have a strain of 10,000 lbs. per effective square inch of sectional area.

Inspectors will remember that the strength of a sphere to resist internal pressure is double that of a cylinder of the same diameter and thickness.

2. The neutral parts of boiler shells under steam domes must be sufficiently stiffened and stayed.

The sides of boilers having square furnaces and half round tops must be stayed from side to side of the shell, over the furnace; one or more rows of these stays to be placed well above the centre of the cylindrical post.

Screw stays are not to be used at any angle but a right angle to the surface supported, their diameter to be measured inside the thread

The longitudinal seams in the cylindrical shell of boilers should be as far as possible from the bottom.

The inside diameter of the outside strake or course in the cylindrical shell of a boiler is to be taken as the measure of its diameter.

3. In cylindrical superheaters the strength of the joints and the factor of safety is found in a similar manner as for cylindrical boilers and steam receivers, but instead of using 60,000 lbs as the tensile strength of iron, 30,000 lbs. is adopted, unless where the heat or flame impinges at or nearly at right angles to the plate, then 22,400 is substituted.

In all cases the internal steam pipes should be so fitted that the steam in flowing to them will pass over all the plates exposed to the impact of heat or flame.

Superheaters or water jackets should as regards inspection, be deemed to be the most important part of the boilers and must be inspected inside and outside; those that cannot be entered (on account of their size) must have a sufficient number of doors through which a thorough inspection of the whole of the interior can be made.

Special attention should be paid to the inspection of superheaters, as with high pressure the plates may become dangerously weak, and not give any sound to indicate their state when tested with a hammer; the plates should therefore be occasionally drilled: drain pipes must, in all cases, be fitted to superheaters in which a collection of water in the bottom is possible.

Superheaters that can be shut off from the main boilers must be fitted with a government lock-up safety valve of sufficient size, but the least size passed shall not be less than 3 inches diameter.

4. The areas of diagonal stays are formed in the following way:— Find the area of a direct stay needed to support the surface, multiply this area by the length of the diagonal stay, and divide the product by the length of a line drawn at right angles to the surface supported to the end of the diagonal stay, the quotient will be the area of the diagonal stay required.

5. When the tops of combustion boxes or other parts of a boiler are supported by solid rectangular girders, the following formula, which is used by the Board of Trade, will be useful for finding the working pressure to be allowed on the girders, assuming that they are not subjected to a greater temperature than the ordinary heat of steam, and are further sustained by

Marine.

hanging stays as provided by section 12 of the Act, and in the case of combustion chambers that the ends are fitted to the edges of the tube plate, and the back plate of the combustion box :—

$$\frac{c \times d^2 \times T}{(W-P) D \times L} = \text{Working pressure.}$$

W=Width of combustion box in inches

P=Pitch of supporting bolts in inches.

D=Distance between the girders from centre to centre in inches.

L=Length of girder in feet.

D=Depth of girder in inches.

T=Thickness of girders in inches.

C=500 when the girder is fitted with one supporting bolt.

C=750 when the girder is fitted with two or three supporting bolts.

C=850 when the girder is fitted with four supporting bolts.

The working pressure for the supporting bolts and for the plate between them, shall be determined by the rule for ordinary stays.

6. The flat ends of all boilers, as far as the steam space extends, and the ends of superheaters, should be fitted with shield, or baffle plates, where exposed to the hot gases in the uptake, as all plates subjected to the direct impact of heat or flame are liable to get injured unless covered with water.

7. Donkey boilers that are in any way attached to, or connected with, the main boilers, or with the machinery used for propelling the ship, must be inspected and be fitted the same way as the main boilers, and have a water and steam gauge, and all other fittings complete, and as regards safety valves must comply with the same regulations as the main boilers; and no safety valve shall be passed less than two inches diameter.

8. No boiler or steam chamber is to be so constructed, fitted or arranged as that the escape of steam from it through the safety valve can be wholly, or partially, intercepted by the action of any other valve.

A stop valve must always be fitted between the boiler and the steam pipe, and, when two or more boilers are connected with a steam receiver or superheater, between each boiler and the superheater or steam receiver. The object of this is obvious, viz :—to avoid the failure of all the boilers through the failure of one. The necks of stop valves should be as short as practicable.

9. Each boiler must be fitted with glass water gauge, at least two test cocks, and steam gauge; that is to say, each boiler must be fitted with all the fittings as complete as if there were only one boiler.

Boilers that fire both ends, and those of unusual width, must have water gauges and test cocks at each end or side as the case may be. When a steamer has more than one boiler, and these boilers are fitted with stop valves, each boiler must be treated as a separate one, and have all the requisite fittings.

10. Inspectors are to be most careful not to give any official sanction to any new arrangement or construction of marine steam boilers, without first obtaining the permission of the Chairman in writing, nor are they allowed to give any written approval of any invention, or arrangement

Marine.

unless by direction of the Board; and whenever they know that any invention or new arrangement is to be fitted to a vessel that is intended to have a passenger certificate, they should as soon as possible obtain plans and submit the same to the Chairman.

Inspection of Boilers.

11. Inspectors are to fix the working pressure of boilers by a series of calculations of the strength of the various parts, and according to the workmanship and material.

12. Before testing a boiler the Inspector should examine it, take the necessary measurements and calculate that the working pressure should be in accordance with the provisions of the Steamboat Inspection Act, and only test to one and one half the working pressure; if the test is not satisfactory the defects must be made good and the boiler re-tested. This instruction applies to superheaters, steam chests and water jackets as well as boilers.

13. If the boiler is too hot for the Inspector to examine it efficiently with safety and convenience, he should decline to examine it, and absolutely refuse to grant a certificate until he can make an efficient examination.

14. Inspectors should see all new boilers and boilers that have been taken out of a ship for thorough repair, tested by hydraulic pressure, up to at least one and one half the working pressure that will be allowed, previous to the boilers being placed in the vessel, to test the workmanship, &c., but the working pressure is to be determined by the stay power, thickness of plates, and strength of riveting, &c., and not by the hydraulic test.

The hydraulic test should in no case exceed one and one half the calculated working pressure of the boiler, and it is never to be applied until the boiler has been opened up for examination, and until the strength has been calculated from the necessary measurements taken from the boiler itself.

15. When a vessel is partially inspected by one Inspector and the inspection is completed and the certificate granted by another, if the inspector who witnesses the test of the boilers by hydraulic pressure has an opportunity of examining them inside and outside after the test, such Inspector shall determine the pressure to be allowed on the boilers in question, taking care to inform the owners, makers or agents, and the Inspector who is ultimately to grant a certificate, what pressure should in his opinion be granted on them.

16. Cast iron must not be used for stays, and Inspectors should also discourage the use of cast iron for chocks and saddles for boilers.

Particular attention should be paid to chocking and fastening boilers to the vessel.

17. A pressure once allowed on a boiler of a passenger steamer is not, under any circumstances whatever, to be increased unless the Inspector has previously written for and obtained the sanction of the Chairman. In cases where an Inspector is of opinion that an increased pressure may with safety be allowed, he should communicate with the Inspector who last inspected the boiler; and if, on learning the reason why the existing pressure was formerly allowed, the Inspector is still of the opinion that it may be

Marine.

increased, he should communicate all the facts of the case to the Chairman but, as above stated, the pressure should not in any case be increased until the question has been decided by the Chairman.

Safety Valves.

18. Section 19 of the Act provides that the boiler of every steamboat shall be fitted with two safety-valves, one of which shall be locked up and one open. The subsequent section further provides that the area of any locked safety-valve or the joint areas of any locked safety-valves to any boiler made or placed on board after the passing of this Act, shall not be less than half a square inch for each square foot of grate surface in or under the boiler. This rule shall also apply to the ordinary or open valve or valves. In all cases the safety-valves should be upon the boiler or as near as possible to it.

19. Inspectors are instructed that in all new boilers, and whenever alterations can be easily made, the valve chest should be placed directly on the boiler; and the neck or part between the chest and the flange which bolts on to the boiler should be as short as possible and be cast in one with the chest.

In any case in which an Inspector is of opinion that it is positively dangerous to have a length of pipe between the boilers and the safety-valve chest, it is his duty at once to insist on the requisite alterations being made before granting a certificate.

20. Inspectors are to fix the limit of the weight to be placed on the safety-valves and are to satisfy themselves that the boilers are, in their judgment, sufficient with the weight so placed,

In new vessels no safety-valves should be passed less than 3 inches in diameter, and for donkey boilers not less than 2 inches in diameter.

21. Care should be taken that the safety-valves have a lift equal to at least one-fourth of their diameter; that the area of the inlet and outlet openings for the passage of steam be not less than the area of the valve. Where lever valves are used the distance between the centre of the fulcrum should not be less than the diameter of the valve.

22. The size of the steel of which the spring is made in spring safety-valves is found from the following formula taken from the Board of Trade Rules.

$$\sqrt[3]{\frac{S \times D}{C}} = d$$

S=the load on the spring in pounds.

D=the diameter of the spring (from centre to centre of wire) in inches.

d=the diameter or side of square, of the wire in inches.

C=8,000 for round steel.

C=10,000 for square steel.

The spring should be protected from the steam and impurities issuing from the boiler, and in case of the spring breaking, means provided to keep it in position on the valve.

Marine.

23. A standard spring if made of the best square cast steel contains .25 of a square inch, the inside diameter is two inches and the outside diameter three inches; it has thirteen complete coils, and the ends, and is $11\frac{1}{2}$ inches long. The working load is assumed at 600 pounds, one-sixth of its breaking load when hardened to a temper just sufficient to break it, at which load it should deflect just one inch.

To find the sectional area for any other spring, the pressure on the valve being given:—

600 : 700 :: .25 : .29 sectional area of spring at 700 lbs. load.

Suppose the pressure on the valve be 1,344 lbs then 600 : 1,344 :: .25 : .56 equal to a $\frac{3}{4}$ inch square bar; the other dimensions of the spring would be in like proportion.

24. The following conditions should apply to all safety valves:—

1st. Under no consideration whatever should the pressure rise in the boiler above the load placed on the safety-valve.

2nd. The relieving power of the safety-valve or safety-valves should be twice the generating power of the boiler under full fires.

25. No disc or "pop safety-valve" liable to open the full area of the valve suddenly should be passed over four inches diameter. Where a larger area of safety-valve is required two or more valves may be used, but in all cases lifting gear must be provided for raising them singly or together.

26. Safety-valves must be placed in convenient and accessible places that their adjustment and examination may be readily and efficiently made.

27. When the longitudinal seams in cylindrical furnaces are not welded or made within a butt strap as provided in sub-section 7, section 17 of the Act, the following constants will be substituted for 90,000:—

Furnaces with butt joints and drilled rivet holes.

- 90,000. Where the longitudinal seams are double riveted and fitted with single butt straps.
- 80,000. Where the longitudinal seams are single riveted and fitted with single butt straps.
- 90,000. Where the longitudinal seams are single riveted and fitted with double butt straps.

Furnaces with butt joints and punched rivet holes.

- 85,000. Where the longitudinal seams are double riveted and fitted with single butt straps.
- 75,000. Where the longitudinal seams are single riveted and fitted with single butt straps.
- 85,000. Where the longitudinal seams are single riveted and fitted with double butt straps.

Furnaces with lapped joints and drilled rivet holes.

- 80,000. Where the longitudinal seams are double riveted and beveled.
- 75,000. Where the longitudinal seams are double riveted and not bevelled.
- 70,000. Where the longitudinal seams are single riveted and bevelled.
- 65,000. Where the longitudinal seams are single riveted and not bevelled.

Marine.

Furnaces with lapped joints and punched rivet holes.	}	75,000. Where the longitudinal seams are double riveted and bevelled.
		70,000. Where the longitudinal seams are double riveted and not bevelled.
		65,000. Where the longitudinal seams are single riveted and bevelled.
		60,000. Where the longitudinal seams are single riveted and not bevelled.

28. *Duties and Liabilities of Engineers, &c.*

Rules and Regulations.

Rule I.—Engineers are required in all cases upon stopping the engine to open the safety-valve, so as to keep the steam in the boiler below the limit allowed by the Inspector's certificate, as prescribed by law, to open the furnace doors or close the dampers, and when from accident or other cause the water in the boiler has fallen below the point of safety, to put out the fires immediately.

Rule II.—Engineers shall keep the fire pumps and hose and their connections in perfect conditions ready for immediate use, and when found unfit for use from age or other cause, shall report their condition to the Inspector by whom the steamer was last inspected

Rule III.—Engineers when laying up a steamer in the fall, or when finally leaving her, are required to report to the owner, and also to the Inspector of the nearest District, any defects of or injury to the boilers or machinery by which the safety of the same may be endangered. They shall also report to the Inspector of the District at which the steamer next arrives any accident happening to the boilers or machinery during the trip, and in case of omission to make such report, the license of the Engineer so omitting shall be revoked.

Rule IV.—The Chief Engineer of a steamer is held accountable by the Board for the proper care and management of the boilers and machinery under his charge. He is, therefore, in no case to absent himself from the vessel while on her regular trips unless a competent substitute be provided to fill his place during his absence.

Rule V.—Engineers on first taking charge of a steamer, and at least once a year thereafter, shall satisfy themselves by close examination that the braces, stays and pins of the boiler are in good order, and sufficient for the strain to which they may be subjected; they shall also satisfy themselves that the safety-valves are in good working order and sufficient for the requirements in Rule 1 hereof.

Rule VI.—Engineers are to exhibit their certificates in the Engine Room along with a copy of these Rules.

Rule VII.—Management of boilers :—

1. Getting up steam—Warm the boiler gradually. Steam should not be raised from cold water in less than four hours. If practicable, light the fires overnight. By getting up steam too quickly the boiler will soon be destroyed.

Marine.

2. Firing—Fire regularly. Keep the sides up and use the slice gently and as seldom as possible.
3. Feed water.—Let the feed be regular and constant.
4. Glass gauge and Try Cocks.—Keep the glass free and try the gauge cocks every fifteen minutes.
5. Safety-valves.—Lift each safety valve at least once a day, and always before getting up steam.
6. Low Water.—Put out the fires by drawing them or throwing ashes on them. Never use water. Low water should never occur.
7. Blowing off the Boiler.—Don't blow off by steam pressure; let the water run off if possible. See that the fires are all out.
8. Boiler Purgers.—Never use any compositions to keep down incrustation or oil or other impurities to remove it.
9. General Rules.—Keep the boiler clean inside and outside, and free from leak. Never throw water in the furnace. Under high pressure raise the safety-valve gently, Lower the fires or, if necessary, stop the engine when foaming to find the water level.

29. The life-boat required by section 27 of the Act, 1882:—

Life-boats must be built whale boat fashion, both ends alike, they must have a shear of about $\frac{3}{4}$ inch to a foot, rising equally from amidship to the stem and stern, and to have sufficient strong, serviceable, air-tight compartments, so constructed, fitted and arranged that water cannot find its way into them.

The life-boat must be substantially constructed of galvanized iron, of not less than No. 18 wire gauge in thickness.

Zinc is not to be used in the construction of a life-boat, on her air-casings.

The air-tight compartments must be so distributed as to give the boat good buoyancy and stability; whether a part of the air case should be under thwarts, or whether they should be all in the ends and along the sides, will be, so long as an efficient life-boat is obtained, left to the option of the owner.

Spaces filled with or containing any material are not to be deemed to be air spaces.

A square stern boat is not to be passed as a life-boat.

Life lines should be suitably attached to the gunwale of the life-boat.

The life-boat must be provided with the full complement of oars properly secured, two plugs for each plug hole attached with lanyards or chains, a bailer, rudder and tiller also attached to the boat by lanyards, a hatchet attached with a lanyard should be kept in each end of the boat, and a painter and boat hook.

Means for detaching speedily the life-boat from the lower blocks of the davit tackles must be provided. An ordinary fixed hook in the lower block should not be allowed. The boat's davits must be strong enough and so spaced that the boat can be swung out without unnecessary labor, that the boat chocks can be expeditiously removed, and that the boat will not foul the ship's sides in lowering when the ship has no list, and that the whole of the tackling, davits, falls, blocks, eye-bolts and rings, &c., are of sufficient strength to lower the boat with its full complement on board.

Marine.

The following formula for calculating the working pressure on boilers, as prescribed in section 17 of the Act, may be added as an appendix to the Rules :

Taking iron and steel as equal in tensile strength to 60,000 pounds to the square inch, and the percentage of strength of the joint at .70 as compared to the solid plate.

$(60,000 \times \text{percentage of strength of joint}) \times \text{twice the thickness of the plate in inches.}$

Inside diameter of boiler in inches \times factor safety = Pressure to be allowed on the safety-valves.

Pressure allowed on a boiler 42 inches diameter, made of iron plates one quarter inch thick.

$(60,000 \times .70) \times .5 = 100$ lbs. working pressure.

42×5

For steel 4 may be used as the factor of safety, provided the tensile strength of the plates are not less than 60,000 lbs. to the square inch.

PRIVY COUNCIL,

OTTAWA, 17th April, 1883.

I hereby certify that the foregoing Rules and Regulations in reference to Boilers and Life-boats of Steamers and duties and liabilities of Engineers has, in accordance with the 8th section of the Steamboat Inspection Act of 1882, been this day approved by His Excellency the Governor General in Council.

JOHN J. MCGEE,

Clerk, Privy Council.

OFFICE OF PILOT COMMISSIONERS,

DISTRICT OF ST. JOHN, N.B.,

9th April, 1883.

By-laws to amend the Pilotage By-laws of 1875 and the By-laws amending the same.

In the place of Sections 11 and 12 of By-laws (which are hereby cancelled) substitute the following :—

Rates of Pilotage for all sailing vessels from 125 tons and upwards entering and leaving the Port of St. John, N.B. :

<i>Inwards.</i>	\$ cts.
1st District from Partridge Island to Musquash Head, bearing N. W., per foot draft of water.....	1 00
2nd District from Musquash Head to Pointe Lepreaux, N.W., per foot draft of water.....	1 25
3rd District from Pointe Lepreaux to North Head Grand Manan, N.W., or North Channel, S.E., per foot draft of water.....	1 50

Marine.

4th District from North Head of Grand Manan or North Channel as aforesaid to Machias Seal Island South, or Briar's Island South East, per foot draft of water.	1 75
5th District shall be from the outside limit of the fourth district to a bound ranging with Mount Desert and Cape Sable Seal Island, bearing N.W. and S.E., being the outside limits of the Pilotage District, per foot draft of water.....	2 25

Outwards

From the Harbor of the Port of Saint John, N.B., to, outside of Partridge Island, per foot draft of water. 1 25

Down.

The Bay of Fundy, when required, shall be two dollars per foot draft of water, over and above the one dollar and twenty-five cents Harbor Pilotage outwards. 2 00
1 25

Transporting.

If any pilot shall be employed in the removal of any ship or vessel within the Port or Harbor of Saint John from any mooring ground to any wharf, or from wharf to any mooring ground, or from one wharf to another wharf, and such pilot shall see said vessel properly secured and moored, he shall be entitled to demand and receive for such services as follows: Provided always, that if on the arrival of any ship or vessel into the Harbor of St. John, circumstances prevent such ship or vessel from being placed on the mooring ground or at the berth intended by the master, owner or consignee of such ship or vessel, it shall be the duty of the pilot piloting such ship or vessel inwards to pilot the same when being removed to such mooring ground or berth if such removal take place within twenty-four hours after the arrival of such ship or vessel as aforesaid. without any extra charge for the same :

For vessels not over 100 tons.....	\$1 50
Over 100 tons and not exceeding 200.....	2 00
“ 200 “ “ 300.....	3 00
“ 300 “ “ 400.....	4 00

and twenty-five cents additional for every fifty tons such vessels may measure over four hundred tons.

All steamers.

Not otherwise exempt by the Pilotage Acts shall pay the following rates of Pilotage for entering and leaving the Port of St. John, N.B. :—

Inward.

1st District from Partridge Island to Musquash Head, bearing N.W., per foot draft of water..... 1 25

Marine.

2nd District from Musquash Head to Point Lepreaux, N.W., per foot draft of water	1 60
3rd District from Point Lepreaux to North Head of Grand Manan, N.W, or North Channel, S.E., per foot draft of water	2 00
4th District from North Head of Grand Manan or North Channel as aforesaid to Machias Seal Island South, or Briar's Island, South East, per foot draft of water.	2 20
5th District shall be from the outside limit of the fourth district to a bound ranging with Mount Desert and Cape Sable Seal Island, bearing N.W. and S.E., being the outside limits of the Pilotage District, per foot draft of water	2 80

Outwards.

From the Harbor of the Port of St. John, New Brunswick, to the outside of Partridge Island, per foot draft of water	1 60
<i>Down</i> the Bay of Fundy when required shall be two dollars and fifty cents, per foot draft of water, over and above the one dollar and sixty cents, Harbor Pilotage outward	1 60

Transporting.

If any Pilot shall be employed in the removal of any steamer within the Port or Harbor of St John from any mooring ground to any wharf or from any wharf to any mooring ground or from one wharf to another wharf, and such pilot shall see the said steamer properly secured or moored, he shall be entitled to demand and receive for such services as follows: Provided always, that if on the arrival of any steamer into the Harbor of Saint John, circumstances prevent such steamer from being placed on the mooring ground or at the berth intended by the master, owner or consignee of such steamer, it shall be the duty of the pilot piloting such steamer inwards to pilot the same when being removed to such mooring ground or berth, if such removal takes place within twenty-four hours after the arrival of such steamer as aforesaid, without extra charge for the same:—

For all steamers not over 100 tons.....	\$2 00
Over 100 tons and not exceeding 200.....	2 50
Over 200 do 300.....	3 75
Over 300 do 400.....	5 00

and thirty cents additional for every fifty tons such steamer shall measure over 400 tons.

Marine.

It being understood if a steamer drop two anchors in the harbor on arrival, she is considered moored and any removal is a transportation.

(Signed) J. U. THOMAS,

Secretary.

PRIVY COUNCIL,

OTTAWA, 24th April, 1883.

I hereby certify that the foregoing By-laws to amend the Pilotage By-laws of 1875 and the By-laws amending the same adopted by the Pilotage Authority for the District of St. John, N.B., on the 9th day of April, 1883, have been this day submitted to and approved by His Excellency the Governor General in Council.

JOHN J. MCGEE,

Clerk, Privy Council.

Under the 50th section of the Steamboat Inspection Act of 1882, His Excellency the Governor in Council was pleased by an Order in Council bearing date the 4th May, 1883, to fix the rate or duty to be paid yearly by owners or masters of steamboats at four cents for every ton gross each steamboat measures.

Vide Canada Gazette Vol. XVI. p. 1951.

By Order in Council, dated Friday, 4th day of May, 1883, the Order in Council of the 7th of May, 1874, establishing a pilotage District embracing the ports, harbors and bays in Bras d'Or Lake and Great and Little Bras d'Or, and constituting the pilotage authority for the said District, was cancelled, and another pilotage district embracing the ports, harbors and bays in Bras d'Or Lake and Great and Little Bras d'Or, within the County of Victoria, N.S., was formed; and the payment of pilotage dues was made compulsory within the limits of the District thereby established.

Vide Canada Gazette, Vol. XVI, p. 1955

BY-LAW providing for the imposition and collection of Harbor tolls and Dues passed by the Corporation of the Town of Meaford under the authority of the Act 29-30 Victoria, Chapter 78.

By-Law No. 7, to authorize the imposition of Harbor dues.

WHEREAS by an Act of the Parliament of Canada, passed in the 29-30 Victoria, chap. 78, intituled "An Act to authorize the Corporation of the Township of St. Vincent, in the County of Grey, to construct a harbor at the mouth of Big Head River, in the said township, to impose and collect harbor dues and for other purposes," the Corporation of the Township of

Marine.

St. Vincent are authorized and empowered to pass By-laws for the imposition and collection of tolls, to be employed after the expenses of collection for the purpose of assisting in liquidating the debt incurred or which may be incurred by the said Corporation in constructing, improving and keeping in repair the said harbor and the works connected therewith, on all goods, wares, merchandise and chattels, shipped or loaded on board or out of any vessel, boat or other craft, from or upon any part of the said Big Head River within the limits of the said harbor, or on or upon the lands or premises adjacent thereto and belonging to the said Corporation, and upon all logs, timber, spars and masts going through the same, or any part thereof, and on all vessels entering the said harbor, not exceeding the rates therein mentioned: And whereas by an Act of the Legislative Assembly of the Province of Ontario, 37 Vic., chap. 68, intituled "An Act to incorporate the Town of Meaford" the inhabitants of the then village of Meaford was constituted a Corporation or body politic under the name of "The Corporation of the Town of Meaford" apart from the Township of St. Vincent in which it was then situate: And whereas the said harbor at the mouth of Big Head River and the lands adjacent thereto, as in the said first hereinbefore recited Act are mentioned, were situated in that part of the said Township of St. Vincent, of which it is, by the said Act of the Legislative Assembly of Ontario, enacted that the said Town of Meaford should comprise and consist, and did therefore, from and after the said incorporation become the property and under the jurisdiction of the said Corporation of the Town of Meaford:

And whereas it is expedient to pass a By-law for the imposition and collection of tolls as authorized by the said Act of Parliament of Canada:

Be it therefore enacted by the Council of the Corporation of the said Town of Meaford as follows:—

That the following harbor dues and tolls be imposed and collected, to be employed after the expenses of collection, for the purpose of assisting in liquidating the debt incurred or which may be incurred by the said Corporation in constructing, improving and keeping in repair the said harbor and the works connected therewith on all goods, wares, merchandise and chattels, shipped or landed on board or out of any vessel, boat or other craft from or upon any part of the said Big Head River within the limits of the said harbor, or upon the lands or premises adjacent thereto and belonging to the said Corporation, and upon all logs, timber, spars and masts going through the same or any part thereof on entering the said harbor, at the rates following, that is to say:—

	Cents.
Flour or meal, per brl.....	3
Ale, beer and porter, per brl.....	5
Grain of all kinds, per bushel..	1
Timothy or clover seed, per bushel.....	2
Potatoes and other roots, per bushel.....	1
Pork, beef, lard or butter, per barrel.....	5
Apples, fish, salt, water lime or plaster, per barrel.....	2
Potash, pearlash, molasses, whiskey or vinegar per barrel.....	6

Marine.

Lard or butter, per keg or firkin.....	2
Brandy, gin, rum or highwines, per barrel.....	10
Lime, per barrel.....	1
Horses or horned cattle, each.....	10
Fowls of all kind, each.....	1
Sawed lumber, per M. feet.....	12
Shingles and laths, per M.....	2
Staves, per M.....	5
Coal, per ton.....	15
Pig, bar, scrap or cast iron, per ton.....	25
Castings, chain cable, nails and spikes, per ton.....	25
Leather, per 100 lbs.....	2
Furniture, per 100 lbs.....	2½
Merchandise not herein enumerated, per ton.....	40
Grindstones, per ton.....	25
Nursery produce, per ton.....	40
Earthen or stoneware, per crate or hhd.....	6
Threshing machines, each.....	1,00
Reaping and mowing machines, each.....	50
Horse-rakes, straw-cutters, root-slicers and ploughs each.....	5
Vehicles of all kinds, each.....	25
Fanning mills, each.....	12
Bricks, per M.....	5
Hides and skins, per 100 lbs.....	5
Hay, per ton.....	10
Hops, per 100 lbs.....	10
Eggs, per barrel or box.....	4
Wheelbarrows, each.....	½
Cordwood, per cord.....	5
All articles not herein enumerated, per 100 lbs.....	2½

That this By-law shall take effect from the time the same shall be approved by the Governor in Council, and not before.

Signed and sealed in Council assembled this 16th day of April, A.D., 1883.

(Signed)

CHAS. BURNS,

Mayor.

JOHN ALBURY,
Town Clerk.

PRIVY COUNCIL.

OTTAWA, 8th May, 1883.

I hereby certify that the foregoing By-law, dated 16th April, 1883, passed by the Corporation of the Town of Meaford, in the County of Grey, under the authority of the Act 29th and 30th Victoria, chapter 78, providing for the imposition and collection of harbor tolls and dues, has been this day approved by His Excellency the Governor General in Council.

JOHN J. MCGEE,

Clerk, Privy Council.

Marine.

REGULATION

Adopted by the Pilotage Authority for the District of Moncton, Westmoreland County, New Brunswick, at a meeting held on the 20th March, 1883.

“Rule 15. Pilots residing north of Stony Creek shall not be entitled to pilot vessels inwards, nor shall pilots residing south of Stony Creek be entitled to pilot vessels outward without in either case the written authority of the Pilot Commissioners.”

PRIVY COUNCIL,
OTTAWA, 14th May, 1883.

I hereby certify that the foregoing Rule adopted by the Pilotage Authority for the District of Moncton, New Brunswick, has been this day approved by His Excellency the Governor General in Council.

JOHN J. MCGEE,
Clerk, Privy Council.

PRIVY COUNCIL,
OTTAWA, 18th May, 1883.

His Excellency the Governor General, by an Order in Council dated 4th May, 1883, was pleased to order and direct that the Orders in Council of the 23rd May and 8th October, 1877, authorizing the levying of tolls and dues at the wharf and commercial docks in Goderich Harbour, be rescinded, on the understanding that the Town Council of Goderich, in consideration of the dues being remitted, shall keep in good and sufficient repair the wharf and commercial docks, and that the remission of tolls shall be continued for five years, from 1st May, 1883.

JOHN J. MCGEE,
Clerk, Privy Council.

By a Proclamation bearing date the 23th day of May, 1883, under the provisions of the Act passed in the session of the Parliament of Canada, held in the thirty-sixth year of Her Majesty's Reign, chaptered nine and intituled “An Act to provide for the appointment of Harbor Masters for certain ports in the Provinces of Nova Scotia and New Brunswick,” the said Act and the Acts amending the same are declared to apply to the Port of Chatham, in the Province of New Brunswick,—the limits of the said Port to be on the West, a line stretching from the post known as the limit post above Morrison's Mill in the Parish of Chatham, and extending across the River to Douglastown in the Parish of Newcastle, and on the East a line extending from Point Escuminac to Tabusintac Gully, and to embrace that portion of the Miramichi River and Bay lying between the lines stated.

Vide Canada Gazette, Vol. XVI, p. 2084.

Marine.

By a Proclamation bearing date the 28th day of May, 1883, under the provisions of the Act passed in the session of the Parliament of Canada, held in the thirty-sixth year of Her Majesty's Reign, chaptered nine, and intituled "An Act to provide for the appointment of Harbor Masters for certain ports in the Province of Nova Scotia and New Brunswick," the said Act and the Acts amending the same are declared to apply to—

- 1st. The Port of Big Harbor, Great Bras d'Or;
- 2nd. The Port or District extending from Little Narrows to Cranberry Point;
- 3rd. The Port or District extending from Smith's Mountain to Rocky-side, including North River, North and South Guts St. Ann's;
- 4th. The Port or District extending from County line to Grand Narrows;
- 5th. The Port or District known as New Haven;
- 6th. The Port or District known as Neill's Harbor, all in the County of Victoria, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. XVI, p. 2034.

By Order in Council, dated Wednesday, 30th day of May, 1883, a Pilotage District was formed in the County of Cumberland, in the Province of Nova Scotia, the limits of which District was extended from Lewis Head to the division line between the Provinces of Nova Scotia and New Brunswick, and the payment of pilotage dues was made compulsory within the limits of the District thereby established.

Vide Canada Gazette, Vol. XVI, p. 1994.

By Order in Council, dated Wednesday, 30th day of May, 1883, a Pilotage District was formed for Baie Verte and Port Elgin, in the County of Westmoreland, in the Province of New Brunswick, the limits of which District extend from the Province Line, on the east, to Jourimain Island, on the west; and the payment of pilotage dues was made compulsory within the limits of the District thereby established.

Vide Canada Gazette, Vol. XVI, p. 1994.

AMENDMENTS to the Pilotage Regulations for the District of Restigouche, New Brunswick.

DALHOUSIE, N. B. 12th May, 1883.

At a meeting of the Commissioners for the Pilotage District of Restigouche held this day:

Resolved,

That section 3 of the pilotage regulations for this District be struck out and the following rates of pilotage be adopted in lieu thereof for the several ports within the said Pilotage District of Restigouche; for every foot of

Marine, &c.

water such ship or vessel shall draw at the time inward or outward bound:—

Port of Dalhousie, Jacquet River, Nash's Creek, Beaver Point, Benjamin or any loading station east of Dalhousie, one dollar;

Port of Campbellton, Oak Bay, or any loading station west of Dalhousie when vessel proceeds direct from sea,—one dollar fifty cents;

Vessels bound for the Port of Campbellton, Oak Bay, or any station west waiting at Dalhousie to discharge ballast—one dollar; and from thence to said port of Campbellton, Oak Bay, or other loading station west, one dollar per foot on draft after said discharge of ballast;

For the removal of any ship or vessel and such ship or vessel properly secured and moored, the following rates, viz:—

The sum of one dollar fifty cents for vessels not exceeding one hundred tons: the sum of two dollars for vessels over one hundred tons and not exceeding two hundred tons; the sum of three dollars for vessels over two hundred tons and not exceeding three hundred tons, and the sum of four dollars for vessels over three hundred tons and not exceeding six hundred tons, and the sum of five dollars for all vessels over six hundred tons; and when the distance of removal exceeds four miles, one hundred per cent. additional to the above rates.

(Signed) GEO. MOFFAT,
Chairman.

DAVID RITCHIE,
Secretary.

PRIVY COUNCIL,
OTTAWA, 30th May, 1883.

I hereby certify that the foregoing amendments to the Pilotage Regulations for the District of Restigouche, in the Province of New Brunswick, have been this day approved by His Excellency the Governor General in Council.

JOHN J. MCGEE,
Clerk, Privy Council.

Fisheries.

By a Proclamation bearing date the 12th day of July, 1882, under the provisions of the Act passed in the session of the Parliament of Canada, held in the thirty-ninth year of Her Majesty's Reign, chaptered twenty-one, and intituled "An Act respecting the North-West Territories, and to create a separate Territory out of part thereof;"

Fisheries.

And the Act passed in the session of Parliament of Canada, held in the forty-third year of Her Majesty's Reign, chaptered twenty-five, and called and known as "The North West-Territories Act, 1880 ;"

The Act passed in the session of the Parliament of Canada held in the thirty-first year of Her Majesty's Reign, chaptered sixty, and called and known as "The Fisheries Act ;"

And the Act passed in the thirty-sixth year of Her Majesty's Reign, chaptered sixty-five and intituled "An Act for the better protection of Navigable Streams and Rivers"—were extended to and made to apply to the District of Keewatin and to the North-West Territories.

Vide Canada Gazette, Vol. XVI, p. 203.

By Order in Council, dated Saturday, 22nd day of July, 1882, the Order in Council of 13th March, 1879, prescribing a close time for the Lobster fishery, was amended by extending the fishing season, in the current year, for twenty-one days, in the Provinces of Quebec and Prince Edward Island, and in the Counties of Restigouche, Gloucester, Northumberland, Kent, and that part of the County of Westmoreland situated on Northumberland Strait, in the Province of New Brunswick.

Vide Canada Gazette, Vol. XVI, p. 207.

By Order in Council, dated Wednesday, 26th day of July, 1882, the Order in Council of 13th March, 1879, prescribing a close time for the Lobster fishery, was amended by extending the the fishing season in the current year for fourteen days in the Province of Nova Scotia.

Vide Canada Gazette, Vol., XVI, p. 207.

By Order in Council, dated Thursday, 14th day of September, 1882, the Rivers Patapedia and Tomkedgewick, with their tributaries in the Provinces of Quebec and New Brunswick, were set apart for the propagation of fish.

Vide Canada Gazette, Vol. XVI, p. 438.

By Order in Council, dated Tuesday, 17th day of April, 1883, that portion of the Otonabee River from Lock's Bridge, Peterborough, to its inlet at Rice Lake, the waters of Rice Lake and tributaries with the River Trent down to the Bay of Quinté, in the Province of Ontario, were set apart for the natural and artificial propagation of fish during the space of three years from the 1st April, 1883.

Vide Canada Gazette, Vol. XVI, p. 1738.

Fisheries.

By Order in Council, dated Monday, 14th day of May, 1883, the water of Charleston Lake, in the County of Leeds, in the Province of Ontario, were set apart for the natural and artificial propagation of fish during the space of three years from the 1st May, 1883.

Vide Canada Gazette, Vol. XVI, p. 1915.

GOVERNMENT HOUSE, OTTAWA,

Thursday, 14th day of June, 1883.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Acting Minister of Marine and Fisheries, and under the provisions of the 19th section of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chaptered 60, and intituled "An Act for the regulation of Fishing and protection of Fisheries,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following additional Fishery Regulations for the protection of salmon in the tidal and fresh water portions of the River Restigouche and its tributaries in the Provinces of Quebec and New Brunswick, also, for the protection of salmon in the fresh water rivers of the Province of Prince Edward Island, be and the same are hereby adopted:—

1. Salmon nets in the River Restigouche, and its tributaries extending from their head waters to the lower bound of the tidal estuary opposite to and between Campbellton, New Brunswick, and Cross Point, Quebec, shall be raised or removed from six o'clock on Friday evening to six o'clock on Monday morning following in each week.

2. It shall be lawful to angle for salmon on the River Restigouche and its tributaries between the 30th day of April and the 15th day of August in each year, after which time it shall be unlawful.

3. It shall be lawful to fish for, catch or kill salmon by means of bar nets only not exceeding five fathoms long and placed at least four hundred yards apart in those parts of the River Restigouche and its tributaries which are in the Province of New Brunswick, and it shall be unlawful to set or use therein any net of any kind between the first day of July and the first day of May in each year.

4. It shall be unlawful to fish for, catch or kill salmon by means of any kind of net or other apparatus excepting with a rod or line in the manner known as fly surface fishing, above tide water in rivers and streams in the Provinces of Quebec and Prince Edward Island.

JOHN J. MCGEE,

Clerk, Privy Council.

Post Office.

Post Office.

DEPARTMENTAL ORDER
No. 27.

POST OFFICE DEPARTMENT.

Ottawa, 13th December, 1882.

Territorial Divisions in the North-West.

1. The extensive range of country lying between the western limits of the Province of Manitoba and the eastern boundary of British Columbia, has been formed into four Territorial Divisions, named Assiniboia and Saskatchewan, immediately contiguous to Manitoba, and Alberta and Athabasca further west, and between the other two Divisions and British Columbia.

Letters and other mail matter therefore intended for any settlement or place in the the North-West country thus divided, should be addressed to the Territorial Division in which it may be situated.

As Winnipeg, however, is the distributing Post Office for the whole region, such letters, &c., should invariably have "*via* Winnipeg" as part of the direction.

For example, a letter for Battleford should be addressed—

Mr. A. B.,
Battleford,
Saskatchewan Territory,
via Winnipeg, Canada.

Postmasters should instruct all persons corresponding with the North-West Territories through their offices, to address their letters, &c., as far as practicable, in accordance with these directions.

The principal Post Offices already established in the above-named districts are as follows :

NAME OF POST OFFICE.	TERRITORIAL DIVISION.
Battleford.....	Saskatchewan.
Broadview.....	Assiniboia.
Carleton.....	Saskatchewan.
Edmonton.....	Alberta.
Grandin.....	Saskatchewan.
Moosomin.....	Assiniboia.
Oak Lake.....	do
Prince Albert.....	Saskatchewan.
Qu'Appelle.....	Assiniboia.
Regina.....	do
St. Albert.....	Alberta.
Stobart.....	Saskatchewan.
Touchwood Hills.....	Assiniboia.

Reply Post Cards.

2. For the convenience of correspondence by Post Card within the Dominion, a double Post Card has been prepared and is now ready for issue, which will afford to the original sender of this form of Card the means of

Post Office.

sending with his communication, a blank prepaid Post Card to be used in reply. Each half of the double card will bear a one-cent postage stamp impressed thereon in prepayment.

The ordinary Post Card regulations will apply to these reply cards both when originally posted, and with respect to the reply half when re-posted.

The reply or double Post Cards, will be issued at two cents each, and are to be sold to the public at that rate by Postmasters and stamp vendors.

Canada reply Post Cards, to be used in correspondence with the United Kingdom, will also be supplied at an early date, and when Post Cards of this description originating in the United Kingdom and bearing the impressed postage stamp thereof on both halves, have been received here by mail, the reply half may be re-posted in Canada for return to an address in the United Kingdom, as a prepaid Post Card, and may be forwarded to destination without requiring the addition of any Canada postage stamp or other postage prepayment in Canada. * * * *

JOHN CARLING,
Postmaster General.

POST OFFICE DEPARTMENT,
OTTAWA, 23rd June, 1883.

UNDER Conventions and arrangements recently concluded with the Post Offices of the several Countries, Money Orders may, on and after the 2nd July, 1883, be obtained at any Money Order Office in Canada payable in the following Foreign Countries and British possessions, up to the amounts and for the fees for commission, specified below:—

The German Empire, Italy, Switzerland, *Austria-Hungary, *Roumania,	}	For sums not exceeding \$10 \$20 \$30 \$40 \$50
Jamaica, Victoria (Australia), New South Wales, Tasmania.	}	10c. 20c. 30c. 40c. 50c. (Limit of a single order \$50.00.)

From the same date, Money Orders may be obtained in the same Countries, for payment in Canada.

From the 2nd July, 1883, the fees on Money Orders on British India will be reduced to a scale uniform with the above.

*NOTE.—Money sent from Canada to Austria-Hungary and Roumania by means of Money Orders, will be remitted through the intermediate agency of the Swiss Post Office, and will be subject to a deduction on payment at the rate of 25 centimes for each 25 francs, being commission due to the Swiss Administration. The abatement on a single order will in no case be less than 50 centimes.

W. H. GRIFFIN,
Deputy Postmaster General.

Public Works.

Public Works.

ON a memorandum dated 5th July, 1882, from the Minister of Public Works, submitting that certain rates of toll on saw logs, timber, &c., passing the Carillon Dam, on the Ottawa River, were established by Orders in Council of the 29th May, 1860, and 3rd May, 1882, and published in the *Canada Gazette* :—

That representation is now made to his Department that the construction of the dam across the river instead of facilitating retards the descent of timber, from two to three days being now occupied in passing whereas previously not more than two hours were required for the passage of rafts, and application has been made for the removal of the rates in question :

That the dam was not built for the purpose of facilitating the descent of timber but to increase the supply of water to the Carillon and Grenville Canal :—

The Minister, in view of the circumstances, recommends that the Order in Council in so far as provides for the collection of tolls at the Carillon Dam, be rescinded ; the Acting Minister of Inland Revenue concurs in the foregoing recommendation and further advises a refund to the parties who have paid tolls during the present season of navigation.

I certify that the tolls heretofore collected on saw logs, timber, &c., passing the Carillon Dam, on the Ottawa River, under Orders in Council of 29th May, 1860, and 3rd May, 1882, have been this day removed by His Excellency the Governor General in Council.

JOHN J. MCGEE,

Clerk, Privy Council.

PRIVY COUNCIL,
15th July, 1882.

UPPER OTTAWA IMPROVEMENT COMPANY.

1883.—TARIFF OF TOLLS.

Through Des Joachims Boom.

	Per piece.
Saw logs, 17 ft and under.....	½ cent
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted over 17 ft. and under 25 ft. long...	15 “
do do 25 to 35 ft. long.....	¾ “
do do 35 ft. and upwards in length.....	1 1/15 “
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	1 3/4 “
Oak, Elm, and other hardwood, square or flatted.....	2 3/4 “

Public Works.

Per piece.

Through Fort William Boom.

Saw logs, 17 ft and under.....	$\frac{1}{8}$ cent.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long	$\frac{4}{8}$ "
do do 25 to 35 ft long.....	$\frac{5}{8}$ "
do do 35 ft and upward in length.....	$\frac{8}{8}$ "
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	1 $\frac{1}{8}$ "
Oak, Elm, and other hardwood, square or flatted.....	2 "

Through Allumette Boom.

Saw logs, 17 ft. and under.....	$\frac{3}{10}$ cent.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long....	$\frac{2}{8}$ "
do do 25 to 35 ft. long.....	$\frac{1}{2}$ "
do do 35 ft. and upwards in length.....	$\frac{3}{8}$ "
Red and White Pine, Tamarac, Spruce and Hemlock square.....	1 $\frac{1}{8}$ "
Oak, Elm, and other hardwood, square or flatted.....	1 $\frac{1}{8}$ "

Through Melons Chenail Boom.

Saw logs, 17 ft. and under.....	$\frac{1}{10}$ "
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long....	$\frac{2}{15}$ "
do do 25 to 35 ft. long.....	$\frac{1}{8}$ "
do do 35 ft. and upwards in length.....	$\frac{4}{15}$ "
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	$\frac{2}{8}$ "
Oak, Elm and other hardwood, square or flatted.....	$\frac{3}{8}$ "

Passing Lapasse Boom.

Saw logs, 17 ft. and under.....	$\frac{1}{8}$ cent.
Red and White Pine, Tamarac, Spruce and Hemlock round or flatted, over 17 ft. and under 25 ft long....	$\frac{4}{8}$ "
do do 25 to 35 ft, long.....	$\frac{5}{8}$ "
do do 35 ft. and upwards in length.....	$\frac{8}{8}$ "
Red and White Pine, Tamarac, Spruce and Hemlock square.....	1 $\frac{1}{8}$ "
Oak, Elm and other hardwood, square or flatted.....	2 "

*Through Improvements in Mississippi Chenail, Chats Rapids, and Quio Booms
or any of them.*

Saw logs, 17 ft. and under.....	$\frac{3}{4}$ cent.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long....	1 "
do do 25 to 35 ft long.....	1 $\frac{1}{4}$ "
do do 35 ft. and upwards in length.....	2 "

Public Works.

	Per piece.
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	3 cents.
Oak, Elm, and other hardwood, square or flatted.....	4½ "

Through Improvements from Deschênes to Head of Hull Slide, North Side

Saw logs, 17 ft. and under.....	½ cent.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long....	¾ "
do do 25 to 35 ft. long.....	⅝ "
do do 35 ft. and upwards in length.....	1⅓ "
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	2 "
Oak, Elm, and other hardwood, square or flatted.....	3 "

Through Improvements in Thomsons' Bay.

Saw logs, 17 ft. and under.....	⅝ cent.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long....	⅝ "
do do 25 to 35 ft. long.....	1⅓ "
do do 35 ft. and upwards in length.....	1⅓ "
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	2½ "
Oak, Elm, and other hardwood, square or flatted.....	3¼ "

Through Improvements in Limekiln Eddy.

Saw logs, 17 ft. and under.....	⅓ cent.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long....	⅓ "
do do 25 to 35 ft. long.....	⅓ "
do do 35 ft. and upwards in length.....	⅓ "
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	⅓ "
Oak, Elm, and other hardwood, square or flatted.....	⅓ "

Through Boom below the outlet of Hull Slide.

Saw logs, 17 ft. and under.....	½ cent.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long....	⅔ "
do do 25 to 35 ft. long.....	⅓ "
do do 35 ft. and upwards in length.....	⅓ "
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	⅔ "
Oak, Elm and other hardwood, square or flatted.....	1½ "

Public Works.

1883.—BOOM WORKING EXPENSE RATES.

Through Des Joachims Boom.

	Per piece.
Saw logs, 17 ft. and under.....	2 cents.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long...	2 $\frac{3}{4}$ "
do do 25 to 35 ft. long.....	3 $\frac{1}{2}$ "
do do 35 ft. and upwards in length.....	$\frac{1}{2}$ "
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	8 "
Oak, Elm, and other hardwood, square or flatted.....	12 "

Through Fort William Boom.

Saw logs, 17 ft. and under.....	1 cent.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long...	1 $\frac{1}{2}$ "
do do 25 to 35 ft. long.....	1 $\frac{3}{4}$ "
do do 35 feet ft. and upwards in length.....	2 $\frac{3}{4}$ "
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	4 "
Oak, Elm, and other hardwood, square or flatted.....	6 "

Through Allumette Boom.

Saw logs, 17 ft. and under.....	1 cent.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long...	1 $\frac{1}{2}$ "
do do 25 to 35 ft. long.....	1 $\frac{3}{4}$ "
do do 35 ft. and upwards in length.....	2 $\frac{3}{4}$ "
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	4 "
Oak, Elm, and other hardwood, square or flatted.....	6 "

Through Melons Chenail Boom.

Saw logs 17 ft. and under.....	1 cent.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long...	1 $\frac{1}{2}$ "
do do 25 to 35 ft. long.....	1 $\frac{3}{4}$ "
do do 35 ft. and upwards in length.....	2 $\frac{3}{4}$ "
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	4 "
Oak, Elm, and other hardwood, square or flatted.....	6 "

Public Works, &c.

Through Improvements in Mississippi, Chenail, Chats Rapids and Quio Boom, or any of them.

	Per piece.
Saw logs, 17 ft. and under.....	1½ cent.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long...	2 “
do do 25 to 35 ft. long.....	2½ “
do do 35 ft. and upwards in length	4 “
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	6 “
Oak, Elm, and other hardwood, square or flatted.....	9 “

Through Improvements in Thomson's Bay.

Saw logs, 17 ft. and under.....	1 cent.
Red and White Pine, Tamarac, Spruce and Hemlock, round or flatted, over 17 ft. and under 25 ft. long....	1½ “
do do 25 to 35 feet long.....	1¾ “
do do 35 ft. and upwards in length.....	2¾ “
Red and White Pine, Tamarac, Spruce and Hemlock, square.....	4 “
Oak, Elm and other hardwood, square or flatted.....	6 “

PRIVY COUNCIL,

Ottawa, 10th February, 1883.

I hereby certify that the foregoing Tariffs of Tolls, &c., to be levied by the Upper Ottawa Improvement Company during the season of 1883, has been this day approved by His Excellency the Governor General in Council, in pursuance of the Act 38 Victoria, Chapter 77 (1875.)

JOHN J. MCGEE,

Clerk, Privy Council.

Railways and Canals.

CANADIAN PACIFIC RAILWAY COMPANY.

EXTRACT from the minutes of an adjourned Meeting of the Board of Directors, held at the Company's Offices, at Montreal, on Monday, the Sixteenth day of April, 1883.

Present

Mr. D. McIntyre, in the chair,

Mr. R. B. Angus,

Honorable Donald A. Smith.

AND BY PROXY :

Mr. Geo. Stephen,
Mr. J. S. Kennedy,
Mr. C. D. Rose,

Mr. H. S. Northcote,
Mr. P. du P. Grenfell,
Baron J. de Reinach.

Railways and Canals.

It was resolved,—That By-law No. 43 be and the same is hereby rescinded and cancelled, and that the following By-law be and the same is enacted and passed as the fifty-sixth (56th) By-law of this Company :—

BY-LAW No. 56.

Tolls.

The following shall be the Tariff of tolls, rates and fares to be charged on the Western Division, comprising that portion of the Railway from Prince Arthur's Landing westward, with the branches thereof:—

The said Tariff to be in force for one year and thereafter until revised, namely :—

PROPOSED FREIGHT TARIFF OF THE CANADIAN PACIFIC RAILWAY COMPANY (WESTERN DIVISION.)

Rates for	MERCHANDISE CLASSES.				SPECIAL CLASSES.							Coal per ton.	Coal from Thunder Bay in quantities per ton on special conditions.
	1.	2.	3.	4.	1.	2.	3.	4.	5.	6.	7.		
	In Cents per 100 lbs.				Cents per 100 lbs.	Cents per brl.	Cents per brl.	\$ per car.	\$ per car.	\$ per car.	\$ per car.		
10 Miles...	15	13	10	8	7	14	18	10.00	10.00	13.00	12.00	1.00	1.00
15 do ...	18	15	12	9	8	16	21	11.00	13.00	15.00	14.00	1.20	1.10
20 do ...	21	18	14	11	9	18	24	12.00	16.00	17.00	16.00	1.45	1.20
25 do ...	24	20	16	12	10	20	26	13.00	18.00	19.00	17.00	1.50	1.25
30 do ...	27	23	18	14	11	22	28	14.00	19.50	21.00	18.00	1.60	1.30
35 do ...	29	24	20	15	11½	23	30	15.00	21.00	23.00	20.00	1.65	1.35
40 do ...	31	26	21	16	12	24	32	16.00	22.50	25.00	22.00	1.70	1.40
45 do ...	33	28	22	17	12½	25	34	17.00	24.00	27.00	23.00	1.75	1.45
50 do ...	35	29	24	18	13	26	36	18.00	25.00	29.00	24.00	1.80	1.50
55 do ...	37	31	25	19	13½	27	38	19.00	26.50	31.00	25.00	1.90	1.55
60 do ...	39	33	26	20	14	28	39	20.00	28.00	33.00	26.00	1.95	1.60
65 do ...	41	34	27	21	14½	29	40	21.00	29.50	35.00	26.00	2.00	1.65
70 do ...	43	36	29	22	15	30	41	22.00	31.50	36.00	27.00	2.05	1.70
75 do ...	45	38	30	23	15½	31	42	23.00	33.00	37.00	28.00	2.10	1.75
80 do ...	47	39	31	24	16	32	44	24.00	34.50	38.00	29.00	2.15	1.80
85 do ...	49	41	33	25	16½	33	45	25.00	36.00	39.00	30.00	2.20	1.85
90 do ...	51	43	34	26	17	34	46	26.00	37.00	40.00	30.00	2.25	1.90
95 do ...	53	44	35	26	17	34	47	27.00	38.00	41.00	31.00	2.30	1.95
100 do ...	54	45	36	27	17½	35	48	28.00	39.00	42.00	32.00	2.35	2.00
110 do ...	57	48	38	29	18	36	50	29.00	42.00	43.00	34.00	2.45	2.05
120 do ...	60	50	40	30	19	38	52	30.00	44.00	44.00	36.00	2.55	2.10
130 do ...	63	53	42	31	19½	39	54	31.00	46.00	46.00	38.00	2.65	2.15
140 do ...	66	55	44	33	20	40	56	31.50	48.00	48.00	40.00	2.75	2.20
150 do ...	69	58	46	35	21	42	58	32.00	50.00	50.00	41.00	2.85	2.25
160 do ...	72	60	48	36	22	44	60	33.00	52.00	52.00	42.00	2.90	2.30
170 do ...	74	62	49	37	22½	45	62	34.00	54.00	54.00	43.00	2.95	2.35
180 do ...	76	64	51	38	23	46	64	35.00	56.00	56.00	44.00	3.00	2.40
190 do ...	78	65	52	39	23½	47	65	36.00	58.00	58.00	45.00	3.05	2.45
200 do ...	80	67	54	40	24	48	66	37.00	60.00	60.00	46.00	3.10	2.50
210 do ...	83	69	55	41	24½	49	68	38.00	62.00	62.00	47.00	3.20	2.55
220 do ...	86	72	57	43	25	50	70	39.00	64.00	64.00	48.00	3.30	2.60
230 do ...	88	74	59	44	25½	51	72	40.00	65.00	65.00	49.00	3.40	2.65
240 do ...	90	75	60	45	26	52	74	40.50	67.00	67.00	50.00	3.50	2.70
250 do ...	92	77	61	46	26½	53	76	41.00	68.50	68.50	51.00	3.60	2.75
260 do ...	94	78	63	47	27	54	78	42.00	70.00	70.00	52.00	3.70	2.80
270 do ...	96	80	64	48	27½	55	80	43.00	71.50	71.50	53.00	3.75	2.85

Railways and Canals.

PROPOSED FREIGHT TARIFF OF THE CANADIAN PACIFIC RAILWAY COMPANY
(WESTERN DIVISION.)

Rates for	MERCHANDISE CLASSES.				SPECIAL CLASSES.							Coal per ton.	Coal from Thunder Bay in quantities per ton on special conditions.
	1.	2.	3.	4.	1.	2.	3.	4.	5.	6.	7.		
	In Cents per 100 lbs.				Cents per 100 lbs.	Cents per brl.	Cents per brl.	\$ per car.	\$ per car.	\$ per car.	\$ per car.		
280 Miles...	99	82	65	49	28	56	82	44.00	73.00	73.00	54.00	3.80	3.15
290 do ...	1.00	83	66	50	28½	57	83	45.00	75.00	75.00	55.00	3.85	3.25
300 do ...	1.02	85	68	51	29	58	84	46.00	77.00	77.00	56.00	3.90	3.30
310 do ...	1.05	88	70	53	29½	59	86	47.00	79.00	79.00	57.00	4.00	3.40
320 do ...	1.07	89	71	54	30	60	88	48.00	81.00	81.00	58.00	4.10	3.45
330 do ...	1.09	91	73	55	30½	61	90	49.00	82.50	82.50	59.00	4.20	3.50
340 do ...	1.11	93	74	56	31	62	92	49.50	84.00	84.00	60.00	4.30	3.60
350 do ...	1.13	94	75	57	31½	63	94	50.00	85.50	85.50	61.00	4.40	3.65
360 do ...	1.15	96	76	58	32	64	95	51.00	87.00	87.00	62.00	4.50	3.70
370 do ...	1.17	98	78	59	32½	65	96	52.00	88.50	88.50	63.00	4.55	3.80
380 do ...	1.19	99	80	60	33	66	97	53.00	90.00	90.00	64.00	4.60	3.85
390 do ...	1.21	1.01	81	61	33½	67	98	54.00	92.00	92.00	65.00	4.65	3.95
400 do ...	1.23	1.03	82	62	34	68	99	55.00	94.00	94.00	66.00	4.70	4.00
410 do ...	1.25	1.04	83	63	34½	69	1.01	56.00	95.50	95.50	67.00	4.80	4.10
420 do ...	1.27	1.06	85	64	35	70	1.03	57.00	97.00	97.00	68.00	4.90	4.20
430 do ...	1.29	1.08	86	65	35½	71	1.05	58.00	98.50	98.50	69.00	5.00	4.30
440 do ...	1.31	1.09	87	66	36	72	1.07	58.50	100.00	100.00	70.00	5.10	4.40
450 do ...	1.33	1.11	89	67	36½	72	1.09	59.00	101.50	101.50	71.00	5.20	4.45
460 do ...	1.35	1.13	90	68	37	73	1.10	60.00	103.00	103.00	72.00	5.30	4.55
470 do ...	1.37	1.14	91	69	37½	74	1.11	61.00	104.50	104.50	73.00	5.35	4.65
480 do ...	1.39	1.16	93	70	37	74	1.12	62.00	106.00	106.00	74.00	5.40	4.70
490 do ...	1.41	1.18	94	71	37½	75	1.13	63.00	108.00	108.00	75.00	5.45	4.80
500 do ...	1.43	1.19	95	72	38	76	1.14	64.00	110.00	110.00	76.00	5.50	4.90
525 do ...	1.48	1.24	99	74	39	78	1.18	66.00	113.50	113.50	79.00	5.70	5.10
550 do ...	1.53	1.28	1.02	76	40	80	1.22	68.50	117.00	117.00	82.00	5.90	5.30
575 do ...	1.58	1.32	1.05	79	41	82	1.26	71.00	120.50	120.50	84.00	6.10	5.50
600 do ...	1.62	1.35	1.08	81	42	84	1.29	73.00	124.00	124.00	86.00	6.30	5.70
625 do ...	1.67	1.40	1.11	83	43	86	1.33	75.00	128.00	128.00	89.00	6.50	5.90
650 do ...	1.72	1.43	1.15	86	44	88	1.37	77.50	132.00	132.00	92.00	6.70	6.10
675 do ...	1.76	1.47	1.17	88	45	90	1.41	79.50	136.00	136.00	94.00	6.90	6.25
700 do ...	1.80	1.50	1.20	90	46	92	1.44	82.00	140.00	140.00	96.00	7.10	6.40
725 do ...	1.85	1.54	1.23	93	47	94	1.48	84.00	143.50	143.50	99.00	7.25	6.55
750 do ...	1.89	1.58	1.26	94	48	96	1.52	86.00	147.00	147.00	102.00	7.50	6.70
775 do ...	1.93	1.61	1.29	97	48½	97	1.56	88.00	150.00	150.00	104.00	7.75	6.85
800 do ...	1.97	1.64	1.31	99	49	99	1.59	90.00	153.00	153.00	106.00	8.00	7.00
825 do ...	2.01	1.68	1.34	1.00	50	1.00	1.63	92.00	156.00	156.00	109.00	8.25	7.15
850 do ...	2.05	1.71	1.37	1.02	51	1.02	1.67	94.00	159.50	159.50	112.00	8.50	7.30
875 do ...	2.09	1.74	1.40	1.04	51½	1.03	1.71	96.00	163.00	163.00	114.00	8.75	7.45
900 do ...	2.13	1.78	1.42	1.06	52	1.04	1.74	98.00	166.00	166.00	116.00	9.00	7.55
925 do ...	2.17	1.81	1.45	1.08	53	1.06	1.78	100.00	170.00	170.00	119.00	9.25	7.70
950 do ...	2.21	1.84	1.47	1.10	54	1.08	1.82	101.75	173.50	173.50	122.00	9.50	7.80
975 do ...	2.25	1.88	1.50	1.12	54½	1.09	1.86	103.25	177.00	177.00	124.00	9.75	7.90
1000 do ...	2.28	1.90	1.52	1.14	55	1.10	1.89	105.00	180.00	180.00	126.00	10.00	8.00

NOTE.—Car load rates are for 20,000 pounds.
Cordwood in quantities at car rates on special conditions.
Immigrants and Settlers' effects coming into Manitoba and the North-West, carried at half special 6th Class rates.

Passenger Tariff.

Three cents per mile between Prince Arthur's Landing and Brandon,
and between Emerson and Winnipeg. Four cents per mile between Brandon

Railways and Canals.

and the crossing of the Saskatchewan River, and on all branch lines west of Winnipeg.

Immigrants fares, one-half first class passenger rates.

Certified to be a true extract from the minutes of the Company.

C. DRINKWATER,

Secretary.

REPORT of the Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 28th May, 1888.

ON a Memorandum dated 1st May, 1888, from the Minister of Railways and Canals, submitting for approval by the Governor in Council in accordance with the requirements of the Consolidated Railway Act, section 17, sub-section 9, the accompanying By-law No. 56, enacted and passed at a meeting of the Board of Directors of the Canadian Pacific Railway Company, held on the 16th ultimo; such By-law embodying a revised schedule of freight rates and passenger fares proposed to be charged on the Western Division of their road and its branches, commencing at Prince Arthur's Landing,—

The Minister observes that in relation to the freight tariff, the Government Chief Engineer has reported, under date the 9th of December last, that though higher than the tariffs of Railways in Eastern Canada, it is so in his opinion, only in proportion to the comparatively greater cost of operating a railway in the North-West, and that the rates submitted are just and fair, taking into consideration the fact that the cost of fuel used on this section of Railway is at least 110 per cent. higher than on roads in Eastern Canada; that of labor 45 per cent. and of general supplies 60 per cent. higher; further that the line runs for hundreds of miles through a country but sparsely settled and yielding for some time to come but a very light traffic;

That the Tariff in question has however been framed with a view to the settlement of the country, and the promotion of its trade, and to this end low rates have been placed on some of the more important articles, such as immigrants effects, coal, cordwood, lumber and grain;

In view of the changes which the rapid rate of settlement in the country may be expected to produce, he advises that the period for the operation of the proposed Tariff be one year only;

That with respect to the Passenger Tariff proposed, the Chief Engineer, under date the 30th ultimo, has expressed the opinion that this Tariff is fair and just;

The Minister concurring in the views of the Chief Engineer, advises that approval be given to both the Freight and Passenger Tariffs proposed, as embodied in the aforesaid By-law No. 56, such Tariffs to be and continue in force for one year from and after full compliance by the Company with the conditions of the Consolidated Railway Act as to publication.

The Committee recommend the By-law No. 56, passed on the 16th April ultimo by the Board of the Canadian Pacific Railway Company, as submitted, be approved accordingly.

JOHN J. MCGEE,

Clerk, Privy Council.

Secretary of State.

Secretary of State.

GOVERNMENT HOUSE, OTTAWA,
Friday, 17th day of November, 1882.

Present :

THE HONORABLE THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL
IN COUNCIL.

UPON the report of the Returning Officer appointed to take the votes of the electors of the County of Colchester, in the Province of Nova Scotia, upon the petition of certain of the electors for the bringing into force in that County of the second part of "The Canada Temperance Act, 1878,"—

The Acting Secretary of State reports that the election was held on the 18th of May, 1881; on the 25th May following application was made to His Honor Judge Blanchard, Judge of the County Court of District No. 4, which comprises the County of Colchester, for the appointment of a day for a scrutiny under the provisions of the Act: the last of the ensuing August term was appointed for the scrutiny, and the parties duly appeared. Objection was taken by the petitioners' Counsel to the judge proceeding with the scrutiny on account of his relationship to the Returning Officer against whom it was proposed to prove charges of negligence and misconduct, which under the Act, would render him liable to prosecution for penalties. An application was therefore made, under an Act of the Province of Nova Scotia, to call in and designate a judge of another county court to act: an order was granted, and His Honor W. A. D. Morse, judge of the county court of the adjoining District, was designated.

Judge Morse, however, subsequently refused to act on the grounds,—
First, that Judge Blanchard had entered into the investigation himself, by hearing the petition, and appointing a time and place for the scrutiny, and,—Secondly, that the judge of another and different District was not "the Judge of the proper County Court" as required by section 61 of "The Canada Temperance Act"

Judge Blanchard's report detailing the facts briefly set forth above, concludes "such being the case the scrutiny of the ballot papers cannot be conducted, and the proceedings with that view have come to an end." In reply to a communication addressed to him by the Returning Officer, enquiring whether the proceedings for a scrutiny have been abandoned, or whether the judge, in the event of the petitioner for a scrutiny being prepared to go on, was ready to proceed with the scrutiny; or whether the judge finally by a judgment or order declined to enter into the scrutiny,— Judge Blanchard further states in a letter written to that officer, that he did not see how he could consistently go on with the scrutiny after having declared himself disqualified, and added his opinion that the consent of the petitioner for the scrutiny would not remove that disqualification, and that the proceedings could not now be revived in accordance with the Act. In view of the intention of the judge, evidenced by the above cited letter, not to proceed with the scrutiny, it appears that the proceedings for that

Secretary of State.

purpose have practically come to an end. The Act has been declared carried by the Returning Officer, and as there seems no probability of the proceedings with a view to a scrutiny being proceeded with,—more than sixty days having now elapsed from the adoption of the petition,—

The Acting Secretary of State advises, upon the recommendation of the Minister of Justice to whom the matter was referred for consideration, that the necessary steps should be taken to give effect to the decision of the electors as certified by the Returning Officer.

27th October,
1882.

He therefore submits the papers to His Excellency the Governor General in Council to the end that His Excellency may, if he see fit, declare by an Order in Council, to be published in the *Canada Gazette*, that the second part of "The Canada Temperance Act, 1878," shall be in force and take effect in the said County of Colchester upon, from and after the day upon which the annual or semi-annual licenses for the sale of spirituous liquors now in force in the said County will expire; provided such day be not less than ninety days from the day of the date of such Order in Council, and if it be less, then on the like day in the then following year.

The Honorable the Deputy of His Excellency has been pleased to declare, and it is hereby declared, that the second part of "The Canada Temperance Act, 1878," shall be in force and take effect in the said County of Colchester, in the Province of Nova Scotia, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors now in force in the said County will expire, provided such day be not less than ninety days from the day of the date hereof, and if it be less, then on the like day in the following year.

JOHN J. MCGEE,
Clerk, Privy Council.

GOVERNMENT HOUSE OTTAWA,
Tuesday, 19th day of September, 1882.

Present :

HIS HONOR THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL IN
COUNCIL.

ON a Report, dated 13th September, 1882, from the Honorable the Secretary of State, in the matter of the petition under "The Canada Temperance Act, 1878," of certain electors of the County of Pictou, in the Province of Nova Scotia, stating that the proceedings had by the Returning Officer appear to be conformable to the Act, and that the petition has been declared adopted by the electors of the said County,—

His Excellency, on the recommendation of the Honorable the Secretary of State, has been pleased to declare, and it is hereby declared, that the second part of "The Canada Temperance Act, 1878," shall be in force and

Secretary of State.

take effect in the said County of Pictou, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors now in force in the said County will expire, provided such day be not less than ninety days from the day of the date hereof, and, if it be less, then on the like day in the following year.

JOHN J. MCGEE,

Clerk, Privy Council.

Letters Patent of incorporation under the "Joint Stock Companies Act, 1877," have been issued to the following Companies, and notice thereof published in the *Canada Gazette* :—

- The Canadian Patent Rail, Joint and Supply Company, capital \$20,000 ; on the 8th day of July, 1882.
- The London and North Western Colonization Company, capital \$100,000 ; on the 15th day of July, 1882.
- The Canadian Fruit Export Company, capital \$50,000 ; on the 15th day of July, 1882.
- The Edmonton and Saskatchewan Land Company of Canada, capital \$400,000 ; on the 15th day of July, 1882.
- The Hamilton Land Company, capital \$100,000 ; on the 15th day of July, 1882.
- The Craven Cotton Company, capital \$225,000 ; on the 22nd day of July, 1882.
- The Morton Dairy Farming and Colonization Company, capital \$1,000,000 ; on the 22nd day of July, 1882.
- The Manitoba Land Company, capital \$500,000 ; on the 22nd day of July, 1882.
- The Lindsay Paper Mills Company, capital \$60,000 ; on the 22nd day of July 1882.
- The Rainy Lake Lumber Company, capital \$350,000 ; on the 22nd day of July, 1882
- The New Brunswick and North West Colonization Company, capital \$150,000 ; on the 22nd day of July, 1882.
- The Saskatchewan Forks Colonization Company, capital \$250,000 ; on the 29th day of July, 1882.
- The Provident and Commercial Land Company, capital \$600,000 ; on the 29th day of July, 1882.
- The Saskatchewan Transportation Company, capital \$500,000 ; on the 29th day of July, 1882.
- The Nova Scotia Steel Company, capital \$160,000 ; on the 5th day of August, 1882.
- The Dominion Kennel Club Company, capital \$4,000 ; on the 5th day of August, 1882
- The North-West Land and Grazing Company, capital \$150,000 ; on the 6th day of August, 1882.

Secretary of State.

The Rawbone Gun and Manufacturing Company, capital \$100,000 ; on the 12th day of August, 1882.

The High Wood Ranche Company, capital \$100,000 ; on the 12th day of August, 1882.

The Bell Electric Light Company, capital \$500,000 ; on the 12th day of August, 1882.

The Wentworth Land Company, capital \$100,000 ; on the 12th day of August, 1882.

The Canada Bank Note Engraving and Printing Company, capital \$100,000 ; on the 16th day of September, 1882.

The Watson Manufacturing Company, capital \$250,000 ; on the 16th day of September, 1882.

The Qu'Appelle Farm Syndicate, capital \$500,000 ; on the 16th day of September, 1882.

The Dominion Cattle Company, capital \$300,000 ; on the 7th day of October, 1882.

The Dominion Bridge Company, capital \$500,000 ; on the 7th day of October, 1882.

The Bow River Ranche Company, capital \$40,000 ; on the 7th day of October, 1882.

The Canada Pulp Company, capital \$50,000 ; on the 21st day of October, 1882.

The Qu'Appelle and Long Lake Land Company, capital, \$450,000 : on the 2-st day of October, 1882.

The Standard Publishing Company, capital \$100,000 ; on the 21st day of October, 1882.

The Dominion Transport Company, capital \$500,000 ; on the 11th day of November, 1882.

The International Wrecking and Transportation Company, capital \$50,000 : on the 18th day of November, 1882.

The Cockshutt Plow Company, capital \$100,000 ; on the 2nd day of December, 1882.

"Gooderham and Worts," capital \$2,000,000 ; on the 2nd day of December, 1882.

The Carling Brewing and Malting Company, capital \$200,000 ; on the 9th day of December, 1882.

The Canada Southern Steamboat Company, capital \$150,000 ; on the 10th day of February, 1883.

The Military Colonization Company of Canada, capital \$100,000 ; on the 10th day of February, 1883.

The St. Catherines Milling and Lumber Company, capital \$100,000 ; on the 17th day of February, 1883.

The Keewatin Paper Manufacturing Company, capital \$75,000 ; on the 24th day of February, 1883.

The Gilbert Blasting and Dredging Company, capital \$60,000 ; on the 24th day of February, 1883.

The North-West Lumbering Company, capital \$250,000 ; on the 17th day of March, 1883.

Secretary of State.

- The Winnipeg Consolidated Gold Mining Company, capital \$1,000,000 ; on the 17th day of March, 1883.
- The Canadian Colonization Company, capital \$1,000,000 ; on the 17th day of March, 1883.
- The Argyle Mining Company, capital \$1,000,000 ; on the 17th day of March, 1883.
- The Toronto Securities Company, capital \$500,000 ; on the 24th day of March, 1883.
- The Saskatchewan Mining and Gold Dredging Company, capital \$20,000 ; on the 24th day of March, 1883.
- The Dominion Barb Wire Company, capital \$150,000 ; on the 7th day of April 1883.
- The Battle River Lumber and Settlement Company, \$600,000 ; on the 19th of May, 1883.
- The Manitoba Consolidated Gold and Silver Mining Company, capital \$2,000,000 ; on the 19th day of May, 1883.
- The Touchwood Qu'Appelle Land and Colonization Company, capital \$300,000 ; on the 19th day of May, 1883.
- The Montreal and Melbourne Slate Company ; capital, \$100,000 ; on the 19th day of May, 1883.
- The Prince Albert Colonization Company, capital \$400,000 ; on the 19th day of May, 1883.
- The Globe Cattle Company, capital \$200,000 ; on the 19th day of May, 1883.
- The Canada Spring Horse Shoe Company, capital \$40,000 ; on the 19th day of May, 1883.
- The Mining Investment Company of Canada, capital \$300,000 ; on the 19th day of May, 1883.
- The Shell River Colonization Company, capital \$300,000 ; on the 2nd day of June, 1883.
- The Canada Industrial Company, capital \$50,000 ; on the 2nd day of June, 1883.
- The Owen Sound Steamship Company, capital \$25,000 ; on the 9th day of June, 1883.
- The Alberta Mining Company, capital \$50,000 ; on the 9th day of June, 1883.
- The Manitoba Fuel Company, capital \$500,000 ; on the 9th day of June, 1883.
- The Yarmouth Power Knitting Company, capital \$12,000 ; on the 9th day of June, 1883.

The following previously existing Companies received charters by Letters Patent under the Act, notice being given in the *Canada Gazette* :—

The National Investment Company ; on the 16th day of September, 1882.

The Real Estate Loan and Debenture Company, under the name of the Real Estate Loan Company of Canada ; on the 14th day of April, 1883.

Secretary of State.

The following Companies have increased their capital stock by By-law notice thereof being published in the *Canada Gazette* :—

The British America Bank Note Company, by \$100,000 ; on the 19th day of August, 1882.

The Midland Rolling Stock Company from \$100,000 to \$400,000 ; on the 21st day of October, 1882.

The Canadian Locomotive and Engine Company, from \$200,000 to \$300,000 ; on the 30th day of December, 1882.

The Midland Elevator and Forwarding Company, from \$100,000 to \$500,000 ; on the 3rd day of February, 1883.

The North-West Trading Company received supplementary Letters Patent extending its powers ; notice given in *Canada Gazette* 6th day of September, 1882.

(Omitted from p. XL.)

Agriculture, &c.

By Order in Council of Wednesday, 12th day of July, 1882 ;— Each of the Electoral Districts of the Provinces of Ontario, Quebec, New Brunswick and Nova Scotia, was constituted a Health District for the purpose of Statistics, under the provisions of the Act passed in the session of the Parliament of Canada, held in the 42nd year of Her Majesty's Reign, chapter 21 and intituled "An Act respecting Census and Statistics."

Vide Canada Gazette, Vol. XVI, p. 103.

TABLE OF CONTENTS.

ACT OF IMPERIAL PARLIAMENT, IMPERIAL ORDERS IN COUNCIL AND DESPATCHES, IMPERIAL TREATIES, AND CANADIAN ORDERS IN COUNCIL, &C.

IMPERIAL ACT.

	PAGE.
An Act to amend the Merchant Shipping Acts, 1854 to 1880, with respect to Colonial Courts of Inquiry.....	iii
IMPERIAL ORDERS IN COUNCIL AND DESPATCHES AND TREATIES.	
Order in Council respecting the measurement of tonnage of Haitian Ships.....	ix
Order in Council respecting the measurement of tonnage of Swedish Ships.....	x
Despatch relative to passports for subjects naturalized in the Colonies	xii
Declaration between the British and Russian Governments on the subject of tonnage measurement.....	xiii
Order in Council respecting the application of the Extradition Acts to the Extradition Treaty with the King of Tonga.....	xv
Despatch with copy of instructions to the Metropolitan Police Force in regard to the provisions of the Fugitive Offenders Act, 1881.....	xvi
Despatch and Order in Council on the subject of the suspension of the Extradition Act, 1870, within the Dominion of Canada..	xxvi
List of Extradition Treaties in force, January, 1883.....	xxvii
Order in Council respecting the application of the Extradition Acts to the Extradition Treaty with the Republic of Salvador....	xxviii
Extradition Treaty with the Republic of Salvador.....	xxviii
Order in Council respecting the measurement of tonnage of Italian Ships	xxxiv
Order in Council respecting the measurement of tonnage of Danish Ships	xxxv

CANADIAN ORDERS IN COUNCIL, &c.

Orders in Council disallowing Provincial Acts of Ontario, Manitoba and British Columbia	xxxvii, xxxviii, xxxix, xl
Proclamation declaring the Act, 45th Victoria, chapter 80, respecting the Portage, Westbourne and North Western Railway Company, to be in force from the 15th September, 1882.....	xxxix
Orders in Council, &c, on subjects connected with the Department of Agriculture and Statistics.....	xl
Orders in Council, &c., on subjects connected with the Department of Customs.....	xliii
Orders in Council, &c., on subjects connected with the Department of Inland Revenue.....	lii
Orders in Council, &c., on subjects connected with the Department of the Interior.....	lxiii
Order in Council, &c., on subjects connected with the Department of Justice.....	lxt
Orders in Council, &c, on subjects connected with the Department of Marine.....	lxvi
Orders in Council, &c., on subjects connected with the Fisheries..	cxii
Post Office—Departmental Orders	cxv
Orders in Council, &c., on subjects connected with the Department of Public Works.....	cxvii
Orders in Council, &c., on subjects connected with the Department of Railways and Canals.....	cxxi
Orders in Council, &c., on subjects connected with the Department of the Secretary of State.....	cxv
Order in Council on a subject connected with the Department of Agriculture and Statistics (omitted from page xl).....	cxix

INDEX.

TO

ACT OF IMPERIAL PARLIAMENT, IMPERIAL ORDERS IN COUNCIL AND DESPATCHES, IMPERIAL TREATIES AND CANADIAN ORDERS IN COUNCIL, &c.

	PAGE
ACT of British Columbia disallowed.....	xl
Act respecting Portage, Westbourne and North Western Railway Company declared in force.....	xxxix
Acts, certain, declared in force in N.W.T.....	lxvi, cxlii
Acts of Manitoba disallowed.....	xxxviii
Acts of Ontario disallowed.....	xxxvii, xxxix
Agriculture and Statistics, orders, &c., relating to Department of.. (<i>And see the subjects and localities specially affected.</i>)	xl, cxxx
Alberta Mining Company incorporated.....	cxxxix
Allumette Island and Pembroke Ferry regulations amended.....	lviii
Argyle Mining Company incorporated.....	cxxxix
Assiniboia, Regina proclaimed capital of.....	lxiv
BAIE Verte and Port Elgin pilotage district established	cxi
Battle River Lumber and Settlement Company incorporated.....	cxxxix
Bell Electric Light Company incorporated.....	cxxxviii
Big Harbour, Great Bras d'Or, N.S., Harbor Masters' Acts to apply to.....	cxi
Board of Steamboat Inspection. <i>See</i> Steamboat Inspection.	
Boiler plate, steel, duty on, fixed.....	xliv
Boilers. <i>See</i> Steamboat Inspection.	
Bow River Ranche Company incorporated.....	cxxxviii
Bras d'Or pilotage district established.....	cvii
British America Bank Note Company, capital stock increased.....	cxxx
British Columbia, Act of, disallowed	xl
Brompton Falls, exempted under Navigable Streams Act.....	lxxi
Brooklyn, N.S., Tolls for use of breakwater at.....	lxxiv
CANADA Bank Note Engraving and Printing Company incor- porated.	cxxxviii
Canada Industrial Company incorporated.....	cxxxix
Canada Pulp Company incorporated.....	cxxxviii
Canada Southern Steamboat Company incorporated.....	cxxxviii
Canada Spring Horseshoe Company incorporated.....	cxxxix
Canada Temperance Act. (<i>See the localities specially affected.</i>)	
Canadian Colonization Company incorporated.....	cxxxix
Canadian Fruit Export Company incorporated.....	cxxxvii
Canadian Locomotive and Engine Company, capital stock increased.	cxxx
Canadian Pacific Railway, Act respecting peace in vicinity of public works to be in force on part of.....	lxv

	PAGE
Canadian Pacific Railway, Tariff of Passenger fares and freight rates.....	cxxi
do do do, confirmed by O.C.,.....	cxxxiv
Canadian Patent Rail, Joint and Supply Company incorporated...	cxxxvii
Canal tolls on crude gypsum reduced.....	lix
Carillon Dam, tolls on saw-logs, &c., removed.....	cxvii
Carling Brewing and Malting Company incorporated.....	cxxxviii
Charleston Lake set apart for propagation of fish.....	cxiv
Chatham, N.B., Harbor Masters' Acts to apply to	cx
Coal dust defined for Customs purposes.....	li
Coal lands, Regulations as to, amended.....	lxiii
Coasting Trade, Regulations respecting.....	xlvij
Cockshutt Plow Company incorporated.....	cxxxviii
Colchester County, Canada Temperance Act to be in force in.....	cxxxv
Colonial Courts of Inquiry under Merchant Shipping Acts.....	iii
County Line and Grand Narrows, N.S. Harbor Masters' Acts to apply to.....	cxv
Cranberry Point and Little Narrows, N.S. Harbor Masters' Acts to apply to.....	cxv
Craven Cotton Company incorporated.....	cxxxvii
Customs, Orders, &c., relating to Department of.....	lxiii
<i>(And see the subjects and localities specially affected.)</i>	
DANISH shipping, Tonnage of.....	
Distilleries, Regulations respecting.....	xxxv
Dominion Barb Wire Company incorporated.....	li
Dominion Bridge Company incorporated.....	cxxxix
Dominion Cattle Company incorporated.....	cxxxviii
Dominion Kennel Club Company incorporated.....	cxxxviii
Dominion Transport Company incorporated.....	cxxxvii
Dutiable goods, Regulations respecting transport of, by railway...	cxxxviii
EDMONTON and Saskatchewan Land Company of Canada incorporated	
Engineers. <i>See Steamboat Inspection.</i>	cxxxvii
Exports to Newfoundland, Regulations as to drawback on, amended	li
Extradition Act (Imperial) suspended in Canada.....	xxvi
Extradition Acts to apply to treaty with Tonga.....	xv
Extradition treaties in force, List of.....	xxvii
Extradition Treaty with Republic of Salvador.....	xxviii
FISHERIES Act extended to N.W.T.	
Fisheries, Orders, &c., relating to Department of.....	cxii
<i>(And see the subjects and localities specially affected.)</i>	
Fish, propagation of, rivers, &c., set apart for.....	cxiii
Free list, certain articles placed on.....	xliv, li
Fugitive Offenders Act, instructions under.....	xvi
Fusil Oil, regulations as to remission of duty on spirits in respect of.....	lii
GENERAL Inspection Act, Act to amend, declared in force.....	
	lxv

INDEX.

CXXXV

	PAGE
German silver, in sheets, placed on free list.....	li
Gilbert Blasting and Dredging Company incorporated.....	cxxxviii
Globe Cattle Company incorporated.....	cxxxix
Goderich, Ont., order as to wharfage tolls rescinded.....	cx
Gooderham and Worts incorporated.....	cxxxviii
Goods, dutiable, regulations respecting transport of, by railway.....	xlv
Grand Narrows and County Line, N.S., Harbor Masters' Acts to apply to.....	cxi
Gretna, Manitoba, to be an outport of Customs.....	xliv
Gypsum, crude, canal tolls on, reduced.....	lix
HAITIAN ships, tonnage of.....	ix
Hamilton Land Company incorporated.....	cxxxvii
Harbor and River Police Act, Quebec, declared in force.....	lxvii
Harbor Masters' Acts (<i>See the localities specially affected</i>).....	
Health districts. Electoral Districts in Ontario, Quebec, New Brunswick, and Nova Scotia constituted.....	cxxx
High Wood Ranche Company incorporated.....	cxxxviii
Hoop iron for rivets placed on free list.....	li
INLAND Revenue districts and divisions, official list of.....	lvii
Inland Revenue, Orders, &c., relating to Department of.....	lii
<i>(And see the subjects and localities specially affected).</i>	
Inspection Act, General, Act to amend, declared in force.....	lxii
Inspection of Weights and Measures, Regulations amended.....	liv
Interior, Orders, &c., relating to Department of.....	lxiii
<i>(And see the subjects and localities specially affected.)</i>	
International Wrecking and Transportation Company incorporated.....	cxxxviii
Iron, Hoop, for rivets placed on free list.....	li
Italian Steamships, tonnage of.....	xxxiv
JUSTICE, Orders, &c., relating to Department of.....	lxv
KEEWATIN Paper Manufacturing Company incorporated.....	cxxxviii
LEWIS Head, N.S., Pilotage district established.....	cxi
Letters Patent of Incorporation under Joint Stock Companies, Act, 1877.....	cxxxvii
<i>(And see the several companies by their names).</i>	
Lindsay Paper Mills Company incorporated.....	cxxxvii
Little Narrows and Cranberry Point, N.S., Harbor Masters' Acts to apply to.....	cxi
Locust beans placed on free list.....	xliv
Lobster fishery, Order respecting, amended.....	cxiii
London and North Western Colonization Company incorporated.....	cxxxvii
MANITOBA, Acts of, disallowed.....	xxxviii
Manitoba Consolidated Gold and Silver Mining Company incorporated.....	cxxxix
Manitoba Fuel Company incorporated.....	cxxxix
Manitoba Land Company incorporated.....	cxxxvii
Marine, Orders, &c., relating to Department of.....	lxvi
<i>(And see the subjects and localities specially affected).</i>	
Matane, Que., Harbor Masters' Acts to apply to.....	lxviii

	PAGE
Meaford, Ont., Harbor tolls and dues at.....	cvii
Merchant Shipping Acts, Imperial, amended.....	iii
Metaghan River, N.S., Harbor Masters' Acts to apply to.....	lxxviii
Metaghan River, N.S, Tolls for use of breakwater at.....	lxxv
Midland Elevator and Forwarding Company, Capital Stock increased	cxxx
Midland, Ont., Harbor Masters' Acts to apply to.....	lxviii
Midland Rolling Stock Company, Capital Stock increased.....	cxxx
Military Colonization Company of Canada incorporated.....	cxxxviii
Mining Investment Company of Canada incorporated.....	cxxxix
Miramichi Pilotage District, Rules modified.....	xciii
Moncton, N.B., Pilotage Authority, Regulation by	cx
Money Orders, foreign, amounts and charges.....	cxvi
Montreal & Melbourne Slate Company incorporated.....	cxxxix
Montreal Pilotage District, additional regulations.....	lxix
Morton Dairy Farm and Colonization Company incorporated.....	cxxxvii
Mortuary Statistics, Regulations respecting.....	xli
NANAIMO Pilotage by-laws amended.....	lxvi
Napanee, Ont., to cease to be a port for registration of ships.....	lxxiii
National Investment Company, Charter granted to.....	cxxxix
Navigable Streams Act extended to N. W. T.....	cxii
Neill's Harbour, N. S., Harbor Masters' Acts to apply to.....	cxi
New Brunswick & North-West Colonization Company incorporated.....	cxxxvii
Newfoundland, Regulations as to drawback on exports to, amended	li
Newhaven, N.S., Harbor Masters' Acts to apply to..	cxi
North Joggins, N.B., name of outport of, changed to Rockport.....	xlvi
Northport, Harbor Masters' Acts to apply to.....	lxvi
North-West Land and Grazing Company incorporated	cxxxvii
North-West Lumbering Company incorporated.....	cxxxviii
North-West Territories, Acts extended to.....	lxvi, cxii
North-West Territories, additional Registration Districts in.....	lxv
North-West Territories, Territorial divisions for Post Office purposes	cxv
North-West Trading Company, Supplementary Letters Patent granted to.....	cxxx
Nova Scotia Steel Company incorporated.....	cxxxvii
OATHS, voluntary, &c., Act for suppression of, extended to N.W.T.	lxvi
Ontario, Acts of, disallowed.....	xxxvii, xxxix
Otonabee River, part of, set apart for propagation of fish.....	cxlii
Owen Sound, Ont., Tobacco may be imported at.....	lii
Owen Sound Steamship Company incorporated.....	cxxxix
PARRY Sound, Ont., Harbor Masters' Acts to apply to.....	xciii
Partridge Island to be a cattle quarantine station.....	xl
Passports for naturalized aliens.....	xii
Patapedia River set apart for propagation of fish... ..	cxlii
Peace in vicinity of Public Works, Act respecting, to be in force on part of C.P.R.....	lxv
Pembroke and Allumette Island Ferry regulations amended	lviii

	PAGE
Petroleum Inspection Act, 1880, declared in force.....	lii
Pictou County, Canada Temperance Act to be in force in.....	cxxvi
Pilotage districts. (<i>See the localities specially affected.</i>)	
Police, Harbor and River, Quebec, Act respecting, declared in force.	lxvii
Portage la Prairie, Manitoba, to be an outport of Customs.....	xliv
Portage, Westbourne and North-Western Railway Company, Act respecting, declared in force.....	xxxix
Port Elgin and Baie Verte Pilotage district established.....	cxi
Port Richmond, N.S., Sub-port of, abolished.....	xlvii
Post cards, Reply.....	cxv
Post Office Department—Departmental Orders.....	cxv
Post Office Money orders, foreign, amounts and charges.....	cxvi
Prescott and Ogdensburg Ferry, Regulations as to.....	lx
Prince Albert Colonization Company incorporated.....	cxxxix
Prince Albert Registration District, N.W.T.....	lxv
Prince County Pilotage District Regulations.....	lxxii
Provident and Commercial Land Company incorporated.....	cxxvii
Public Works, Orders, &c., relating to Department of.....	cxvii
Pubnico, N.S., Harbor Masters' Acts to apply to.....	lxxiii
QU'APPELLE and Long Lake Company incorporated.....	cxxviii
Qu'Appelle Farm Syndicate incorporated.....	cxxviii
Quebec Harbor Commissioners, by-law of, continued in force.....	xciv
RAILWAY, regulations respecting transport of dutiable goods by.	xlv
Railways and Canals, Orders, &c., relating to Department of.....	cxi
Rainy Lake Lumber Company incorporated.....	cxxvii
Rawbone Gun and Manufacturing Company incorporated.....	cxxviii
Real Estate Loan Company of Canada, charter granted to.....	cxxxix
Regina proclaimed capital of Assiniboia.....	lxiv
Regina Registration district, N.W.T.....	lxv
Reply Post cards.....	cxv
Restigouche, pilotage regulations amended.....	cxi
Rice Lake set apart for propagation of fish.....	cxiii
River Ouelle, Que., Harbor Masters' Acts to apply to.....	lxviii
Rockport, N.S., name of Outport of North Joggins changed to.....	xlvii
Rockside and Smith's Mountain, N.S., Harbor Masters's Act to apply to.....	cxi
Russian and English vessels, agreement as to tonnage of.....	xiii
SAINT CATHERINES Milling and Lumber Company incorporated	cxxviii
Saint Francis River, Que., part of, exempted under Navigable Streams Acts.....	lxxi
Saint John, N.B., pilotage by-laws amended.....	civ
Salmon Fishery, additional regulations as to.....	cxiv
Salvador, Extradition treaty with.....	xxviii
Saskatchewan Forks Colonization Company incorporated.....	cxxvii
Saskatchewan Mining and Gold Dredging Company incorporated..	cxxxix
Saskatchewan Transportation Company incorporated.....	cxxvii
Secretary of State, Orders, &c., relating to Department of.....	cxv
Sewing Machines, Appraisement of.....	xliv
Shell River Colonization Company incorporated.....	cxxxix
Silver, in sheets, placed on free list.....	li

Smith's Mountain and Rocky Side, N.S. Harbor Masters' Acts to apply to.....	cxix
Souris Registration District, N.W.T.....	lxv
Spirits in casks, Regulation as to importation of.....	lix
Spirits, Regulation as to remission of duty on, in respect of fusil oil.....	li
Standard Publishing Company, incorporated.....	cxixviii
Statistics—Electoral Districts in Ont., Que., N.B. and N.S., constituted health districts.....	cxix
Statistics, Mortuary, Regulations respecting.....	xli
Steamboat, Duty payable by owners of.....	cvii
Steamboat Inspection, Regulations of Board of.....	xciv
Boilers.....	xciv
Inspection of boilers.....	xcix
Safety valves.....	o
Duties and liabilities of engineers.....	cii
Life boats.....	ciii
Steel boiler plate, Duty on, fixed.....	xliv
Swedish Ships, Tonnage of.....	x
TAGGING metal placed on free list.....	xliv
Three Rivers, by-laws of Harbor Commissioners of.....	lxxviii
Tobacco, Canadian raw leaf, regulations as to warehousing and removal of.....	lv
Tobacco, importation of, at Owen Sound.....	lii
Tomkedgewick River set apart for propagation of fish.....	cxlii
Tonga, Extradition Acts to apply to treaty with.....	xv
Tonnage of Danish Shipping.....	xxxv
Tonnage of Haitian Shipping.....	ix
Tonnage of Italian Steamships.....	xxxiv
Tonnage of Russian & English vessels, agreement as to.....	xlii
Tonnage of Swedish Shipping.....	x
Toronto Securities Company incorporated.....	cxix
Touchwood Qu'Appelle Land and Colonization Company incorporated.....	cxix
Touchwood Registration District, N.W.T.....	lxv
Trent River, set apart for propagation of fish.....	cxlii
Tusket Wedge, N.S., to be an Outport of Customs.....	xlvii
UPPER Ottawa Improvement Company, Tariff of tolls.....	cxvii
VAGRANTS, Acts respecting, extended to N.W.T.....	lxvi
WATSON Manufacturing Company incorporated.....	cxixviii
Weights and Measures, Inspection of, Regulations amended.....	liv
Wentworth Land Company incorporated.....	cxixviii
Warton, Ont., to be an Outport of Customs.....	xliv
Wingham, Ont., to be an Outport of Customs.....	xlii
Winnipeg Consolidated Gold Mining Company incorporated.....	cxix
YARMOUTH Harbor, N.S., Port Warden's fees at.....	lxxvii
Yarmouth Power Knitting Company incorporated.....	cxix

ACTS

OF THE

PARLIAMENT

OF THE

DOMINION OF CANADA,

PASSED IN THE

FORTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

AND IN THE

FIRST SESSION OF THE FIFTH PARLIAMENT,

*Begun and holden at Ottawa, on the eighth day of February, and closed
by Prorogation on the twenty-fifth day of May, 1883.*



HIS EXCELLENCY

THE RIGHT HONORABLE SIR JOHN DOUGLAS SUTHERLAND CAMPBELL,

(Commonly called THE MARQUIS OF LORNE,)

GOVERNOR GENERAL.

VOL. I.

PUBLIC GENERAL ACTS.

OTTAWA:

PRINTED BY BROWN CHAMBERLIN,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

ANNO DOMINI, 1883.



46 VICTORIA.

CHAP. I.

An Act further to amend "The Interpretation Act."

[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. Section five of the Interpretation Act is hereby repealed, and the following section enacted in lieu thereof:—

31 V., c. 1, s. 5, repealed, and new substituted.

"5. An Act of the Parliament of Canada may be amended, altered or repealed by any Act to be passed in the same Session thereof.

An Act may be amended during the same session.

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

Effect of repeal of Act.

2. The sixteenth and thirty-fifth clauses of section seven are hereby repealed, and the following sub-sections enacted in lieu thereof:—

31 V., c. 1, s. 7, sub-ss. 16 and 35 repealed and new substituted.

"Sixteenthly.—The word 'oath' shall be construed as meaning a solemn affirmation, whenever the context applies to any person and case by whom and in which a solemn affirmation may be made instead of an oath, and in like cases the word 'sworn' shall include the word 'affirmed;' and where, by an Act of Parliament or by a rule of the Senate or House of Commons, or by an order, regulation or commission made or issued by the Governor-in-Council, under any law authorizing him to require the taking of evidence under oath, an oath is authorized or directed to be made, taken or administered, such oath may be administered, and a certificate of its having been made, taken or administered may be given, by any one named in any such Act, "Oath."
"Sworn."
Who may administer and certify to oaths.
"rule,

Wilful false statement to be perjury.

rule, order, regulation or commission, or by a judge of any court, a notary public, a Justice of the Peace, or a commissioner for taking affidavits, having authority or jurisdiction within the place where the oath is administered; and the wilful making of any false statement in any such oath or affirmation shall be wilful and corrupt perjury; and the wilful making of any false statement in any declaration required or authorized by an Act of Parliament, shall be a misdemeanor punishable as wilful and corrupt perjury.

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

How far only to affect certain proceedings.

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

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

“Where any Act is repealed wholly or in part, and other provisions are substituted, all by-laws, orders, regulations, rules and ordinances made under the repealed Act shall continue good and valid so far as they are not inconsistent with the substituted Act, enactment or provision, until they are annulled or others made in their stead.

Construction of references to enactments for which others are substituted.

Proviso: Case in which the repealed enactment is to stand good.

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

CHAP. 2.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1883, and the 30th June, 1884, and for other purposes relating to the public service.

[Assented to 25th May, 1883.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by Messages from His Excellency **Preamble.**
the Right Honorable Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, Governor General of the Dominion of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and eighty-three, and the thirtieth day of June, one thousand eight hundred and eighty-four, and for other purposes connected with the public service ;
May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that :—

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole three million, one hundred and sixty-nine thousand, five hundred and ninety-one dollars and sixty-one cents, towards defraying the several charges and expenses of the public service of the Dominion from the first day of July, in the year of Our Lord one thousand eight hundred and eighty-two, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty-three, not otherwise provided for, and set forth in Schedule A to this Act, and also for the other purposes in the said schedule mentioned.

Sum granted
for 1882-3,
\$3,169,591.61.

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole thirty-one million, one hundred and eighty-one thousand, eight hundred and thirty-six dollars and fifteen cents, towards defraying the several charges and expenses of the public service of the Dominion, from
the

Sum granted
for 1883-4,
\$31,181,836.15

the first day of July, in the year of Our Lord one thousand eight hundred and eighty-three, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty-four, not otherwise provided for, and set forth in Schedule B to this Act, and for other purposes in the said schedule mentioned.

Account to be rendered.

3. A detailed account of the sums expended under the authority of this Act, shall be laid before the House of Commons of Canada during the first fifteen days of the then next Session of Parliament.

Declaratory as to certain loans authorized but not raised.

4. And whereas there remained on the thirty-first day of December last, unborrowed and negotiable of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each, respectively, that is to say:—

For Intercolonial Railway.....	\$2,433,333	33
For opening communication and administration of the Government in the North-West Territories	1,460,000	00
For improvement of the River St. Lawrence....	1,780,000	00
do do Quebec Harbour.....	1,575,000	00
For the Quebec Graving Dock.....	500,000	00
For the Pacific Railway and Canadian Canals..	4,866,666	66
For general purposes, balance 30th June, 1882.....	\$15,818,605	71
For Savings Banks withdrawals to 31st December, 1882.....	3,957,859	66
For Dominion Stock redeemed to 31st December, 1882.....	4,686,076	35
For sterling bonds redeemed to 31st December, 1882.....	818,573	33
For sterling bonds due to 1st July, 1883.....	675,006	67
	<hr/>	
	25,956,121	72
Deduct—Savings Banks Deposits to 31st December, 1882.....	6,279,678	15
	<hr/>	
	19,676,443	57
	<hr/>	
	\$32,291,443	56
	<hr/>	
	<hr/>	

Such loans may be raised under 35 V., c. 6, as amended by 38 V., c. 4.

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they may be required for the purposes aforesaid, respectively, under the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act respecting the Public Debt, and the raising of Loans authorized*" by

by Parliament," as amended by the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "An Act to amend the Act respecting the Public Debt, and the raising of Loans authorized by Parliament;" and the sums so raised shall form part of the Consolidated Revenue Fund of Canada, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Application of sums so raised.

SCHEDULE A.

Sums granted to Her Majesty by this Act for the Financial Year ending 30th June, 1883, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CIVIL GOVERNMENT.	\$ cts.	\$ cts.
Department of the Secretary of State.—To provide for the statutory increase to the salaries of two clerks, from 1st April, 1883.....	25 00	
Customs Department.—To provide for increase of salary for the month of June, 1882, of the Chief Clerk in Statistical Branch, promoted from 1st Class.....	16 67	
Department of the Interior.—To provide for the increase of salary from \$1,800 to \$2,200 per annum, of one Chief Clerk, A. M. Burgess, from 1st January to 30th June, 1883.....	200 00	
To provide for the salary of one 1st Class Clerk, J. R. Hall, at \$1,800, from 1st January to 30th June, 1883.....	900 00	
To provide for the salary of one 2nd Class, J. Pope, from 1st July, 1882, to 30th June, 1883.....	1,200 00	
To provide for the arrears of salary due one 2nd Class Clerk, J. Pope, for the month of June, 1882.....	8 33	
To provide for the salary of one 2nd Class Clerk, B. Wallis, from 1st June, 1882, to 30th June, 1883, at \$1,100 per annum.....	1,191 66	
To provide for the salary of one 2nd Class Clerk, L. C. Pereira, from 1st January to 30th June, 1883, at \$1,100 per annum.....	550 00	
To provide for the salary of one 2nd Class Clerk, A. Chisholm, from 26th December, 1882, to 30th June, 1883, at \$1,100 per annum.....	567 74	
To provide for the salary of one 2nd Class Clerk, A. Grignard, from 1st December, 1882, to 30th June, 1883, at \$1,100 per annum.....	641 66	
To provide for the increase of salary of one 3rd Class Clerk, J. S. Brough, from \$700 to \$1,000, from 1st January to 30th June, 1883.....	150 00	
To provide for the salary of two 3rd Class Clerks, J. S. Brough and R. M. Bonfellow, from 1st June, 1882, to 30th June, 1883, at \$700 per annum.....	1,516 66	
To provide for the increase of salary of one 3rd Class Clerk, R. M. Bonfellow, from \$700 to \$950, from 1st January to 30th June, 1883.....	125 00	
Carried forward	7,051 05	41 67

SCHEDULE

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts	\$ cts.
Brought forward.....	7,051 05
CIVIL GOVERNMENT—Concluded.		
Department of the Interior.— <i>Concluded.</i>		
To provide for the salary of one 3rd Class Clerk, L. G. Brooke, from 1st June, 1882, to 30th June, 1883, at \$750 per annum.....	812 50	
To provide for the increase of salary of one 3rd Class Clerk, B. Billings, from \$700 to \$900 per annum, from 1st January to 30th June, 1883.....	100 00	
To provide for the increase of salary of one 3rd Class Clerk, H. Sherwood, from \$700 to \$800 per annum, from 1st January to 30th June, 1883.....	50 00	
To provide for the increase of salary of one 3rd Class Clerk, R. Rauscher, from \$700 to \$850 per annum, from 1st January to 30th June, 1883.....	75 00	
To provide for the salary of one 3rd Class Clerk, G. V. Ardouin, from 1st January to 30th June, 1883.....	325 00	
To provide for the salaries of two 3rd Class Clerks, from 1st March to 30th June, 1883, at \$400 per annum.....	266 66	
To provide for the salaries of three 3rd Class Clerks, from 1st March to 30th June, 1883, at \$600 per annum.....	600 00	
To provide for the salaries of four 3rd Class Clerks, from 1st March to 30th June, 1883, at \$750 per annum.....	1,000 00	
To provide for the salary of one 3rd Class Clerk, F. Loyer, from 1st June, 1882, to 30th June, 1883, at \$400 per annum.....	433 33	
	10,713 54	
Post Office Department.—To provide for the increase of salary from \$1,500 to \$1,800, for the month of June, 1882, consequent on the promotion of one 1st Class Clerk, S. Smith, to the next higher grade.....	25 00	
Difference between the salary paid Mr. C. O. Doucet, for year ending 30th June, 1883, namely, \$520, and the salary which he was entitled to, and which should have been paid to him for the said period.....	167 50	
	192 50	
Department of Indian Affairs.—To provide for the salary of a Surveyor, from 1st February to 30th June, 1883, at \$1,600 per annum.....	666 65	
Marine and Fisheries Department.—To provide for the increase of salary to one 1st Class Clerk, W. P. Anderson, from 15th to 30th June, 1882.....	16 67	
To provide for the increase of salary to one 1st Class Clerk, F. Gourdeau, from 15th to 30th June, 1882.....	2 08	
To provide balance of salary for Private Secretary, to 30th June, 1883.....	225 00	
	243 75	
Department of Inland Revenue.—To pay E. Chateauvert, for performing duties of Mr. Doyon, during the latter's illness.....	538 00	
Department of Agriculture.—For allowance for Secretary of the Department for performing, from March, 1882, the duties of Deputy-Head, absent through illness, as provided in Section 11, Canada Civil Service Act, 1882.....	875 00	
Office of the Auditor-General.—To cover additional amount required for contingencies.....	750 00	
To provide for contingent expenditure of the High Commissioner of Canada in England.....	2,000 00	
	16,021 11	
Carried forward.....		16,021 11

SCHEDULE

SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts.	\$ cts. 16,021 11
ADMINISTRATION OF JUSTICE.		
To pay to the widow of the late Judge McKenzie the amount paid by her husband to Judge Boyd, for performing his duties while he was unable to attend to the same	834 00	
To supplement vote for contingencies of the Supreme Court of Canada by the amount paid for books purchased from Mr. George Duval.....	820 00	
To pay S. Richards for holding certain assizes in Ontario	461 50	
To provide for the payment of expenses incurred in the case of Russell vs. Woodward before the Judicial Committee of the Privy Council of the United Kingdom on appeal from the Supreme Court of New Brunswick (revote, \$5,500).....	8,500 00	10,615 50
PENITENTIARIES.		
For expenditure incurred in jail extension, and for the accommodation of penitentiary convicts in Prince Edward Island, from 1st July, 1873, to 31st December, 1879.....		4,075 20
LEGISLATION.		
House of Commons.—To meet additional expenses of witnesses, shorthand reporters, &c.....	1,000 00	
To pay extra writers employed in the office of the Clerk of the Crown in Chancery.....	2,000 00	
To recoup expenditure made since 1st July in completing Debates of last Session.....	4,964 75	
Additional amount required in connection with Debates of the present Session.....	5,000 00	12,964 75
Library.—To purchase 30 copies of the "Laws and Amendments thereto relating to Building Societies, Loan Companies, Joint Stock Companies, Banks and Banking and other laws appertaining to Monetary Institutions."	120 00	
To purchase 30 copies of the "Dominion Annual Register and Review" of 1882.....	90 00	
To provide for the purchase of books relating to Canada from the library of the late Dr. O'Callaghan.....	1,525 00	
To pay for 46 copies of vols. 5, 6 and 7, of the Supreme Court Reports.....	300 00	
To pay for 50 copies of "L'Histoire du Canada," by F. X. Garneau, \$300; 2 copies of Sulte's "Histoire des Canadiens Français," \$64; 10 copies of the "Debats de la Législature de Québec," \$50; 5 copies of the "Scot in British North America," \$10.....	424 00	
To pay Rowsell & Hutchison for law books.....	148 15	2,607 15
		15,571 90
Carried forward		46,283 71

SCHEDULE

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		46,283 71
IMMIGRATION.		
For building temporary sheds for emergent accommodation of Immigrants at Point Lévis, consequent on the destruction by fire of Immigrant Sheds in June last	2,699 09	
For transport of Immigrants from Quebec to points west, consequent upon the withdrawal of the Government of the Province of Ontario from the agreement to pay a proportion of such transport.....	29,083 71	
To pay the Winnipeg General Hospital for patients, not being residents of Manitoba, between the 8th April, 1880, and the 31st March, 1883.	14,387 10	
To provide for further expenses to 30th June, in view of the large increase of immigration not estimated for.....	25,000 00	71,169 90
PENSIONS.		
For payment to Mrs. Edward Duckett, the amount short paid to her late husband on account of superannuation		1,200 00
MILITIA AND DEFENCE.		
To provide gold medals for the eight marksmen of the Wimbledon Team of 1881 who competed for the Kolapore Cup in that year.....	250 00	
For pay and maintenance of a guard at Government House.....	2,500 00	2,750 00
RAILWAYS AND CANALS.		
<i>(Chargeable to Capital.)</i>		
RAILWAYS.		
Canadian Pacific Railway—Georgian Bay Branch	3,000 00	
West of Red River.....	4,000 00	
Dawson Route—To pay Jas. Dick the official arbitrators' award.....	4,423 92	
To pay Jos. Whitehead, Contract 15, the difference between cost of work and contract prices	86,200 00	
To pay Messrs. Purcell & Co. for rolling stock transferred to Government under the terms of their contract.....	93,400 00	
Intercolonial Railway—Increased accommodation at St. John.....	37,150 00	
Halifax Extension.....	74,000 00	
Construction Account (old) —To pay Intercolonial Railway Commission, staff and other expenses	20,000 00	
To refund to Mr. H. G. C. Ketchum amount of an over-charge for the conveyance of rails, &c., in 1866, '67, '68, over what is now a portion of the Intercolonial Railway.....	1,637 70	
Land and other claims	10,255 00	
Rolling stock.....	418,000 00	
Intercolonial Railway—To pay legal expenses in the matter of the Western Counties Railway Company and the Attorney-General of Canada vs. the Windsor and Annapolis Railway Company.....	589 90	
Rivière du Loup Branch—Repairs and improvements, land claims, &c.....	2,000 00	
To pay claim of C. H. Mann.....	3,162 19	
Carried forward.....	757,818 71	121,403 61

SCHEDULE

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	757,818 71	121,403 61
RAILWAYS AND CANALS—Continued.		
<i>(Chargeable to Capital.)</i>		
RAILWAYS—Concluded.		
<i>Intercolonial Railway—Concluded.</i>		
To pay Mr. B. Walsh, of Halifax, for damage to his property	525 00	
Railways—General—Subsidy in addition to \$30,000 already granted for Railway and Highway Bridge over Red River at Emerson.	20,000 00	
Additional allowance to Mr. C. Schreiber, as Chief Engineer of the Canadian Pacific Railway, as per Order in Council, dated 21st December, 1882.....	500 00	
	778,843 71	
CANALS.		
Grenville Canal—To pay award in favor of Heney, Stewart & Co., contractors for works at Greece's Point.....	17,370 00	
Williamsburgh Canal—To pay to the owners of the titles of certain lands taken for the construction of the Rapide Plat Canal	1,434 59	
Oulbute Canal—To complete.....	23,100 00	
Cornwall Canal—Enlargement	15,000 00	
Welland Canal—To compensate R. D. Dunn, Paymaster, for services in connection with the enlarged canal.....	1,000 00	
Compensation to Mr. John Page, Chief Engineer of Canals, for special services as sole arbitrator upon several claims in dispute with contractors	5,000 00	
To pay Mr. Page, for disbursements made by him in connection with the awards	105 00	
	63,009 59	
RAILWAYS AND CANALS.		841,853 30
<i>(Chargeable to Income.)</i>		
CANALS.		
Welland Canal—To purchase a steam-pump		5,000 00
PUBLIC WORKS.		
<i>(Chargeable to Capital.)</i>		
TELEGRAPHS.		
Telegraph Lines—Manitoba and the North-West Territories—To pay balance due contractors, Oliver, Davidson & Co., for lines between Thunder Bay and Winnipeg	16,000 00	
PUBLIC BUILDINGS.		
Ottawa—Site for additional public building, south side of Wellington street, Ottawa	84,000 00	
Additional compensation to Mr. Calvert Vaux, for the plans submitted by him for the embellishment and arrangement of the Parliament Grounds, Ottawa	500 00	
		100,500 00
Carried forward.....		1,068,756 91

SCHEDULE A—Continued.

Service.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		1,068,756 91
PUBLIC WORKS.		
<i>(Chargeable to Income.)</i>		
PUBLIC BUILDINGS.		
<i>Nova Scotia.</i>		
Pictou Marine Hospital.....	6,000 00	
<i>New Brunswick.</i>		
Sussex Post Office, Custom House, &c.....	4,000 00	
<i>Quebec.</i>		
Montreal Dominion Buildings.....	8,100 00	
Chicoutimi Marine Hospital.....	1,345 35	
Wharf and site for Immigrant Building, Lévis.....	57,000 00	
St. Vincent de Paul Penitentiary.....	650 00	
<i>Ontario.</i>		
Gananoque—To purchase Customs Office, inclusive of ground, &c.....	1,200 00	
Kingston Military Buildings.....	550 00	
Hamilton Immigration Buildings.....	4,000 00	
Sarnia Immigrant Building.....	2,500 00	
Sarnia Cattle Quarantine Station at Point Edward.....	1,500 00	
<i>Manitoba.</i>		
Brandon—Immigration Building (west of Winnipeg).....	9,150 00	
Winnipeg Post Office—Additions, alterations and fittings (revote).....	5,500 00	
<i>Prince Arthur's Landing.</i>		
Immigrant Building at Prince Arthur's Landing.....	6,000 00	
	107,495 35	
REPAIRS, FURNITURE, HEATING, &c.		
Repairs, Furniture, Heating, &c.—Additional amount re- quired.....	10,000 00	
Heating, Public Buildings—Ottawa.....	6,600 00	
Gas, Public Buildings—Ottawa.....	750 00	
Water, Public Buildings—Ottawa—To cover arrears for 1881-82, paid out of appropriation for 1882-83, and for water supplied to Department of Indian Affairs.....	2,830 00	
New Fire Hose for protection of Public Buildings, Ottawa. Department of Indian Affairs, Wellington Street.....	1,400 00	
Department of the Interior, Dominion Lands Branch—Fit- tings and furniture.....	2,000 00	
	1,080 00	
Carried forward.....	24,710 00	1,068,756 91

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	24,710 00	\$ cts. 107,495 35
PUBLIC WORKS—Continued.		\$ cts. 1,068,756 91
<i>(Chargeable to Income.)</i>		
REPAIRS, FURNITURE, HEATING, &c.—Concluded.		
Assistant Receiver-General's Office, Toronto—New doors for vaults.....	1,600 00	
Heating Dominion Public Buildings—Fuel, &c., (hitherto paid for through the respective Departments by which the buildings are occupied).....	11,000 00	
Winnipeg Land Office.—Finishing rooms in attic, furniture, &c.....	2,300 00	
		39,610 00
HARBOURS AND RIVERS.		
<i>Nova Scotia.</i>		
Digby Pier.....	500 00	
<i>Quebec.</i>		
Etang du Nord (Magdalen Islands).....	4,500 00	
Carleton—To complete.....	200 00	
St. Alphonse de Bagotville.....	3,000 00	
New Carlisle.....	4,000 00	
Lake Megantic—To complete.....	1,500 00	
<i>Ontario.</i>		
Cobourg.....	784 79	
Owen Sound.....	2,000 00	
<i>British Columbia.</i>		
Fraser River.....	300 00	
Victoria Harbour—Balance due to representatives of Thos. Spence, contractor for removal of Beaver Rock.....	2,504 40	
		19,289 19
MISCELLANEOUS.		
To pay a gratuity of \$250 to each of the widows of the late James Mebarg and Patrick Cooney, who met with death accidentally, 19th February, 1882, while discharging their respective duties of engineer and fireman of the Montreal Examining Warehouse.....	500 00	
To pay O. Dionne, for detailed statement showing expenditure incurred for construction, maintenance, repairs, &c., in connection with the Public Works of Canada, by the Departments of Public Works and Railways and Canals, 1st July, 1867, to 30th June, 1882.....	1,500 00	
Surveys and Inspections—Additional amount required.....	5,000 00	
		7,000 00
Carried forward.....		173,394 54
		1,068,756 91

SCHEDULE

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	173,394 54	1,068,756 91
PUBLIC WORKS—Concluded.		
<i>(Chargeable to Income.)</i>		
SLIDES AND BOOMS.		
<i>Maintenance and Repairs.</i>		
Saguenay District.....	2,000 00	
DREDGING.		
New Dredging Plant—Additional amount required.....	700 00	176,094 54
FISHERIES.		
To provide for payments for extra services to officers of the Marine and Fisheries Department, and for printing and other expenses in procuring information and making payments in connection with the Act granting bounties to fishermen.....		3,000 00
SCIENTIFIC INSTITUTIONS.		
Additional for Meteorological Service.....	1,500 00	
To provide for expenses in connection with Magnetic Observatory at Toronto.....	250 00	1,750 00
STEAMBOAT INSPECTION.		
To further provide for expenses in connection with Steamboat Inspection.....		2,000 00
LIGHTHOUSE AND COAST SERVICE.		
To further provide for the payment of Cape Race Light dues.....	451 25	
To pay the Montreal Harbour Commissioners for maintenance of buoys and beacons during season of 1882.....	7,000 00	
On account of expenses in connection with surveys of Lakes Superior and Huron.....	2,000 00	9,451 25
INDIANS.		
<i>New Brunswick.</i>		
To compensate the Rev. Mr. Bannon for services rendered to the Indians of Big Cove, N.B., during the two past years, 1881-82, 1882-83.	150 00	
<i>Manitoba and North-West.</i>		
To supplement the amounts voted for expenditure on various sub-heads in Manitoba and North-West.....	200,000 00	200,150 00
NORTH-WEST MOUNTED POLICE.		
Additional amount required for this service.....		50,000 00
Carried forward.....		1,511,202 70

SCHEDULE

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		1,511,202 70
MISCELLANEOUS.		
To provide for the expenses incurred during the journey of His Excellency the Governor General and suite to British Columbia and return.....	10,841 39	
To provide for expenses in connection with the International Fisheries Exhibition.....	15,000 00	
To provide for a retiring allowance to the undermentioned members of the Dominion Police Force:—		
Superintendent O'Neill.....	612 20	
Sergeant-Major Connor.....	601 75	
Constable Kane.....	542 58	
do Purcell.....	336 83	
do Jones.....	402 09	
Gratuity to Mrs. Egan, widow of Constable Egan.....	161 50	
	2,656 95	
To pay the legal expenses incurred in the defence of Mr. John Burgess, Steamboat Inspector for the District of Montreal who was tried for manslaughter in connection with the explosion of the boiler of the steamer "Richelieu".....	743 50	
To provide for the payment of damages and costs in the suit of Phair vs. Venning.....	707 50	
To provide for the publication of the proceedings of the Royal Society...	5,000 00	
To meet payments to Extra Clerks for services rendered in preparation of returns ordered by Parliament.....	20,000 00	
Factory Commission, advance to Mr. Blakeby.....	300 00	
To meet expenditure in connection with Fort McLeod and Kootenay Pack Trail (revote).....	2,500 00	
To meet expenditure in connection with the Board of Civil Service Examiners.....	4,500 00	
To purchase 500 copies of the "Parliamentary Companion".....	1,000 00	
To purchase 300 copies of the Dominion Annual Register and Review of 1882.....	900 00	
To pay the balance of the accounts of L. J. Demers et Frère for printing the first volume, and also the second volume in French, of the Report of the Canadian Pacific Railway Commissioners.....	2,920 88	
To pay Mr. Audet for translating into French the Report of the Canadian Pacific Railway Commissioners.....	1,300 00	
To pay sundry expenses incurred in connection with the Canadian Pacific Railway Commission, vide statement of Unforeseen Expenses laid before Parliament.....	16,821 49	
	21,042 37	
To pay damages awarded in the case of Robertson vs. The Queen.....	2,794 32	
To pay the Merchants' Bank the cost of suit in the case of Merchants' Bank vs. Regina.....	1,205 42	
		89,191 45
COLLECTION OF REVENUES.		
POST OFFICE.		
To pay Intercolonial Railway additional rate of \$20 per mile per annum on 843 miles of railway, for the years 1881-82, 1882-83, per Order in Council, 20th November, 1882.....	33,720 00	
Ontario, Ordinary Service—		
Mail Service.....	10,000 00	
Salaries.....	12,000 00	
Miscellaneous.....	15,000 00	
Carried forward.....	70,720 00	1,600,394 15

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	70,720 00	1,600,394 15
COLLECTION OF REVENUES—Continued.		
POST OFFICE—Concluded.		
Quebec, Ordinary Service—		
Mail Service.....	10,000 00	
Miscellaneous.....	10,000 00	
New Brunswick, Ordinary Service—		
Mail Service.....	2,000 00	
Salaries.....	1,000 00	
British Columbia, Ordinary Service—		
Mail Service.....	2,000 00	
Salaries.....	2,000 00	
Manitoba, Keewatin and North-West, Ordinary Service—		
Mail Service.....	10,000 00	
Salaries.....	25,000 00	
Miscellaneous.....	10,000 00	
	142,720 00	
CUSTOMS.		
To provide for amount required to complete service in the Province of Manitoba.....	25,000 00	
EXCISE.		
To provide for the cost of obtaining stamps and for the stamping of imported and Canadian tobacco, under the provisions of 43 Victoria, chapter 19.....	13,000 00	
To pay H. D. Munro, difference between his salary as Probationary Exciseman and the salary to which he became entitled by passing the Excise Examination, from 1st July, 1881, to 1st July, 1882, he having been prepared to sit for examination at the former date, but not being permitted to do so as he could not be spared from his duties at the time the examination was held.....	100 00	
To pay F. G. Wainwright for extra services in Halifax office, from 14th October to 20th December, 1881.....	40 00	
To pay H. H. Grant, difference between his salary and salary of his predecessor as Collector of Inland Revenue at Halifax, from 1st January, 1882, to 30th June, 1883.....	300 00	
To pay J. Griffith, Collector of Inland Revenue, Sherbrooke, difference required to increase his salary to \$1,000 per annum, from 1st July, 1881, to 30th June, 1883.....	1,000 00	
	14,440 00	
RAILWAYS.		
Intercolonial Railway.....	600,000 00	
Prince Edward Island Railway.....	50,000 00	
do do To be paid to Mrs. A. A. McInnis, re compensation for the death of her husband, without prejudice to the defence of the case.....	400 00	
Windsor Branch Railway.....	5,000 00	
Canadian Pacific Railway—To pay sundry accounts incurred whilst the line was operated by the Government.....	500 00	
	655,900 00	
Carried forward.....	838,060 00	1,600,394 15

SCHEDULE A—Concluded.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 838,060 00	\$ cts. 1,600,394 15
COLLECTION OF REVENUES—Continued.		
CANALS.		
Welland	20,980 00	
do Port Maitland.....	1,695 14	
Cornwall	2,020 00	
Williamsburg.....	600 00	
Chambly.....	2,900 00	
Carillon and Grenville.....	3,300 00	
Rideau	2,050 00	
Dredge vessels.....	1,200 00	
	34,745 14	
INSPECTION OF PETROLEUM.		
To payment to Martin Battle for extra services performed by him for the six years preceding 1st July, 1882, in connection with the establishing of an uniform method of inspecting petroleum.....	400 00	
PUBLIC WORKS.		
<i>Maintenance and Repairs.</i>		
Telegraph Lines, British Columbia—To pay salaries of Operators, and for materials required for night service, 1st January to 30th June, 1883	3,000 00	876,205 14
DOMINION LANDS.		
<i>(Chargeable to Capital.)</i>		
To provide for further amount required for this Service.....		150,000 00
UNPROVIDED ITEMS.		
Unprovided items of 1881-82 (<i>Vide Auditor-General's Report, page 435</i>).....		542,992 32
Total		3,169,591 61

SCHEDULE B.

Sums granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1884, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.		
	\$ cts,	\$ cts.
Financial Inspector	2,600 00	
Office of Assistant Receiver-General, Toronto.....	7,600 00	
do do Montreal.....	5,500 00	
Auditor and do Halifax.....	11,000 00	
do do St. John.....	10,500 00	
do do Winnipeg	5,700 00	
do do do Board Allowance	850 00	
do do Victoria.....	7,200 00	
do do Charlottetown, P.E.I.....	4,900 00	
Country Savings Banks—New Brunswick, Nova Scotia and British Columbia.....	\$14,200 00	
For increases to Salaries of Savings Bank Agents and establishment of new offices.....	2,000 00	
	16,200 00	
London Agents :—		
Commission on payments of \$5,660,136.79, interest on debt.....	28,300 68	
Commission and brokerage on \$478,698.23, Consolidated Canadian Loan Sinking Fund.....	2,393 49	
Brokerage on \$274,795.75, Intercolonial Sinking Fund.....	686 99	
do \$28,106.39, Rupert's Land Loan Sinking Fund.....	70 02	
do \$39,957.74, British Columbia Loan Sinking Fund.....	99 89	
do \$587,960.18, Sinking Fund Loans of 1874, 1875, 1876, 1878 and 1879	2,939 80	
English Bill Stamps, postages and telegrams.....	7,000 00	
Expenses in connection with the issue and redemption of Dominion Notes, including one Extra Clerk.....	7,000 00	
Printing, advertising, inspection, express and miscellaneous charges, &c., including commutation of Stamp Duty and contingencies of Country Savings Banks.....	15,000 00	
Printing Dominion Notes.....	35,000 00	
To cover expenses, including rent, in connection with the Assistant Receiver-General's Office, at Halifax.....	1,600 00	
		172,140 87
CIVIL GOVERNMENT.		
The Governor General's Secretary's Office.....	9,730 00	
The Office of the Queen's Privy Council for Canada	17,755 00	
The Department of Justice.....	16,015 00	
do do Penitentiaries Branch.....	5,450 00	
do Militia.....	36,980 00	
do Secretary of State.....	42,195 00	
do Interior	103,134 00	
do Indian Affairs	31,287 50	
The Office of the Auditor-General.....	19,200 00	
Carried forward	281,746 50	172,140 87

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 281,746 50	\$ cts. 172,140 87
CIVIL GOVERNMENT—Concluded.		
The Department of Finance and Treasury Board.....	58,125 00	
do Inland Revenue.....	35,712 50	
do Customs.....	32,950 00	
do Postmaster General.....	141,125 00	
do Agriculture.....	43,065 00	
do Marine and Fisheries.....	35,000 00	
do Public Works.....	41,430 00	
do Railways and Canals.....	43,230 00	
Departmental Contingencies.....	153,950 00	
Stationery Office, for stationery.....	7,000 00	
To meet the possible amount required for new appointments, by an extension of the Staff or by any other change.....	5,000 00	
Amount required to provide for contingent expenses of the High Commissioner for Canada in London.....	4,000 00	
Post Office and Finance Departments—Contingencies—Amount required to make payment to those officers of the Savings Bank Branch, Post Office and Finance Departments, engaged in balancing and computing interest in Depositors' Accounts, to 30th June, 1883.....	2,000 00	
Amount required for Salaries of Board of Examiners and other expenses in connection with the Civil Service Act.....	2,500 00	
Governor General's Secretary's Office—To pay C. J. Jones, difference of salary between \$1,450 and \$1,800, from 1st February to 30th June, 1883, as provided by the Civil Service Act.....	145 83	
Department of the Secretary of State—To provide for the salary of one Chief Clerk, in Correspondence Branch.....	\$2,000 00	
To provide for the statutory increase to the salary of one Clerk (omitted in main Estimates).....	50 00	
	2,050 00	
Department of Finance—Additional allowance to the Clerk of Contingencies.....	200 00	
Department of Railways and Canals—To provide for the salaries of two 3rd Class Clerks, at \$700.....	1,400 00	
Department of the Interior—To provide for the salary of the Surveyor-General.....	3,200 00	
Post Office Department—To provide for the usual increase of salary to the Chief Clerk, Superintendent of Printing and Supply Branch, from the 1st July, 1883, and of the Assistant Superintendents of the Money Order and Savings Bank Branches, from the 1st July, 1882.....	250 00	
Privy Council Contingencies—To make payment to officers of this Department who are engaged after hours.....	1,000 00	
		895,079 82
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice, including North-West Territories.....	15,000 00	
Travelling expenses of Stipendiary Magistrates in the North-West Territories.....	2,500 00	
Circuit allowances, British Columbia.....	6,000 00	
Travelling allowances, Supreme and Connty Court Judges, Manitoba.....	2,500 00	
Précis Writer of the Supreme Court of Canada and the Exchequer Court.....	2,000 00	
Clerk in the office of the Registrar of the Supreme Court of Canada and the Exchequer Court.....	800 00	
Carried forward.....	28,800 00	1,067,220 70

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 28,800 00	\$ cts. 1,067,220 70
ADMINISTRATION OF JUSTICE--Concluded.		
Second Clerk in the office of the Registrar of the Supreme Court of Canada and the Exchequer Court.....	600 00	
Senior Messenger of the Supreme Court of Canada and the Exchequer Court.....	500 00	
Second Messenger of the Supreme Court of Canada and the Exchequer Court.....	420 00	
Third Messenger of the Supreme Court of Canada and the Exchequer Court.....	280 00	
Contingencies and disbursements, including printing, binding and distributing Reports, Judges' travelling expenses; also, salaries of officers (Sheriff, Usher, &c.) in the Supreme and Exchequer Courts of Canada, and \$150 for books for Judges.....	5,000 00	
Sundry disbursements connected with the Maritime Court of Ontario, Judges' travelling expenses, &c.....	100 00	
Salary of Registrar of Vice-Admiralty Court, Quebec.....	666 66	
Salary of Marshal of Vice-Admiralty Court, Quebec.....	333 34	
To pay to the legal representatives of the late Judge Fisher, for extra services rendered by him to the Government, under commission from 1870 to 1881.....	2,400 00	
		39,100 00
POLICE.		
Dominion Police.....		15,000 00
PENITENTIARIES.		
Kingston.....	112,878 23	
St. Vincent de Paul.....	83,546 36	
Dorchester.....	45,856 00	
Manitoba.....	32,233 90	
British Columbia.....	21,706 83	
For a gratuity of one year's salary to J. Dillon, guard at Kingston Penitentiary, as compensation for loss of sight whilst performing his duties.....	550 00	
		296,771 32
LEGISLATION.		
SENATE.		
Salaries and Contingent Expenses of the Senate.....	56,738 00	
HOUSE OF COMMONS.		
Salaries, per Clerk's Estimate.....	61,000 00	
Expenses of Committees, Extra Sessional Clerks, &c.....	12,800 00	
Contingencies.....	20,500 00	
Publishing Debates.....	20,000 00	
Salaries and Contingencies, per Sergeant-at-Arms' Estimate.....	28,482 50	
To meet amount required to pay L. J. Piteau indemnification for loss of appointment as Assistant French Translator, 1878.....	383 56	
To pay to F. Houde, M.P., the amount of his sessional indemnity.....	1,000 00	
Carried forward.....	200,904 06	1,418,002 02

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward	\$ cts. 200,901 06	\$ cts. 1,418,092 02
LEGISLATION—Concluded.		
MISCELLANEOUS.		
Grant to Parliamentary Library.....	10,000 00	
Library.—To provide for the purchase of twenty copies of Harrington's "Life of Sir William Logan," at \$3	60 00	
For purchase of works on America.....	1,000 00	
Salaries of Officers and Contingencies of Library.....	20,260 00	
Printing, Binding and Distributing the Laws	12,000 00	
Printing, Printing Paper and Bookbinding	60,000 00	
Salary of the Clerk of the Crown in Chancery	2,100 00	
Contingencies of the Clerk of the Crown in Chancery	1,200 00	
Miscellaneous Printing.....	2,000 00	
For the purchase of Law Books required by the Supreme Court	1,500 00	
For Binding, Newspapers, &c.....	1,000 00	
		312,024 06
ARTS, AGRICULTURE AND STATISTICS.		
To meet expenses in procuring, collecting and taking care of Archives..	6,000 00	
To meet expenses in connection with Patent Record	8,500 00	
To meet expenses in connection with preparation of Criminal Statistics..	4,000 00	
To meet expenses in connection with Census (Revote \$20,000)	45,000 00	
To meet expenses in connection with Dominion Exhibition	10,000 00	
To meet expenses in connection with Health Statistics	20,000 00	
For collecting and compiling Agricultural, Industrial and other Statistics in Manitoba and the North-West Territories; and also for collecting and compiling such Statistics elsewhere (Revote).....	20,000 00	
		113,500 00
IMMIGRATION AND QUARANTINE.		
Salaries of Immigration Agents and Employees, viz.:		
Agent, Quebec.....	\$1,650 00	
Assistant do	1,050 00	
Clerk do	1,000 00	
Norwegian Interpreter.....	630 00	
Messenger	200 00	
Agent, Montreal	1,250 00	
do Ottawa.....	1,250 00	
do Kingston	1,250 00	
do Toronto	1,600 00	
do Hamilton.....	1,200 00	
do London, Ontario.....	1,000 00	
do Halifax.....	1,000 00	
do St. John	1,000 00	
do Manitoba.....	2,400 00	
do Brandon	1,400 00	
do Qu'Appelle.....	1,400 00	
do North-West Territory	1,400 00	
do Prince Arthur's Landing.....	1,000 00	
Salaries in London (England) Office.....	6,241 00	
do of Agents in Europe	7,200 00	
Contingencies of Canadian and other agencies (not Euro- pean)	24,000 00	
Travelling expenses of Agents in Europe.....	7,000 00	
Towards assisting Immigration and Immigration expenses.	450,000 00	
Carried forward	516,121 00	1,843,616 06

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	516,121 00	1,843,616 09
IMMIGRATION AND QUARANTINE—Continued.		
For Interpreter's salary, Winnipeg.....	800 00	
do do Brandon.....	800 00	
Aid to Montreal Women's Protection Immigration Society.	1,000 00	
Victoria, B.C., Agent.....	1,000 00	
Contingencies.....	500 00	
	520,221 00	
Medical Inspection, Quebec.....	1,600 00	
Quarantine, Grosse Isle.....	9,566 00	
do St. John, N.B.....	2,600 00	
do Pictou, N.S.....	800 00	
do Halifax, N.S.....	3,400 00	
do Charlottetown, P.E.I.....	1,000 00	
do Victoria, B.C.....	2,000 00	
do Vancouver Island, B.C.....	1,700 00	
Tracadie Lazaretto.....	3,100 00	
To meet expenses of precautionary measures for Public Health:		
Public Health.....	5,000 00	
Cattle Quarantine, Lévis.....	5,000 00	
do West.....	3,000 00	
do Halifax.....	5,000 00	
Pictou cattle disease (Revote).....	8,000 00	
Sydney, N.S.—Inspecting Physician.....	1,000 00	
Steward.....	400 00	
	53,166 00	
		573,387 00
PENSIONS.		
John Bright, Messenger, House of Assembly.....	80 00	
NEW MILITIA PENSIONS.		
Mrs. Caroline McEachern and two children.....	184 00	
Janet Anderson.....	110 00	
Margaret McKenzie.....	80 00	
Mary Ann Richey and one child.....	288 00	
Mary Morrison.....	80 00	
Louise Prud'homme.....	110 00	
Virginie Charron and one child.....	120 00	
Paul M. Robins.....	146 00	
Charles T. Bell.....	73 00	
Alex. Oliphant.....	109 50	
Charles Lugsden.....	91 25	
Thomas Charters.....	91 25	
Charles T. Robertson.....	110 00	
Percy G. Routh.....	400 00	
Richard S. King.....	400 00	
George A. McKenzie.....	73 00	
Edwin Hilder.....	146 00	
Fergus Schofield.....	73 00	
John Bradley.....	109 50	
James Bryan.....	109 50	
Ensign W. Fahey.....	200 00	
Mary Hodgins and three children.....	191 00	
John Martin.....	110 00	
Carried forward.....	-3,405 00	2,417,003 09

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	3,405 00	2,417,003 08
PENSIONS—Concluded.		
NEW MILITIA PENSIONS—Concluded.		
Mrs. J. Thorburn.....	150 00	
Mrs. P. T. Worthington and one child.....	314 00	
Mrs. J. H. Elliott and one child.....	120 00	
Ellen Kirkpatrick and two children.....	226 00	
Mrs. George Prentice and three children.....	352 00	
Mary Hannah Tempest and child.....	298 00	
T. Robinson.....	50 00	
	4,915 00	
To meet the probable amount required for Pensions to Veterans of War of 1812.....	25,000 00	
Compensation to Pensioners in lieu of land.....	5,120 00	
		35,115 00
MILITIA.		
Salaries, Military Branch and District Staff.....	19,800 00	
Brigade Majors salaries, transport expenses, &c.....	17,500 00	
Ammunition, including Artillery ammunition and manufacture of Small Arms ammunition at the Cartridge Factory at Quebec.....	25,000 00	
Clothing.....	60,000 00	
Military stores.....	50,000 00	
Public Armouries and care of Arms, including pay to Storekeepers, Caretakers, Storemen and Armourers.....	52,000 00	
Allowances for Drill Instruction.....	40,000 00	
Drill Pay, and other incidental expenses connected with the Drill and Training of the Militia.....	250,000 00	
Contingencies and general service not otherwise provided for, including grants to Artillery and Rifle Associations and Bands of efficient Corps.....	38,000 00	
Government grant to the Dominion of Canada Rifle Association.....	8,000 00	
Drill Sheds and Rifle Ranges.....	10,000 00	
Care of Military Properties, transferred from the Ordnance and Imperial Government.....	10,000 00	
Royal Military College.....	59,000 00	
Military Schools and Drill Instruction in Colleges.....	6,000 00	
Pay, Maintenance and Equipment of "A" and "B" Batteries, Garrison Artillery and Schools of Gunnery at Kingston and Quebec.....	125,700 00	
Government Aid towards sending a Team of the Canadian Militia Artillerymen to Shoeburyness, England.....	2,000 00	
For purchase of building and property situated on the east side of the Rideau Canal Basin, required for military store purposes at Ottawa.....	8,000 00	
To purchase Artillery ammunition.....	20,000 00	
Artillery Battery and Cavalry and Infantry Schools.....	150,000 00	
Required to provide for the ventilation and sanitary requirements of the Royal Military College of Canada, at Kingston.....	2,500 00	
		963,500 00
RAILWAYS AND CANALS.		
(Chargeable to Capital.)		
RAILWAYS.		
Canadian Pacific Railway.—Canada Central Railway subsidy.....	16,800 00	
Prince Arthur's Landing to Red River.....	350,000 00	
British Columbia.....	3,500,000 00	
Station accommodation.....	30,000 00	
Carried forward.....	3,896,800 00	3,405,618 08

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward	\$ cts. 3,896,800 00	\$ cts. 3,406,618 08
RAILWAYS AND CANALS—Continued.		
<i>(Chargeable to Capital.)</i>		
RAILWAYS—Concluded.		
Canadian Pacific Railway— <i>Concluded.</i>		
Subsidy, Canadian Pacific Railway Company.....	5,500,000 00	
Intercolonial Railway.—Increased accommodation at St. John	171,750 00	
Halifax Extension—		
Wharf and elevator	} 12,500 00	
Bunker coal wharf.....		
Extension to Halifax.....		
T. Bentley, for land.....		
Land and damages, &c		
Rolling stock	268,650 00	
St. Charles Branch and Ferry between Lévis and Quebec	130,000 00	
St. Charles Branch—Shunting and Station Yard, Point Lévis.....	47,500 00	
To pay Intercolonial Railway Commission, staff and other expenses	20,000 00	
Rivière du Loup, Town Branch.....	25,000 00	
Dalhousie Branch	60,000 00	
Miscellaneous works, not otherwise provided for.....	6,000 00	
For a branch of the Intercolonial Railway to Dartmouth, provided the Municipality of Dartmouth undertake the payment to the Government of the amount of \$4,000 per annum for twenty years, or so much of that amount as may be required in addition to the net revenue to pay four per cent. per annum on the sum expended	110,000 00	
Prince Edward Island Railway.—Cape Traverse Railway	188,200 00	
<i>General.</i>		
Surveys and Inspection	10,000 00	
Railway statistics	1,200 00	
To recoup Town of Pembroke for change of route	85,250 00	
CANALS.		
Lachine.....	530,000 00	
Cornwall.....	230,000 00	
Williamsburg—For the construction of an entrance and lock at head of Rapide Plat Canal.....	100,000 00	
St. Lawrence River and Canals	150,000 00	
Murray.....	350,000 00	
Welland.....	600,000 00	
Welland—Construction of a raceway between the feeder and Chippawa River	24,500 00	
Trent River Navigation—For construction of locks and the improvement of navigation between Lakefield and Balsam Lake.....	246,000 00	
St. Anne.....	288,000 00	
Carillon—Canal, dam and slide	260,000 00	
Grenville.....	241,000 00	
Tay—For construction of works	75,000 00	
Miscellaneous.....	10,000 00	
St. Peter's Canal.....	14,000 00	
Williamsburg Canal—Towards the enlargement of the upper entrance, Galops Canal.....	80,000 00	
Culbute Canal—To remove a shoal above the Locks	2,000 00	
		13,733,350 00
Carried forward		17,138,988 08

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		17,138,968 08
RAILWAYS AND CANALS.		
<i>(Chargeable to Income.)</i>		
CANALS.		
Beauharnois Canal—Construction of a swing bridge at Valleyfield.....	8,000 00	
Cornwall Canal—Construction of a drain between town and canal.....	20,000 00	
Welland Canal—Cleaning out back ditches.....	6,000 00	
Burlington Canal—Renewal of piers.....	13,000 00	
Trent Valley—Survey of Trent Valley Navigation.....	8,000 00	
St. Ours Canal—Construction of lock gates, piers above and below the lock, deepening and widening channel.....	5,000 00	
Chambly Canal—Raising banks, lowering bottom of canal, rebuilding lock-walls, &c.....	34,100 00	
Rideau Canal—Building new office for Toll Collector, Ottawa.....	3,000 00	
do Forming approaches to new bridge at Jones' Falls.....	500 00	
do Construction of a swing bridge at Chaffey's Locks.....	2,000 00	
<i>Miscellaneous.</i>		
Miscellaneous works not otherwise provided for.....	5,000 00	
Arbitrations and awards.....	5,000 00	
Surveys and inspections.....	10,000 00	
		119,600 00
PUBLIC WORKS.		
<i>(Chargeable to Capital.)</i>		
PUBLIC BUILDINGS, OTTAWA.		
Additional Public Building, Wellington street.....	200,000 00	
Site for additional Public Buildings south side of Wellington street—Additional amount required.....	7,000 00	
		207,000 00
PUBLIC WORKS.		
<i>(Chargeable to Income.)</i>		
PUBLIC BUILDINGS.		
<i>Nova Scotia.</i>		
Sydney Quarantine Hospital.....	2,000 00	
New Glasgow Public Building.....	12,000 00	
Halifax Cattle Quarantine Station.....	5,000 00	
Truro Custom House, Post Office and Savings Bank.....	21,000 00	
Windsor Public Buildings.....	3,500 00	
Halifax Post Office, Custom House, &c.....	10,000 00	
Halifax Penitentiary.....	1,400 00	
Pictou Marine Hospital.....	2,300 00	
Amherst Public Building.....	10,000 00	
Arichat Post Office, Custom House, &c.—Site.....	1,200 00	
Yarmouth—Post Office, Custom House, &c.....	15,000 00	
Pictou Marine Hospital—Proposed extension.....	2,400 00	
North Sydney—Post Office, Custom House, &c.....	15,000 00	
Beddeck—Post Office, Custom House, &c.....	8,000 00	
Carried forward.....	108,800 00	17,465,568 08

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
⁴ Brought forward.....	108,800 00	\$ cts. 17,465,568 08
PUBLIC WORKS—Continued.		
<i>(Chargeable to Income.)</i>		
PUBLIC BUILDINGS—Continued.		
<i>Prince Edward Island.</i>		
Summerside Public Buildings.....	9,000 00	
Montague—Post Office, Custom House, &c.....	5,000 00	
<i>New Brunswick.</i>		
St. John Marine Hospital—To complete.....	12,500 00	
Woodstock Post Office, Custom House, &c.....	15,000 00	
St. Stephen's Post Office, Custom House, &c.....	5,000 00	
Sussex Post Office, Custom House, &c.—To complete.....	9,000 00	
Moncton Post Office, Custom House, &c.....	15,000 00	
Dorchester Penitentiary.....	30,000 00	
Newcastle Post Office, &c.....	10,000 00	
Carleton Post Office.....	10,000 00	
St. John Dominion Buildings, Improvements, &c.....	700 00	
Rathurst Post Office, Custom House, &c.....	10,000 00	
Portland Post Office.....	9,000 00	
<i>Quebec.</i>		
Lévis Fortifications and Military Buildings.....	3,200 00	
Quebec Fortifications.....	19,000 00	
Dufferin Terrace—To complete.....	2,500 00	
Quebec Citadel.....	22,500 00	
Quebec Examining Warehouse.....	30,000 00	
Securing cliff under Citadel, &c., Quebec—To complete....	4,500 00	
Three Rivers—Conversion of former Custom House into Post Office.....	5,000 00	
Sherbrooke Post Office, Custom House, &c.....	18,500 00	
Hull Post Office and Inland Revenue Offices—To complete.	10,000 00	
Grosse Isle Quarantine Station.....	1,000 00	
Montreal Drill Shed.....	40,000 00	
Montreal—Dominion Buildings—Improvements, &c.....	12,900 00	
Chicoutimi Marine Hospital.....	5,750 00	
St. Vincent de Paul Penitentiary Buildings.....	\$18,950	
Materials and tools for use of convicts in construction.....	28,000 00	
Quebec—Dominion Buildings—Improvements, &c.....	3,000 00	
Sorel Public Building.....	10,000 00	
Lévis Immigrant Station.....	650 00	
Quebec Military Buildings, including Drill Shed.....	30,000 00	
Hull Post Office and Inland Revenue Offices.....	4,700 00	
Lévis Immigrant Buildings—Additional amount required...	15,000 00	
Montreal Immigrant Buildings.....	15,000 00	
Montreal Custom House.....	3,000 00	
Montreal Inland Revenue Building.....	11,260 00	
Montreal Examining Warehouse.....	45,000 00	
St. Vincent de Paul Penitentiary.....	7,000 00	
Carried forward.....	596,460 00	17,465,568 08

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	596,460 00	\$ cts. 17,465,568 09
PUBLIC WORKS—Continued.		
<i>(Chargeable to Income.)</i>		
PUBLIC BUILDINGS—Continued.		
<i>Ontario.</i>		
Cornwall Post Office, Custom House, &c.	20,000 00	
Brockville do do	10,000 00	
Kingston Fortifications and Military Buildings	12,600 00	
Kingston Penitentiary	15,000 00	
Belleville Post Office, Custom House, &c.—To complete....	17,000 00	
Hamilton do do	125,000 00	
Stratford do do To complete....	13,000 00	
St. Thomas do	28,000 00	
Chatham do	16,500 00	
London do	3,600 00	
Amherstburg Post Office, Custom House, &c.	10,000 00	
Galt do do	8,000 00	
Cobourg do do To complete..	7,000 00	
Olifton Post Office, &c.	12,000 00	
Barrie do	12,000 00	
Port Hope do	12,000 00	
Toronto Dominion Buildings—Alterations, renewals, &c....	7,800 00	
Ottawa Post Office—Improvements, &c.	1,700 00	
Gananoque Custom House and Inland Revenue Offices.....	5,500 00	
Belleville Post Office—Improvements, &c.	800 00	
Kingston Examining Warehouse	4,000 00	
Hamilton Immigrant Station	500 00	
Orangeville—Post Office, &c.	6,000 00	
Toronto Examining Warehouse	50,000 00	
Belleville—Post Office, Custom House, &c	3,100 00	
Peterborough do do	15,000 00	
Gananoque Custom House and Inland Revenue Offices—	2,500 00	
Additional amount required to complete.....	20,000 00	
Berlin Post Office, Custom House, &c. (Revote \$4,000).....	17,000 00	
St. Catharines Post Office, &c.	8,000 00	
Toronto Drill Shed	1,000 00	
Parliament Buildings, Ottawa—Alterations—Post Office,	5,000 00	
House of Commons.....	3,600 00	
London Custom House—Addition for Weights and Mea-	5,000 00	
sures and Gas Inspection Offices	3,600 00	
Chatham—Post Office, Custom House, &c.	5,000 00	
<i>Disputed Territory.</i>		
Prince Arthur's Landing Immigrant Station.....	600 00	
<i>Manitoba.</i>		
Manitoba Penitentiary	40,000 00	
Parliament Buildings, Winnipeg.....	40,000 00	
Lieutenant-Governor's residence and stables, Winnipeg....	33,000 00	
Winnipeg Post Office.....	50,000 00	
Lieutenant-Governor's residence, stables, &c., Winnipeg—	5,000 00	
Additional amount required.....	10,000 00	
Dominion Land Office, Winnipeg—Extension.....	5,000 00	
Winnipeg powder magazine.....	5,000 00	
Carried forward	1,253,260 00	17,465,568 09

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	1,253,260 00	\$ cts. 17,465,568 00
PUBLIC WORKS—Continued.		
<i>(Chargeable to Income.)</i>		
PUBLIC BUILDINGS—Continued.		
<i>North-West Territories.</i>		
Public Buildings, North-West Territories, generally	5,000 00	
Dominion Lunatic Asylum or Hospital	20,000 00	
New jails and lock-ups	10,000 00	
New Public Buildings at Regina, Capital of the North-West Territories.....	20,000 00	
Qu'Appelle Immigrant Shed	3,500 00	
Immigrant Station west of Qu'Appelle.....	600 00	
do do	12,000 00	
New Public Buildings at Regina, Capital of the North-West Territories—Additional amount required.....	7,000 00	
Immigrant Station at Qu'Appelle.....	10,000 00	
<i>British Columbia.</i>		
Vancouver Quarantine Station and outbuildings.....	7,500 00	
New Westminster Post Office, Custom House, &c.—To complete	11,500 00	
Nanaimo Post Office, Custom House, &c.—To complete	22,750 00	
British Columbia Penitentiary—New Westminster (Revoted, \$10,000)	40,000 00	
Nanaimo Post Office, Custom House, &c.—Additional amount required to complete	2,000 00	
PUBLIC BUILDINGS GENERALLY.		
Public Buildings generally.....	15,000 00	1,440,110 00
REPAIRS, FURNITURE, HEATING, &c.		
Repairs, furniture, heating, &c	175,000 00	
Grounds, Public Buildings, Ottawa.....	7,500 00	
Removal of snow, Public Buildings, Ottawa.....	1,800 00	
Heating Public Buildings, Ottawa	50,000 00	
Gas, Public Buildings, Ottawa	22,000 00	
Water, Public Buildings, Ottawa	12,100 00	
Allowance for fuel and light, Rideau Hall.....	8,000 00	
Telephonic service, Public Buildings, Ottawa	4,000 00	
Salaries of Engineers, Firemen and Caretakers, &c., of Dominion Public Buildings (hitherto paid by the respective Departments for which the services were performed)	22,000 00	
Heating Dominion Public Buildings—Fuel, &c., hitherto paid for by the respective Departments by which the buildings are occupied	26,000 00	
	328,400 00	
Carried forward	1,768,510 00	17,465,568 00

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 1,768,510 00	\$ cts. 17,465,568 08
PUBLIC WORKS—Continued.		
(Chargeable to Income.)		
HARBOURS AND RIVERS.		
<i>Nova Scotia.</i>		
Cow Bay	12,000 00	
Benacadie Pond—To complete work	7,000 00	
South Ingonish	10,000 00	
Cheverie	7,500 00	
Farrsboro' or Partridge Island River—To complete	2,500 00	
Port Hood—To complete.....	12,500 00	
Coffin's Island—To complete	2,900 00	
Port Lorne—To complete.....	500 00	
Three Fathom Harbour	1,000 00	
Little Hope Island	1,250 00	
West Arichat	1,200 00	
L'Ardoise	5,000 00	
Great Village River—Locality furnishing \$4,000. Revote.	5,000 00	
Chipman's Brook—Repairs.....	1,500 00	
Harborville do	1,500 00	
Maitland—Repairs to wharf.....	750 00	
Yarmouth.....	4,600 00	
Parker's Cove (Revote, \$1,000).....	2,000 00	
Grand Narrows, Barra Strait.....	3,000 00	
Oyster Pond	2,000 00	
White Point	1,000 00	
Militia Point	2,000 00	
Catalogue Gut	1,500 00	
McNair's Cove	5,000 00	
<i>Prince Edward Island.</i>		
Cascumpeque	5,000 00	
South River—Murray Harbour—To complete.....	3,250 00	
Malpeque.....	4,000 00	
Victoria Breakwater—Wood Islands.....	2,000 00	
<i>New Brunswick.</i>		
St. John Harbour—Breakwater at Negro Point, to complete	71,000 00	
River Tobique and River St. John, above Grand Falls	5,000 00	
River St. John—River des Chutes to Bear Island.	2,000 00	
Madawaska River.....	1,000 00	
Rocher Bay—Breakwater.....	4,000 00	
St. Mary's.....	1,500 00	
Grand Lake and Jemseg.....	5,000 00	
Addition to Pier, Anderson's Hollow.....	4,000 00	
Breakwater—Upper Salmon River.....	4,000 00	
Mispec Breakwater.....	4,000 00	
Carraquet—Revote.....	3,000 00	
Robby's Point.....	1,500 00	
Hopewell Cape—Ballast wharf, &c.....	4,000 00	
Grande Anse.....	2,000 00	
Shippegan.....	4,000 00	
Carried forward	223,450 00	1,768,510 00

17,465,568 08

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	223,450 00	\$ cts. 1,768,510 00
PUBLIC WORKS—Continued.		\$ cts. 17,465,568 00
<i>(Chargeable to Income.)</i>		
HARBOURS AND RIVERS—Continued.		
<i>New Brunswick—Concluded,</i>		
Buctouche.....	3,000 00	
Baie Verte—Ballast pier.....	500 00	
For extended railway wharf accommodation at Carlton, St. John, N. B.....	10,000 00	
<i>Maritime Provinces Generally.</i>		
General repairs and improvements—Harbours and Rivers, Maritime Provinces.....	10,000 00	
<i>Quebec.</i>		
New Carlisle—Municipality having voted \$1,000.....	6,000 00	
Trois Pistoles.....	1,500 00	
Rivière du Loup (<i>en bas</i>)—To complete.....	1,000 00	
River Saguenay—Improvement of Channel below Chicou- timi.....	7,000 00	
River Saguenay—Enlargement of "La Grande Décharge" from Lake St. John.....	5,000 00	
River Saguenay—Lake St. John Surveys.....	4,000 00	
Baie St. Paul—Local authorities furnishing \$3,000.....	12,000 00	
River St. Lawrence—Removal of chains, anchors, boulders, &c.....	5,000 00	
River Nicolet—Harbour of Refuge.....	15,000 00	
River Yamaska.....	18,000 00	
St. Zotique.....	4,500 00	
River du Lièvre.....	4,000 00	
General repairs and improvements—Harbours and Rivers, Quebec.....	10,000 00	
Philipsburg Harbour, Missisquoi Bay, Lake Champlain— Locality furnishing an equal amount.....	4,000 00	
Étang du Nord—To continue work.....	9,000 00	
St. François—Island of Orleans.....	6,000 00	
Quebec—Marine Hospital wharves.....	2,000 00	
Matane.....	5,000 00	
Ile aux Coudres—To complete.....	500 00	
Berthier (<i>en bas</i>).....	7,500 00	
Rivière Blanche—To complete work.....	5,000 00	
River St. Louis.....	10,000 00	
Chicoutimi Pier.....	1,500 00	
Lanoraie—The locality furnishing \$1,500.....	5,000 00	
Perce.....	10,000 00	
River Batiscan.....	2,000 00	
Queen's Wharf, Quebec—Improvement to wharf and build- ing.....	8,200 00	
Bic Pier.....	7,500 00	
River St. Francis.....	1,500 00	
Piers—Lake Megantic.....	1,500 00	
Carried forward.....	426,150 00	1,768,510 00

17,465,568 00
SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	426,150 00	1,768,510 00
PUBLIC WORKS—Continued.		
<i>(Chargeable to Income.)</i>		
HARBOURS AND RIVERS—Continued.		
<i>Quebec—Concluded.</i>		
Wharf at bridge, across River Richelieu, on road between Lacolle and Clarenceville.....	3,000 00	
St. Jean d'Orléans—To protect lighthouse.....	6,000 00	
Port Daniel.....	6,000 00	
River Ottawa—Removal of bars at Bristol and Portage du Port.....	2,000 00	
Sault aux Cochons.....	4,000 00	
Pointe aux Orignaux (Rivière-Ouelle)—To complete	4,500 00	
Ile aux Coudres.....	500 00	
Barachois de Malbaie, \$1,000; and Mouth of Newport River, \$400; for removal of obstructions.....	1,400 00	
Rivière du Loup (<i>en bas</i>).....	10,000 00	
Ile aux Grues.....	5,000 00	
Chenal du Moine, Piers—Revote, \$2,000.....	3,000 00	
Beacon Lights and the Mouths of the Rivers Yamaska and St. François.....	500 00	
<i>Ontario.</i>		
Cobourg Harbour, Lake Ontario.....	20,000 00	
Port Hope Harbour, Lake Ontario.....	14,000 00	
Toronto Harbour, Lake Ontario.....	117,500 00	
Rondeau Harbour, Lake Erie.....	4,000 00	
Kincardine, Lake Huron.....	7,000 00	
Port Elgin, Lake Huron—To complete.....	6,100 00	
Goderich, Lake Huron.....	5,000 00	
Collingwood Harbour, Lake Huron.....	26,000 00	
Warton, Lake Huron.....	5,000 00	
Meaford—To complete.....	3,000 00	
Kingston Harbour.....	12,500 00	
Little Current, Lake Huron—To complete.....	10,000 00	
General repairs and improvements, Harbours and Rivers, Ontario.....	8,000 00	
Kingsville, Lake Erie.....	5,000 00	
River Sydenham.....	5,000 00	
Newcastle—Harbour improvements—To complete.....	8,000 00	
Chantry Island, Lake Huron.....	5,000 00	
River Otonabee.....	1,200 00	
Little Bear Creek.....	5,000 00	
Peterborough—To complete dredging.....	3,000 00	
Morpeh, Lake Erie—The locality having to provide \$4,000.	4,000 00	
L'Original—Repairs to wharf, the local authorities furnish- ing \$1,000.....	3,000 00	
Kingsville, Lake Erie.....	27,500 00	
Bellefleur Harbour, Lake Ontario—The locality furnishing \$4,000.....	6,000 00	
Southampton—Lake Huron.....	10,000 00	
Owen Sound, Lake Huron.....	5,000 00	
Carried forward.....	797,850 00	1,768,510 00

17,465,568 08

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	797,850 00	1,768,510 00
	\$ cts.	\$ cts.
		17,465,568 08
PUBLIC WORKS—Continued.		
<i>(Chargeable to Income.)</i>		
HARBOURS AND RIVERS—Continued.		
<i>Ontario—Concluded.</i>		
Meaford, Lake Huron.....	2,000 00	
Little Nation River—Removal of obstructions.....	2,000 00	
River Ottawa—Removal of boulders, &c., at the Narrows— above Pembroke.....	3,000 00	
Midland Harbour.....	10,000 00	
Consecon.....	3,000 00	
<i>Prince Arthur's Landing.</i>		
Harbour improvements.....	50,000 00	
<i>Manitoba.</i>		
Red River—Mouth of river.....	12,000 00	
General repairs and improvements, Harbours and Rivers, Manitoba.....	1,000 00	
<i>North-West Territories.</i>		
River Saskatchewan—Improvement of.....	10,000 00	
<i>British Columbia.</i>		
General repairs and improvements, Harbours and Rivers, British Columbia.....	2,000 00	
Upper Fraser River—Improvement of Cottonwood Canyon.....	10,000 00	
Stuiceen River.....	2,000 00	
Victoria Harbour—Examination.....	3,000 00	
Improvement of Cowichan and Courtney Rivers.....	2,000 00	
Lillooet River.....	500 00	
HARBOURS AND RIVERS GENERALLY.		
Harbours and Rivers generally.....	6,000 00	
	<hr/>	916,350 00
DREDGING.		
New dredging plant.....	64,000 00	
do Manitoba.....	37,500 00	
Snag-boat, British Columbia.....	15,000 00	
Dredge vessels—Repairs.....	25,100 00	
New Brunswick.....	} 53,000 00	
Nova Scotia.....		
Prince Edward Island.....		
Ontario.....	20,000 00	
Carried forward.....	213,800 00	2,684,860 00
		17,465,568 08

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	213,600 00	\$ cts. 2,684,860 00
		\$ cts. 17,465,568 08
PUBLIC WORKS—Continued.		
(Chargeable to Income.)		
DREDGING—Concluded.		
Quebec.....	20,000 00	
British Columbia.....	15,000 00	
General service.....	5,000 00	
		253,600 00
SLIDES AND BOOMS.		
Slides and Booms.....		15,000 00
ROADS AND BRIDGES.		
Bridge at Des Joachims Rapids, Ottawa River—To complete.....	10,000 00	
Trails, bridges, &c., North-West Territories.....	1,800 00	
Union Suspension Bridge, Ottawa.....	1,000 00	
Aid to Municipality of Russell, Manitoba, towards the construction of a bridge across the Assiniboine, near the mouth of Shell River.....	10,000 00	
		22,800 00
TELEGRAPHS.		
Land and cable telegraph lines for the sea-coasts and islands of the lower Rivers and Gulf of St. Lawrence and Maritime Provinces, viz.:		
Repairing cable between Mainland and Grand Manan	\$1,000 00	
To connect Pointe des Monts with the telegraph line constructed and in operation along the north shore of the St. Lawrence by cables and land lines, and towards extension of land lines to River Moisie.....	28,000 00	
Telegraph line—Chatham to Escuminac.....	3,000 00	
Telegraph lines—Manitoba and the North-West Territories, viz.:		
Telegraph line—Prince Arthur's Landing, <i>via</i> Winnipeg and Qu'Appelle Junction to British Columbia.....	10,000 00	
Telegraph line—Saskatchewan to Prince Albert, the poles being furnished free to the Government....	7,000 00	
Telegraph lines—British Columbia, viz.:		
New sub-marine cable route between Vancouver Island and Washington Territory, <i>via</i> Victoria and Point Angelos, or land route from Victoria to Cape Beale <i>via</i> San Juan Harbour, with cable thence to Neeah Harbour—Cape Flattery, Washington Territory.....	18,500 00	
Telegraph line from a point opposite New Westminster to Ladner's Landing.....	1,500 00	
		69,000 00
Carried forward.....		3,045,260 00
		17,465,568 08

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 3,045,260 00	\$ cts. 17,465,568 00
PUBLIC WORKS—Concluded.		
<i>Chargeable to Income.</i>		
MISCELLANEOUS.		
Miscellaneous works not otherwise provided for	10,000 00	
Surveys and inspections.....	25,000 00	
Arbitrations and awards	5,000 00	
Military works and buildings—Repairs, improvements and construction of	37,500 00	
To provide for the cost of a monument to the memory of the late Sir George Etienne Cartier, Bart.....	9,000 00	
Arranging in proper order, and transferring to new books all useful matter having reference to works under the control of the new Department of Public Works, which is contained in the old general indices, charging books and journals.....	1,650 00	
National Art Gallery.....	1,500 00	
To pay claim of W. L. Macaulay, in connection with barrack buildings erected by him at Fort Garry	5,590 85	
Fort Dufferin, St. John, N.B.	3,000 00	
Monument to Joseph Brant.....	5,000 00	
	103,240 85	3,148,500 85
MAIL SUBSIDIES.		
Steam communication between Halifax and St. John, <i>via</i> Yarmouth.....	10,000 00	
Steam communication on Lakes Huron and Superior	10,000 00	
Steam service between San Francisco and Victoria, British Columbia....	17,640 00	
Steam communication with the Magdalen Islands	7,800 00	
Steam communication between Grand Mahan, N.B., and mainland	4,000 00	
To provide for one year's subsidy, to be granted at the rate of \$50,000 per annum, to line of steamers to trade between Canada and the West Indies and Brazil, provided a like amount be paid by the Brazilian Government.....	50,000 00	
For subsidy to line of steamers to run fortnightly between France and Quebec, provided the French Government appropriates a sum equal to the amount contributed by the Dominion of Canada for the same service	50,000 00	
For subsidy to line of steamers to run between Liverpool or London, or both, and St. John, N.B., and Liverpool or London, or both, and Halifax, N.S.....	25,000 00	
Subsidy to steamer between Campbelltown and Gaspé, and intermediate ports	12,500 00	
For steam communication from Port Mulgrave, at the terminus of the Eastern Extension Railway, to East Bay, Cape Breton.....	6,000 00	
For steam communication between Cape Canso and Port Hood, daily, touching at railway terminus, Port Mulgrave, and such other places within above limits as may be agreed upon	3,000 00	
For steam communication between Halifax and St. Pierre.....	2,000 00	
To provide for a subsidy of \$1,500 a voyage, for five voyages, of steamers from Prince Edward Island to Great Britain or continental ports.....	7,500 00	
For steam communication from Halifax to Murray Harbor and Charlottetown, alternately.....	3,000 00	
For steam communication between Canada and Antwerp.....	24,000 00	
For steam communication between Canada and Germany.....	24,000 00	
Carried forward	256,440 00	20,614,068 85

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.		Total.
	\$	cts.	\$ cts.
Brought forward.....	256,440	00	20,614,068 93
MAIL SUBSIDIES—Concluded.			
For steam communication between Port Mulgrave Railway terminus and Cheticamp, touching semi-weekly at Port Hood, Mabou, Broad Cove, Mayane and Cheticamp, the Local Government having granted a similar amount conditionally on a Dominion vote for the same service.....	2,000	00	
For steam communication between Owen Sound, Sault Ste. Marie and Thunder Bay.....	2,000	00	
			260,440 00
OCEAN AND RIVER SERVICE.			
Maintenance and repairs of steamers "Napoleon III," "Druid," "Newfield," "Sir James Douglas," "Northern Light," and "La Canadienne".....	125,000	00	
For the providing of a steamer to replace "Glendon".....	30,000	00	
To provide for the examination of Masters and Mates.....	5,000	00	
For purchase of life-boats, stations, and life-preservers; maintenance of crews and rewards for saving life.....	5,000	00	
To provide for investigation into Wrecks and Casualties, and collection of information relating to disasters to shipping.....	1,500	00	
Expenses in connection with Canadian Registration of Shipping.....	500	00	
Printing triennial list of shipping.....	1,500	00	
Montreal and Quebec Water and River Police.....	38,000	00	
Removal of obstructions in navigable rivers.....	1,500	00	
Additional amount required for purchase of life-boats, stations and life-preservers; maintenance of crews and rewards for saving life.....	3,000	00	
			211,000 00
LIGHTHOUSE AND COAST SERVICE.			
Salaries and allowances, &c., of Lighthouse Keepers.....	164,025	00	
Agencies, Rents and Contingencies.....	18,000	00	
Maintenance and repairs to Lights, Fog-Whistles, Buoys and Beacons, Humane Establishments and Provision Depots.....	275,000	00	
Cape Race Light.....	1,300	00	
Completion and construction of Lighthouses and Fog-Alarms.....	40,000	00	
To complete construction of a new Lighthouse on Sands Head, entrance to Fraser River, B.C.—(Revote, \$5,000).....	10,000	00	
Construction of Lighthouse at Colchester Reef, Lake Erie.....	5,000	00	
Signal Stations.....	7,500	00	
			520,825 00
FISHERIES.			
SALARIES AND DISBURSEMENTS OF FISHERY OVERSEERS AND WARDENS.			
Ontario.....	13,500	00	
Quebec.....	16,000	00	
Nova Scotia.....	16,500	00	
New Brunswick.....	13,000	00	
Prince Edward Island.....	3,500	00	
British Columbia.....	2,600	00	
Manitoba, Keewatin and North West Territories.....	4,000	00	
Fish-breeding, Fishways and Oyster Beds.....	35,000	00	
To provide for legal and incidental expenses connected with the Fisheries.....	1,000	00	
Advertising.....	1,000	00	
Fish Hatchery, British Columbia (Revote).....	4,000	00	
			110,100 00
Carried forward.....			21,716,433 93

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		21,716,433 93
SCIENTIFIC INSTITUTIONS.		
Observatory, Toronto.....	\$5,250 00	
do Kingston	500 00	
do Montreal	500 00	
do New Brunswick.....	1,500 00	
	7,750 00	
Grant for Meteorological Observations, including Instruments and cost of telegraphing weather warnings.....	48,000 00	55,750 00
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.		
MARINE HOSPITALS.		
Marine and Immigrant Hospital, Quebec.....	20,000 00	
St. Catharines Hospital, Ontario.....	\$500 00	
Kingston do do	500 00	
	1,000 00	
Hospitals, &c., in the Provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island and British Columbia.....	35,000 00	
DISTRESSED SEAMEN.		
Expenses for Shipwrecked and Disabled Seamen.....	6,000 00	62,000 00
STEAMBOAT INSPECTION.		
To provide for expenses of Steamboat Inspection.....		22,000 00
SUPERINTENDENCE OF INSURANCE COMPANIES.		
To meet expenses in connection with the Inspection of Insurance Companies.....		6,900 00
GEOLOGICAL SURVEY.		
Geological Survey		60,000 00
DEPARTMENT OF INDIAN AFFAIRS.		
ONTARIO AND QUEBEC AND THE MARITIME PROVINCES.		
<i>Annual Grant to Supplement the Indian Fund.</i>		
For Indians of Quebec	4,200 00	
For purchase of blankets for aged and infirm Indians of Ontario and Quebec.....	1,600 00	
For Indian schools in Ontario, Quebec, New Brunswick and Nova Scotia	10,400 00	
For annuities under the Robinson Treaty.....	15,680 00	
	31,880 00	
Carried forward	31,880 00	21,922,183 93

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	31,880 00	21,922,183 98
DEPARTMENT OF INDIAN AFFAIRS—Continued.		
NOVA SCOTIA.		
<i>Annual Grant to Supplement the Indian Fund.</i>		
For Indians of Nova Scotia, generally	4,500 00	
For an amount sufficient to increase the Medical Grant in Nova Scotia from 26 cts. to 50 cts. per head, on an estimated population of 2,219	532 56	
		5,032 56
NEW BRUNSWICK.		
For Indians of New Brunswick, generally	4,500 00	
For an amount sufficient to increase the Medical Grant in New Brunswick from 23 cts. to 50 cts. per head, on an estimated population of 1,456.....	393 12	
To provide for the salary of a Missionary at Big Cove, County of Kent, per annum.....	100 00	
To provide salary for a second Medical Officer for the County of Northumberland, per annum	125 00	
		5,118 12
PRINCE EDWARD ISLAND.		
For Indians of Prince Edward Island, generally.....		2,000 00
QUEBEC.		
Further grant to supplement the Indian Fund.—To open up the roads on the Ouitchouan Reserve		900 00
BRITISH COLUMBIA.		
For Indians of British Columbia, generally.....	23,250 00	
Surveys.....	7,700 00	
Reserve Commission.....	11,055 00	
To provide for the salaries of two additional Agents in British Columbia, at \$1,200 each	2,400 00	
		44,405 00
MANITOBA AND THE NORTH-WEST.		
<i>General Estimate.</i>		
Annuities.....	197,425 00	
Agricultural implements.....	10,398 22	
Tools	1,925 77	
Cattle	4,375 00	
Seed grain	5,500 00	
Ammunition and twine	5,833 00	
Provisions for use at annuity payments.....	38,780 85	
Supplies for destitute	355,233 83	
Clothing	5,000 00	
Schools	11,204 00	
Surveys	18,000 00	
Carried forward	653,675 67	89,335 68
		21,922,183 98

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	653,675 67	\$ cts. 89,335 68
DEPARTMENT OF INDIAN AFFAIRS—Concluded.		
MANITOBA AND THE NORTH-WEST—Concluded.		
<i>General Estimate—Concluded.</i>		
Farm wages.....	30,864 00	
Farm maintenance.....	7,825 00	
Sioux.....	4,000 00	
General expenses.....	82,700 00	
Commissioner's house and offices.....	12,000 00	
<i>North-West Territories.</i>		
To provide for the establishment of Indian Industrial Schools.....	44,000 00	
	835,064 67	\$ ¹⁵ cts. 21,922,183 93
NORTH-WEST MOUNTED POLICE.		
Pay of Force, including staff and extra pay to Gardeners and Artizans..	155,000 00	
Subsistence.....	51,100 00	
Forage.....	58,400 00	
Fuel and light.....	11,500 00	
Clothing.....	37,000 00	
Repairs, renewals, replacement of horses, arms and ammunition.....	47,000 00	
Medicine and medical comforts, and hospital expenses.....	5,000 00	
Books and stationery.....	2,000 00	
Transport and freight charges, Guides, Teamsters, Laborers and Mail Carriers.....	45,000 00	
Contingencies.....	4,000 00	
		924,400 36
MISCELLANEOUS.		
Canada Gazette.....	4,500 00	
Miscellaneous Printing.....	12,000 00	
Unforeseen expenses, expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament during the first fifteen days of the next Session.....	50,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy.....	3,000 00	
For the expenses of Government in the North-West Territories, including roads, bridges, ferries, and aid to Schools.....	20,000 00	
For the expenses of Government in the District of Keewatin.....	5,000 00	
To meet expenditure to be required to put into force the Act respecting the traffic in intoxicating liquors.....	5,000 00	
To meet expenses connected with the Consolidation of the Dominion Statutes.....	6,000 00	
To cover refunds of Superannuation abatement, when necessary.....	500 00	
To compensate members of the North-West Mounted Police for injuries received in the discharge of duty.....	2,000 00	
For erection of Mounted Police Barracks.....	60,000 00	
To cover expenses in connection with the International Fishery Exhibition, London.....	15,000 00	
On account of expenditure in connection with surveys of Lakes Superior and Huron.....	5,000 00	
Carried forward.....	188,000 00	\$ 23,262,584 36

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	188,000 00	23,262,584 28
MISCELLANEOUS—Concluded.		
To purchase Reports and Text-Books for Library, Department of Justice	2,000 00	
To pay one-half the expense of publishing cases decided on the British North America Act, 1867, collected and edited by John R. Cartwright, Esq.....	1,150 00	
Further amount required for expenses of Government in the North-West Territories.....	7,000 00	
Consolidation of the Dominion Statutes.....	10,000 00	
Niagara Falls Commission (Revote).....	683 65	
Further amount required to pay expenses in connection with the Canadian Pacific Railway Commission.....	1,130 41	
To assist in publishing a Grammar of the language of the Abenakis Indians.....	200 00	
To aid the Geographical Society of Quebec in their explorations of the St. Lawrence, Labrador and James' Bay.....	300 00	
To provide for an annual allowance to the widow of the late Sir George E. Cartier.....	1,200 00	
To provide for the purchase of 300 copies of Bourinot's work on the Rules, Usages and Procedure of the Senate and House of Commons. (Vide Report of Library Committee).....	1,500 00	
To refund to the Merchants' Bank in accordance with the decision of the Supreme Court of Canada in the case of Merchants' Bank vs. Regina, amount of dues paid by that bank under protest.....	2,109 21	
To provide for the payment of Mr. Fabre's salary and contingencies of his office.....	2,500 00	
To provide for the painting of an historical picture commemorative of the establishment of Confederation.....	4,000 00	
To meet cost of litigated matters.....	5,000 00	
		226,773 27
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and Contingent Expenses of the several Ports—		
In Province of Ontario.....	237,995 00	
do Quebec.....	198,620 00	
do New Brunswick.....	89,765 00	
do Nova Scotia.....	108,260 00	
do Manitoba.....	40,650 00	
do North-West Territories.....	8,000 00	
do British Columbia.....	26,350 00	
do Prince Edward Island.....	20,800 00	
To cover any unforeseen changes it may appear necessary to make in staff.....	5,000 00	
Salaries and travelling expenses of Inspectors of Ports, and travelling expenses of other officers on inspection.....	18,000 00	
Contingencies of head office, covering printing, stationery, advertising, telegraphing, &c., for the several Ports of Entry.....	13,000 00	
To meet expenditure in connection with the Board of Customs and Outside Detective Service, including \$800 salary of the Commissioner of Customs as Chairman of the Board.....	15,000 00	
	779,440 00	
Carried forward.....	779,440 00	23,489,357 55

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 779,440 00	\$ cts. 23,489,357 58
COLLECTION OF REVENUES—Continued.		
EXCISE.		
Salaries of Officers and Inspectors of Excise, including salaries of those employed on probation.....	203,680 00	
To provide for improvement of classification under provision of new Civil Service Act, subject to results of Excise examinations	14,100 00	
To provide for increase of pay of Chief Officers at large distilleries and factories.....	1,600 00	
Travelling expenses, rent, fuel, stationery, &c.....	44,000 00	
To pay Collectors of Customs allowance on duties collected by them.....	3,500 00	
Preventive Service.....	6,500 00	
To provide for the cost of obtaining stamps, and for the stamping of imported and Canadian tobacco, under the provisions of 43 Victoria, chapter 19, and for other expenditure in connection with the securing of the duty on tobacco	12,000 00	
Amount required to provide for the salary of Inspector of Tobacco Manufactories.....	800 00	
To enable the Department to grant an allowance to Excise officers in Manitoba and British Columbia to compensate for increased cost of living, as compared with the older Provinces—		
For Manitoba.....	\$3,000 00	
British Columbia.....	500 00	
	3,500 00	
To make compensation to Joseph Gilbert, <i>alias</i> Dubuc, for loss on tobacco seized from him, the Department, after investigation, being satisfied of his good faith.....	11 68	
To pay widow of late P. Durnford, formerly Collector at Montreal, from 1st July to 30th November, 1868, he not having received any salary for that period, although he performed the duties of the office.....	666 67	
To pay R. Bellemare, District Inspector of Montreal District, for same period and for similar reasons.....	666 67	
<i>Special.</i>		
To enable the Department to purchase wood naphtha and similar articles, for issue to Bonded Manufacturers, under provisions of 43 Victoria, chapter 19, section 21, the cost of which will be recouped by the manufacturers to whom they are supplied	2,000 00	
Commission to sellers of stamps for Canada twist tobacco.	1,000 00	
	294,025 02	
CULLING TIMBER.		
<i>Quebec Office.</i>		
1 Supervisor.....	2,000 00	
1 Deputy Supervisor and Book-keeper.....	1,600 00	
1 Cashier.....	1,400 00	
3 Specification Clerks.....	1,800 00	
1 Messenger.....	400 00	
Carried forward	7,200 00	1,073,465 02
		23,489,357 58

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	7,200 00	\$ cts. 1,073,465 02
		\$ cts. 23,489,357 55
COLLECTION OF REVENUES—Continued.		
<i>CULLING TIMBER—Continued.</i>		
<i>Quebec Office—Concluded.</i>		
8 Specification Clerks, &c.—1 at \$1,000, 2 at \$700, 3 at \$600, 2 at \$550, (8 months).....	5,300 00	
1 Assistant Book-keeper.....	1,100 00	
Pay of Cullers.....	45,000 00	
Contingencies.....	4,000 00	
<i>Montreal Office.</i>		
1 Deputy Supervisor.....	900 00	
2 Book-keepers and Specification Clerks.....	1,000 00	
Pay of Cullers.....	2,500 00	
Contingencies.....	300 00	
		67,300 00
WEIGHTS AND MEASURES AND GAS.		
Salaries of Inspectors and Assistant Inspectors of Weights and Measures.....	43,800 00	
Salaries of Inspectors of Gas.....	11,300 00	
Rent, fuel, travelling expenses, postage, stationery, &c., Weights and Measures.....	18,000 00	
Equipment for extending the Gas Inspection service to 18 additional cities and towns.....	10,000 00	
Contingencies of Gas Inspectors' offices.....	5,500 00	
To provide for increases to certain Inspectors of Weights and Measures and Assistants.....	500 00	
To pay ex-Inspectors of Weights and Measures sums deducted for superannuation—		
As voted in 1880.....	\$2,877 27	
Paid during 1879-80.....	1,987 19	
Lapsed and now re-voted.....	890 08	
		89,990 08
INSPECTION OF STAPLES.		
For the purchase and distribution of Standards of Flour. &c., and other expenditure under the Act.....		3,000 00
ADULTERATION OF FOOD.		
To meet expenses under the Act.....		12,000 00
MINOR REVENUES.		
Department of Inland Revenue.....	8,000 00	
do Interior.....	2,000 00	
		10,000 00
Carried forward.....		1,225,755 10

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 1,255,755 10	\$ cts. 23,489,357 55
COLLECTION OF REVENUES—Continued.		
RAILWAYS.		
<i>Repairs and Working Expenses.</i>		
Intercolonial Railway.....	2,500,000 00	
Prince Edward Island Railway.....	220,000 00	
Windsor Branch Railway.....	20,000 00	
	2,740,000 00	
CANALS.		
<i>Maintenance and Repairs.</i>		
Repairs and working expenses.....	439,584 00	
Salaries and contingencies of Canal Officers.....	36,320 00	
To compensate Mr. Thomas Munro for performing the duties of Superintendent for 1½ months in 1879.....	180 00	
	476,084 00	
PUBLIC WORKS.		
<i>Maintenance and Repairs.</i>		
Collection of Slide and Boom Dues.....	21,210 00	
Repairs and working expenses, harbours and slides.....	96,250 00	
Telegraph Line between Prince Edward Island and the mainland.....	2,000 00	
Land and Cable Telegraph Lines of the sea coasts and islands of the Lower River and Gulf of St. Lawrence, and the Maritime Provinces.....	13,000 00	
Telegraph Lines, Manitoba and the North-West Territories.....	24,000 00	
Telegraph Lines, British Columbia.....	37,000 00	
Telegraph Lines and Signal Service generally, including Fishery Bulletins.....	9,500 00	
Agent and Contingencies, British Columbia.....	4,000 00	
Retaining Boom and Piers—Grandes Piles, River St. Maurice. (Revote).....	7,000 00	
Slides and Booms—River Trent and Newcastle Districts—Additional amount required.....	250 00	
	214,210 00	
POST OFFICE.		
Ontario.....	\$1,007,070 00	
Quebec.....	548,323 00	
New Brunswick.....	191,640 00	
Nova Scotia.....	216,570 00	
Prince Edward Island.....	49,400 00	
British Columbia.....	72,187 50	
Manitoba, Keewatin and the North-West.....	153,120 00	
Carried forward.....	2,238,310 50	4,686,049 10
		23,489,357 55

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	2,238,310 50	4,686,049 10
	\$ cts.	\$ cts.
		23,489,357 55
COLLECTION OF REVENUES—Concluded.		
POST OFFICE—Concluded.		
To provide for statutory increments of salary and changes in classification during 1883-84, in the Outside Service of the Post Office, under authority of the Canada Civil Service Act, 1882—		
For Clerks, &c, Inspector's Offices	2,000 00	
For Railway Mail Clerks	6,000 00	
For Clerks, Letter Carriers, &c., in City Post Offices.	12,000 00	
To provide for additional salary to the Assistant Postmaster of Halifax, N.S., he being entitled thereto under the provisions of the Civil Service Act, 1882.....	200 00	
	2,258,510 50	6,944,559 60
DOMINION LANDS.		
<i>Chargeable to Capital.</i>		
Amount required for Surveys.....		600,000 00
DOMINION LANDS.		
<i>Chargeable to Income.</i>		
OUTSIDE SERVICE.		
<i>Land Board at Winnipeg.</i>		
Commissioner's salary.....	\$5,000 00	
Secretary's salary.....	2,000 00	
4 Assistants.....	3,816 00	
Inspector of Agencies, salary.....	3,200 00	
do travelling expenses.....	1,200 00	
Contingencies, fuel, light, postages, telegrams, &c.....	4,880 00	
Messenger.....	350 00	
Inspector of Colonization Societies' Townships, salary.....	3,000 00	
Contingencies, travelling expenses, &c.....	1,000 00	
<i>Crown Land Agencies.</i>		
Crown Land Agent, Winnipeg.....	2,400 00	
Assistant do	1,200 00	
12 Local Dominion Lands Agents, at \$1,200 each.....	14,400 00	
11 Assistant Local Dominion Lands Agents, at \$1,098	12,078 00	
1 Assistant, at \$1,000, 1 at 900, 3 at \$700.....	4,000 00	
1 Messenger.....	350 00	
Contingencies, including office rent, fuel, &c.....	12,000 00	
<i>Crown Timber Agencies.</i>		
Crown Timber Agent, Winnipeg, salary.....	1,600 00	
Book-keeper do	1,200 00	
Crown Timber Agent, Edmonton, salary.....	1,200 00	
3 Crown Timber Agents, at \$1,200 each.....	2,400 00	
Carried forward	77,274 00	31,033,917 15

SCHEDULE B— *Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	77,274 00	31,033,917 15
DOMINION LANDS—<i>Concluded.</i>		
<i>(Chargeable to Income.)</i>		
OUTSIDE SERVICE—<i>Concluded.</i>		
<i>Crown Timber Agencies—Concluded.</i>		
Contingencies, including Forest Rangers.....	6,500 00	
Stationery and printing for outside service.....	4,000 00	
Board of Examiners of Dominion Land Surveyors.....	1,000 00	
Contingencies paid at Head Office for outside service.....	1,000 00	
	89,774 00	
<i>Land Guide Service.</i>		
12 Land Guides, at \$4 per day each, covering all expenses of transport and living cost for six months.....	10,000 00	
Additional amount required for Land Guides, &c.....	7,500 00	
	17,500 00	
<i>British Columbia.</i>		
Salary of Resident Agent and staff and contingencies.....	10,645 00	
INSIDE SERVICE.		
Extra Clerks at Head Office, Ottawa, publishing maps, advertising and other similar expenses.....	30,000 80	
		147,919 00
Total.....		31,181,836 15

CHAP. 3.

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

[Assented to 25th May, 1883.]

Preamble.

WHEREAS it appears that the Consolidated five per cent. loan raised by the Government of the late Province of Canada, under the fourteenth chapter of the Consolidated Statutes of Canada, intituled "*An Act respecting the public moneys, debt and accounts,*" will mature in London on the first day of January in the year of Our Lord one thousand eight hundred and eighty-five, and it is desirable to make provision for the same: Therefore Her Majesty, by and with the

the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, as set forth in the fourth section of the Act of Supply passed in the forty-fifth year of Her Majesty's reign. and chaptered two, the Governor in Council is hereby authorized and empowered to raise by way of loan such sum or sums of money, as may be required to pay and discharge the Canadian consolidated five per cent. loan hereinbefore mentioned, after deducting therefrom the amount held as a sinking fund for paying off the same; such additional sum or sums of money, hereby authorized to be raised by way of loan, to be so raised in accordance with and under the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered six, and intituled "An Act respecting the Public Debt, and the raising of Loans authorized by Parliament;" as amended by the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered four, and intituled "An Act to amend the Act respecting the Public Debt and the raising of Loans authorized by Parliament;" and the sums raised by virtue hereof shall form part of the Consolidated Revenue Fund of Canada: Provided always, that the rate of interest on any loan to be raised by virtue hereof shall not exceed four per centum per annum.

Certain sums may be raised by way of loan.

Acts 35 V., c. 6, and 38 V., c. 4, to apply to such loans.

Proviso: Interest not to exceed four per cent.

CHAP. 4.

An Act to amend "The Dominion Elections Act 1874."

[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:—

Preamble.

1. The one hundred and ninth section of "The Dominion Elections Act, 1874," is hereby amended by adding thereto the following provision:—

Sec. 109 of 37 V., c. 9, amended.

"But no action or information for the recovery of any such penalty or forfeiture shall be commenced unless nor until the person suing for the same shall have given good and sufficient security to the amount of fifty dollars, to indemnify the defendant for the costs occasioned by his defence, if the person suing should be condemned to pay the same."

No suit for penalty to be brought unless security be given for costs.

CHAP. 5.

An Act to amend "An Act respecting the offices of Receiver General and Minister of Public Works," as to the powers of the Minister of Railways and Canals.

[Assented to 25th May, 1883.]

Preamble.

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

Section 5, of 42 V., c. 7, amended.

1. The fifth section of the Act passed in the forty-second year of Her Majesty's reign, chaptered seven, and intituled "*An Act respecting the offices of Receiver General and Minister of Public Works*," is hereby amended by adding thereto the following sub-section:—

Sub-section added. Certain powers and duties to belong to Minister of Railways and Canals.

"2. When, by any Act or document, the Minister of Public Works is given any power or authority, or has a duty cast upon him in regard to railways or canals, or other public works of any of the classes which, by this Act or by an Order in Council made under it, are placed under the management, charge and direction of the Minister of Railways and Canals, or in regard to any railway, canal or other work of any of the classes aforesaid, whether the same be or be not the property of Her Majesty, the power or authority so given, or the duty so cast upon the Minister of Public Works, shall be exercised or performed by the Minister of Railways and Canals."

CHAP. 6.

An Act to amend the Act thirty-sixth Victoria, chapter four, intituled "An Act to provide for the establishment of The Department of the Interior," and to amend "The Indian Act, 1880."

[Assented to 25th May, 1883.]

Preamble.

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

36 V., c. 4, s. 3, and 43 V., c. 28, s. 3, repealed.

1. The third section of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter four, intituled "*An Act to provide for the establishment of 'The Department of the Interior'*"

Interior” and the third section of “*The Indian Act, 1880*,” are hereby repealed and the following section is substituted for each such section respectively:—

“3. The Minister of the Interior or the Head of any other Department appointed for that purpose by order of the Governor in Council shall be the Superintendent General of Indian Affairs and shall, as such, have the control and management of the lands and property of the Indians in Canada.”

New section substituted. Any Minister may be appointed Supt. General of Indian Affairs

2. So much of any Act or law as may be inconsistent with this Act, or make any provision in the matter provided for by this Act contrary hereto, is hereby repealed.

Inconsistent enactments repealed.

CHAP. 7.

An Act to amend “*The Canada Civil Service Act 1882*.”

[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:—

Preamble.

1. The third section of “*The Canada Civil Service Act 1882*,” is repealed and the following section enacted in lieu thereof:—

Sect. 3 of 45 V., c. 4 repealed.

“3. 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 one of whom shall be Secretary of the Board, and shall be authorized to examine all candidates for admission to the Civil Service of Canada, and to give certificates of qualification to such persons as are found qualified, according to such regulations as shall be authorized by the Governor in Council for the guidance of the Board.”

New section substituted. Board of Examiners of candidates for the service.

2. The fifth section of the said Act is repealed and the following section enacted in lieu thereof:—

Sect. 5 repealed.

“5. The Secretary of the Board shall be paid a salary not exceeding one thousand dollars per annum. He shall render such services as the nature of the office requires, and as may, from time to time, be prescribed by Order in Council. The other members of the Board shall be paid five dollars *per diem*”

New section substituted. Salary and duties of Secretary.

Pay of other members. *diem* when actually engaged in their work, not however, to exceed sixty days in any one year.

Travelling expenses of other members. "2. The members of the Board shall, on authority of an Order in Council, be paid their actual travelling expenses incurred while so engaged in their work

Remuneration of assistant examiners. "3. Such persons as may be selected by the Board to assist them in the conduct of examinations may receive such sum not exceeding five dollars *per diem* as may be fixed by Order in Council."

Sect. 6 re-pealed. "3. The sixth section of the said Act is repealed and the following section enacted in lieu thereof:—

New section substituted. Who may be employed as assistant examiners. "6. The Board of Examiners may obtain the assistance of persons who have had experience in the education of the youth of the Dominion, 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, (New Brunswick), Charlottetown, Quebec, Montreal, Ottawa, Toronto, Hamilton, London, Winnipeg, Victoria and such other places as may be determined by Order in Council. It shall not be necessary to hold each examination 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 Order in Council. Examinations as far as possible shall be in writing. Their cost shall be defrayed out of moneys previously voted by Parliament for that purpose"

Where and when examinations shall be held.

Sect. 7 re-pealed and another substituted. "4. The seventh section of the said Act is hereby repealed and the following section enacted in lieu thereof:—

"7. Except as herein otherwise provided,—

Conditions of appointment and promotion. (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 of a Department until he has passed the examination and served the probationary term hereinafter mentioned, nor until he has obtained the certificates required by this Act;

Limits of age for inside division. (b) No person shall be appointed to any place in the first or inside Departmental Division of the Civil Service below 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 place below that of a third class clerk, the full age of fifteen years, or in other cases, the full age of eighteen years, and for this purpose the limit of age mentioned in sub-section (a) of section twenty-six

six of the said Act shall be reduced to fifteen instead of eighteen as therein stated."

5. The thirteenth section of the said Act is repealed and the following section enacted in lieu thereof:—

Sect. 13 repealed and another substituted.

"13. The minimum salary paid to a Chief Clerk shall be one thousand eight hundred dollars, with an annual increase of fifty dollars up to twenty-four hundred dollars."

Chief clerks salaries.

2. No salary shall be increased under the provision of this section before the first day of July next.

Proviso: as to increase.

6. The thirty-fourth section of the said Act is repealed and the following section enacted in lieu thereof:—

Sect. 34 repealed.

"34. When the Deputy Head of a Department in which a vacancy occurs, reports that, for reasons set forth in such report,—

New section substituted report of Deputy Head.

(a.) The qualifications requisite for such office or employment are wholly or in part professional or technical; and—

That the Office requires professional or technical qualifications.

(b.) 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; and—

2. If the Head of the Department concurs in such report, the Governor in Council may, without reference to the age of the person, select and appoint such person as may be deemed best fitted to fill the vacancy, subject to such examination as may have been suggested in the report; and such appointment shall be made from the Civil Service if any be found available.

Selection and appointment, how made in such case.

3. City Postmasters and Collectors and Preventive Officers in the Customs and Inland Revenue Departments may be appointed without examination and without reference to the rules for promotion herein prescribed.

Exceptions in certain departments.

4. The qualifying examination may be dispensed with in the case of temporary or supernumerary officers or servants actually employed at the time this Act comes into force, if the Deputy Head, with the concurrence of the Head of the Department, reports that the officer or servant has the requisite qualifications for the place to be filled by him.

And as to certain persons now temporarily employed.

Sect. 36 repealed and new substituted.

7. The thirty sixth section of the said Act is repealed and the following section enacted in lieu thereof :—

Promotion to be by examination.

“**36.** Promotion in either Division of the Civil Service shall be by examination, under regulations made by the Governor in Council :

To whom examination open.

“**2.** Except as herein otherwise provided such examination shall be open to any person employed in the Department in which the vacancy to be filled by promotion exists, in either Division of the Service, who holds a position below that to which the promotion is to be made ; and—

Subjects of examination.

“**3.** Shall be in such subjects as, after consultation with the chief officer of the Department in which the promotion is to be made, may be decided upon by the Board as best adapted to test the fitness of the candidates for the vacant office.

Limit as to age of candidate from outside division.

“**4.** Where 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.

Cases in which examination may be dispensed with.

“**5.** In the case of attorneys, barristers, engineers, architects, actuaries and land surveyors, the examination may be dispensed with on a report from the Deputy Head, concurred in by the Head of the Department, that it is not necessary.”

Sect. 39 repealed and new substituted.

8. The thirty-ninth section of the said Act is repealed and the following section enacted in lieu thereof :—

Vacancies in the higher classes, how filled.

“**39.** 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 made, as herein directed, for promotion thereto, the person whom, having due reference to any special duties incident to the 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, he may consider best fitted for the office : Provided, that when no person employed in the Department is found suitable for promotion therein, an examination shall be held of persons employed in the service of other Departments with a view to the promotion being made as far as practicable from the Service.

Proviso: if no fit person is found in the department.

Salaries, how fixed.

9. The officers, clerks and employees mentioned in Schedule B of the said Act shall be paid according to the scale thereby established. The salaries of officers, clerks and employees in the Second or Outside Division of Departments
other

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 Order in Council.

2. That part of Schedule B to the said Act, which relates to *Departments Generally* is repealed. Part of Schedule B, repealed.

10. Whenever in any Act now in force reference is made to "The Canada Civil Service Act, 1868," the same shall be taken and deemed to be a reference to "*The Canada Civil Service Act, 1882*" and shall be construed accordingly. Interpretation of reference to 31 V., c. 34.

11. Immediately after the passing of this Act, 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, as soon after his appointment as conveniently may be, shall take and subscribe the oath of allegiance and also the oath contained in Schedule A of this Act, or such other oath as may, by some other Act, be in that behalf provided. Oaths to be taken by certain officers and persons.
Forms of such oaths.

2. In the case of the Clerk of the Privy Council, and all officers under him, and in the case of any officer of whom the Governor in Council shall require the same, there shall be added to the oath at the asterisks the words contained in Schedule B to this Act. Before whom to be taken.

3. The Clerk of the Queen's Privy Council for Canada shall take and subscribe the oaths before the Governor General or some one appointed by him to take the same. By Clerk of Privy Council.

4. In case of persons residing or coming to reside at Ottawa, the oaths shall be taken and subscribed before the Clerk of the Queen's Privy Council. At Ottawa.

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 Queen's Privy Council. Elsewhere.

6. The Clerk of the Queen's Privy Council shall keep a Register of all such oaths. Oaths to be registered.

12. An exchange of positions between two officers serving in different Departments or in different divisions of the same Department, may, by Order in Council, be authorized or directed to be made without examination of either officer. Exchange of positions when and how, may be authorized.

Vacancy may be filled by transfer in certain cases.

Proviso: as to increase of salary and transfer from outside to inside division.

Schedule B, amended as to Customs and Inland Revenue.

13. A vacancy which would otherwise be filled by a first appointment, after an examination, may, by Order in Council and without an examination, be filled by a transfer from another division of the Department in which the vacancy exists, or from another Department; Provided that the transfer shall be made without increasing the salary of the person transferred, and that 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.

14. Schedule "B" of the said Act is amended as follows:—

(a.) Strike out so much of the Schedule as relates to CUSTOMS and INLAND REVENUE, and insert in lieu thereof the following:—

CUSTOMS.

	Scale of Salaries.
Inspectors - - - - -	salary from \$1,600 to 2,500
Collectors - - - - -	" 400 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
Lockers - - - - -	" 400 to 800
Tide Surveyors - - - - -	" 800 to 1,000
Tide Waiters - - - - -	" 400 to 600
Messengers - - - - -	" 200 to 500
Appraisers - - - - -	" 800 to 2,000
Assistant Appraisers - - - - -	" 600 to 1,500

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 1,200
Special Class Excisemen - - - - -	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 manufactures an additional salary for the special class Excisemen who perform that duty, not exceeding \$200 per annum.

Also as to Railway Mail Clerks.

(b.) Strike out so much of the Schedule as relates to *Railway Mail Clerks*, and insert the following in lieu thereof:—

Railway

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.	
	Day Service.	Night Service.	Day Service.	Night Service.	Day Service.	Night Service.	Day Service.	Night Service.
Chief Clerks.....	\$ 1,000	\$	\$ 1,200	\$	\$ 1,350	\$	\$ 1,500	\$
1st Class.....	720	880	800	1,000	880	1,100	960	1,200
2nd Class.....	600	720	640	800	720	880	800	1,000
3rd Class.....	480	600	520	640	560	700	640	800

To Clerks other than Chief 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.

15. This Act shall be read as one with "The Canada Civil Service Act, 1882." Interpretation of this Act.

SCHEDULE A.

" I (A. B), solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me 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." Oath to be taken.

SCHEDULE B.

" And that I will not without due authority in that behalf disclose or make known any matter or thing which shall come to my knowledge by reason of my employment as (as the case may be)." Provision for secrecy.

CHAP. 8

An Act to amend and consolidate the Acts relating to the Superannuation of persons employed in the Civil Service of Canada.

[Assented to 25th May, 1883.]

Preamble.

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

Who to be deemed civil servants.

1. The Civil Service for the purposes of this Act shall include and consist of—

Those to whom 45 V., c. 4, applies.

1. All officers, clerks and employés in or under the several Departments of the Executive Government who are paid a yearly salary, and to whom "*The Canada Civil Service Act, 1882*," applies, and those who in case they were or are appointed after the coming into force of that Act were or are appointed in conformity with its provisions ;

Certain persons in the outside service.

2. All such officers, clerks and employés of the second or outside division of the Civil Service, to whom "*The Canada Civil Service Act, 1882*," does not apply, and who are employed in an established capacity, and paid a yearly salary as the Governor in Council may, from time to time, designate ;

Officers and servants of Senate and Commons.

3. 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 held to be in the Civil Service of Canada, saving always all legal rights and privileges of either House as respects the appointment or removal of its officers and servants or any of them ;

Present contributors to the fund.

4. All persons now contributing to the Superannuation Fund ;

Certain others.

5. All persons to whom the Acts relating to superannuation hereby repealed are by some other Act not repealed declared to apply.

Conditions and rates of allowance.

2. The Governor in Council may grant to any person having served in an established capacity in the Civil Service for ten years or upwards, and having attained the age of sixty years, or being 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:—If he has served for ten years, but less than eleven years,

years, an 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; 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 such case shall be laid before Parliament at its then or then next Session.

Maximum rate, for 35 years.

Breaks in service not to count.

3. 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 not exceeding ten, as may be 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,—the Order in Council in any such case being laid before Parliament, at its then or then next Session.

Governor in Council may add to service of persons appointed on account of special qualifications.

4. The superannuation of any civil servant shall be preceded by an enquiry by the Treasury Board,—

Preliminary inquiry by Treasury Board on certain points made requisite.

- (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. And 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.

Report of Board.

5. Towards making good the superannuation allowances hereinbefore mentioned, an abatement shall be made from the salary of each person in the Civil Service to whom this Act applies, at the rate of two per centum per annum on such salary, if it be six hundred dollars or upwards, and of one and a quarter per centum per annum thereon, if it be less than six hundred dollars, and the sum so deducted shall form part

2 per cent, deducted from salaries of \$600 or more, 1 per cent, from salaries below \$600.

of

Proviso.

of the Consolidated Revenue Fund ; but such abatement shall be made only during the first thirty-five years of service.

10 years' contribution requisite for full allowance.

Diminution for less period of contribution.

Exception.

6. The full superannuation allowance as aforesaid shall only be granted to persons who have been subject to the said abatement 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.

Compulsory retirement.

Allowance conditional on good service.

Right of dismissal not impaired.

7. Retirement shall be compulsory on any person to whom the superannuation allowance hereinbefore mentioned shall be 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 ; and nothing herein contained shall be understood as impairing or affecting the right of the Governor to dismiss or remove any person from the Civil Service.

Diminution when Deputy Head reports unsatisfactory service.

8. If the Head of a Department reports with respect to any person employed in his Department, and about to be superannuated, from any cause other than that of ill-health or age, that the service of such person has not been satisfactory, the Governor in Council may grant such person a superannuation allowance being less than that to which he would have otherwise been entitled, as to him may seem fit.

Gratuity when yearly allowance not earned.

Gratuity in case of bodily injury on duty.

9. 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 months' pay for every two years service, or a superannuation allowance not exceeding one-fifth of his average salary during the then last three years.

Provision for abolition of office, reduction of staff, &c.

10. If any person to whom this Act applies, is removed from office in consequence of the abolition thereof, in order to the improvement of the organization of the department to which he belongs or is removed or retired from office to promote

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.

11. Any person receiving a superannuation allowance, and being under the age of sixty years, and not disabled by bodily or mental infirmity shall be liable to be called upon to fill, in any part of Canada, any public office or situation for which his previous services render him eligible, and not lower in rank or emolument than that from which he retired; and, if he refuse or neglect so to do, he shall forfeit his said allowance.

Pensioners under 60 liable to serve if required, under penalty of loss of allowance.

12. Service in an established capacity in any of the public departments of the Government or offices of the Legislature of any of the Provinces now included in the Dominion of Canada, before such Province became a portion of the Dominion, by any person who has thereafter entered the Civil Service of Canada shall be reckoned in computing his period of service for the purpose of this Act.

Service before Confederation to be counted.

13. 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.

Discretionary power of Governor in Council.

14. The allowances and gratuities granted under this Act, shall be payable out of the Consolidated Revenue Fund of Canada.

Payment of allowances.

15. The Minister of Finance shall lay before Parliament, within fifteen days after the commencement of each session, a return 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, his age, 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.

Annual return to be made to Parliament.

16. The following Acts and parts of Acts are hereby repealed:—

Repeal of forseen Acts.

88 Vic, c. 4, intituled "*An Act for better ensuring the efficiency of the Civil Service of Canada, by providing for the Superannuation of persons employed therein, in certain cases.*"

36 Vic., c. 82, intituled "*An Act to amend the Civil Service Superannuation Act.*"

"38 Vic., c. 9, intituled "*An Act to further amend the Civil Service Superannuation Act.*"

"Section 54 and sub-section 3 of section 55, of "*The Canada Civil Service Act, 1882.*"

Short title. **18.** This Act may be cited as "*The Civil Service Superannuation Act, 1883.*"

CHAP. 9.

An Act to provide for the salaries, and superannuation and travelling allowances of certain Judges of certain Provincial Courts.

[Assented to 25th May, 1883.]

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

Salary of additional Judge in Appeal, Ontario. **1.** The salary of the additional Judge of the Court of Appeal for Ontario, for whose appointment provision is made by an Act of the Legislature of that Province, forty-sixth Victoria, chapter six, shall be five thousand dollars per annum.

Salary of Chief Justice if appointed to Court of Appeal. **2.** If the Chief Justice of the Queen's Bench, the Chancellor of Ontario, or the Chief Justice of the Common Pleas is appointed to the Court of Appeal for Ontario, the Governor in Council may direct that he be paid a salary not less than that he previously enjoyed as such Chief Justice or Chancellor.

Act 31 V., c. 33, s. 3, extended. **3.** The third section (respecting retiring allowances to Judges) of the Act thirty-first Victoria, chapter thirty-three, shall extend and apply to the Judges of the Supreme Court of Judicature of Ontario, and of the Supreme Court of Judicature of Prince Edward Island.

Salaries of judges in Quebec. **4.** The salaries of the Judges of the Superior Court for the Province of Quebec, shall be as follows :—

The

	Per annum.
The Chief Justice of the said Court.....	\$6,000
Eleven Puisné Judges of the said Court, whose residences are fixed at Mont- real or Quebec, each.....	5,000
Thirteen Puisné Judges of the said Court whose residences are fixed within dis- tricts other than Bonaventure and Gaspé, or Saguenay, each.....	4,000
Two Puisné Judges of the said Court, whose residences are fixed within the districts of Bonaventure and Gaspé, or Saguenay, each.....	3,500

5. The salary of the County Court Judge of the Eastern Judicial District of Manitoba shall be two thousand dollars per annum for his first three years of service, and two thousand four hundred dollars per annum after such three years service; and he shall be paid such travelling allowances as the Governor in Council may, from time to time, determine.

Of County Court Judge, Eastern district of Manitoba.

6. The said salaries and allowances shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Payable out of Consolidated Revenue Fund.

7. From and after the first day of July, in the year one thousand eight hundred and eighty-four, no travelling or circuit allowances shall be paid to the Judges of the Court of Appeal for Ontario.

As to certain travelling allowances.

CHAP. 10.

An Act respecting the High Court of Justice for Ontario.

[Assented to 25th May, 1883.]

WHEREAS the Legislature of Ontario has established a Court by the name of the High Court of Justice for Ontario, with the jurisdiction formerly vested in or capable of being exercised by the Courts of the said Province known as the Court of Queen's Bench, the Court of Chancery, the Court of Common Pleas, and by Courts of Assize, Oyer and Terminer and Gaol Delivery ;

a Preamble.

And

And whereas it is expedient that the provisions herein-
after contained should be made by Parliament for the
purpose of facilitating the business of the said High Court :

Therefore Her Majesty, by and with the advice and con-
sent of the Senate and House of Commons of Canada, enacts
as follows :—

Judge or
judge *ad hoc*
so presiding
may to re-
serve de-
cision.

1. Any judge, retired judge, or Queen's Counsel pre-
siding at any sittings of the High Court of Justice of
Ontario may reserve the giving of his final decision on
questions raised at the trial; and his decision whenever
given shall be considered as if given at the time of the trial.

Practice and
procedure in
criminal
cases.

2. The practice and procedure in all criminal causes and
matters whatsoever in the High Court of Justice shall be
the same as the practice and procedure in similar causes and
matters before the establishment of the said High Court.

Qualification
and summon-
ing of Jurors.

3. The provisions of law from time to time in force in
respect to the qualification and summoning of Grand and
Petit Jurors for Courts of Oyer and Terminer and General
Gaol Delivery shall apply to Grand and Petit Jurors for any
sittings of the High Court for the trial of criminal cases.

Who may be
commissioned
for holding
Assizes, &c.

4. In case any general commission for the holding of a
Court of Assize and Nisi Prius, Oyer and Terminer or Gene-
ral Gaol Delivery, is issued by His Excellency the Governor
General for any County or District in Ontario, such commis-
sion shall contain the names of the Justices of the said
Supreme Court, and may also contain the names of the
Judges of any of the County Courts, and of any of Her
Majesty's Counsel learned in the law appointed for the
Province of Upper Canada, or for the Province of Ontario,
and in case any such commission is for the Provisional
Judicial District of Algoma such commission may contain
the name of the Judge of the District Court of the said
District; the said courts shall be presided over by one of the
Justices of the said Supreme Court or in their absence by
one of such County Court Judges or by one of such counsel,
or in the case of the said District by the Judge of the said
District Court.

Who shall
preside there-
at.

Provision as
as to reserved
cases, and
how these are
to be certified.

5. Where any question of law is reserved under the provi-
sions of the chapter of The Consolidated Statutes of Upper Can-
ada intituled "*An Act respecting the Reservation of Points of
Law in Criminal Cases*" or under the provisions of the Act
passed in the thirty-eighth year of Her Majesty's reign,
intituled "*An Act to amend the Act for the more speedy trial
in certain cases, of persons charged with Felonies and Misdemeanors in the Provinces of Ontario and Quebec,*" such reservation shall be to the Justices of any Division of the High Court

Court of Justice for Ontario, and the judgment and order of the justices shall be certified under the hand of the President of such Division, or in his absence under the hand of the next senior judge of such Division, to the Clerk of the Court, Clerk of Assize, or Clerk of the Peace as the case may require.

CHAP. 11.

An Act consolidating and amending the several Acts relating to the Militia and Defence of the Dominion of Canada.

[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:—

Preamble.

COMMAND IN CHIEF.

1. As provided by the fifteenth section of "The British North America Act, 1867," the command-in-chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is vested in the Queen, and shall be exercised and administered by Her Majesty personally or by the Governor as Her representative.

Command-in-Chief vested in H. M.; how exercised.

DEPARTMENT OF MILITIA AND DEFENCE.

2. There shall be a Minister of Militia and Defence who shall be charged with and be responsible for the administration of Militia affairs, including all matters involving expenditure, and of the fortifications, gunboats, ordnance, ammunition, arms, armouries, stores, munitions and habiliments of war belonging to Canada:

Minister of Militia and Defence; his duties.

2. The Minister of Militia and Defence shall have the initiative in all Militia affairs involving the expenditure of money:

Initiative in money matters.

3. The Governor in Council shall, from time to time, make such orders as may be necessary respecting the duties to be performed by the Minister of Militia and Defence.

Further duties.

3. The Governor may appoint a Deputy of the Minister of Militia and Defence, and such other officers as may be necessary for carrying on the business of the Department; and the duties of such officers shall be prescribed, and their salaries fixed by the Governor in Council.

Deputy and officers, their duties and salaries.

MILITIAMEN.

Militia, of whom composed.
Proviso. 4. The Militia shall consist of all the male inhabitants of Canada, of the age of eighteen years and upwards, and under sixty—not exempted or disqualified by law, and being British subjects by birth or naturalization; but Her Majesty may require all the male inhabitants of the Dominion, capable of bearing arms, to serve in case of a *Levée en Masse*.

Classes of militia men. 5. The male population so liable to serve in the Militia shall be divided into four classes:

First class. The first class shall comprise those of the age of eighteen years and upwards, but under thirty years, who are unmarried, or widowers without children;

Second. The second class shall comprise those of the age of thirty years and upwards, but under forty-five years, who are unmarried or widowers without children;

Third. The third class shall comprise those of the age of eighteen years and upwards, but under forty-five years, who are married or widowers with children;

Fourth. The fourth class shall comprise those of the age of forty-five years and upwards, but under sixty years;

Order for service. And the above shall be the order in which the male population shall be called upon to serve.

DIVISION OF MILITIA.

Divisions of the force. 6. The Militia shall be divided into Active and Reserve Militia—Land Force; and Active and Reserve Militia—Marine Force;

Active. The Active Militia—Land Force—shall be composed of,—
 (a) Corps raised by voluntary enlistment;
 (b) Corps raised by ballot;
 (c) Corps composed of men raised by voluntary enlistment and men balloted to serve;

Marine Active. The Active Militia—Marine Force—to be raised similarly, shall be composed of seamen, sailors, and persons whose usual occupation is upon any steam or sailing craft, navigating the waters of the Dominion;

Reserve and Marine. The Reserve Militia—Land and Marine—shall consist of the whole of the men who are not serving in the Active Militia for the time being.

PERIOD OF SERVICE.

Period of service. 7. Hereafter the period of service in the Active Militia in time of peace shall be three years.

- 8.** Every corps of Active Militia duly authorized previously to and existing on the day on which this Act shall come into force, including the officers commissioned thereto, shall, for the purposes of this Act, be held to be existing and shall be continued as such, subject to the provisions of this Act; and thereafter, such men of any corps of Active Militia, in any Regimental Division, as complete three years continuous service in such corps, or complete three years including any previous continuous service in the same corps immediately before the date this Act shall come into force, or had served three years continuously in such corps immediately before such date, and are discharged, shall not be liable to be balloted for any period of drill or training of the Active Militia, until all the other men in the first, second and third classes of Militiamen in the Company Division within which they reside, have volunteered or been balloted to serve.
- 9.** No officer or man of an Active Militia corps, raised and maintained by voluntary enlistment, shall be permitted to retire therefrom in time of peace, without giving to his commanding officer six months' notice of his intention.

Present active corps continued.

Exemption in favour of three years service men.

Until all others have been balloted or volunteered.

Notice by volunteers before retiring.

MILITARY DIVISIONS.

- 10.** Her Majesty may divide Canada into twelve Military Districts, viz: one comprising the Province of Nova Scotia, one comprising the Province of New Brunswick, one comprising the Province of Prince Edward Island, one comprising the Province of Manitoba, the North-West Territories and the District of Keewatin, one comprising the Province of British Columbia, three in the Province of Quebec, and four in the Province of Ontario.

Military districts to be constituted by H. M.

- 11.** Her Majesty may alter the Districts specified in the next preceding section, and increase or diminish the number thereof as may be deemed necessary; and may name the territorial divisions which shall form each of the three Military Districts of Quebec, and each of the four Military Districts of Ontario, and may alter the same from time to time.

Power to alter such districts.

- 12.** Her Majesty may, from time to time, divide each Military District into such number of Regimental and Brigade Divisions as may be deemed expedient, and may subdivide such Regimental Divisions into Company Divisions;—and may, from time to time, alter such Divisions or increase or diminish the number thereof; but all Military Districts and Divisions existing on the day on which this Act shall come into force shall be continued as such, until altered under the provisions of this Act.

Regimental and brigade and company divisions.

Power to alter.

Proviso: as to existing divisions.

ENROLMENT.

Resident officers.

Exception.

Orders and reports, as to enrolment.

13. For each Regimental Division there shall be appointed from the residents therein, one Lieutenant-Colonel and two Majors of Reserve Militia; but such officers may be appointed from among non-residents in the Regimental Division in exceptional cases, in which it shall appear to Her Majesty that such appointments will be more conducive to the interest of the Militia service: all orders and reports relating to the enrolment at any time of Militiamen within the Regimental Division, shall be sent to, and received through and be acted on by the Lieutenant-Colonel, or in his absence through the senior Major of the Division, for the time being, who shall act instead of the Lieutenant-Colonel during such absence:

Officers of company, divisions.

2. And for each Company Division there shall be appointed from the residents therein, one Captain and two Lieutenants of Reserve Militia; and all orders and reports relating to the enrolment at any time of Militiamen within the Company Division shall be sent to, and acted on by the Captain; or in his absence they shall be sent to the next senior officer of the Company Division, for the time being, who shall act instead of the Captain during such absence:

Officers in cities or towns.

3. Notwithstanding anything contained in the preceding sub-section, appointments for Company Divisions in any city or town may be made from the residents of the Regimental Division within such city or town.

How and by whom enrolment shall be made in company divisions.

14. The enrolment of the Militia shall be made in each Company Division by the Captain thereof, with the assistance of the Officers and non-commissioned officers of the Company Division;—and it shall be the duty of the Captain and under his orders, of the other officers and non-commissioned officers of the Company Division, by actual enquiry at each house therein, and by every other means in their power, to make and complete, from time to time, and at such times as may be fixed by order of the Governor in Council, a corrected roll, in duplicate, of the names of all the men in the different classes resident within the Company Division,—specifying separately those who are seamen or sailors, or persons engaged in or upon any steam or sailing craft upon the lakes or waters of the Dominion, those who are *bond fide* enrolled members of any Company of Active Militia, and those who, after the day on which this Act shall come into force, shall have completed such a term of service in the Militia as will, by law, exempt them until they are again required in their turn to serve:

At times fixed by Gov. in Council. What they must show.

2 One copy of such roll is to be retained by the Captain and the other to be forwarded, on or before such day as may be

Roll to be in duplicate; to whom to be sent.

be fixed by order of the Governor in Council, to the Lieutenant-Colonel of the Regimental Division—which last-named Officer shall cause a copy of all the rolls of Militiamen in the several Company Divisions within the Regimental Division to be forwarded without delay to the Officer for the time being commanding the Militia; but if from any cause the duties prescribed by this section cannot in any particular case be carried into effect within the time appointed, a special report of the facts relating to the delay shall be made to the Officer for the time being commanding the Militia, who shall without delay fix another period within which the enrolment shall be completed and the rolls be forwarded:

Special reports in cases of delay.

3. The enrolment shall be held to be an embodiment of all the militiamen enrolled, and shall render them liable to serve under the provisions of this Act, unless exempt by law.

Effect of enrolment.

EXEMPTIONS.

15. The following persons only, between the ages of eighteen and sixty years, shall be exempt from enrolment, and from actual service at any time:—

Persons always exempted.

- The judges of all the courts of law or equity in the Dominion of Canada;
- The clergy and ministers of all religious denominations;
- The professors in any college or university and all teachers in religious orders;
- The warden, keepers and guards of the penitentiaries, and the officers, keepers and guards of all public lunatic asylums;
- Persons disabled by bodily infirmity;
- The only son of a widow, being her only support:

2. And the following, though enrolled, shall be exempt from actual service at any time except in case of war, invasion or insurrection:—

Exempt except in case of war, &c.

- Half-pay and retired officers of Her Majesty's army or navy;
- Seafaring men and sailors actually employed in their calling;
- Pilots and apprentice pilots during the season of navigation;
- Masters of public and common schools actually engaged in teaching:

3. Any person bearing a certificate from the Society of Quakers, &c. Quakers, Mennonists or Tunkers, or any inhabitant of Canada, of any religious denomination, otherwise subject to Military duty, but who, from the doctrines of his religion, is averse to bearing arms and refuses personal military service, shall be exempt

Conditions. exempt from such service when balloted in time of peace, or war, upon such conditions and under such regulations as the Governor in Council may, from time to time, prescribe :

Exemption must be claimed. 4. No person shall have the benefit of exemption, unless he has, at least one month before he claims such benefit, filed with the Captain of the Company Division within the limits whereof he resides, his affidavit made before some magistrate (or affirmation in cases where persons are allowed to affirm) of the facts on which he rests his claim :

And proved. 5. Whenever exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall be upon the claimant :

Not to prevent volunteering. 6. Exemption shall not prevent any person from serving, if he desires it and is not disabled by bodily infirmity.

ACTIVE MILITIA.

Of what corps the active militia shall consist. 16. The Active Militia Force shall consist of Regiments and Troops of Cavalry, Regiments and Field Batteries of Artillery, Companies of Mounted Infantry, Companies of Engineers, Regiments and Batteries of Garrison Artillery, Battalions and Companies of Infantry, and Naval and Marine Corps, in such proportions as Her Majesty shall appoint ; and the strength of each such Regiment, Troop, Battery, Battalion, Company or Corps, shall be regulated, and officers appointed thereto, from time to time, by Her Majesty.

Enrolment of horses. 17. Her Majesty may make regulations for the enrolment of such horses as may be necessary for the purposes of Field Batteries of Artillery and Troops of Cavalry :

Other corps when required. 2. A military train, and a medical staff, as well as commissariat, transport, hospital and ambulance corps, may be formed whenever the exigencies of the service may require the same, at such places and in such manner, and of such strength, including the proper officers, as Her Majesty may direct :

H. M. may raise a corps of sub-marine miners. 3. Whenever the exigencies of the service require it, Her Majesty may raise and maintain a Corps of Sub-marine Miners of such strength and under such conditions as the Governor in Council may consider necessary for the protection of harbours and other places on the seaboard, and inland waters of the Dominion.

Signing roll, and taking oath of allegiance. 18. Every Active Militiaman shall sign a service roll in which the conditions of his service shall be stated ; and every officer

officer of Militia, on appointment; and every man, on enlistment, or re-enlistment, shall take the oath following:—

“I, A. B., do sincerely promise and swear (or solemnly declare) that I will be faithful and bear true allegiance to Her Majesty.” Form.

Which oath or declaration may be administered by the commanding officer of the troop, battery, company or battalion, as the case may be,—he having previously taken the oath before a Justice of the Peace : How administered.

2. Her Majesty may, at any time, disband any corps of Active Militia if considered necessary to do so. Disbanding corps.

19. Her Majesty may accept the services of corps of Volunteers, under such regulations as may, from time to time, be made. Accepting corps of volunteers.

20 Any volunteer corps may enter into articles of engagement and make regulations not inconsistent with this Act, to be approved by Her Majesty ; but the commanding officers of all corps of Volunteer Militia shall be responsible that their corps respectively are kept up to the full strength ; and in the event of failure of any corps to maintain such complement of men for each respectively as Her Majesty may consider necessary for its efficiency, or of any corps becoming inefficient, or if necessary to do so from any other cause, Her Majesty may disband such corps. Articles of engagement of volunteer corps.
Conditions.
Disbandment.

21. It being necessary in consequence of the withdrawal of Imperial regular troops, to provide for the care and protection of forts, magazines, armaments, warlike stores and such like service, also to secure the establishment of Schools for Military Instruction in connection with corps enlisted for continuous service, it shall be lawful for Her Majesty to raise, station and maintain, in addition to the ordinary Active Militia Force, one troop of cavalry, three batteries of artillery, (of which two shall be “A” and “B” Batteries of artillery now embodied), and not more than three companies of infantry,—the whole strength of which several corps shall not exceed seven hundred and fifty men. The officers shall be appointed during pleasure, and the men shall be enlisted under regulations to be made by the Governor in Council, for periods of three years continuous service : Provision for military schools based on corps enlisted for continuous service.

2. These corps, in addition to performing garrison and other duties, shall serve as practical Schools of Military Instruction, by affording officers, non-commissioned officers, and men of the Militia, opportunities of joining for courses of study and training : Purposes and duties of such corps.

To be deemed called out for active service.

3. The officers, non-commissioned officers and men of these corps, as well as the officers, non-commissioned officers and men attached from time to time for instruction, shall, for purposes of discipline, be held to be called out for active service, and be subject to the laws and regulations which under the provisions of this Act apply to officers, non-commissioned officers and men called out for such service.

BALLOTING.

Each company to furnish its quota of men drafted.

And be credited therefor.

Men drafted to be appointed to corps.

22. At any time when Militiamen are required to be drafted in any Regimental Division, each Company Division therein shall, subject to the provisions of the two sections immediately following the present section, contribute its quota according to the number of Militiamen on the rolls and liable to serve, of the class, or classes, from which the men are to be taken; and when Militiamen, are accepted or taken or balloted to serve in any quota, the Company Division or Divisions furnishing the men shall receive credit therefor; and the Active Militiamen taken, or accepted, and enrolled for service, from time to time, in any Company or Regimental Division, shall be attached or appointed to such Companies, Corps or Battalions of the Active Militia as Her Majesty may order:

If a volunteer corps is disbanded.

2. When a corps raised by voluntary enlistment in any Regimental Division for any cause ceases to exist, Her Majesty may make good the quota of that Division by the organization of Militiamen from the Reserve Militia to replace such corps:

Filling vacancies in service companies.

3. When by reason of death or removal, vacancies occur in any corps of Active Militia organized under this Act, such vacancies shall be filled by other men to be drawn from the Reserve Militia, either by voluntary enlistment or by ballot, as circumstances may require.

Ballot when sufficient men do not volunteer.

23. When Active Militiamen are required to be organized at any time, either for drill or for actual service, and enough men do not volunteer in any Company Division to complete the quota required from that division, the men enrolled in the first class and liable to serve shall be first balloted, and if the number of men required to be balloted, is greater than the whole number of men in the first class, then the number requisite to make up the deficiency shall be taken from those in the second class, and if more men than the whole number in the first and second classes are still required, then the number requisite to make up the deficiency shall be taken from the third class, and in like manner, if more men than are in the first, second, and third classes, are still required, then the number requisite to make up

up the deficiency shall be taken from the fourth class ; but at no time shall more than one son belonging to the same family residing in the same house, if there be more than one inscribed on the Militia Roll, be drawn, unless the number of names so inscribed be insufficient to complete the required proportion of service men :

Proviso: as to sons of one family.

2. Any man not taken for service for the time being in any corps organized in the Regimental Division in which he resides, may volunteer to serve in any corps in any Regimental Division contiguous thereto, and in such case the Company Division in which he resides shall have credit for such volunteer ; and the man shall, on completing his full period of service, be entitled to the same exemption in his Company Division, as though he had served with men raised therein for the same period.

Men not taken may volunteer in to another regimental division.

24. When any Company Division shall have furnished more men than its quota, as compared with other Company Divisions in the same Regimental Division, such Company Division shall not again be called upon in time of peace for more men, until the other Company Divisions have supplied men to equalize the proportion for each, according to the number of names inscribed on the Militia Rolls thereof respectively.

When a company furnishes more than its quota.

25. The Governor in Council may, from time to time, make regulations for taking the enrolment and ballot ; for fixing the day on which the taking of the enrolment shall be commenced in each of the several Military Districts respectively ; for notifying the men liable to be taken, or those balloted in any Company Division for service in any quota ; for finally deciding claims of applicants for exemption, and for the administration of oaths before Justices of the Peace or the commanding officer of a corps, to ascertain any facts in reference to such claim of exemption ; for medical examinations, and for the discharge of such men as are unfit to serve ; and relating to every other matter and thing not inconsistent with this Act, and necessary to be done, in the enrolling, balloting, warning and bringing into service, of such numbers of the Reserve Militiamen in any Company Division as are required at any time ; but any Militiaman balloted and notified for service may, at any time, be exempt, until again required in his turn to serve, by furnishing an acceptable substitute, on or before the day fixed for his appearance ; but if, during any period of service, any man who is serving in the Active Militia as a substitute for another, shall become liable to service in his own person, he shall be taken for such service, and his place as substitute shall be supplied by the Militiaman in whose stead he was serving.

Governor in Council may make regulations respecting ballot, enrolment, &c.

As to substitutes for men ballotted.

Service man
attaining 45
years of age.

26. Any Active Militiaman who may, during any period of service, attain the age of thirty years or forty-five years, according to his class, shall notwithstanding be required to complete the full period for which he volunteered or was balloted to serve.

IN AID OF THE CIVIL POWER.

How and in
what cases
active militia
may be so
called out.

27. The Active Militia, or any corps thereof, shall be liable to be called out for active service; with their arms and ammunition, in aid of the civil power, in any case in which a riot, disturbance of the peace or other emergency requiring such service occurs, or is, in the opinion of the civil authorities hereinafter mentioned, anticipated as likely to occur, and (in either case) to be beyond the powers of the civil authorities to suppress, or to prevent or deal with,—whether such riot, disturbance or other emergency occurs, or is so anticipated within or without the municipality in which such corps is raised or organized. And it shall be the duty of the senior officer of the Active Militia present at any locality to call out the same or any portion thereof as he considers necessary for the purpose of preventing or suppressing any such actual or anticipated riot or disturbance, or for the purpose of meeting and dealing with any such emergency as aforesaid, when thereunto required in writing^a by the Chairman or Custos of the Quarter Sessions of the Peace, or by any three magistrates, of whom the Warden, Mayor or other head of the municipality or county in which such riot, disturbance or other emergency occurs, or is anticipated as aforesaid, may be one; and to obey such instructions as may be lawfully given to him by any magistrate in regard to the suppression of any such actual riot or disturbance, or in regard to the anticipation of such riot or disturbance, or other emergency, or to the suppression of the same, or to the aid to be given to the civil power in case of any such riot, disturbance or other emergency; and every such requisition in writing as aforesaid shall express on the face thereof, the actual occurrence of a riot, disturbance or emergency, or the anticipation thereof, requiring such service of the Active Militia in aid of the civil power for the suppression thereof. And every officer and man of such Active Militia or any portion thereof shall, on every such occasion, obey the orders of his commanding officer; and the officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of special office, be special constables, and shall be considered to act as such as long as they remain so called out; but they shall act only as a military body, and shall be individually liable to obey the orders of their military commanding officer only. And when the Active Militia, or any corps thereof, are so called out in aid of the civil power, the municipality in which their services are required shall pay them when so employed, the rates

Duty of senior officer
present in the
locality, on
requisition of
the proper
civil authorities.

What the requisition
must show.

Duty of officers and men,
who shall be
special constables.

Payment by
municipality
for such service.

rates authorized to be paid for actual service to officers and men, and one dollar *per diem* for each horse actually and necessarily used by them, together with an allowance of one dollar to each officer, fifty cents to each man *per diem* in lieu of subsistence, and fifty cents *per diem* in lieu of forage for each horse,—and, in addition, shall provide them with proper lodging, and with stabling for their horses; and the said pay and allowances for subsistence and forage, as also the value of lodging and stabling, unless furnished in kind by the municipality, may be recovered from it by the officer commanding the corps, in his own name, and, when so recovered, shall be paid over to the persons entitled thereto: Provided, that the said pay and allowances of the force called out, together with the reasonable cost of transport may, pending payment by the municipality, be advanced in the first instance by Order of the Governor in Council, out of the Consolidated Revenue Fund of Canada: but such advance shall not interfere with the liability of the municipality; and the commanding officer shall at once, in his own name, proceed against the municipality for the recovery of such pay, allowances and cost of transport, and shall on receipt thereof pay over the amount to Her Majesty.

Providing stabling.

Recovery of value, &c., if not so furnished.

Proviso: as to advance by Government.

2. And whereas in the case of a municipality within which passes a railway whereon Her Majesty's mails are conveyed, the conveyance of such mails may be obstructed by a riot or disturbance of the peace beyond the power of the civil authorities to deal with, and not local or provincial in its origin, it may be unjust that the municipality should bear the whole expense of preventing or repressing such a riot or disturbance of the peace, and whereas the circumstance that the whole of such expense must be borne by the municipality is calculated to hinder the local civil authorities from taking the proper action, and it may be just and expedient that some part of such expense should be borne by Canada, therefore,—

Case of riot obstructing conveyance of mails by railway.

In any such case, it shall be lawful for the Governor in Council to pay or reimburse out of any moneys which may be provided by Parliament for the purpose, such part as may seem just of the proper expenses incurred by any municipality, by reason of any part of the Active Militia being called out in aid of the civil power:

Part of expenses may be paid by Gov't.

An account of any expenditure made under this sub-section shall be laid before Parliament as soon as may be thereafter.

Accounts in such case.

8. In case it is made to appear to the satisfaction of the Lieutenant-Governor or person administering the government of the Province of Manitoba, that a riot, disturbance of the peace, or other emergency, requiring the services of the Active Militia in aid of the civil power, has occurred in the North-

In case of emergency in N.W.T. or Keewatin, the Lt. Governor of Manitoba may call out

the active militia by requisition to senior officer.

North-West Territories or in the District of Keewatin, or that such riot, disturbance or other emergency is anticipated as likely to occur, and (in either case) to be beyond the powers of the civil authorities to suppress, or to prevent or deal with, the said Lieutenant-Governor, or person administering the government, may, by a writing, expressing on the face thereof the actual occurrence of such riot, disturbance or emergency, or the anticipation thereof, require the senior officer of the Active Militia present in the Province of Manitoba to call out the same, or such portion thereof as he may consider necessary for the purpose of preventing or suppressing any such actual or anticipated riot or disturbance, or for the purpose of meeting and dealing with any such emergency as aforesaid : and it shall be the duty of such officer to comply with such requisition and to obey such instructions as may be lawfully given him by the said Lieutenant-Governor or person administering the government, or by such magistrate as may be designated for the duty by the Lieutenant-Governor or person administering the government, in regard to the suppression of any such actual riot or disturbance, or in regard to the anticipation of such riot or disturbance or other emergency, or to the suppression of the same, or to the aid to be given to the civil powers in case of any such riot, disturbance or other emergency ; and every officer and man of such Active Militia, or any portion thereof, shall, on every such occasion, obey the orders of his commanding officer. And the officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of office, be special constables, and shall be considered to act as such so long as they remain so called out ; but they shall act only as a military body, and shall be individually liable to obey the orders of their military commanding officer only : they shall be paid when so employed the rates authorized to be paid for actual service to officers and men, and one dollar per day for each horse actually and necessarily used by them, together with an allowance of one dollar to each officer, and fifty cents to each man per day, in lieu of subsistence, and fifty cents per day in lieu of forage for each horse :

Duty and powers of officers and men in such case.

To be special constables.

Their pay and allowances.

Out of Con. Rev. Fund.

The said pay and allowances and the reasonable cost of transport to and from the place where the services of the force are required, may be paid by Order of the Governor in Council out of the Consolidated Revenue Fund of Canada.

OFFICERS COMMANDING THE MILITIA.

Qualification and appointment of commanding officer.

28. There shall be appointed an officer who holds the rank of Colonel or superior rank thereto in Her Majesty's regular army, who shall be charged, under the orders of Her Majesty, with the military command and discipline of the Militia, and who, while holding

holding such appointment, shall have the rank of Major General in the Militia, and shall be paid at the rate of four thousand dollars per annum in full of all pay and allowances. Rank and pay.

29. There shall be an Adjutant General of Militia at Headquarters who shall have the rank of Colonel in the Militia, and shall be paid at the rate of two thousand six hundred dollars per annum. Adjutant-General at headquarters.

2. There may be a Quartermaster General at Headquarters who shall have the rank of Colonel in the Militia, and shall be paid at the rate of two thousand six hundred dollars per annum. Quartermaster-General.

3. The Governor in Council shall, from time to time, make such orders as may be necessary respecting the duties to be performed by the Officer commanding the Militia, by the Adjutant General, by the Quartermaster General, and by the Officers of the Militia generally. Duties, how assigned.

DISTRICT STAFF.

30. In and for each of the twelve Military Districts mentioned in section ten of this Act, there shall be appointed one Deputy Adjutant General of Militia, who shall have the rank of Lieutenant Colonel, and who shall command the Militia in his District; and he shall be paid at the rate of one thousand two hundred dollars per annum. Deputy Adjutant General.

2. There shall also be appointed in each of the Military Districts aforesaid such Staff Officers and such other officers as may be necessary; and the salaries of such Staff Officers shall be fixed by the Governor in Council: Staff and other officers.

3. Provided always, that if any two, or more Districts are amalgamated for administrative purposes, only one Deputy Adjutant General shall be appointed for the Districts so amalgamated: Proviso: as to amalgamated districts.

4. Her Majesty may, whenever considered expedient, change the designation or name of office of the officer who shall command the Militia in any District. Change of designation.

OFFICERS.

31. Commissions of officers in the Militia shall be granted by Her Majesty during pleasure; and all non-commissioned officers in the Militia shall be appointed by the officer commanding the corps or Battalion to which they belong, and shall hold their rank during pleasure. Commissioned and non-commissioned officers.

Registration of commissions.

2. Commissions of officers in the Militia, except the Officer commanding the Militia, the Adjutant General and Deputy Adjutants General, need not be enregistered at full length, but a record of them shall be kept in the Office of the Adjutant General.

The Governor's signature to any such commission may be affixed by a stamp.

3. The Governor may cause his signature to be affixed to any commission in the Militia, to be granted or issued under this Act, by stamping the same on such commission with a stamp approved by him, and used for the purpose by his authority; and the signature so affixed shall be, to all intents and purposes, as valid and effectual as if in the handwriting of the Governor; and neither the authenticity of any such stamped signature, nor the authority of the person by whom it has been affixed to any commission, shall be called in question except on behalf of the Crown; and the forging or counterfeiting of any such stamped signature or the uttering thereof, knowing it to be forged or counterfeited, shall be felony, punishable in like manner as the forgery of the Governor's Privy Seal or Seal-at-arms.

Officers on the retired list.

32. Officers holding commissions in the Militia, may be placed on the retired list with honorary rank, not exceeding that of Lieutenant Colonel, or without honorary rank according to, and under regulations to be approved by the Governor in Council; and Her Majesty may appoint officers from the retired list to commissions in the Militia; but no officer from the retired list shall be bound to serve in the Militia in a lower grade than that of his retired rank.

Conditions of qualification of officers.

33. No person shall be appointed an officer in the Active Militia, except provisionally, until he has obtained a certificate of fitness from one of the Military Schools of the Dominion, or a Board of Officers of the Active Militia, to be constituted as Her Majesty may appoint; or unless he had obtained a certificate from one of the Schools of Military Instruction, heretofore established in the late Province of Canada, or from any Board of Officers which had been appointed for that purpose in any of the Provinces of the Dominion; and Her Majesty may prescribe conditions as to the qualification of officers of different grades, by General Order; and may order the assembling of such Boards as often as may be expedient; and may dispense with the conditions of this section in the case of men who have served as officers or non-commissioned officers in Her Majesty's regular army.

Certificates from military schools.

Board for examination.

Rank in time of peace.

2. In time of peace no person except the Officer commanding the Militia, the Adjutant General and the Quartermaster General, shall hold higher rank in the Militia than that of Lieutenant Colonel; but officers at the time when this Act shall come into force, holding the rank of Colonel, shall retain the same.

8. Her Majesty may, however, whenever the Militia is called out for active service in the field, appoint therein Colonels and other officers of superior rank, in no case to exceed that of Major General. And when called out.

34. Her Majesty may appoint Staff Officers of the Militia with such rank as from time to time may be found requisite or necessary for the efficiency of the Militia service; and such Staff Officers shall have such rank and authority in the Militia as are held relatively in Her Majesty's service, and their duties shall be such as may, from time to time, be prescribed. Staff officers.

35. The relative rank and authority of officers in the Militia of Canada, shall be the same as the relative rank and authority of officers in Her Majesty's regular army; and any body of Militia assembled on parade, shall be commanded by the officer highest in rank then present, on duty and in uniform, or the senior of two or more officers of equal rank; provided that no officer whose rank is provisional only shall under any circumstances command an officer of the same grade whose rank is substantive. Relative rank of officers. Proviso.

36. Officers of Her Majesty's regular army shall always be reckoned senior to Militia officers of the same rank, whatever be the dates of their respective commissions;—and Colonels appointed by commission signed by the Commander of Her Majesty's regular forces in Canada, shall command Colonels of Militia, whatever be the dates of their respective commissions. Officers of H. M's army to be senior.

CLOTHING, AND ARMS AND ACCOUTREMENTS.

37. Officers shall provide their own uniforms, arms and accoutrements. Officers to furnish their own.

38. The arms and accoutrements of the officers and men of the Active Militia shall be such as Her Majesty shall, from time to time, direct; and no such arms and accoutrements of the men shall be left in their possession except by special authority. Quality of arms, &c.

39. The value of all such articles of public property as may have become deficient or damaged, while in possession of any corps, otherwise than through fair wear and tear or unavoidable accident, may be recovered by the Minister of Militia and Defence or by any other person authorized by him, from the officer in command of such corps; and the officer commanding any corps shall have power to recover the value of such articles of public property, or property of the corps, as have become deficient or damaged while in possession of his corps, otherwise than through fair wear and tear Responsibility for damage. Recovery thereof.

tear or unavoidable accident, from the officer, man or men who may be responsible for the same.

Uniform clothing. **40.** Such of the several corps of Active Militia heretofore organized or hereafter to be organized, as may, for that purpose, be named and specified, shall be supplied with uniform clothing of such one and similar color, pattern and design, as may be ordered for each arm of the service designated in this Act; and, if necessary, such uniform clothing may be replaced in every successive five years from the original issue; and the said uniform clothing shall be delivered to the officer commanding the corps, to be, by him, delivered to the men, upon such conditions and upon such security as may be directed; and Her Majesty may, from time to time, make such regulations in respect to the uniform clothing, and may prescribe penalties for any infraction of such regulations as may be deemed necessary or expedient; but nothing herein contained shall prevent the re-supplying of clothing within the period aforesaid in special cases.

Renewal.

Conditions of delivery.

Regulations.

Proviso.

Arms and accoutrements. **41.** The several corps of Militia shall be furnished with arms, accoutrements and equipment, and the same shall be kept in public armories whenever there are such; and where there are no such public armories; and until the same are provided, the officer commanding each corps shall himself actually keep the arms, accoutrements and equipment in a good and sufficient building, provided with suitable arm racks and provision for the care thereof, and shall be personally responsible for such arms, accoutrements and equipment; and the officer commanding any such corps may, in the discretion of the Governor in Council be allowed annually such sum for the care of such arms, accoutrements and equipment as may appear proper for the same; and no arms, accoutrements, or articles of equipment, shall be taken or removed from any such public armory, or from the care of such commanding officer, except under such regulations as may be made in respect to the same by Her Majesty.

Safe keeping.

Allowance for care of.

As to removal.

Men leaving Canada to return clothing, &c. **42.** Any man serving in the Active Militia who may require to leave Canada shall first return to the Captain of his Company all articles of public or corps property which he may have had in his possession, and shall obtain a written discharge from the Captain of his Company or other commanding officer of his corps: and any Militiaman who may leave Canada with any articles of public clothing or other public or corps property in his possession shall be guilty of embezzlement, and may be tried for the same at any subsequent time; and a record in the books of his corps of his having so received and not having returned any articles of public clothing or other public or corps property, shall be evidence of possession: and he shall be entitled to quittance by certificate

Penalty for default.

Proof.

Receipt for.

tificate, and to see it recorded in the books of his corps, on returning such articles.

43. No corps of the Active Militia, and no non-commissioned officer or man shall, at any time, appear in uniform or armed or accoutred, except when on duty or *bonâ fide* at parade or drill or at target practice, or at reviews or on field-days or inspections, or by order of the commanding officer.

When only to appear in uniform.

DRILL AND TRAINING.

44. In time of peace there shall be trained and drilled annually, for such periods as are authorized by this Act, and under such regulations as Her Majesty may, from time to time, prescribe, the officers of Militia mentioned in the three following sections, and forty-five thousand active militiamen; but any increase above the number of forty thousand shall be authorized and regulated, from time to time, by order of the Governor in Council; and Her Majesty shall, from time to time, by General Orders, designate the Regimental Divisions required to furnish the men for purposes of such training and drill.

Number of men to be trained and drilled yearly in time of peace.

Active Militia, Land Force.

45. Her Majesty may order the officers and men of the several corps of the Active Militia or any portion thereof to drill for a period not exceeding sixteen days nor less than eight days in each year; and for each day's drill of three hours, every officer, non-commissioned officer and man shall receive the pay of his respective rank, according to the following schedule, that is to say:—

Periods of drill and pay during term.

Officers.

Lieutenant Colonel.....	\$4.87
Major	3.90
Paymaster	3.05
Adjutant, with rank of Lieutenant.....	2.44
Adjutant, with rank of Second Lieutenant...	2.13
Surgeon	3.65
Assistant Surgeon	2.43
Quartermaster	1.94
Captain.....	2.82
Lieutenant.....	1.58
Second Lieutenant.....	1.28

Non-Commissioned Officers and Men.

Sergeant Major.....	1.00
Quartermaster Sergeant.....	1.90
Paymaster's	

Paymaster's Clerk.....	90
Orderly Room Clerk.....	90
Hospital Sergeant	90
Pay Sergeant.....	80
Sergeant.....	75
Corporal.....	60
Bugler	50
Private	50
For each horse taking part in such drill.....	1.00

Pay for horses.

and the officers and men of mounted corps shall receive, for each day's drill of three hours, one dollar for each horse that has taken part in such drill :

Pay of marine and reserve militia

The officers and men of the Marine Militia, and the officers of the Reserve Militia, when called out and drilled, under sections forty-six and forty-seven of this Act, shall receive for each day's drill the pay of their respective ranks, according to the foregoing schedule :

To be paid out of Con. Rev. Fund.

All sums of money required to defray any expense under the foregoing provisions may be paid out of the Consolidated Revenue Fund, upon warrant directed by the Governor to the Receiver General ; but no sum of money shall be so paid unless it be included in some appropriation made by Parliament ; and a detailed account of moneys so expended shall be laid before Parliament during the then next Session thereof :

Proviso.

Provisions respecting attending to drill and training.

2. When corps of the Militia are ordered to assemble in a camp of exercise for drill and training, they shall be considered to be on service during the whole of the period for which they have been called out, and when so assembled all ranks shall receive rations and shelter at the public expense in addition to their daily pay ; in such cases the daily pay will be for each day of twenty-four hours, and the drill and duty to be performed in camp, or in going to and from the camp, shall be as ordered by the commanding officer for the time being.

Active Militia, Marine Force.

Drill of marine militia.

46. Her Majesty may order the officers and men of the Marine Militia, or any portion thereof, to be trained and drilled for a period not exceeding sixteen days, nor less than eight days in each year, at such time and places, and in such manner, as may be thought proper ; and for each day's drill every officer and man shall receive the pay of his rank, according to the said schedule.

Reserve Militia.

Drill of reserve militia.

47 Her Majesty may order to assemble, for a period not exceeding sixteen nor less than eight days in each year, the officers

officers of the Reserve Militia, or any portion thereof, at such times and places as may be thought proper, for drill and exercise : and for each day's drill of three hours every officer shall receive the pay of his rank, according to the said schedule.

48. Payments for drill, shall be made only upon proof of compliance with such regulations touching such drill, and the efficiency of the several corps, as Her Majesty may order ; and any officer or man absent from drill shall forfeit his pay therefor.

Conditions of payment.

49. Her Majesty may, from time to time, appoint competent persons to instruct and drill the Militia, and may award such remuneration therefor as the Governor in Council may order.

Drill instructors.

50. Such of the officers and men of any corps of the Active Militia as reside within two miles of the place appointed for drill, may assemble or be ordered out, by the officer commanding it, for drill or exercise, at other times than when performing the annual drills, under regulations to be approved by Her Majesty, and without receiving any pay therefor.

Occasional drill without pay.

51. Her Majesty may, by any General Order, dispense with the drill or training of any corps or part of a corps of the Active Militia, either in any particular year or until further order, and may, in like manner, again direct such drill and training, or either of them, to be resumed, if it may seem fit ; and any such order shall have the force of law according to the terms thereof.

Power to dispense with drill and training in any year.

INSPECTIONS.

52. The several Corps of the Active Militia shall be subject to such inspections, from time to time, as Her Majesty may direct.

Inspection.

RIFLE RANGES AND DRILL SHEDS.

53. At, or as near as may be to the head-quarters of every Regimental Division, there may be provided a rifle range with suitable butts, targets, and other necessary appliances ; and Her Majesty may order the appropriation of such land as may be necessary for the same at a proper valuation, and may stop, at such time as may be necessary during the target practice of the Active Militia, the traffic on any roads not being mail roads that may cross the line of fire, and may make such other regulations for conducting target practice and registering the results thereof, and for the safety of the public, as may be necessary, and may impose penalties for wilful

Rifle ranges.

Land for.

Practice at.

Penalties for damage to targets, &c. Inspection.

Compensation to proprietors.

wilful damage to any such butts, targets and appliances; and all such ranges shall be subject to inspection and approval before being used: and the owners of private property shall be compensated for any damage that may accrue to their respective properties from the use of any such rifle range.

Aid to local authorities for drill sheds &c.

54. The Governor in Council may, from time to time, make regulations relating to the conditions upon which Government aid shall be granted towards the construction, by the local authorities, of drill sheds and armouries, in any Regimental Division, and the use thereof by the Militia:

Militia grounds not required may be disposed of.

2. Any land now held or hereafter acquired by Her Majesty for Militia purposes in connection with drill sheds, rifle ranges, armouries or such like uses, and found unnecessary to be retained for the same, may be sold or disposed of under Order of the Governor in Council; and if any portion of the cost of such lands, or of any building thereon has been defrayed by the municipality in which the land is situate, a fair proportion of the proceeds, to be determined by the Governor in Council, may be returned to such municipality or expended therein for other Militia uses of a permanent nature.

Application of proceeds.

SCHOOLS OF MILITARY INSTRUCTION.

May be established in each Province.

55. For the purpose of enabling officers of the Militia, or candidates for commissions or promotion in the Militia, to perfect themselves in a knowledge of their military duties, drill and discipline, there may be established Schools of Military Instruction in each Province of the Dominion; and for that purpose arrangements may be entered into with the Officer Commanding Her Majesty's regular forces in Canada, for the best means of effecting the same in connection with any regiment or regiments of Her Majesty's regular forces or otherwise; and all necessary rules and regulations, as to the terms upon which such instruction may be compensated for, and generally for the advancement of military education amongst the officers and candidates for commissions as aforesaid, may be made by the Governor in Council:

Regulations by Governor in Council.

Arms, &c. for men attending school.

2. In cases where schools are established either in connection with Imperial troops or corps of Militia,—arms, accoutrements, uniform clothing and books of instruction, may be issued, under regulations to be made by the Governor in Council, for use by pupils attending any such school during the period they remain in attendance thereat.

Selection of pupils.

56. Her Majesty may, from time to time, from among the applicants for such purpose, select such persons in each Province of the Dominion as may be fit to attend such schools

Schools of Military Instruction, and if necessary remove them; and the allowances to be paid to such persons during their stay at the school, and the period for which they shall undergo such instruction, shall be regulated by the Governor in Council; and every person who shall enter upon the course of military instruction as hereinbefore provided, shall thereupon and thenceforth, and for the period prescribed in such regulations, upon his signing a roll of entry for such instruction, be subject to the Queen's Regulations and Orders for the Army, the Army Act passed by the Imperial Parliament, and to such other orders, rules and regulations, of whatever nature or kind, not inconsistent with the provisions of this Act or of any regulation made under authority of it, to which Her Majesty's troops are subject.

Allowances.

Obligations of pupils signing the roll.

57. Her Majesty may, from time to time, order any persons who have obtained final certificates in any School of Military Instruction or from a Board of Examiners, and whether the same be commissioned officers or not, to attend a camp or camps of instruction at such time and place in Canada, and for such period as may, for such purpose, be prescribed; and Her Majesty may make all necessary rules and regulations for the command, and discipline and good management of such camp or camps and for the mode of instruction thereat; and the allowances to be paid to such persons during their stay at the same shall be fixed by the Governor in Council; and every person who shall report himself at such camp or camps, and shall sign a roll of entry thereat, shall thereupon and thenceforth and for the duration of such camp or camps, be subject to the Queen's Regulations and Orders for the Army, the Army Act passed by the Imperial Parliament, and to such other orders, rules and regulations, of whatever nature or kind not inconsistent with the provisions of this Act or of any regulation made under authority of it, to which Her Majesty's troops are subject.

Camps of instruction.

Regulations.

Allowances.

Signing roll.

To be subject to Queen's regulations, Army Act, &c

RIFLE AND DRILL ASSOCIATIONS.

58. Her Majesty may sanction the organization of Rifle Associations, and of associations for purposes of drill, to be composed of Militia officers, or of men on the Militia rolls, and of Independent Companies of infantry composed of professors, masters or pupils of universities, schools or other public institutions, or of persons engaged in or about the same, under such regulations as may, from time to time, be approved by Her Majesty; but such associations or companies shall not be provided with any clothing or allowance therefor.

Such associations may be sanctioned.

Proviso.

MILITARY INSTRUCTION IN SCHOOLS AND COLLEGES.

59. There shall be furnished to every normal school, university, college or school in Canada, in which there shall

Arms for public schools.

be

be instituted classes of instruction in military drill and exercises under regulations prescribed by Her Majesty, arms and accoutrements necessary for the instruction of the pupils thereof over the age of twelve years

CALLING OUT THE MILITIA.

Commanding officer may call out militia on sudden emergencies.

60. The Officer commanding any Military District or Division, or the officer commanding any corps of Active Militia, may, upon any sudden emergency of invasion or insurrection, or imminent danger of either, call out the whole or any part of the Militia within his command, until the pleasure of Her Majesty is known; and the Militia so called out by their commanding officer shall immediately obey all such orders as he may give, and march to such place within or without the District or Division as he may direct.

Calling out in time of war, &c., or danger thereof.

Term of service.

61. Her Majesty may call out the Militia or any part thereof, for active service either within or without the Dominion, at any time, when it appears advisable so to do by reason of war, invasion or insurrection, or danger of any of them; and the Militiamen, when so called out for actual service, shall continue to serve for at least one year from the date of their being called out for actual service, if required to do so, or for any longer period which Her Majesty may appoint:

Furnishing reliefs.

2. Her Majesty may, from time to time, direct the furnishing by any Regimental Division, of such number of Militiamen as may be required either for reliefs, or to fill vacancies in corps on active service:

Command of militia so called out.

3. Whenever the Militia or any part thereof are called out for actual service by reason of war, invasion, or insurrection, Her Majesty may place them under the orders of the Commander of Her regular forces in Canada:

Guards of honor on certain occasions

4. The Active Militia or any corps thereof, or any part of a Corps, shall also be liable to be called out for active service with their arms and ammunition under special or general regulations to be made by the Governor-General in Council, to act as guards of honor, escorts, or as guards and sentries, or to fire salutes in any of the following cases:—

Opening or closing session.

(a). The opening or closing of any session of the Parliament of Canada or of the Legislature of any Province of Canada;

Attending Governor, &c.

(b). For the purpose of attending the Governor-General of Canada, or any member of the Royal Family while in Canada;

(c)

(c). For the purpose of guarding any armoury or other place where arms, guns, ammunition, or other military stores are kept :

Guarding arm-
ouries, &c.

5. The Governor in Council may make regulations for calling out for active service as guards or sentries at the residence of the Governor-General, or of any member of the Royal Family while in Canada, any corps or part of a corps of the Active Militia.

Guards at
Gov't house,
&c.

62. In time of war no man shall be required to serve in the field continuously for a longer period than one year ; but any man who volunteers to serve for the war or for any longer period than one year shall be compelled to fulfil his engagement ; and Her Majesty may, in cases of unavoidable necessity (of which necessity Her Majesty shall be the sole judge), call upon any Militiaman to continue to serve beyond his one year's service in the field, for any period not exceeding six months.

Period of ser-
vice in time
of war.

Proviso.

63. Whenever the Militia or any part, or corps thereof, shall be called out for active service, the officers and men so called out shall be paid at such rates of daily pay as are paid to officers and men of the relative and corresponding grade in Her Majesty's service, or such other rates as may, for the time being, be fixed by the Governor in Council.

Pay of militia
when called
out.

64. The Active Militia shall be subject to the Queen's Regulations and Orders for the Army ; and every officer and man of the Militia shall, from the time of being called out for active service, and also during the period of annual drill or training under the provisions of this Act, and also during any drill or parade of his corps at which he may be present in the ranks or as a spectator, and also when going to or from the place of drill or parade of his corps, and also at any other time while in the uniform of his corps, be subject to the Army Act passed by the Imperial Parliament, and all other laws then applicable to Her Majesty's troops in Canada, and not inconsistent with this Act ; except that no man shall be subject to any corporal punishment except death or imprisonment for any contravention of such laws ; and except also that Her Majesty may direct that any provisions of the said laws or regulations shall not apply to the Militia force ; but any officer or man charged with any offence committed while serving in the Militia, shall be held liable to be tried by court martial, and if convicted to be punished therefor, within six months after his discharge from the Militia or from the corps to which he belongs or belonged is relieved after the corps to which he belongs or belonged he shall have been so discharged from the Active Militia, or that the corps to which he belonged shall have been so relieved from active service ; and any officer or man of the Militia

To what laws
Active Militia
shall be sub-
ject when
called out.

Exception.

Exception.

Trial by
Court Mar-
tial after dis-
charge or re-
lief.

may

Trial for desertion.

may be tried for the crime of desertion at any time, without reference to the length of time which may have elapsed since his desertion.

Roll to be kept of each company.

65. It shall be the duty of the Captain or other officer commanding any Company of Active Militia, with the assistance of the officers and non-commissioned officers of his company, to make and keep at all times a correct roll of the Company in such form as Her Majesty may direct; and it shall be the duty of the Lieutenant-Colonel or other officer commanding any Battalion of Active Militia, and under him especially of the Adjutant, to see that the company rolls above referred to are properly made out, and corrected from time to time by the Captains or other officers commanding companies in such Battalion, and to report such officers as fail to perform their duty in this respect.

Duty of commanding officer and adjutant.

Attendance at rendezvous.

66. Each Militiaman called out for active service shall attend at such time and place as may be required by the officer commanding him, with any arms, accoutrements, ammunition and equipment he has received, and with such provisions as such officer may direct.

Absence without leave over 7 days; trial as deserter.

67. Any Militiaman who when called out for active service, shall without leave absent himself from his corps, for a longer period than seven days, may be tried by Court Martial as a deserter.

Provision for men killed, &c.

68. When any officer or man is killed in active service, or dies from wounds or disease contracted on actual service, provision shall be made for his wife and family out of the public funds:

And for men permanently disabled.

2. And all cases of permanent disability, arising from injuries received or illness contracted on active service, shall be reported on by a Medical Board, and compensation awarded, under such regulations as may be made from time to time by the Governor in Council; and any medical practitioner who shall sign a false certificate in any such case shall incur a penalty of four hundred dollars.

REGULATIONS FOR BILLETING AND CANTONING TROOPS AND MILITIA WHEN ON ACTUAL SERVICE, AND FURNISHING CARRIAGES, HORSES, &C., FOR THEIR TRANSPORT AND USE.

Regulations by Governor in Council.

69. The Governor in Council may make regulations for the billeting and cantoning of troops and Militia when on active service, for the furnishing of carriages, horses and other conveyance for their transport and use, and for adequate compensation therefor; and may, by such regulations, impose fines not exceeding twenty dollars, and imprisonment in cases of default of payment of such fines.

70. Any person lawfully required under this Act, or by any regulation made under the authority thereof, to furnish any railway car or engine, boat or other craft, for the conveyance or use of any troops or Militia, who neglects or refuses to furnish the same, shall thereby incur a penalty not exceeding four hundred dollars for each such offence.

Penalty for refusing conveyance.

71. Nothing in this Act contained or in any regulations made under the authority thereof, shall be construed to authorize the quartering or billeting of any troops or Militia, either on a march or in cantonment, in any convent or nunnery of any religious order of females, or to oblige any such religious order to receive such troops or Militia, or to furnish them with lodging or house room.

Not to be quartered in convents, &c.

COURTS OF ENQUIRY AND COURTS MARTIAL

72. Her Majesty may convene Courts of Enquiry and appoint officers of the Militia to constitute such courts, for the purpose of investigating and reporting on any matter connected with the government or discipline of the Militia, and with the conduct of any officer or man of the force; and shall have power at any time to convene Courts Martial, and to delegate power to convene such courts, and to appoint officers to constitute the same, for the purpose of trying any officer, or man of the Militia, for any offence under this Act, and to delegate also power to approve, confirm, mitigate or remit any sentence of any such court; but no officer of Her Majesty's regular army on full pay shall sit on any such Court Martial.

H.M. may convene courts of enquiry and courts martial.

Proviso.

73. The regulations for the composition of Militia Courts of Enquiry and Courts Martial, and the modes of procedure and powers thereof, shall be the same as the regulations which may, at the time, be in force for the composition, modes of procedure and powers, of Courts of Enquiry and Courts Martial for Her Majesty's regular army, and which are not inconsistent with this Act; and the pay and allowances of officers and others attending such courts may be fixed by the Governor in Council:

Composition and powers of courts martial.

Pay and allowance.

2. Every person required to give evidence before a Court Martial may be summoned, or ordered to attend:

Attendance of witnesses.

3. If any person who is not enrolled in the active Militia is summoned as a witness before a Court Martial, and after payment or tender of the reasonable expenses of his attendance makes default in attending; or being in attendance as a witness,—

Refusing to attend or give evidence &c.

a. Refuses to take an oath or affirmation legally required by a Court Martial to be taken; or—

b.

b. Refuses to produce any document in his power or control legally required by a Court Martial to be produced by him; or—

c. Refuses to answer any question to which a Court Martial may legally require an answer; or—

d. Is guilty of any contempt towards the Court Martial by causing any interruption or disturbance in its proceedings;

Offence to be certified to court of law and punished.

The president of the Court Martial may certify the offence of such person under his hand to a judge of any court of law in the locality having power to punish persons guilty of like offences in that court, and such court may thereupon inquire into such alleged offence, and if the person be found guilty, punish him in like manner as if he had committed such offence in a proceeding in such court.

Sentence of death in certain cases only.

74. No Militia officer or Militiaman shall be sentenced to death by any Court Martial except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any garrison, fortress, post or guard, or traitorous correspondence with the enemy;—and no sentence of any general Court Martial shall be carried into effect until approved by Her Majesty.

Subject to approval of H. M.

OFFENCES AND PENALTIES.

Claiming for drills not performed.

75. Any officer commanding a corps of Militia, who shall knowingly claim pay on account of any drills performed with his corps, for any man belonging to any other corps of Militia, shall be guilty of a misdemeanor, and shall likewise be liable to be tried and punished by Court Martial; and any officer commanding a corps of Militia, who shall include in any parade state or other return, any man not duly enrolled and attested as a Militiaman, shall be guilty of a misdemeanor, and shall be likewise liable to be tried and punished by Court Martial; and any non-commissioned officer or man of the Militia who may claim or receive pay on account of any drill performed in the ranks of any other than his own proper corps, or in more than one corps during the annual drill in any year, shall be guilty of a misdemeanor, and shall likewise be liable to be tried and punished by Court Martial.

Returning men not duly enrolled.

Claiming for drill performed with another corps

Fraudulently retaining pay of the corps.

76. Any officer or non-commissioned officer of the Militia who obtains, under false pretences, or who retains or keeps in his own possession, with intent to apply to his own use or benefit, any of the pay or moneys belonging to any officer or man of any corps, shall be guilty of a misdemeanor and shall be dismissed the service; and any officer or non-commissioned officer who may sign a false parade state, roll or pay

Signing false parade roll.

pay-list, or any false return whatever, shall be guilty of a misdemeanor, and shall be likewise liable to be tried by Court Martial for the offence; and any person making an affidavit or declaration required in and by this Act, or by any regulation made under the authority thereof, and swearing or declaring falsely therein, shall be guilty of perjury.

False oath or affirmation.

77. Any person of whom information is required by any officer, or non-commissioned officer, making any Militia roll, in order to enable him to comply with the provisions of this Act, refusing to give such information or giving false information, shall forfeit and pay a penalty not exceeding twenty dollars for each item of information demanded of him and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated; and every person refusing to give his own name and proper information, when applied to as aforesaid, or giving a false name or information, shall forfeit and pay a penalty not exceeding twenty dollars :

Refusing required information, or giving false.

2. And any officer or non-commissioned officer of the Militia, refusing or neglecting to make any enrolment or ballot, or to make or transmit, as herein prescribed, any roll or return, or copy thereof, required by this Act or by any regulation made under the authority thereof, shall incur a penalty, if an officer, not exceeding fifty dollars, if a non-commissioned officer, not exceeding twenty-five dollars for each offence.

Refusing to make enrolment, ballot, &c.

78. Any Militiaman, drafted or liable to be drafted for service, who shall refuse or neglect to take the oath or to make the declaration hereinbefore prescribed, when tendered to him by a Justice of the Peace or by any commissioned officer in command of the corps to which such Militiaman belongs, or in whose District he resides, shall be subject to imprisonment for a period not exceeding six months, and for every subsequent neglect or refusal to take such oath shall be subjected to a further imprisonment not exceeding twelve months; and he may on due proof in either case be summarily committed upon the warrant of any two Justices of the Peace.

Men drafted refusing to be sworn, &c.

Punishment.

79. Any officer or man of the Militia, or any person whatsoever, who shall falsely personate another at any parade of the Militia, or on any other occasion, for any of the purposes required by this Act, shall be liable to a fine not exceeding one hundred dollars and shall be guilty of a misdemeanor: and any officer or non-commissioned officer of the Militia refusing or neglecting to assist his commanding officer in making any roll or return, or refusing or neglecting to obtain or to assist him in obtaining any information which he may require in order to make or correct any roll or return,

Personating another on parade.

Refusing to assist in making rolls.

Or to give information for making them.

return, shall incur a penalty, if an officer, not exceeding fifty dollars, and if a non-commissioned officer, not exceeding twenty-five dollars for each offence; and any person refusing or neglecting to give any notice or information necessary for making or correcting the roll of any Company, which he is required by this Act to give to the commanding officer of such Company or to any officer or non-commissioned officer thereof demanding the same at any reasonable hour and place, shall incur a penalty of ten dollars for each offence.

Refusing to attend drill.

80. Any officer or man of the Militia who, without lawful excuse, neglects or refuses to attend any parade or drill or training at the place and hour appointed therefor, or who refuses or neglects to obey any lawful order at or concerning such parade, drill or training, shall incur a penalty, if an officer, of ten dollars, if a man of the Militia of five dollars, for each offence; and absence for each day shall be held to be a separate offence; and any person who interrupts or hinders any Militia at drill, or trespasses on the bounds set out by the proper officer for such drill, shall incur a penalty of five dollars for each offence, and may be taken into custody and detained by any person by the order of the commanding officer until such drill be over for the day; and any officer or man disobeying any lawful order of his superior officer, or being guilty of any insolent or disorderly behaviour towards such officer, shall incur a penalty, if an officer, of twenty dollars, if a man of the Militia, of ten dollars, for each offence.

Hindering militia at drill.

Insolent or disorderly behaviour.

Not keeping arms in proper order.

81. Any Militiaman who fails to keep in proper order any arms or accoutrements delivered or intrusted to him, or who appears at drill, parade or on any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of four dollars for each such offence; and any person who unlawfully disposes of or removes any arms, accoutrements or other articles belonging to the Crown or corps, or who refuses to deliver up the same when lawfully required, or has the same in his possession, except for lawful cause (the proof of which shall lie upon him) shall incur a penalty of twenty dollars for each offence;—but this shall not prevent such offender from being indicted and punished for any greater offence if the facts amount to such, instead of being subjected to the penalty aforesaid;—and any person charged with any act last mentioned subjecting him to the last mentioned penalty imposed by this section may be arrested by order of the magistrate before whom the complaint is made, upon affidavit shewing that there is reason to believe that such person is about to leave Canada, carrying with him any such arms, accoutrements or articles.

Unlawfully disposing of them.

Proviso.

Arrest for such offences.

Refusing to aid the civil power.

82. Any officer or man of the Militia who, when his corps is lawfully called upon to act in aid of the civil power, refuses

refuses or neglects to go out with such corps, or to obey any lawful order of his superior officer, shall incur a penalty, if an officer, not exceeding one hundred dollars, if a man of the Militia, not exceeding twenty dollars for each offence.

83. Any person who resists any draft of men enrolled under this Act, or counsels or aids any person to resist any such draft, or in the performance of any service in relation thereto, or counsels any drafted man not to appear at the place of rendezvous, or wilfully dissuades him from the performance of any duty required by law of Militiamen, shall, upon conviction thereof, be subject to a fine of not exceeding one hundred dollars, or to imprisonment not exceeding six months, or to both of the said punishments. Resisting draft, &c.

2. Any person who persuades any man, who has been enlisted to serve in any corps of Militia to desert, or attempts to procure or persuade any such man to desert; or— Offences connected with desertion.

Knowing that any such man is about to desert, aids or assists him in deserting; or—

Knowing any such man to be a deserter, conceals such man, or aids or assists him in concealing himself, or aids or assists in his rescue,—

Shall be liable on summary conviction to be imprisoned, with or without hard labor, for a term not exceeding six months. Punishment.

84. Any person who wilfully contravenes any enactment of this Act, shall, when no other penalty is imposed for such contravention, incur a penalty not exceeding twenty dollars for each offence; but this shall not prevent his being indicted and punished for any greater offence if the facts amount to such. Contravening this Act in any way.

RECOVERY OF PENALTIES.

85. All penalties incurred under this Act shall be recoverable, with costs, by summary conviction, on the evidence of one credible witness, on complaint or information before one Justice of the Peace; and in case of non-payment of the penalty immediately after conviction, the convicting justice may commit the person so convicted and making default in payment of such penalty and costs, to the common gaol of the territorial division for which the said justice is then acting, or to some house of correction or lock-up house situate therein, for a period of not more than forty days when the penalty does not exceed twenty dollars, and for a period of not more than sixty days when it exceeds the last mentioned sum. How recoverable.
Imprisonment if not paid.
Term of imprisonment.

PROSECUTIONS.

PROSECUTIONS.

- 86.** No prosecution against an officer of the Militia for any penalty under this Act or under any regulation made under the authority thereof, shall be brought except on the complaint of the officer for the time being commanding the Militia; and no such prosecution against any man of the Militia, shall be brought except on the complaint of the Commanding Officer or Adjutant of the Battalion or Corps, or Captain of the Company or Corps to which such man belongs;—but the officer for the time being commanding the Militia may authorize any officer of Militia to make such complaint in his name; and the authority of any such officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the Officer for the time being commanding the Militia; and no such prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless it be for unlawfully buying, selling or having in possession arms, accoutrements or other articles delivered to the Militia, or for desertion.
- 87.** Every bond to the Crown entered into before any judge or Justice of the Peace, or officer authorized to take the same, by any person under the authority of this Act, or according to any general order or regulation made under it, for the purpose of securing the payment of any sum of money, or the performance of any duty or act hereby required or authorized, shall be valid and may be enforced accordingly.
- 88.** Every sum of money which any person or corporation is under this Act liable to pay or repay to the Crown, or which is equivalent to the damages done to any arms or other property of the Crown used for Militia purposes, shall be a debt due to the Crown, and may be recovered as such.
- 89.** Every action and prosecution against any officer or person, for anything done in contravention of this Act, or of any regulation made under the authority thereof, shall be laid and tried in Quebec in the district, and in Ontario, New Brunswick, Nova Scotia, and other Provinces, in the county, where the act complained of was done, and shall not be commenced after the end of six months from the contravention, except as hereinbefore provided;—and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at the trial; and no plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into court by the defendant after the action was brought:
2. But no action or prosecution shall be brought against any officer or person, for anything purporting to be done under

On whose complaint only prosecution shall be brought.

Proviso.

And within what time.

Bonds under this Act valid.

Recovery of sums payable to H.M.

In what local jurisdiction actions, &c. shall be brought.

General issue.

Tender of amends.

Notice of action for

2. But no action or prosecution shall be brought against any officer or person, for anything purporting to be done under

under the authority of this Act, until at least one month after notice in writing of such action or prosecution has been served upon him, or left at his usual place of abode,—in which notice the cause of action, and the court in which it is to be brought, shall be stated, and the name and place of abode of the attorney endorsed thereon.

things purporting to be done under this Act.

90. Every penalty when recovered shall be paid over to the Receiver General: but Her Majesty may remit any penalty incurred under the provisions of this Act.

Remission of penalties.

NOTICES, ORDERS, ETC.

91. It shall not be necessary that any order or notice under this Act be in writing, unless herein required to be so, provided it be communicated to the person who is to obey or be bound by it, either directly by the officer or person making or giving it, or by some other person by his order.

Need not be in writing unless herein so required.

92. All General Orders of Militia, or other Militia orders issued through or by the Adjutant General, shall be held sufficiently notified to all persons whom they may concern, by their insertion in the *Canada Gazette*;—and a copy of the said Gazette purporting to contain them shall be evidence of such orders.

Notice of general orders in Canada Gazette.

93. Every order made by the commanding officer of any corps of Militia shall be held to be sufficiently notified, to all persons whom it may concern by insertion in some newspaper published in the Regimental Division in which such corps is situated, or, if there be no such newspaper, then by posting a copy thereof on the door of every place of public worship or of some other public place, in each Company Division affected by such orders.

Notifying other orders.

94. The production of a commission or appointment, warrant or order in writing, purporting to be granted or made according to the provisions of this Act, shall be *prima facie* evidence of such commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making such commission, appointment, warrant or order.

Proof of commissions, &c.

EXPENDITURE.

95. All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund, upon warrant directed by the Governor to the Receiver General; but no sum of money shall be so paid unless it be included in some appropriation made by Parliament; and a detailed account of moneys so expended shall be laid before Parliament during the then next session thereof.

Payments to be made by warrant of the Governor.

Accounts to Parliament.

GENERAL POWER TO MAKE REGULATIONS.

96. The Governor in Council may make regulations relating to anything necessary to be done for the carrying into effect of this Act, and may, by such regulations, impose fines not exceeding twenty dollars each and imprisonment in case of default of payment of such fine.

Power to impose fines.

REGULATIONS.

97. All regulations made under the authority of this Act shall be published in the *Canada Gazette*; and when so published, they shall have the force of law as fully as if they were contained in this Act, of which they shall be deemed to form a part:

Regulations to be published.

2. All copies of such regulations printed by the Queen's Printer, shall be evidence of such regulations and of their contents, and every copy purporting to be printed by the Queen's Printer shall be deemed to be so printed, unless the contrary be shown, and shall be judicially noticed by all judges, Justices of the Peace and others without being specially pleaded:

Certified copies to be evidence.

3. All regulations made under this Act, and an annual report of the state of the Militia, shall be laid before Parliament by the Minister of Militia and Defence, within the first thirty days of the then next session thereof.

To be laid before Parliament.

INTERPRETATION.

98. The Interpretation Act shall apply to all regulations, orders and articles of engagement lawfully made or entered into under this Act:

31 V., c. 1 to apply.

2. The word "Corps" shall, for the purposes of this Act include any Field Battery, Brigade, or Battery of Artillery, Troop of Cavalry, or any Company, Battalion, or Regiment; and in any case in which a person might otherwise be sworn under this Act, a solemn affirmation or solemn declaration may be substituted (under like penalty for wilful falsehood), if such person would be entitled to a like substitution in a civil case.

Word "corps" explained.

Affirmation.

REPEAL OF FORMER ACTS.

99. The Acts of the Parliament of Canada mentioned in the Schedule hereunto annexed are hereby repealed, as are also all other Acts or parts of Acts relating to or affecting the Militia, in so far as they are repugnant to or inconsistent with the provisions of this Act, or provide for matters provided for by it: Provided always, that all Acts or parts of Acts repealed by the said Acts or any of them, shall remain repealed; and this Act shall not be construed as a new law, but as a consolidation of so much of the said Acts as is hereby re-enacted.

Repeal of former Acts, and effect thereof.

How this Act shall be construed.

re-enacted, subject to the amendments hereby made ; and all commissions and appointments, and all Orders in Council, and all regulations or things lawfully made or done under the said Acts, or any of them, shall, in so far as they are not repugnant to or inconsistent with this Act, remain in force until revoked or altered by competent authority ; and all fines and penalties, or punishments, incurred under the said Acts, or any of them, or under any such Order in Council, before the coming into force of this Act, may be recovered and enforced, and all suits or prosecutions under them may be continued and completed, under the same, as if this Act had not been passed.

Saving clause as to things done under repealed Acts, &c.

SHORT TITLE.

100. This Act shall be known as " *The Consolidated Militia Act of 1883.*" Short title.

SCHEDULE.

ACTS REPEALED SUBJECT TO THE PROVISIONS IN SECTION 99.

Year of H.M. Reign and Chapter.	TITLE.
31 V., c. 40.....	An Act respecting the Militia and Defence of the Dominion of Canada.
33 V., c. 22.....	An Act to facilitate the signing of Militia Commissions.
34 V., c. 17....	An Act to extend the Act respecting the Militia and Defence of the Dominion of Canada.
36 V., c. 46.....	An Act to amend " An Act respecting the Militia and Defence of the Dominion of Canada."
37 V., c. 35....	An Act to amend the Acts respecting the Militia and the Defence of the Dominion of Canada, and to extend the same to the Province of Prince Edward Island.
38 V., c. 8.....	An Act to amend the Dominion Militia and Defence Acts.
40 V., c. 40... ..	An Act to make further provision for the payment of the Active Militia when called out in certain cases in aid of the Civil Power.
42 V., c. 35 ...	An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.
43 V., c. 2.....	An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.

SCHEDULE

SCHEDULE—Continued.

ACTS REPEALED SUBJECT TO THE PROVISIONS IN SECTION 99.

Year of H.M. Reign and Chapter.	TITLE.
45 V., c. 10.....	An Act to amend the Acts respecting the Militia and Defence of the Dominion of Canada.

CHAP. 12.

An Act to amend and consolidate the Acts respecting the Customs.

[Assented to 25th May, 1883.]

Preamble.

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 Customs Act, 1883.*"

Amendment of 40 V., c. 10, and its amendments.

2. This Act shall be construed as being passed in amendment and consolidation of the Act passed in the fortieth year of Her Majesty's reign (A.D. 1877), intituled "*An Act to amend and consolidate the Act respecting the Customs,*" and of any Act amending the same.

Repeal of former Acts and effect thereof.

3. This Act shall come into force upon, from and after the day of the passing thereof; and upon, from and after the said day the Acts and parts of Acts mentioned in the Schedule hereto, and all Acts, enactments or provisions of law inconsistent with this Act, or making any provision for any matter provided for by this Act, are hereby repealed, and this Act is substituted for them: Provided always, that all Acts or enactments repealed by any of the said Acts shall remain repealed, and that all Orders in Council and regulations made under the Acts hereby repealed, or under any former Act relating to Customs, so far as the same have not been revoked, or are not inconsistent herewith, shall remain in force until revoked or altered by competent authority; and all things lawfully done, and all obligations incurred, bonds given, duties accrued and rights acquired under the said Acts, or any of them, shall remain valid and may be enforced, and all offences committed, penalties, forfeitures or liabilities incurred under them, or any of them, may be prosecuted, punished and enforced, and all proceedings and things lawfully commenced under them, or any of them, may be continued and completed under the said Acts, or under corresponding provisions of this Act,—which shall

Proviso: as to former acts repealed and orders in council under them.

As to things lawfully done, rights acquired, etc.

shall not be construed as new law, but as a consolidation and continuation of the said repealed Acts, subject to the amendments and new provisions hereby made. Anything heretofore done, or any offence committed or liability incurred under any provisions of any of the said repealed Acts, which is repeated without material alteration in this Act, may be alleged or referred to as having been done, committed or incurred under the repealed Act in which such provision was made, or under this Act; and every such provision shall be construed as having had and as having the same effect, and from the same time, as under such repealed Act; and any reference in any former Act or document to any such provision in any of the said repealed Acts, may hereafter be construed as a reference to the corresponding provision of this Act.

As to former provisions repealed by this Act, and references thereto.

4. The following terms and expressions whenever used in this Act, or in any other laws relating to the Customs shall, unless it be otherwise specially provided, or there be something in the context repugnant to or inconsistent with such construction, be construed and interpreted as follows: the word "Port" means a place where vessels or vehicles may discharge or load cargo; the word "Collector" means the Collector of the Customs at the port or place intended in the sentence, or any person lawfully deputed, appointed, or authorized to do the duty of Collector thereat; the word "Officer" means an officer of the Customs; the word "Vessel" means any ship, vessel, or boat of any kind whatever, whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only, unless the context be manifestly such as to distinguish one kind or class of vessel from another, and the word "Vessel" includes "Vehicle;" the word "Vehicle" means any cart, car, wagon, carriage, barrow, sleigh, or other conveyance of what kind soever, whether drawn or propelled by steam, by animals, by hand or other power, and includes the harness or tackle of the animals, and includes also the fittings, furnishings, and appurtenances of the vehicle; the word "Master" means the person having or taking charge of any vessel or vehicle; the word "Conductor" means the person in charge, or having the chief direction of any railway train; the words "Owner," "Importer," or "Exporter" mean the owners, importers or exporters, if there be more than one in any case, and include persons lawfully acting on their behalf; the word "Goods" means goods, wares and merchandise, or movable effects of any kind, including carriages, horses, cattle and other animals, except where these latter are manifestly not intended to be included by the said word; the word "Warehouse" means any place, whether house, shed, yard, dock, pond or other place in which goods imported may be lodged, kept and secured without payment of duty; "Customs Warehouse" includes sufferance warehouse, bonding warehouse and examining warehouse;

Interpretation clause.

Port.

Collector.

Officer.

Vessel.

Vehicle.

Master.

Conductor.

Owner, etc.

Goods.

Warehouse.

Customs warehouse.

Oath.

Terms "seized," "forfeited," etc.

house; the word "Oath" includes declaration and affirmation. The use of the terms "seized and forfeited," "liable to forfeiture," or "subject to forfeiture," or other term which might of itself imply that some act subsequent to the commission of the offence is necessary to work the forfeiture, shall not be construed as rendering any such subsequent act necessary, but the forfeiture shall accrue at the time of and by the commission of the offence, in respect of which the penalty of forfeiture is imposed. All the terms and provisions of this Act or of any such law as aforesaid, shall receive such fair and liberal construction and interpretation as will best ensure the protection of the Revenue and the attainment of the purpose for which this Act or such law was made, according to its true intent, meaning and spirit.

General provisions.

To what duties this Act applies.

5. The following provisions of this Act shall apply to all duties of Customs imposed by any Act of the Parliament of the Dominion of Canada, whether now in force, or passed in the present Session, or in any future Session of the said Parliament.

Duties on non-enumerated articles resembling enumerated.

6. On each and every non-enumerated article which bears a similitude, either in material, quality or the use to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty shall be payable which is charged on the enumerated article which it most resembles in any of the particulars before mentioned.

On articles resembling more than one enumerated.

7. If any non-enumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, the duty on such non-enumerated article shall be the same as that on the enumerated article which it resembles, paying the highest duty.

Made of more than one material.

8. On all articles manufactured from two or more materials, the duty shall be that charged on the article (if there be a difference of duty) which is charged with the highest duty.

Enumerated under more than one name.

9. If an article be enumerated in the tariff under two or more names or descriptions, and there be a difference of duty, the highest duty provided shall be charged and collected thereon.

Spirits and strong waters.

10. Spirits and strong waters, from whatever substance distilled or prepared, having the flavor of any kind of spirits or strong waters, subject to a higher duty than whiskey, shall be liable to the duty imposed on spirits or strong waters of which they have the flavor.

Governor in Council may in doubtful

11. Inasmuch as disputes may arise as to whether any or what duty is payable on particular goods, therefore when there

there is no decision in the matter by any competent tribunal, or there are decisions inconsistent with each other, the Governor in Council may declare the duty payable on the kind of goods in question, or that such goods are exempt from duty; and any Order in Council containing such declaration and fixing such duty (if any) and published in the *Canada Gazette*, shall, until otherwise ordered by Parliament, have the same force and effect as if such duty had been fixed and declared by law; and a copy of the said *Gazette* containing a copy of any such order shall be evidence thereof.

cases declare the duty, or that the goods are free.

Effect and proof of order.

12. All duties, penalties or forfeitures imposed by any Act relating to the Customs, shall be payable in money being a legal tender, at such rate as that four dollars and eighty-six cents and two-thirds of a cent of such money, shall be of equal value with the British sovereign or pound sterling; and all such duties shall be paid and received according to the weights and measures established by Statute in that behalf:

Currency as respects duties.

Weights and measures.

2. All invoices of goods shall be made out in the currency of the country whence the goods are imported, and shall contain a true statement of the value of such goods; and in computing the value for duty of such currency, the rate thereof shall be such as has been ordered and proclaimed from time to time by the Governor in Council, who is hereby empowered to make such order; and the rate ordered shall be based upon the actual value of the standard coins or currency of such country as compared with the standard dollar of Canada in so far as such comparative values are known; and in all cases wherein the value of a currency has not been proclaimed, or where there is no fixed standard value, or wherein from any cause the value of such currency has become depreciated, then there shall be attached to the invoice of the goods imported the certificate of some Consul resident in such place or country, shewing the extent of such depreciation, or the true value of the currency in which such invoice is made out, then and there, as compared with the standard dollar of Canada: Provided however, that in cases where the value of a depreciated currency is dependent upon the rate of exchange on London, it shall be optional with the importer, with the consent of the Collector of Customs, to compute the value for duty at the rate of exchange certified by the bank through which drawn, as current at the time and place when and whence the goods were exported to Canada: Provided further, that when the currency value is so determined at the time of entry, either by a Consul's certificate, or by the certificate of the bank as above provided, such rate or value, shall be final and not open to any re-adjustment by reason of the subsequent production of any

What must appear in invoices of goods.

What currency to be used.

Value of such currency how ascertained.

Proviso: when value depends on rate of exchange.

Further proviso.

certificate not corresponding in rate or value with that adopted.

Greater or less quantities.

13. In all cases wherein the duties are imposed according to any specific quantity or to any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value, and to any fractional part of such specific quantity.

Duties to be within the purview of 41 V., c. 7, and orders in Council under it, &c.

14. The duties imposed by any Act relating to the Customs shall be held to be duties within the meaning of the Act of the Parliament of Canada, intituled "*An Act to provide for the better Auditing of the Public Accounts,*" and of any Act of the said Parliament amending the same, and shall, with all matters and things thereunto relating, be subject to the provisions of the said Act or Acts, and to the regulations and orders of the Governor in Council, made or to be made under the authority thereof, in so far as the same are not inconsistent with this Act; and all moneys arising from such duties, or from any penalties hereby imposed, and belonging to Her Majesty, shall be paid over by the officer receiving the same to the Receiver-General, and shall form part of the Consolidated Revenue Fund of Canada.

Duties and penalties (if any) under s. 102, to be a debt to Her Majesty, and how recoverable.

15. The true amount of Customs Duties payable to Her Majesty with respect to any goods imported into Canada or exported therefrom, and the additional sum (if any) payable under section one hundred and two of this Act, shall, from and after the time when such duties should have been paid or accounted for, constitute a debt due and payable to Her Majesty, jointly and severally, from the owner of the goods at the time of the importation or exportation thereof, and from the importer or exporter thereof, as the case may be; and such debt may, at any time, be recovered with full costs of suit, in the Exchequer Court of Canada, or in any Provincial Court having jurisdiction in cases of debt to the amount claimed.

Goods not to be unladen except after due entry.

16. No goods shall be unladen from any vessel arriving at any port or place in Canada, from any place out of Canada, nor from any vessel having dutiable goods on board brought coastwise, nor shall bulk be broken within three leagues of the coast, until due entry has been made of such goods, and warrant granted for the unloading of the same; and no goods shall be so unladen (unless for the purpose of lightening the ship or vessel in crossing over a shoal or bar, or sand-bank) except between sunrise and sunset, and on some day not being a Sunday or statutory holiday, and at some hour and place at which an officer of the Customs is appointed to attend the unloading of goods, or at some place for which a sufferance has been granted by the Collector or other proper officer, for the unloading of such goods: and if, after

Exception.

And at the hours and places appointed for the purpose.

after the arrival of the vessel within three leagues of the coast, any alteration be made in the stowage of the cargo so as to facilitate the unlawful unloading of any part thereof, or if any part thereof be fraudulently staved, destroyed or thrown overboard, or any package be opened, it shall be deemed a breaking of bulk; and all goods unladen contrary to this Act shall be seized and forfeited; and if bulk be broken contrary to this Act, the master shall forfeit two hundred dollars, and the vessel may be detained until the said fine is paid, or satisfactory security is given for the payment thereof; and unless payment be made or security be given, within thirty days, such vessel may, at the expiration thereof, be sold to pay the said penalty.

Stowage of cargo not to be altered.

Forfeiture for contravention and detention until security is given, etc.

17. The Governor in Council may, by regulation from time to time, appoint the ports and places of entry for the purposes of this Act, and may in like manner increase or diminish the number, or alter the position or limits thereof.

Governor in Council may appoint places of entry.

18. All goods imported into Canada, whether by sea, land, coastwise, or by inland navigation, whether dutiable or not, must be brought in at a port of entry where a Custom House is lawfully established.

All goods imported must be brought in at a place of entry.

19. All goods or merchandise exported by sea, land, or by inland navigation, must be reported at the nearest Custom House, or, if exported from any place where no Custom House is established, they must be reported within twenty-four hours of the time of such export, at the nearest Custom House, according to such regulations as may be established by the Governor in Council from time to time.

As to goods exported.

20. If any goods are imported into Canada at any other place, than at some port or place of entry at which a Custom House is then lawfully established, or being brought into such port or place of entry by land or inland navigation, are carried past such Custom House, or removed from the place appointed for the examination of such goods by the Collector or other officer of the Customs at such port or place, before the same have been examined by the proper officer, and all duties thereon paid and a permit given accordingly, such goods shall be seized and forfeited; and each and every person concerned in such unlawful importation or removal shall be subject to a penalty equal to the value of such goods.

Forfeiture of goods carried past Custom House on importation, without payment of duty.

Further penalty.

21. If any vessel with dutiable goods on board, enters any place other than a Port of Entry (unless from stress of weather or other unavoidable cause), such goods (except those of an innocent owner) shall be seized and forfeited, together with the vessel in which the same were imported, —if such vessel is of less value than eight hundred dollars.

Vessel forfeited in certain cases if worth less than \$800.

And if the vessel be worth more than \$800.

22. If any vessel worth more than eight hundred dollars, with dutiable goods on board, enters any place other than a Port of Entry (unless from stress of weather or other unavoidable cause) such goods (except those of an innocent owner) shall be seized and forfeited, and the vessel may be seized, and the master or person in charge thereof shall incur a penalty of eight hundred dollars; and the vessel may be detained until such penalty be paid or security given for the payment thereof; and unless payment be made or satisfactory security be given within thirty days, such vessel may, at the expiration thereof, be sold to pay the said penalty.

Sale of vessel.

As to goods unlawfully imported by land.

23. If any goods are unlawfully imported by land, they shall be seized and forfeited, together with the vehicle in or by which such goods are so imported or removed, and the horses or other cattle employed in drawing such vehicle, or in importing or removing such goods.

Forfeiture of goods and cars for unlawful importation by railway. Penalty on conductor, etc., in such case.

24. If any goods are unlawfully imported on any railway, they shall, in like manner, be seized and forfeited, and the car in which such goods were so imported shall be seized and detached from the train and forfeited; and any conductor, baggage-master, or any officer or servant employed on any railway, and any officer or servant employed by any express company, who is privy to or aids or abets in such unlawful importation, shall, upon summary conviction thereof, be liable to a fine of not less than fifty dollars nor more than two hundred dollars, or to imprisonment for not less than three months nor more than twelve months, or to both fine and imprisonment within the said limits.

Report to be made by master of vessel arriving from sea or coastwise.

25. The master of every vessel coming from any port or place out of the Dominion of Canada, or coastwise, and entering any port in Canada, whether laden or in ballast, shall go without delay, when such vessel is anchored or moored, to the Custom House for the port or place of entry where he arrives, and there make a report in writing to the Collector or other proper officer, of the arrival and voyage of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners, the number and names of the passengers (if any), the number of the crew, and whether she is laden or in ballast, and if laden, the marks and numbers of every package and parcel of goods on board, and where the same was laden, and the particulars of any goods stowed loose, and where and to whom consigned, and where any and what goods, if any, have been laden or unladen, or bulk has been broken, during the voyage, what part of the cargo and the number and names of the passengers which are intended to be landed at that port, and what and whom at any other port in Canada, and what part of the cargo (if any) is intended to be exported in the same vessel, and what surplus

Contents of such report.

surplus stores remain on board,—as far as any of such particulars can be known to him.

26. In the case of every vessel bound for any sea-port in Canada, from any port out of Canada, the Collector or proper officer of such Canadian port may cause such vessel to be boarded by an officer of Customs detailed by him for such service, at any place within three marine miles of the anchorage ground; and such officer may demand from the master or purser of such vessel a correct copy of the report inwards intended by him to be presented at the Custom House on arrival. Such boarding officer may remain on board the vessel until she anchors, and the copy of the report so received by him shall be deposited by him at the Custom House as the vessel's report inwards, for comparison with that to be presented by the master in person.

Vessels may be boarded when within 3 miles of anchorage and report demanded.

Officer may remain on board.

27. The master or person in charge of any vessel, whether laden or in ballast, arriving by inland navigation in any port or place of entry in Canada, from any place beyond the limits of Canada, and having any goods therein (whether any duty be payable on such goods or not) shall go without delay, when such vessel is anchored or moored, directly to the Custom House for such port or place of entry, and make a report in writing (in such form as may be appointed for that purpose by competent authority) to the Collector or other proper officer, of the arrival of such vessel, stating in such report the marks and numbers of every package and parcel of goods in such vessel, or in the charge and custody of such person, from what place the same are respectively brought, and to what place and to whom consigned or belonging, as far as such particulars are known to him; and he shall then and there produce such goods to the Collector or other proper officer, and shall declare that no goods have been unladen from such vessel or have been put out of his possession, between the time of his coming within the limits of Canada and of his making his report and affidavit, and shall further answer all such questions concerning such vessel or goods as are demanded of him by such Collector or officer.

Duty of master of a vessel arriving by inland navigation.

Report for entry.

Production of goods and declaration by master.

28. The master shall, at the time of making his report, if required by the officer of Customs, produce to him the bills of lading of the cargo, or true copies thereof, and shall make and subscribe an affidavit referring to his report and declaring that all the statements made in the report are true; and shall further answer all such questions concerning the vessel and cargo and the crew, and the voyage, as shall be demanded of him by such officer, and shall, if required, make the substance of any such answer part of his report.

Production of bills of lading.

Answering questions, etc.

Penalty for contravention: requirements as to report.

29. If any goods are unladen from any vessel before such report be made, or if the master fails to make such report, or makes an untrue report, or does not truly answer the questions demanded of him, as provided in the next preceding section, he shall forfeit the sum of four hundred dollars, and the vessel may be detained until the said fine be paid.

Goods not reported liable to forfeiture.

30. Any goods not reported, found on board of any vessel or landed, shall be seized and forfeited, unless it appears that there was no fraudulent intention,—in which case the master shall be allowed to amend his report; but the necessary discharging of any goods for the purpose of lightening the vessel in order to pass any shoal, or otherwise for the safety of such vessel, shall not be deemed an unlawful landing or breaking of bulk.

Proviso.

As to goods intended for another port.

31. If the contents of any package intended for importation into another port, or for exportation, be unknown to the master, the officer may open and examine it, and cause it for that purpose to be landed if he sees fit; and if any prohibited goods be found therein, all the goods in such package shall be seized and forfeited.

Governor in Council may make regulations for the appointment of sufferance wharves and warehouses.

32. In order to avoid injurious delay to steamers and other vessels under certain circumstances, the Governor in Council may make such regulations as may be considered advisable, for the appointment of sufferance wharves and warehouses, at which goods, arriving by vessels in transit to other ports or confined to certain days of departure, may be landed and afterward stored before entry—such vessels being duly reported to the Custom House, and having obtained the Collector's warrant for the purpose; provided such landing be effected between sunrise and sunset, on a day not being Sunday or a statutory holiday; and provided the goods on being so landed, are immediately stored in some such approved sufferance warehouse; and such goods shall be thereafter dealt with by the Customs as prescribed by law; but nothing in this section shall affect any contract, express, or implied, between the master or owner of any such vessel and the owner, shipper or consignee of any such goods as aforesaid, or the rights or liability of any party under such contract; and provided further, that the Governor in Council may make similar regulations for the appointment of sufferance warehouses, in which goods arriving by railway may be stored before entry,—such goods having been duly reported to the Collector or proper officer of Customs.

Proviso.

Proviso: sufferance warehouses for goods by railway.

Report to be made by conductor on importation by railway.

33. The conductor of every railway train carrying freight arriving at any port in Canada, from any foreign port, shall come directly, and before bulk is broken, to the Custom House at such port, and report all merchandise on board

board his train or in any particular car belonging to such train, stating the marks and numbers of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and what part thereof, if any, is intended to pass *in transitu* through Canada to some port or place in the United States, or to be transhipped at some other port in Canada, to be exported to a port or place out of Canada; and if any goods are unladen before such report is made, except by written permission of the Collector, or proper officer of Customs, or if the conductor fails to make such report, or makes an untrue report, or does not truly answer any questions put to him respecting the same, he shall forfeit the sum of four hundred dollars.

Penalty for
contraven-
tion.

34. The person in charge of any vehicle, arriving by land in any place in Canada, and containing goods, whether any duty be payable on such goods or not, and the person in charge of any vehicle, so arriving, if the vehicle or its fittings, furnishings or appurtenances, or the animals drawing the same or their tackle, is or are liable to duty, and any person whosoever so arriving in Canada from any port or place out of Canada, on foot or otherwise, and having with him or in his charge or custody, any goods, whether such goods be dutiable or not, shall come to the nearest Custom House or to the station of the nearest officer of Customs, before unloading or in any manner disposing of the same, and make a report in writing to the Collector or proper officer of Customs, stating the contents of each and every package and parcel of goods, and the quantities and values of the same; and shall also then answer all questions respecting such goods or packages, and the vehicle, fittings, furnishings and appurtenances, and animals, and the tackle appertaining thereto, as the said Collector, or proper officer of Customs, may require of him, and shall then and there make due entry of the same, in accordance with the law in that behalf.

Entry to be
made by any
person bring-
ing goods
by land.

Report and
what it must
show.

Questions
concerning
goods, etc.,
to be an-
swered.

And entry
made.

35. Fresh fish, coin or bullion may be landed without entry or warrant, as may also goods in any stranded or wrecked vessel; provided they be duly reported and entered as soon as possible after being safely deposited on shore, and that the landing be in presence of an officer of the Customs or Receiver of Wreck, or other person authorized to do the acts of such Receiver under "*The Wreck and Salvage Act, 1873,*" or any Act amending the same.

Provision as
to fish and
certain ar-
ticles.

36 V., c. 55.

36. If a vessel having live stock or perishable articles on board arrives after business hours, the Collector or any officer at the port may permit the master to unlade the same before report; but report shall, in such case, be made as soon as may be after the next opening of the Customs office.

Or live stock;
or perishable
goods.

Governor in Council may declare what shall be a coasting voyage.

What shall be inland navigation.

May relieve coasters in certain cases.

Penalty for contravention.

Importing vessel must be registered.

Forfeiture of goods, etc., not reported, and penalty for untrue report.

Forfeiture of vessel or vehicle.

Within what time entries shall be made of importation by sea, &c.
If by inland navigation or by land.

37. The Governor in Council may, by regulation, declare any trade or voyage on the seas, rivers, lakes or waters, within or adjacent to Canada, whether to or from any place within or without Canada, to be a coasting trade or a coasting voyage within the meaning of this Act, whether such seas, rivers, lakes or waters are or are not, geographically or for the purposes of other Acts or laws, inland waters; and all carrying by water which is not a carrying by sea or coastwise, shall be deemed to be a carrying by inland navigation; and the Governor in Council may, from time to time, with regard to any such coasting trade, dispense with such of the requirements of this Act as he deems it inexpedient to enforce in any case or class of cases, or make such further regulations as he may think expedient; and any goods carried coastwise, or laden, water-borne or unladen, contrary to such regulations or to any provision of this Act, not dispensed with by such regulations, shall be seized and forfeited.

38. It shall not be lawful, unless otherwise authorized by the Governor in Council, to import any goods, wares or merchandise from any port or place out of Canada in any vessel which has not been duly registered and has not a certificate of such registry on board.

39. If any goods are unladen from any vessel or vehicle, or put out of the custody of the master or person in charge of the same, before report is made as required by this Act, or if such person or master fails to make such report, or to produce such goods, or makes an untrue report, or does not truly answer the questions demanded of him, he shall, for each such offence, forfeit the sum of four hundred dollars; and if any such goods are not so reported and produced, or if the marks and numbers or other description of any package do not agree with the report made, such goods or package shall be seized and forfeited, and the vessel or vehicle and the animals drawing the same shall be detained until such amount be paid.

40. Every importer of any goods by sea or from any place out of Canada shall, within three days after the arrival of the importing vessel, make due entry inwards of such goods, and land the same; and every importer of any goods, imported by inland navigation in a decked vessel of one hundred tons burthen or more, shall, within twenty-four hours of the arrival of the importing vessel, make due entry inwards of such goods, and land the same: and every importer of any goods, imported by inland navigation in any undecked vessel or in any vessel less than one hundred tons burthen, or by land, shall, forthwith, after the importation of such goods, produce the same to the proper officer and make due entry thereof.

41. The person entering any goods inwards shall deliver to the Collector or other proper officer, an invoice of such goods shewing the place and date of purchase and the name or style of the firm or person from whom the goods were purchased, and a full description thereof in detail, giving the quantity and value of each kind of goods so imported, and a bill of the entry thereof, in such form as shall be appointed by competent authority, fairly written or printed, or partly written and partly printed, and in duplicate, containing the name of the importer,—and, if imported by water, the name of the vessel and of the master, and of the place to which bound, and of the place, within the port, where the goods are to be unladen,—and the description of the goods, and the marks and numbers and contents of the packages, and the place from which the goods are imported, and of what country or place such goods are the growth, produce or manufacture.

Bills of entry inwards : what to show.

Duplicate.
If importation is by water.

42. Unless the goods are to be warehoused in the manner by this Act provided, the importer shall, at the same time, pay down, or cause to be so paid, all duties upon all goods entered inwards ; and the Collector or other proper officer shall, immediately thereupon, grant his warrant for the unloading of such goods, and grant a permit for the conveyance of the same goods further into Canada, if so required by the importer.

Duties to be paid down unless goods are warehoused.

Warrant and permit.

43. In default of such entry and landing, or production of the goods, or payment of duty, the officer of Customs may convey the goods to a Customs Warehouse, or some secure place appointed by the Collector for such purpose, there to be kept at the risk and charge of the owner ;—and if such goods be not duly entered within one month from the date of their being so conveyed to the Customs Warehouse, or other appointed place, and all charges of removal and warehouse rent duly paid at the time of such entry, the goods shall be sold by public auction to the highest bidder, and the proceeds thereof shall be applied first to the payment of duties and charges ; and the overplus, if any, after discharging the vessel's lien or other charges for transportation, shall be paid to the owner of the goods or to his lawful agent : Provided always, that in case the same cannot be sold for a sum sufficient to pay the duties and charges if offered for sale for home consumption, or the charges if offered for sale for exportation, such goods shall not be sold, but be destroyed.

In default of entry, goods may be taken to warehouse and sold if duties are not paid within a certain time.

Proviso : as to goods not worth the charges on them.

44. Any goods unladen or landed before due entry thereof and warrant for landing, shall be seized and forfeited, and any person concerned in landing or receiving or concealing goods so landed, shall, for each offence, forfeit four hundred dollars.

Forfeiture of goods landed without due entry.

Provision as to goods not intended to be landed at the first port.

Where the entry shall be completed.

45. If any goods are brought in any decked vessel, from any place out of Canada to any port of entry therein, and not landed, but it is intended to convey such goods to some other port in Canada in the same vessel, there to be landed, then the duty shall not be paid nor the entry completed at the first port, but at the port where the goods are to be landed, and to which they shall be conveyed accordingly, under such regulations and with such security or precautions for compliance with the requirements of this Act, as the Governor in Council may, from time to time, appoint.

Collector may require further proof of proper entry, etc.

46. The Collector may require from the importer (or from his agent) of any goods charged with duty, or conditionally exempted from duty, or exempt therefrom, before admitting the said goods to entry, such further proof as he deems necessary, by oath or declaration, production of invoice or invoices, or bills of lading or otherwise, that such goods are properly described and rated for duty, or come properly within the meaning of such exemptions.

Packages of which contents are unknown.

47. Any package of which the importer or his agent declares the contents to be unknown to him, may be opened and examined by the Collector or other proper officer, in the presence of such importer or agent, and at the expense of the importer, who shall also bear the expense of re-packing.

Entry void unless goods correspond with report.

48. No entry, nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse (as hereinafter provided) shall be deemed valid, unless the particulars of the goods and packages in such entry or warrant correspond with the particulars of the goods and packages purporting to be the same in the report of the vessel, or other report (where any is required) by which the importation or entry thereof is authorized, nor unless the goods have been properly described in such entry by the denominations, and with the characters and circumstances according to which such goods are charged with duty or may be imported; and any goods taken or delivered out of any vessel, or out of any warehouse, or conveyed into Canada beyond the port or place of entry, by virtue of any entry or warrant not corresponding with the facts in all such respects, or not properly describing the goods, shall be deemed to be goods landed or taken without due entry thereof, and shall be seized and forfeited; and the Collector or proper officer, after the entry of any goods, may, on suspicion of fraud, open and examine any package of such goods, in presence of two or more credible witnesses, and if upon examination, the same are found to agree with the entries, they shall be re-packed by such Collector or proper officer, at the public cost, but otherwise they shall be seized and forfeited.

Goods not so corresponding to be forfeited.

Suspected packages may be opened.

Conditions.

49. The quantity and value of any goods shall always be stated in the bill of entry thereof, although such goods are not subject to duty; and the invoice thereof shall be produced to the Collector.

Quantity and value required in entry.

50. The surplus stores of vessels arriving in Canada shall be subject to the same duties and regulations as if imported as merchandise; but if the owner or master desires to warehouse the same for reshipment for the future use of the vessel, the Collector may permit him so to do.

Surplus stores of vessels to be dutiable.

Proviso.

51. Vessels entering the Gut of Annapolis may be reported and entered, and the duties on goods therein imported paid either at the Port of Digby or Annapolis.

Vessels entering the Gut of Annapolis.

52. Vessels entering the Great Bras d'Or and Little Bras d'Or shall be reported and entered at such place as the Minister of Customs may, from time to time, direct.

Or the Great and Little Bras d'Or.

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

Abatement of duties on goods imported and damaged.

Time for making claim limited.

Proviso.

54. If any goods imported by railway, or by any other land vehicle, on which duties (*ad valorem* or specific, or both,) are payable, receive damage during the course of transportation, after they are laden on such railway or other vehicle, and before they arrive at the Canadian port of destination, whereby they become lessened in value, an abatement may be made in the manner hereinafter provided in the duty payable upon such goods, provided the claim for such abatement is made in due form within ten days of the arrival of such goods at the Canadian port of destination, and substantiated in the same manner as provided in the next preceding section.

If imported by railway or other land conveyance.

Time for claim.

Duty of
Collector or
Appraiser.

55. The Collector of Customs or Appraiser or other proper officer whose duty it may be to examine and assess the amount of damage sustained on voyage or in course of importation, shall do so with all possible despatch on being notified to that effect, and shall certify to the exact cause and extent of such damage with reference to the value of the goods in the principal markets of the country whence imported, and not according to the value in Canada.

Certificate.

What shall
not be re-
garded as
evidence of
damage.

56. The Collector or Appraiser shall not regard, as evidence of the existence or amount of damage, any price realized at an auction or forced sale thereof; nor shall he estimate nor shall any damage be allowed which may have originated from decay, dampness or other cause existing before the voyage commenced and which may have rendered the goods unfit to withstand the ordinary risks of the voyage of importation; nor shall he estimate nor shall any allowance be made for or duty refunded for rust on iron or steel or any manufacture thereof, except on polished Russia iron and Canada plates, and on such only to the extent of fifty per cent.; nor shall any allowance be made for stains or injury to any packages holding liquids, or the labels thereon, unless the contents of such packages have, at the same time, received actual specific damage by the admixture therewith of water or other foreign substance.

No allowance
in certain
cases.

Per centage
of damage to
be deducted
for duty.

57. Upon the Collector or Appraiser ascertaining the per centage of damage, such percentage shall be deducted from the original value thereof; and duty shall then be levied and collected on such reduced value, at an *ad valorem* rate which shall be equivalent to the rate of specific or specific and *ad valorem* duty which should have been collected upon such goods if they had not been so damaged.

Return of
duty on goods
lost before
landing: and
on what
conditions.

58. When any vessel is entered at the Custom House at any port in Canada, on board of which there are any goods on which any duty has been levied or collected or on which any duty has been deposited, and thereafter the said goods are lost or destroyed before the same are landed from such vessel, or from any vessel or craft employed to lighten such vessel,—then, on proof being made on the oath of one or more credible witness or witnesses, before and to the satisfaction of the Collector or proper officer of the Customs at the place (who shall administer the oath), that such goods or any part thereof (specifying the same) have been so lost or destroyed before the landing of the same, the duties on the whole or the part thereof so proved to be lost or destroyed, shall, if the same have been paid or deposited, be returned to the owner or his agent.

As to duty on
goods in ves-
sels unladen

59. If any vessel having received damage puts into a port in Canada to which she is not bound, having dutiable goods

goods on board, which it may be necessary to land for the purpose of repairing the vessel in order to enable her to proceed on her voyage, the Collector, upon application of the master or agent, may permit such goods to be unladen and deposited in a warehouse in the custody of the Collector; and the Collector shall cause to be taken an exact account of the packages and contents; and entry of the goods shall then be made by the master or agent as hereinbefore directed, and they shall remain in the custody of the Collector until the vessel is ready for sea,—when, upon payment of storage and the reasonable charges of unloading and storing, the Collector shall deliver up the same to the master or agent to be exported or carried coastwise as the case may be, under the same security and regulations as if such goods had been imported in the usual manner, and without payment of duty. No person shall be entitled to the benefit of this section who shall have sold any of such goods, except such as it may have been necessary to sell to defray the expense of repairs and charges of the vessel, or as may have been authorized by the Collector of Customs; and if goods are sold for payment of repairs and charges they shall be subject to duty, and shall be warehoused, or the duties thereon paid by the purchaser.

for the purpose of repairing damages.

Proviso: as to such goods if sold.

60. Goods derelict, flotsam, jetsam or wreck, or landed or saved from any vessel wrecked, stranded, or lost, brought or coming into Canada, shall be subject to the same duties and regulations as goods of the like kind imported are subject to.

Goods wrecked or derelict.

61. If any person has in his possession, in port or on land, any goods, derelict, flotsam, jetsam or wreck, the same being dutiable, and does not give notice thereof to the nearest officer of Customs without unnecessary delay, or does not, on demand, pay the duties thereon or deliver the same to the proper officer, he shall forfeit two hundred dollars, in addition to all other liabilities and penalties incurred by him, and the goods shall be seized and forfeited; and if any person removes or alters in quantity or quality, any such goods, or unnecessarily opens or alters any package thereof, or abets any such act, before the goods are deposited in a warehouse under the custody of the Customs officers, he shall, in addition to all other liabilities and penalties incurred by him, forfeit two hundred dollars.

Penalty for having such goods without reporting them.

And for removing or altering them.

62. If the duties on such goods are not paid within eighteen months from the time when the same were so delivered as aforesaid the same may be sold in like manner and for the same purposes as goods imported may, in such default, be sold; if they are sold for more than enough to pay the duty and charges thereon, the surplus shall be paid over to the person entitled to receive it.

Sale if duty is not paid within 18 months.

63. All goods exempt from duty as being imported or taken out of warehouse for the use of Her Majesty's troops, or for any purpose for which such goods may be imported free of duty, shall, in case of the sale thereof after importation, become liable to and be charged with the duties payable on like goods on their importation for other purposes; and if such duties be not paid, such goods shall be forfeited and may be seized and dealt with accordingly.

Allowance for tare or draft to be regulated by O. O.

64. In all cases where duties are charged according to the weight, tale, gauge or measure, such allowances shall be made for tare and draft upon the packages as may be appointed by regulation made by the Governor in Council; but when the original invoice of any goods is produced, and a declaration of the correctness thereof made as hereinafter provided, the tare according to such invoice shall be deducted from the gross weight of the goods instead of the allowances aforesaid; subject, however, to such further regulation as the Governor in Council may, from time to time, make.

Proviso: if true tare is known.

Collector, etc., may take samples.

65. The collector or any appraiser under this Act, may take samples of any goods imported, for the purpose of ascertaining whether any and what duties are payable on such goods, and such samples shall be disposed of as the Minister of Customs may direct.

Appointment of appraisers: local or for all Canada.

66. The Governor in Council may appoint one or more Appraisers to be called Dominion Customs Appraisers, with jurisdiction at all ports and places in Canada; and may also appoint Customs Appraisers with jurisdiction at such ports and places in Canada as may be designated in the Order in Council in that behalf: and each such Appraiser shall, before acting as such, take and subscribe the following oath of office before any Collector or other person duly authorized to administer such oath:—

To be sworn.

Oath of office

"I, A. B., having been appointed an appraiser of goods, wares and merchandise, and to act as such at the port of
 " (or as the case may be), do solemnly
 "swear (or affirm) that I will faithfully perform the duties
 "of the said office without partiality, fear, favor or affection, and that I will appraise the value of all goods submitted to my appraisement, according to the true intent
 "and meaning of the laws imposing duties of Customs in this Dominion; and that I will use my best endeavors to
 "prevent all fraud, subterfuge or evasion of the said laws,
 "and more especially to detect, expose and frustrate all attempts

"attempts to undervalue any goods, wares or merchandise
"on which any duty is chargeable. So help me God.

"A. B.,
Appraiser for
(as the case may be).

"Sworn before me, this _____ day of

18 ."

(as the case may be).

67. If no appraiser is appointed in any port of entry, the Collector there shall act as appraiser, but without taking any special oath of office as such; and the Minister of Customs may, at any time, direct any appraiser to attend at any port or place for the purpose of valuing any goods, or of acting as appraiser there during any time, which such appraiser shall accordingly do without taking any new oath of office; and every appraiser shall be deemed an officer of the Customs.

Appraiser may be sent to any port to appraise goods.

68. Where any duty *ad valorem* is imposed on any goods imported into Canada, the value for duty shall be the fair market value thereof, when sold for home consumption, in the principal markets of the country whence and at the time when the same were exported directly to Canada.

Calculation of value for duty.

69. Such market value shall be the fair market value of such goods in the usual and ordinary commercial acceptance of the term, at the usual and ordinary credit, and not the cash value of such goods, except in cases in which the article imported is, by universal usage, considered and known to be a cash article, and so *bonâ fide* paid for in all transactions in relation to such article; and all invoices representing cash values, except in the special cases hereinbefore referred to, shall be subject to such additions as to the Collector or appraiser of the port at which they are presented may appear just and reasonable, to bring up the amount to the true and fair market value, as required by this section.

What shall be deemed the fair market value for duty *ad valorem*.

Proviso: as to cash articles.

70. Where a drawback of duties has been allowed by the Government of the country where the goods were manufactured, the amount of such drawback shall be taken and considered to be a part of the fair market value of such goods; and in cases where the amount of such drawback has been deducted from the value of such goods upon the face of the invoice under which entry is to be made, or is not shewn thereupon, the Collector of Customs, or proper officer, shall add the amount of such deduction or drawback and collect and cause to be paid the lawful duty thereon.

Drawback in country of manufacture to form part of value.

71. No deduction of any kind shall be allowed from the value of any goods imported into Canada, because of any drawback

No deduction from value by reason of drawback

drawback,
etc.

drawback paid or to be paid thereon, or because of any special arrangement between the seller and purchaser having reference to the exportation of such goods, or the exclusive right to territorial limits for the sale thereof, or because of any royalty payable upon patent rights but not payable when goods are purchased for exportation, or on account of any other consideration by which a special reduction in price might or could be obtained: Provided, that nothing herein shall be understood to apply to general fluctuations of market values.

Proviso.

As to deduc-
tion for value
of packages.

72. No deduction from the value of goods contained in any invoice shall be allowed on account of the assumed value of a package or packages, where no charge for such package or packages has been made in such invoice; and where such charge is made, it shall be the duty of the Customs officer to see that the charge is fair and reasonable, and represents no more than the original cost thereof.

None for
packing,
straw,
cording, etc.

73. No deduction from the value of goods in any invoice shall be made on account of charges for packing, or for straw, twine, cord, paper, cording, wiring or cutting, or for any expense incurred or said to have been incurred in the preparation and packing of goods for shipment; and all such charges and expenses shall, in all cases, be included as part of the value for duty.

As to goods
passing
through any
country.

74. The Governor in Council may provide that in the cases and on the conditions to be mentioned in the order, goods *bonâ fide* exported to Canada from any country, but passing *in transitu* through another country, shall be valued for duty as if they were imported directly from such first mentioned country.

Standards for
qualities of
sugar.

75. The standards or instruments by which the colors and grades of sugar are to be regulated, and the class to which sugars shall be held to belong, with reference to duty chargeable thereon, shall be selected and furnished from time to time to the Collectors of such ports of entry as may be necessary, by the Minister of Customs, in such manner as he may deem expedient; and the decision of the appraiser, or of the Collector of a port where there is no appraiser, as to the class to which any sugar belongs, and the duties to which it is subject, shall be final and conclusive, unless upon appeal to the Commissioner of Customs, within thirty days, such decision be, with the approval of the Minister, changed; the decision of the Commissioner with such approval shall then be final.

Decision of
appraiser
valid, unless
appealed
from.

Forfeiture for
entry of
syrups under
wrong name.

76. All cane juice, syrup of sugar or of sugar cane, melado, concentrated melado or concentrated molasses, entered as molasses, or under any other name than cane juice, syrup of sugar

sugar or of sugar cane, melado, concentrated melado, or concentrated molasses, shall be seized and forfeited.

77. The value for duty on which any *ad valorem* duties on sugar, molasses, melado, syrup of sugar, or sugar cane, syrup of molasses or of sorghum, concentrated melado or concentrated molasses, and sugar candy, shall, unless otherwise provided, be calculated and taken, shall include the value of the packages containing the same, and the shipping and other charges on such articles; and the value for duty shall be the value of the goods "free on board," at the place or port whence last exported direct to Canada; and the Governor in Council shall have power to declare what charges shall be included in such value so defined.

Value of sugar for duty, how ascertained.

78. The Governor in Council shall have power to interpret, limit or extend the meaning of the conditions upon which it is provided in any Act imposing duties of Customs, that any article may be imported free of duty for special purposes, or for particular objects or interests; and to make regulations either for declaring or defining what cases shall come within the conditions of such Act, and to what objects or interests of an analogous nature, the same shall apply and extend, and to direct the payment or non-payment of duty in any such case, or the remission thereof by way of drawback if such duty has been paid.

Powers of Governor in Council as to conditions on which any article may be imported.

79. If the importer of any goods whereon a duty *ad valorem* is imposed, or the person authorized to make the declaration required with regard to such goods, makes and subscribes a declaration before the Collector or other proper officer, that he cannot, for want of full information, make perfect entry thereof, and takes the oath in such cases provided, then the Collector or officer may cause such goods to be landed on a bill of sight for the packages and parcels thereof, by the best description that can be given, and to be seen and examined by such person and at his expense, in the presence of the Collector or principal officer, or of such other officer of the Customs as shall be appointed by the said Collector or other proper officer, and to be delivered to such person, on his depositing in the hands of the Collector or officer a sum of money sufficient in the judgment of the Collector or officer to pay the duties thereon; and if the importer does not complete a perfect entry within the time appointed by the Collector, the money so deposited shall be taken and held to be the duty accruing on such goods, and shall be dealt with and accounted for accordingly.

Entries by bill of sight, how and in what cases made.

Deposit of money for duty.

Provisions if perfect entry be not made as stipulated.

80. Such sight entry may be made as aforesaid and the goods may be delivered, if such importer or person as aforesaid makes oath or affirms that the invoice has not been and cannot be produced, and pays to the Collector or proper officer

If importer swears that no invoice has been or can be received.

officer aforesaid a sum of money sufficient in the judgment of such Collector or officer to pay the duties on such goods, and such sum shall then be held to be the amount of the said duties.

Entry not perfect without invoice, unless otherwise ordered by O. C.

81. Except only in cases where it is otherwise provided herein, or by regulation of the Governor in Council, no entry shall be deemed perfect unless a sufficient invoice of the goods to be entered, duly certified in writing thereon as correct by the person, firm and corporation from whom the said goods were purchased, has been produced to the Collector, and duly attested as required by this Act.

Invoice to be attested on oath, and by whom.

82. With the bill of entry of any goods, there shall be produced and delivered to and left with the Collector an invoice of the goods, as provided in the next preceding section, attested by the oath of the owner, and if the owner be not the person entering such goods, then verified by the oath of the importer or consignee, or (subject to the provision hereinafter made) other person who may lawfully make such entry and verify such invoice in the form or to the effect of the oath or oaths provided or to be provided by Order in Council in that behalf, which oath or oaths shall be written or printed, or partly written and partly printed on such invoice, or on the bill of entry (as the case may be), or shall be annexed thereto, and shall in either case distinctly refer to such invoice so that there can be no doubt as to its being the invoice to which such oath is intended to apply, and shall be subscribed by the party making it and certified by the signature of the person before whom it is made; and the bill of entry shall also contain a statement of the quantity and value for duty of the goods therein mentioned, and shall be signed by the person making the entry, and shall be verified in the form or to the effect of the oath provided or to be provided by Order in Council in that behalf.

Form of oath.

Contents and attestation of bill of entry.

As to cases where there may be more than one owner of the goods.

83. If there be more than one owner, importer, or consignee of any goods, any one of them cognizant of the facts may take the oath required by this Act; and such oath shall be sufficient unless the goods have not been obtained by purchase in the ordinary way, and some owner resident out of Canada is the manufacturer or producer of the goods, or concerned in the manufacture or production thereof, in which case the oath of such non-resident owner (or one of them, if there be more than one), cognizant of the facts shall be requisite to the due attestation of the invoice.

Invoice to be attested by one owner of the goods, and by importer or consignee.

84. The invoice of any goods produced and delivered to the Collector with the bill of entry thereof, must, if required by the Collector, be attested by the oath of the owner or one of the owners of such goods, and must be verified also by the

the oath of the importer, or consignee, or other person who may, under this Act, lawfully make entry of such goods and verify such invoice, if the owner or one of the owners is not the person entering such goods—and must also, if required by the Collector, be attested by the oath of the non-resident owner being the manufacturer or producer of such goods, in the case mentioned in the next preceding section, although one of the owners be the person entering the goods and verifying the invoice on oath.

And by non-resident owner, etc.

85. If the owner, importer or consignee of any goods be dead, or a bankrupt, or insolvent, or if for any cause his personal estate be administered by another person, then his executor, curator, administrator or assignee, or person administering as aforesaid, may, if cognizant of the facts, take any oath and make any entry which such owner, importer, or consignee might otherwise have taken or made.

Provision in case of death, etc., of owner, etc.

86. No evidence of the value of any goods imported into Canada, or taken out of warehouse for consumption therein, at the place whence and the time when they are to be deemed to have been exported to Canada, contradictory to or at variance with the value stated in the invoice produced to the Collector, with the additions (if any) made to such value by the bill of entry, shall be received in any court in Canada.

No evidence contradictory to invoice to be received except on part of the Crown.

87. Any oath required under the provisions of this Act connected with the entry of goods may be made in Canada before the Collector, sub-collector, surveyor or chief clerk at the port where the goods are entered, or if the person making such oath is not resident there, then before the Collector or proper officer of some other port; and when such oath is required to be made out of the limits of Canada, it may be made at any place within the United Kingdom, or at any place in Her Majesty's possessions abroad, before the collector or before the mayor or other chief municipal officer of the place where the goods are shipped, or before a Notary Public, and at any other place before a British Consul, or if there be no British Consul, then before a Foreign Consul at such place.

Before whom attestations of papers for entry may be made.

88. The Commissioner of Customs or other person acting as Deputy Head of the Department, and all officers holding under Order in Council, the rank of chief clerk of the Inside Service in the said Department, and all duly appointed Inspectors of Customs Ports, shall, by virtue of their office, have full authority to administer all oaths and receive all affirmations and declarations required or authorized by this Act, and the Governor in Council may, from time to time, by regulation, appoint or designate such other and additional persons, officers or functionaries, as he sees fit, by name, or by their name of office, and in Canada or out of it, as those

Certain departmental officers and other persons authorized by Governor may administer oaths required by this Act.

before

before whom such oaths may be validly taken, and may, by any Order in Council, relax or dispense with the provisions of this Act touching such oaths, in or with regard to goods imported by land or inland navigation, or to any other class of cases to be designated in such regulation.

No person but the owner, etc., to take the oath: unless a certain declaration be attached to bill of entry.

89. No person other than the owner, consignee or importer of the goods of which entry is to be made, shall be allowed to take any oath connected with the entry, unless there be attached to the bill of entry therein referred to, a declaration by the owner, consignee or importer of the said goods, or his attorney and agent duly appointed to transact business with the Collector, pursuant to the provisions in that behalf of this Act, to the same effect as the oath, distinctly referring to the invoice presented with such bill of entry, and signed by such owner, importer or consignee, or by his attorney and agent appointed as aforesaid, either in presence of the agent making the entry, who shall attest the signature, or of some Justice of the Peace or Notary Public, who shall attest the same.

Declaration to be kept by collector: penalty for false statement in it.

90. Such declaration shall be kept by the Collector; and if there be any wilfully false statement in such declaration, the goods shall be liable to seizure and forfeiture in the same manner and with the same effect as if such false statement were contained in the oath, and the person making such false statement shall be subject to the same penalties, forfeitures and criminal punishments as if he had himself taken the oath and had made such false statement therein; but such written declaration may be dispensed with under the order of the Governor in Council, where it may be deemed advisable, in the interests of commerce, to dispense therewith.

Governor in Council may prescribe and alter the forms of oaths under this Act.

91. The Governor in Council may prescribe the forms of oaths required under this Act; such forms may, from time to time, be repealed or amended; and the forms of oaths authorized by Statute or by the Governor in Council at the time of the passing of this Act shall continue to be the authorized forms until altered or dispensed with by the Governor in Council.

No person making or authorizing any false invoice shall recover any part of the price of the goods.

92. If any person makes or sends or brings into Canada, or causes or authorizes the making, sending or bringing into Canada, of any invoice or paper, used or intended to be used as an invoice for Customs purposes, wherein any goods are entered or charged at a less price or value than that actually charged, or intended to be charged for them, no price or sum of money shall be recoverable by such person, his assigns or representatives, for the price or on account of the purchase of such goods or any part of them, or on any bill of exchange, note or other security (unless in the hands of an innocent holder

holder for value, without notice), made, given or executed for the price of or on account of the purchase of such goods or any part of such price.

93. The production or proof of the existence of any other invoice, account, document or paper made or sent by any person, or by his authority, wherein goods or any of them are charged or entered at or mentioned as bearing a greater price than that set upon them in any such invoice as in the next preceding section mentioned shall be *prima facie* evidence that such invoice was intended to be fraudulently used for Customs purposes ; but such intention, or the actual fraudulent use of such invoice, may be proved by any other legal evidence.

Evidence of fraud in invoice or other paper.

94. Any importer of goods into Canada, or any person on his behalf, who shall present or cause to be presented, with intent to make entry thereunder, any false or fraudulent invoice, such as described in the two next preceding sections, shall be subject to a penalty equal in amount to the value of the goods represented in such invoice, and the goods shall also be seized and forfeited.

Penalty on importer presenting such false invoice.

95. The Collectors of Customs at all ports in Canada, shall retain and put on file, after duly stamping the same, all invoices of goods imported at such ports respectively—of which invoices they shall give certified copies or extracts, whenever called upon so to do by the importers,—and such copies or extracts so duly certified by the Collector or other proper officer and bearing the stamp of the Custom House at which they are filed, shall be considered and received as authentic ; and the Collector shall be entitled to demand for each certificate a fee of fifty cents before delivering the same ; but in no case shall an invoice be shown to or a copy thereof given to any person other than the said importer, or an officer of Customs, except upon the order or subpoena of a proper court.

Collector to retain and file invoices.

Certified copies to be evidence.

Fee.

Proviso.

96. Any Appraiser, or any Collector acting as such, or the persons to be selected as hereinafter mentioned, to examine and appraise any goods, if the importer, owner, consignee or agent is dissatisfied with the first appraisalment, may call before him or them and examine upon oath any owner, importer, consignee or other person, touching any matter or thing which such Appraiser or Collector deems material in ascertaining the true value of any goods imported, and may require the production on oath of any letters, accounts, invoices or other papers or account books in his possession relating to the same.

Power of appraiser or collector to examine parties on oath, etc.

97. If any person called, as provided in the next preceding section, neglects or refuses to attend, or declines to answer,

Penalty for refusing to

answer,

attend or
answer.

answer, or refuses to answer in writing (if required) to any interrogatories, or to subscribe his name to his deposition or answer, or to produce any such papers or account books, as provided by the next preceding section, when required so to do, he shall thereby incur a penalty of fifty dollars; and if such person is the owner, importer or consignee of the goods in question, the appraisement which the Appraiser or Collector acting as such shall make thereof, shall be final and conclusive.

Penalty for
wilfully
false answer.

98. If any person wilfully swears falsely in any such examination, and he is the owner, importer or consignee of the goods in question, they shall be seized and forfeited; and all depositions or testimony in writing taken under either of the two next preceding sections shall be filed in the office of the Collector at the place where the same are made or taken,—there to remain for future use or reference.

Depositions
to be filed.

Importer, etc.,
dissatisfied
may appeal
in certain
cases.

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

Revision of
appraisement.

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

Remunera-
tion of per-
sons called in,
and by whom
to be paid.

100. The said persons appointed to appraise shall each be entitled to the sum of five dollars—to be paid by the party dissatisfied with the first appraisement, if the value ascertained by the second appraisement is equal to or greater than that ascertained by such first appraisement or if the value ascertained by such second appraisement exceeds by ten per cent., or more, the value of the goods for duty, as it would appear by the invoice and bill of entry thereof; otherwise the same shall be paid by the Collector out of any public moneys in his hands, and charged in his accounts.

Penalty for
refusing to
act.

101. Any person chosen to make an appraisement required under this Act, who, after due notice of such choice has been given to him in writing, declines or neglects to make such appraisement, shall, for so refusing or neglecting without

without good and sufficient cause, incur a penalty of forty dollars and costs.

102. If in any case the true value for duty of any goods, as finally determined under this Act or as determined in any action or proceeding to recover unpaid duties, exceeds by twenty per centum, or more, the value for duty as it would appear by the bill of entry thereof, then in addition to the duty payable on such goods, when properly valued, there shall be levied and collected upon the same a sum equal to one-half of the duty so payable; and in case the owner or importer refuses or neglects to pay the said duty and additional sum, the goods may be seized and forfeited.

Additional duty in cases of undervaluation.

103. The Collector may, when he deems it expedient for the protection of the revenue and the fair trader, subject always to any regulations to be made by the Governor in Council in that behalf, detain and cause to be properly secured, and may, at any time within fifteen days, declare his option to take, and may take for the Crown, any whole package or packages, or separate and distinct parcel or parcels, or the whole of the goods mentioned in any bill of entry, and may pay, when thereunto requested, to the owner or person entering the same, and out of any public moneys in the hands of such Collector, the sum at which such goods, packages or parcels are respectively valued for duty in the bill of entry, and ten per cent. thereon, and also the fair freight and charges thereon to the port of entry, and may take a receipt for such sum and addition when paid.

Collector may take goods on paying value in the invoice and ten per cent. in addition.

104. The goods taken as provided in the next preceding section, shall (whether payment be requested by the owner or person entering the same, or not) belong to the Crown from the time they are so taken as aforesaid, and shall be sold or otherwise dealt with in such manner as shall be provided by any regulation in that behalf, or as the Minister of Customs shall direct; and the net proceeds of the sale of any such goods shall be applied first to the repayment to the Consolidated Revenue Fund of the sum so paid to the owner or person entering such goods, and the remainder to or towards the payment of the lawful duty on the same.

How goods taken shall be dealt with.

105. If the net proceeds of any such sale exceeds the amount paid as aforesaid for the goods, and the amount of duty legally accruing thereon, then any part of the surplus, not exceeding fifty per centum of such surplus, may under any regulation or order of the Governor in Council be paid to the Collector, Appraiser or other officer concerned in the taking thereof, as a reward for his diligence.

Bonus to collector, appraiser, etc., for his diligence.

106. The Collector shall cause at least one package in every invoice or entry and at least one package in ten if there

Collector to cause one

there

package in ten to be opened.

there be more than ten in any invoice or entry, and so many more as he or an Appraiser deems it expedient to examine for the protection of the revenue, to be sent to the examining warehouse, and there to be opened, examined and appraised, the packages to be so opened being designated by the Collector.

Forfeiture if fraud discovered.

107. If any goods are found in any package which are not mentioned in the invoice or entry, such goods shall be seized and absolutely forfeited.

Forfeiture of goods for non-correspondence with invoice, etc.

108. If any goods are found which do not correspond with the goods described in the invoice or entry, or if the description in the invoice or entry has been made for the purpose of avoiding payment of the duty or of any part of the duty on such goods, or if in any entry any goods have been undervalued for such purpose as aforesaid, such goods shall be seized and forfeited.

Or for false oath respecting them.

109. If the oath made with regard to any entry is wilfully false in any particular—all the packages and goods included or pretended to be included, or which ought to have been included in such entry, shall be forfeited.

Provision as to packages delivered to importer before examination.

110. All the packages mentioned in any one entry, although some of such packages may have been delivered to the importer or any one on his behalf, shall be subject to the control of the Customs authorities of the port at which they are entered, until such of the packages as have been sent for examination to the examining warehouse shall have been duly examined and approved,—and a bond shall be given by the importer, conditioned that the packages so delivered shall not be opened or unpacked before the package or packages sent to the examining warehouse shall have been examined and passed as aforesaid.

Bonds to be given.

Return of packages and provision for avoiding delay.

111. Any package delivered without examination, or the goods, if lawfully unpacked, shall, if required by the Collector of Customs, be returned to the Custom House within such time as may be mentioned in the bond, under the forfeiture of the penalty of such bond: Provided, that the Collector shall use due diligence in causing such examination to be made, and may, if he sees no objection, permit the remaining packages to be opened and unpacked as soon as those sent to the warehouse have been examined and approved.

Proviso.

Nature and amount of bond.

112 The bond mentioned in the two next preceding sections may be a general bond covering the entries to be made by the importer for a period of twelve months from its date, and the penal sum shall be equal to the value of the largest importation made by the importer in question at any one time during the twelve months next immediately preceding;

ceding ; or if such importer has made no importations by which, in the opinion of the Collector such penal sum can be properly fixed, the Collector shall fix the amount thereof at such sum as he deems equitable.

113. The burden of proof that the proper duties payable with respect to any goods have been paid, and that all the requirements of this Act with regard to the entry of any goods, have been complied with and fulfilled, shall, in all cases, lie upon the party whose duty it was to comply with and fulfil the same.

Onus of proof of due entry on whom to lie.

114. The Governor in Council may, by regulation, direct that after any goods have been entered at the Custom House, and before the same are discharged by the officers and delivered into the custody of the importer or his agent, such goods shall be marked or stamped in such a manner or form as may be directed by such regulation for the security of the revenue, and by such officer as may be directed or appointed for that purpose.

Duty paid goods to be branded or marked under regulations.

115. When any person has occasion to remove from any port of entry to any other port or place, any goods duly entered, and on which the duties imposed by law have been paid, the Collector or principal officer of the Customs at such port, on the requisition in writing of such person, within thirty days after the entry of such goods, specifying the particular goods to be removed and the packages in which such goods are contained with their marks and numbers, shall give a permit or certificate in writing, signed by him, bearing date of the day it is made, and containing the like particulars, and certifying that such goods have been duly entered at such port and the duties paid thereon, and stating the port or place at which the same were paid, and the port or place to which it is intended to convey them, and the mode of conveyance, and the period within which they are intended to be so conveyed.

Permit certifying that duties have been paid to be granted on request of owner.

Particulars in permit.

116. The warehousing ports already established and such ports of entry as the Governor in Council may, from time to time, appoint, shall be warehousing ports.

Warehousing Ports.

117. The importer of any goods into Canada may enter the same for exportation, on giving security by his own bond with one sufficient surety, for the exportation of the same goods, or may warehouse the same on giving such security by his own bond for the payment of the amount of all duties on such goods, and the performance of all the requirements of this Act with regard to the same at such ports or places as aforesaid, and in such warehouses, and subject to such rules and regulations, as may be, from time to time, appointed by the Governor in Council in that behalf,—the penalty of the

Goods may be entered for exportation or warehoused without payment of duty, subject to regulations.

the said bond to be double the amount of the duty to which such goods are subject.

Owner may sort or repack goods and take samples.

118. During the regular warehouse hours, and subject to such regulations as the Collector or proper officer of Customs at any warehousing port sees fit to adopt, the owner of any warehoused goods may sort, pack, re-pack or make any lawful arrangements respecting the goods warehoused, in order to the preservation or legal disposal thereof, and may take therefrom moderate samples, without present payment of duty or entry.

And remove them under bond.

119. The owner of any warehoused goods may remove the goods, under the authority of the Collector or proper officer, from any warehousing port to any other warehousing port in Canada, or from one warehouse to another in the same port, under good and sufficient bonds to the satisfaction of such officer.

And pass them on to another warehousing port in bond, etc.

120. Upon entry of goods at any frontier port or Custom House, under the authority and with the sanction of the Collector or proper officer of Customs at such port or Custom House, and under bonds to his satisfaction, and subject to such regulations as may be made in that behalf by the Governor in Council, the importer may pass the goods on to any port in any other part of Canada.

Requirements as to transfer of goods in bond.

121. No transfer of the property in goods warehoused shall be valid for the purposes of this Act unless the transfer be in writing signed by the importer or his duly authorized agent, or be made by process of law, and unless such transfer be produced to the Collector or other proper officer of the proper port and be recorded by him in a book to be kept for that purpose in the Custom House: no such transfer of less than a whole package shall be valid; and no more than three transfers of the same goods shall be allowed before entry thereof for duty or for exportation.

Proviso: for whole packages, etc.

Effect of legal transfer.

122. Upon any such transfer of goods in warehouse being legally effected as before provided, the proper officer may admit new security to be given by the bond of the new owner of the goods, and may cancel the bond given by the original bonder of such goods, or may exonerate him to the extent of the new security so given; and the new owner of any such goods shall then be deemed to be the importer thereof for the purposes of this Act.

Goods to be finally cleared within two years.

Payment of charges.

123. All warehoused goods shall be finally cleared, either for exportation or home consumption, within two years from the date of the first entry and warehousing thereof; and, in default thereof, the Collector or proper officer may sell such goods for the payment, first of the duties, and secondly

secondly of the warehouse rent and other charges; and the surplus, if any, shall be paid to the owner or his lawful agent; and the Collector or proper officer may charge or authorize the occupier of the warehouse to charge a fair warehouse rent, subject to any regulation made by the Governor in Council in that behalf.

124. The Collector may, if he sees no reason to refuse such permission, permit an importer to abandon to the Crown any whole package or packages of warehoused goods, without being liable to pay any duty on the same; and the same shall then be sold and the proceeds shall belong to the Crown: Provided, that if such goods cannot be sold for a sum sufficient to pay the duties and charges, such goods shall not be sold, but shall be destroyed.

Importer may be allowed to abandon packages without payment of duty.

Proviso.

125. The Governor in Council may, by regulation, dispense with or provide for the cancelling of bonds for the payment of duties on goods actually deposited in a warehouse, on such terms and conditions and in such cases as he thinks proper.

How bonds for goods in warehouse shall be disposed of.

126. It shall not be lawful for any person to make, or any officer of Customs to accept, any bond, note or other document for the purpose of avoiding or deferring the actual payment of duties legally accruing on goods imported into Canada, nor to arrange for deferring payment of such duties in any way, unless such goods are entered for warehouse and duly deposited therein according to the laws and regulations governing the warehousing of such goods.

Proviso: conditions to be observed.

127. Any Collector or other officer of Customs who shall allow the payment of duties of Customs to be avoided or deferred for any cause or consideration whatever, except by regular entry for warehouse, shall be and become liable to forfeit a sum equal to the full value of such goods, and in addition thereto the amount of duty accruing thereon, which shall be recoverable from him or his sureties, or either of them, in the Exchequer Court or any court of competent jurisdiction in Canada; and any goods on which payment of duty may have been so avoided or deferred, shall be liable to seizure and be dealt with as goods unlawfully imported into Canada.

Penalty on collector allowing payment to be avoided or deferred.

Liability of goods.

128. If any goods entered to be warehoused are not duly carried into and deposited in the warehouse, or, having been so deposited, are afterwards taken out of the warehouse, without lawful permit, or, having been entered and cleared for exportation from the warehouse, are not duly carried and shipped or otherwise conveyed out of Canada, or are afterwards re-landed, sold, used or brought into Canada, without the lawful permission of the proper officer of the Customs, such goods shall be seized and forfeited.

Goods taken out of warehouse for exportation and re-landed etc., to be forfeited.

Duty on warehoused goods.

129. All goods taken out of warehouse shall be subject to the duties to which they would be subject if then imported into Canada, and not to any other.

Cattle and swine may be slaughtered and grain ground in bond under regulations.

130. The importer of any cattle or swine may slaughter and cure and pack the same (or if such cattle or swine are imported in the carcass, may cure and pack the same) in bond; and the importer of any wheat, maize or other grain, may grind and pack the same in bond, provided such slaughtering, curing, grinding and packing be done and conducted under such regulations and restrictions as the Governor in Council may, from time to time, make for that purpose; but the said regulations shall not extend to the substitution of other beef, pork, flour or meal for the produce of such imported cattle or swine, wheat, maize or other grain.

Extent of regulations.

Sugar may be refined in bond under regulations.

131. The importer or owner of any sugar, molasses or other material from which refined sugar can be produced, may refine the same in bond, provided such refining be done and conducted under such regulations and restrictions as the Governor in Council may, from time to time, make for that purpose.

Amount of duties; how ascertained.

132. Duties shall be payable in all cases on the quantity and value of goods in the warehouse, as ascertained and stated on first entry, or as originally warehoused.

Unshipping and landing goods.

133. The unshipping, carrying and landing of all goods and the taking of the same to and from a Customs warehouse or proper place after landing, shall be done in such manner, and at such places, as shall be appointed by the Collector or proper officer of Customs.

Warehouse rent, etc. by whom payable.

134. Unless otherwise provided by the Governor in Council, warehouse rent and expenses of safe-keeping in warehouse, and all expenses connected with the unshipping, carrying and landing of goods and the taking of the same to and from a Customs warehouse or proper place after landing shall be borne by the importer: if any such goods be removed from the place so appointed without leave of such Collector or proper officer, they shall be seized and forfeited.

Penalty for unlawful removal.

As to quantity of goods to be taken out of warehouse at one time.

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

136. If after any goods have been duly entered, or landed to be warehoused, or entered and examined to be re-warehoused, and before the same have been actually deposited in the warehouse, the importer further enters the same or any part for home use or for exportation as from the warehouse, the goods so entered shall be considered as warehoused or re-warehoused, as the case may be, although not actually deposited in the warehouse, and may be delivered and taken for home use or for exportation.

Goods entered for warehousing to be deemed warehoused for certain purposes.

137. Upon the entry outwards of any goods to be exported from the Customs' warehouse, either by sea or by land or inland navigation, as the case may be, the person entering the same shall give security by bond in double the duties of importation on such goods, and with a sufficient surety to be approved by the Collector or proper officer, that the same shall, when the entry aforesaid is by sea, be actually exported, and when the entry aforesaid is by land or inland navigation, shall be landed or delivered at the place for which they are entered outwards, or shall, in either case, be otherwise accounted for to the satisfaction of the Collector or proper officer, and that such proof or certificate that such goods have been so exported, landed or delivered, or otherwise legally disposed of, as the case may be, as shall be required by any regulation of the Governor in Council, shall be produced to the Collector or proper officer within a period to be appointed in such bond; and if any such goods are not so exported or are fraudulently re-landed in or brought into Canada, in contravention of this Act and of the said bond, they shall be seized and forfeited, together with any vessel, boat or vehicle in which they are so re-landed or imported.

Bond to be given for exportation of goods from warehouse—conditions.

Forfeiture for contravention of conditions.

138. If within the period appointed by the said bond, there be produced to the proper Collector or officer of Customs, the written certificate of some principal officer of Customs or colonial revenue at the place to which the goods were exported, or if such place be a foreign country, of any British or Foreign Consul or vice-Consul, resident there, stating that the goods were actually landed and left at some place (naming it) out of Canada, as provided by the said bond, such bond shall be cancelled: in case it be proved to the satisfaction of the proper Collector or officer of Customs, that the said goods have been lost, such bond may be cancelled.

Upon what evidence bond may be cancelled.

139. Any person making any entry outwards of goods from warehouse for exportation not being the owner or duly authorized by the owner thereof or the master of the vessel by which they are to be shipped, shall, for each offence, forfeit two hundred dollars.

Penalty on others than owner entering goods outwards.

As to warehoused goods taken as ship's stores.

140. Warehoused goods may be delivered as ships' stores for any vessel of the burden of fifty tons or upwards, bound on a voyage to a port out of Canada, the probable duration of which voyage out and home will not be less than thirty days, —also for any vessel bound for and engaged in the deep sea fishing, proof being first made by affidavit of the master or owner, to the satisfaction of the proper officer, that the stores are necessary and intended for the purposes aforesaid: Provided, that the Minister of Customs may define and limit the kind, quantity and class of goods which may be so delivered as ships' stores. Should such stores or any part thereof be reloaded, sold or disposed of in Canada without due entry and payment of duty, such stores shall be seized and forfeited and the vessel for which the same were delivered from warehouse shall be seized and forfeited.

Proviso.

Forfeiture for re-landing, etc., without payment of duty.

Entry of vessel outwards.

141. The master of every vessel bound outwards from any port in Canada to any port or place out of Canada, or on any voyage to any place within or without the limits of Canada, coastwise or by inland navigation, shall deliver to the Collector or other proper officer an entry outwards under his hand, of the destination of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners, and the number of the crew; and before any goods or ballast are taken on board such vessel the master shall show that all goods imported in her, except such as were reported for exportation in the same vessel, have been duly entered, except that the proper officer may issue a stiffening order that such goods or ballast as may be specified therein may be laden before the former cargo is discharged. And before such vessel departs, the master shall bring and deliver to the Collector or other proper officer, a content in writing under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him.

Particulars of entry.

Proof that goods imported have been discharged.

Content to be delivered.

Particulars and declaration.

Questions to be answered.

142. The master of every vessel, whether in ballast or laden, shall, before departure, come before the Collector or other proper officer, and answer all such questions concerning the vessel, and the cargo, if any, and the crew, and the voyage, as may be demanded of him by such officer, —and, if required, shall make his answers or any of them part of the declaration made under his hand, as aforesaid; and thereupon the Collector or other proper officer, if such vessel is laden, shall make out and give to the master a certificate of the clearance of such vessel for her intended voyage with merchandise or a certificate of her clearance in ballast, as the case may be; and if there be merchandise on board, and the vessel is bound to any port in Canada, such clearance shall

Clearance to be granted.

Content required in certain cases.

shall state whether any and which of the goods are the produce of Canada, and, if the goods are such as are liable to duties, whether the duties thereon have been paid; and in such case the master shall hand the clearance to the Collector at the next port in Canada at which he arrives, immediately on his arrival.

143. If any vessel departs from any port or place in Canada, without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if, having received a clearance, such vessel adds to her cargo, or takes another vessel in tow, or performs any work without having mentioned in the report outwards the intention so to do, the master shall forfeit the sum of four hundred dollars; and the vessel shall be detained in any port in Canada until the said penalty be paid.

Penalty for leaving without a clearance or not answering questions.

Detention of vessel.

144. The Governor in Council may, by regulation, dispense with any of the requirements of the two last preceding sections which he deems it inexpedient to enforce, with regard to vessels engaged in the coasting trade or inland navigation.

Dispensation as to coasting vessels.

145. Before a clearance is granted to any vessel bound to a port or place out of Canada, the owners, shippers or consignors of the cargo on board such vessel shall deliver to the Collector or proper officer of Customs, entries of such parts of the cargo as are shipped by them respectively, and shall verify the same by oath; and such entries shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of articles, and whether the said goods are of Canadian or of foreign production or manufacture; and such oath shall state that such entry contains a full, just and true account of all articles laden on board of such vessel by such owners, shippers, or consignors respectively; and that the values of such articles are truly stated according to their actual cost, or the value which they truly bear at the port and time of exportation; and in case the goods so shipped or any part thereof be liable by law to any export duty, the amount of such duty shall be stated in such entry; and no such entry shall be valid, and no clearance shall be granted to such vessel until such duty is paid to the Collector or proper officer of Customs.

Entries of goods to be given to collector and what they shall contain.

Oath of owner, etc.

Values.

Export duty to be paid.

146. The owners, shippers, or consignors of any goods consigned to a port or place out of Canada, to be transported by railway or other land conveyance, shall enter the same for exportation at the Custom House nearest to the place of lading; and such entry shall specify the kinds and quantities of the articles laden by them respectively, and the proper name and description of the railway over which such goods are

Entry of goods outwards by railway or other land conveyance.

Form and contents.

Export duty.

Penalty for sending goods without such entry.

Penalty for non-entry.

Governor in Council may require statistical information as to exports.

Entry outwards of imported goods must correspond with entry inwards.

Entry outwards by agent in certain cases.

are to be transported, or of any other conveyance to be used for the same purpose; and shall verify the same by oath, and such oath shall be of the same form and tenor as that required from owners, shippers or consignors of goods to be transported by sea; and if any of such goods are liable by law to any export duty, such duty shall be clearly stated upon such entry, and no railway car or other vehicle upon which such goods are laden shall be permitted to leave the limits of the port at which such entry should have been made until such duty is paid to the Collector or proper officer of Customs, and if any such car or vehicle be taken out of the limits of such port, contrary to the provision of this section, the company or person so taking the same shall be liable to a penalty of not more than four hundred dollars.

147. The owner, shipper or consignor of any goods who shall refuse or neglect to make report and entry of the articles shipped or laden by them respectively, as required by the two last preceding sections, shall incur a penalty not exceeding two hundred dollars for each such offence.

148. The Governor in Council may, by regulations to be, from time to time, made in that behalf, require such further information with regard to the description, quantity, quality and value of goods exported from Canada, or removed from one port to another in Canada, to be given to the proper officer of the Customs, in the entry of such goods outwards or otherwise, as he deems requisite for statistical purposes, whether such goods be exported or removed by sea, land or inland navigation.

149. No entry outwards nor any shipping warrant or warrant for taking goods from warehouse for exportation shall be deemed valid, unless the particulars of the goods and packages shall correspond with the particulars in the entry inwards, nor unless they shall have been properly described in the entry outwards, by the character, denomination and circumstances under which they were originally charged with duty; and any goods laden or taken out of the warehouse by an entry outwards or shipping warrant not so corresponding or not properly describing them, shall be seized and forfeited.

150. If the owner of any goods be resident more than ten miles from the office of the Collector at the port of shipment, he may appoint an agent to make his entry outwards and clear and ship his goods,—but the name of the agent and the residence of the owner shall be subjoined to the name in the entry and shipping warrant; and the agent shall make the declaration on the entry which is required of the owner, and shall answer the questions that shall be put to

to him ; any trading corporation or company may appoint an agent for the like purpose.

151. The report for entry, inwards and outwards, required by this Act, may, in the case of any steam vessel carrying a purser, be made by such purser with the like effect in all respects, and subject to the like penalty on the purser and the like forfeiture of the goods in case of any untrue report, as if the report were made by the master ;—and the word "master," for the purposes of this section, shall be construed as including the purser of any steam vessel ; but nothing herein contained shall preclude the Collector or proper officer of Customs from calling upon the master of any steam vessel, to answer all such questions concerning the vessel, passengers, cargo and crew, as might be lawfully demanded of him, if the report had been made by him, or to exempt the master from the penalties imposed by this Act for failure to answer any such question, or for answering untruly, or to prevent the master from making such report if he shall see fit so to do.

Report inwards or outwards may be made by purser of a steamer.

Proviso : master may be called to answer questions.

152. Whenever the Collector of Customs at any port is satisfied that in such port as well as in the adjacent city or town and its vicinity, there does not exist an extraordinary, infectious, contagious or epidemic disease, which could be transmitted by the vessel, her crew, or cargo, he may grant to any vessel requiring a bill of health, a certificate, under his hand and seal, attesting the fact aforesaid, for which he shall be entitled to ask and receive a fee of one dollar.

Collector may grant bill of health.

153. If any person, with intent to defraud the revenue of Canada, smuggles or clandestinely introduces into Canada any goods subject to duty, or makes out or passes or attempts to pass through the Custom House any false, forged or fraudulent invoice, or in any way attempts to defraud the revenue by evading the payment of the duty, or of any part of the duty on any goods, such goods shall be seized and forfeited ; and every such person, his aiders and abettors shall, in addition to any other penalty or forfeiture to which he and they may be subject for such offence, be deemed guilty of a misdemeanor, and on conviction shall be liable to a penalty of not less than fifty dollars and not more than two hundred dollars, or to imprisonment for a term not less than one month nor more than one year, or to both fine and imprisonment within the said limits, in the discretion of the court before whom the conviction is had.

Penalty and forfeiture for smuggling goods,—using false invoices, etc.

Misdemeanor. Fine and imprisonment.

154. If any person offers for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore, or brought in, by land or otherwise, without payment of duties, then and in such case all such goods (although not liable to any duties nor prohibited) shall

Forfeiture and penalty for offering for sale goods pretended to be smuggled.

Imprisonment for non-payment.

be seized and forfeited, and every person offering the same for sale shall forfeit treble the value of such goods, or the penalty of two hundred dollars, at the election of the prosecutor, —which penalty shall be recoverable in a summary way, before any one or more Justices of the Peace; and in default of payment on conviction, the party so offending shall be committed to any of Her Majesty's gaols for a period not exceeding sixty days.

Penalty for harboring smuggled goods.

155. If any person knowingly harbors, keeps, conceals, purchases, sells or exchanges any goods illegally imported into Canada, (whether such goods are dutiable or not), or whereon the duties lawfully payable have not been paid, such person shall, for such offence, forfeit treble the value of the said goods, as well as the goods themselves.

Persons smuggling goods in company.

156. If any two or more persons in company are found together; and they or any of them have any goods liable to forfeiture under this Act, every such person having knowledge of the fact, shall be guilty of a misdemeanor, and punishable accordingly.

Penalty for procuring persons to assist in smuggling.

157. Any person who, by any means, procures or hires or induces any person or persons to be concerned in the landing or unshipping, or carrying or conveying any goods which are prohibited to be imported, or for the landing of which permission has not been granted by the Collector or proper officer of Customs, shall, for every person so procured or hired or induced, forfeit the sum of one hundred dollars.

Penalty on persons committing certain offences as to warehoused goods.

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

Penalty for fraudulent access to warehouse.

159. If the importer or owner of any warehoused goods, or any person in his employ, by any contrivance, opens the warehouse in which the goods are, or gains access to the goods except in the presence of or with the express permission

sion of the proper officer of the Customs, such importer or owner shall, for every such offence, forfeit the sum of one hundred dollars.

160. If any person by any contrivance gains access to bonded goods in a railway car, or to goods in a railway car upon which goods the Customs duties have not been paid, or delivers such bonded or other goods without the express permission of the proper officer of Customs, such person shall for every such offence be liable to be imprisoned for any period not less than one month nor more than one year.

Or to goods in any bonded car, etc.

161. Any person wilfully altering, defacing or obliterating any mark, placed by any officer of Customs, on any package of warehoused goods, or goods in transit, shall, for every such offence, forfeit the sum of five hundred dollars.

Penalty for altering or defacing marks.

162. All vessels with the guns, tackle, apparel and furniture thereof, vehicles, harness, tackle, horses and cattle made use of in the importation or unshipping or landing or removal of any goods liable to forfeiture under this Act, shall be seized and forfeited; and every person assisting or otherwise concerned in importing, unshipping, landing or removal, or in the harboring of such goods, or into whose hands or possession the same knowingly come, shall forfeit treble the value of such goods, or the penalty of two hundred dollars at the election of the party suing for the same: and the averment in any information or libel exhibited for the recovery of such penalty, that such party has elected to sue for the sum mentioned in the information or libel, shall be sufficient proof of such election, without any other evidence of the fact.

Vessels used in conveying goods to be forfeited.

Penalty for assisting in landing, etc. such goods.

163. If any vessel is found hovering (in British waters) within one league of the coasts or shores of Canada, any officer of Customs may go on board and enter into such vessel, and stay on board such vessel, while she remains within the limits of Canada or within one league thereof: and if any such vessel is bound elsewhere, and so continues hovering for the space of twenty-four hours after the master has been required to depart by such officer of Customs, such officer may bring the vessel into port, and examine her cargo, and if any goods prohibited to be imported into Canada are on board, then such vessel with her apparel, rigging, tackle, furniture, stores and cargo, shall be seized and forfeited; and if the master or person in charge refuses to comply with the lawful directions of such officer, or does not truly answer such questions as are put to him, respecting such ship or vessel or her cargo, he shall forfeit and pay the sum of four hundred dollars.

Vessels found hovering within certain limits may be boarded and examined.

Or brought into port for persisting.

Penalty for not obeying officer boarding.

164. Every person proved to have been on board any vessel or boat liable to forfeiture for having been found within

Penalty on persons found within

on board
smuggling
vessels.

within one league of the coasts or shores of Canada, having on board or attached thereto, or conveying or having conveyed anything subjecting such vessel or boat to forfeiture, or who shall be proved to have been on board any vessel or boat from which any part of the cargo shall have been thrown overboard or destroyed, or in which any goods shall have been unlawfully brought into Canada, shall forfeit one hundred dollars, provided such person shall have been knowingly concerned in such acts.

Officers may
board vessels
and have free
access to
every part.

165. Officers of Customs may board any vessel at any time or place and stay on board until all the goods intended to be unladen shall have been delivered; they shall have free access to every part of the vessel, with power to fasten down hatchways, the forecabin excepted, and to mark and secure any goods on board; and if any place, box or chest be locked, and the keys withheld, the officer may open the same. If any goods be found concealed on board they shall be seized and forfeited, and if any mark, lock or seal upon any goods on board, be wilfully altered, opened or broken, before the delivery of the goods, or if any goods be secretly conveyed away, or if hatchways fastened down by the officer be opened by the master, or with his assent, the master shall forfeit four hundred dollars, and the vessel may be detained until the said fine be paid, or satisfactory security be given for the payment thereof.

Penalty if
concealed
goods are
found; and
detention of
vessel.

Officers may
be stationed
on board.

166. The Collector or other proper officer of the Customs may station officers on board any ship while within the limits of a port, and the master shall provide every such officer with suitable accommodation and food, under a penalty of two hundred dollars.

Penalty for
forging marks
or selling
goods with
counterfeit
marks.

167 If any person at any time forges or counterfeits any mark or brand to resemble any mark or brand provided or used for the purposes of this Act, or forges or counterfeits the impression of any such mark or brand, or sells or exposes to sale, or has in his custody or possession, any goods with a counterfeit mark or brand, knowing the same to be counterfeit, or uses or affixes any such mark or brand to any other goods required to be stamped as aforesaid, other than those to which the same was originally affixed, such goods so falsely marked or branded shall be seized and forfeited; and every such offender, and his aiders, abettors or assistants, shall, for every such offence, forfeit and pay the sum of two hundred dollars,—which penalty shall be recoverable in a summary way, before any two Justices of the Peace in Canada; and in default of payment the party so offending shall be committed to any of Her Majesty's gaols in Canada, for a period not less than two months and not exceeding twelve months.

Imprisonment
in default of
payment.

- 168.** If any person counterfeits or falsifies, or uses when so counterfeited or falsified, any paper or document required under this Act, or for any purpose therein mentioned, whether written, printed or otherwise, or by any false statement, procures such document, or forges or counterfeits any certificate relating to any oath or declaration or affirmation hereby required or authorized, knowing the same to be so forged or counterfeited, such person shall be guilty of a misdemeanor, and being thereof convicted, shall be liable to be punished accordingly. Penalty for counterfeiting or using counterfeit papers, etc.
- 169.** If any wilfully false oath, affirmation or declaration be made in any case where, by this Act, an oath, affirmation or declaration is required or authorized, the party making the same shall be guilty of wilful and corrupt perjury, and liable to the punishment provided for that offence. False oaths, etc., to be perjury.
- 170.** If any person required by this Act or by any other law to answer questions put to him by any officer of the Customs, refuses to answer or does not truly answer such questions, the person so refusing or not truly answering such questions, shall, over and above any other penalty or punishment to which he becomes subject, forfeit the sum of four hundred dollars. Penalty for not truly answering lawful questions.
- 171.** Every officer and person employed under the authority of any Act relating to the collection of the revenue, or under the direction of any officer in the Customs Department, or being an officer of the said Department, shall be deemed and taken to be duly employed for the prevention of smuggling; and in any suit or information, the averment that such party was so duly employed shall be sufficient proof thereof. Certain officers to be deemed employed for prevention of smuggling.
- 172.** Any such officer or person as mentioned in the next preceding section, and any Sheriff or Justice of the Peace, or person residing more than ten miles from the residence of any officer of Customs and thereunto authorized by any Collector of Customs or Justice of the Peace, may, upon information, or upon reasonable grounds of suspicion, detain, open and examine any package suspected to contain prohibited property or smuggled goods, or goods respecting which there has been any violation of any of the requirements of this Act, and may go on board of and enter into any vessel or vehicle of any description whatsoever, and may stop and detain the same, whether arriving from places beyond or within the limits of Canada, and may rummage and search all parts thereof, for such goods;—and if any such goods are found in any such vessel or vehicle, the officer or person so employed may seize and secure such vessel or vehicle, together with all the sails, rigging, tackle, apparel, horses, harness and all other appurtenances which, Powers and duty of such officers.
- at

at the time of such seizure, belong to or are attached to such vessel or vehicle, with all goods and other things laden therein or thereon, and the same shall be seized and forfeited.

Power to call for aid. **173.** Any officer or person in the discharge of the duty of seizing goods, vessels, vehicles or property liable to forfeiture under this Act, may call in such lawful aid and assistance in the Queen's name, as may be necessary for securing and protecting such seized goods, vessels, vehicles or property; and if no such prohibited, forfeited or smuggled goods are found, such officer or person, having had reasonable cause to suspect that prohibited, forfeited or smuggled goods would be found therein, shall not be liable to any prosecution or action at law for any such search, detention or stoppage.

Penalty for refusing to stop.

174. Every master or person in charge of any vessel, and every driver or person conducting or having charge of any vehicle or conveyance, refusing to stop when required to do so by an officer of Customs or person employed as such, in the Queen's name, and any person being present at any such seizure or stoppage, and being called upon in the Queen's name by such officer or person to aid and assist him in a lawful way and refusing so to do, shall forfeit and pay the sum of two hundred dollars, which penalty shall be summarily recovered before any two Justices of the Peace in Canada, or before any judge or magistrate having the powers of two Justices of the Peace; and in default of payment the offender shall be committed to any gaol in Canada, for a period not exceeding six months.

Or to assist.

Recovery of penalty.

Power to enter buildings, etc., in the daytime. **175.** Any officer of Customs having first made oath before a Justice of the Peace that he has reasonable cause to suspect that goods liable to forfeiture are in any particular building, or in any yard or other place, open or enclosed, may, with such assistance as may be necessary, enter therein at any time between sunrise and sunset, but if the doors are fastened, then admission shall be first demanded, and the purpose for which entry is required declared, when, if admission shall not be given, he may forcibly enter; and when in either case entry shall be made, the officer shall search the premises, and seize all goods subject to forfeiture: these acts may be done by an officer of Customs without oath or the assistance of a Justice of the Peace, in places where no justice resides, or where no justice can be found within five miles at the time of search.

Without application to a Justice of the Peace in certain cases.

As to building on or near the boundary line of Canada.

176. If any building be upon the boundary line between Canada and any foreign country, and there is reason to believe that dutiable goods are deposited or have been placed therein, or carried through or into the same, without payment of duties and in violation of law, and if the Collector or proper officer of Customs makes oath before any Justice

Justice of the Peace that he has reason to believe as aforesaid, such Collector or officer shall have the right to search such building and the premises belonging thereto, so far as the same may be within the limits of Canada, and if any such goods be found therein, the same shall be seized and forfeited; and any merchant or other person who shall have been guilty of a violation of the provisions of this section shall be punishable by a fine of not less than two hundred dollars nor more than one thousand dollars.

Penalty, contravention of this section.

177. Upon application by or on behalf of the Attorney-General of Canada to the Exchequer Court of Canada, or any judge thereof in chambers, such court or judge shall grant a writ of assistance for such officer or officers of Customs as may be named in the application. Such writ shall have force and effect over the whole of Canada, unless upon the application of the Attorney-General it be limited to some part or parts thereof. Such writ shall remain in force so long as any person named therein remains an officer of the Customs, whether in the same capacity or not, or until such writ is revoked by the Minister of Customs.

Writ of assistance. Its extent and effect.

Duration of writ.

178. Every writ of assistance granted before the coming into force of this Act, under the authority of the Acts hereby repealed shall remain in force, notwithstanding such repeal, as if such Acts had not been repealed.

Existing writs to remain in force.

179. Under the authority of a writ of assistance any officer of the Customs, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, may enter at any time in the day or night into any building or other place within the jurisdiction of the court granting such writ, and may search for and seize and secure any goods liable to forfeiture under this Act, and in case of necessity, may break open any doors and any chests or other packages for that purpose.

Powers given for effective searching by day or night.

180. Any officer of Customs, or person by him authorized thereunto, may search any person on board any vessel or boat within any port in Canada, or in any vessel, boat or vehicle entering Canada by land or inland navigation, or any person who may have landed or got out of such vessel, boat or vehicle, or who may have come into Canada from a foreign country in any manner or way, provided the officer or person so searching has reasonable cause to suppose that the person searched may have goods subject to entry at the Customs, or prohibited goods, secreted about his person; and whoever obstructs or offers resistance to such search, or assists in so doing, shall thereby incur a forfeiture of one hundred dollars; and any person who may be on board of or may have landed from or got out of

Power to search the person for smuggled goods.

Penalty for resistance.

Questions to be answered.

Penalty for false answer.

Proviso: as to search of person.

Females.

Penalty for searching without cause.

To what place goods, etc., seized shall be taken.

How smuggled goods stopped on suspicion of being stolen shall be dealt with.

of such vessel, boat or vehicle, or who may have entered Canada from a foreign country in any manner or way, may be questioned by such officer, as to whether he has any such goods about his person, and if he denies having any such goods, or does not produce such as he may have, and any such goods are found upon him on being searched, the goods shall be seized and forfeited, and he shall forfeit treble the value thereof: Provided, that before any person can be searched, as aforesaid, such person may require the officer to take him or her before some Police Magistrate, Justice of the Peace, or before the Collector or chief officer of the Customs at the place, who shall, if he see no reasonable cause for search, discharge such person, but if otherwise he shall direct such person to be searched; and if a female, she shall not be searched by any but a female; and any such magistrate or Justice of the Peace or Collector of Customs may, if there be no female appointed for such purpose, employ and authorize a suitable female person to act in any particular case or cases.

181. Any officer required to take any person before a Police Magistrate, Justice of the Peace or chief officer of Customs as aforesaid, shall do so with all reasonable dispatch; and if any officer requires any person to be searched without reasonable cause, such officer shall forfeit and pay any sum not exceeding forty dollars.

182. If any goods or property or vehicle, subject or liable to forfeiture under this Act, or any other law relating to the Customs, are stopped or taken by any police or peace officer or any person duly authorized, such goods and property and vehicles shall be taken to the Custom House next to the place where the same were stopped or taken, and there delivered to the proper officer authorized to receive the same, within forty-eight hours after the same were stopped and taken.

183. If any such goods, or property or vehicles are stopped or taken by such police or peace officer, on suspicion that the same have been feloniously stolen, such officer shall carry the same to the police office to which the offender is taken, there to remain until and in order to be produced at the trial of the said offender; and in such case the officer shall give notice in writing to the Collector or principal officer of Her Majesty's Customs, at the port nearest to the place where such goods have been detained, of his having so detained the said goods, with the particulars of the same; and immediately after the trial, all such goods shall be conveyed to and deposited in the Custom House or other place appointed as aforesaid, and proceedings relative to the same shall be had according to law.

184. In case any police or peace officer, having detained such goods, neglects to convey the same to the Custom House, or to give notice of having stopped the same as before prescribed, such officer shall forfeit the sum of one hundred dollars; and such penalty shall be recoverable in a summary way before any one or more Justices of the Peace, or any Police Magistrate, and in default of payment the party so offending shall be committed to any of Her Majesty's gaols for a period not exceeding thirty days.

Penalty on police or peace officer not obeying section 183.

185. If any person whatever, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, vehicle or other thing which have been seized or detained on suspicion, as forfeited under this Act, before the same have been declared by competent authority to have been seized without due cause, and without the permission of the officer or person having seized the same, or of some competent authority, such person shall be deemed to have stolen such goods, being the property of Her Majesty, and to be guilty of felony, and shall be liable to punishment accordingly.

Taking away seized goods without authority to be felony.

186. If any person, under any pretence, either by actual assault, force or violence, or by threats of such assault, force or violence, in any way resists, opposes, molests or obstructs any officer of Customs, or any person acting in his aid or assistance, in the discharge of his or their duty, under the authority of this Act, or any other law in force in Canada, relating to Customs, trade or navigation, or wilfully or maliciously shoots at or attempts to destroy or damage any vessel belonging to Her Majesty, or in the service of the Dominion of Canada, or maims or wounds any officer of the Army, Navy, Marine or Customs, or any person acting in his aid or assistance, while duly employed for the prevention of smuggling, and in execution of his or their duty—or if, any person is found with any goods liable to seizure or forfeiture, under this Act or any other law relating to Customs, trade or navigation, and carrying offensive arms or weapons, or in any way disguised, or staves, breaks or in any way destroys any such goods, before or after the actual seizure thereof, or scuttles, sinks or cuts adrift any vessel, or destroys or injures any vehicle or animal, before or after the seizure, or wilfully and maliciously destroys or injures, by fire or otherwise, any Custom House, or any building whatsoever in which seized, forfeited or bonded goods are deposited or kept, such person being convicted thereof, shall be adjudged guilty of felony, and shall be punishable accordingly.

Punishment of persons assaulting or obstructing officers, etc.

Firing at Her Majesty's vessels.

Wounding persons in Her Majesty's service.

Or having goods liable to seizure and being armed or disguised.

Or destroying vessels or goods or any Custom House, etc.

Such offences to be felony.

187. If any officer of the Customs, or any person who, with the concurrence of the Minister of Customs, is employed for the prevention of smuggling, makes any collusive seizure,

Penalty on officers of Customs conniving at

or

any evasion of the revenue laws.

Or persons bribing or tempting them so to connive.

In what Courts penalties and forfeitures shall be recoverable.

And if not exceeding \$200.

In whose name prosecutions may be brought.

How such suits or proceedings may be brought in

or delivers up, or makes any agreement to deliver up or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, such officer or other person shall be guilty of a misdemeanor, and, on conviction, forfeit for every such offence the sum of five hundred dollars, and be imprisoned for a period not less than three months nor more than two years, and be rendered incapable of serving Her Majesty in any office whatever: and every person who gives or offers, or promises to give, or procure to be given, any bribe, recompense or reward to, or makes any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any act whereby the provisions of this Act, or any law relating to the Customs, trade or navigation, might be evaded, shall be guilty of a misdemeanor, and shall, on conviction, forfeit for every such offence the sum of five hundred dollars, and be imprisoned for a period not less than three months nor more than two years.

188. All penalties and forfeitures incurred under this Act or any other law relating to the Customs or to trade or navigation may, in addition to any other remedy provided by this Act or by law, be prosecuted, sued for and recovered with full costs of suit, in the Exchequer Court of Canada or in any superior court, having jurisdiction in that Province in Canada where the cause of prosecution arises, or wherein the defendant is served with process; and if the amount of any such penalty or forfeiture does not exceed two hundred dollars, the same may, in the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, British Columbia, Manitoba and Prince Edward Island, respectively, also be prosecuted, sued for and recovered in any County Court or Circuit Court having jurisdiction in the place where the cause of prosecution arises, or where the defendant is served with process.

189. All penalties and forfeitures imposed by this Act or by any other Act relating to the Customs or to trade or navigation, shall, unless other provisions be made for the recovery thereof, be sued for, prosecuted and recovered with costs by Her Majesty's Attorney-General of Canada, or in the name or names of the Commissioner of Customs, or some officer or officers of the Customs, or other person or persons thereunto authorized by the Governor in Council, either expressly or by general regulation or order, and by no other party.

190. All penalties and forfeitures imposed by this Act or by any other law relating to the Customs or to trade or navigation, may, in the Province of Quebec, be sued for, prosecuted

cut and recovered with full costs of the suit by the same proceeding as any other moneys due to the Crown, and all suits or prosecutions for the recovery thereof, shall, in that Province, be heard and determined in like manner as other suits or prosecutions in the same court for moneys due to the Crown, except that in the Circuit Court the same shall be heard and determined in a summary manner; but nothing in this section shall affect any provisions of this Act, except such only as relate to the form of proceeding and of trial in such suits or prosecutions as aforesaid.

the Province of Quebec.

191. Any prosecution or suit in the Exchequer Court of Canada, or in any superior court or circuit court of a Province for the recovery of any penalty or forfeiture imposed by this Act or by any other law relating to the Customs or to trade or navigation may be commenced, prosecuted and proceeded with in accordance with any rules of practice, general or special, established by the court for Crown suits in revenue matters, or in accordance with the usual practice and procedure of the court in civil cases, in so far as such practice and procedure may be applicable, and wherever not applicable, then in accordance with the directions of the court or a judge in chambers. The venue in any such prosecution or suit may be laid in any county in the Province notwithstanding that the cause of prosecution or suit did not arise in such county.

Procedure in such suits or prosecutions, in the several courts.

As to the venue.

192. Any judge of the court in which any prosecution or suit is brought for the recovery of any penalty or forfeiture as aforesaid, may, upon being satisfied by affidavit that there is reason to believe that the defendant will leave the Province without satisfying such penalty or forfeiture, issue a warrant under his hand and seal for the arrest and detention of the defendant in the common gaol of the county, district or place until he has given security (before and to the satisfaction of such judge or some other judge of the same court) for the payment of such penalty with costs, in case judgment be given against him.

Arrest of defendant about to leave the Province where the suit is brought.

193. In any declaration, information, statement of claim or proceeding in any such prosecution or suit, it shall be sufficient to state the penalty or forfeiture incurred, and the Act or section under which it is alleged to have been incurred, without further particulars; and the averment that the person seizing was and is an officer of the Customs shall be sufficient evidence of the fact alleged unless it be contradicted by some superior officer of the Customs.

What shall be sufficient averment in such cases.

194. In every prosecution, information, suit or proceeding brought under this Act for any penalty or forfeiture, or upon any bond given under it, or in any matter relating to the Customs or to trade or navigation, Her Majesty, or those who

Those who sue for the Crown to recover full costs of suit.

Penalties and costs, how levied.

who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled also to recover full costs of suit; and all such penalties and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the defendant, in the same manner as sums recovered by judgment of the court in which the prosecution is brought, may be levied by execution, or payment thereof may be enforced by *capias ad satisfaciendum* against the person of the defendant under the same conditions and in like manner.

Nolle prosequi by Attorney General.

195 If in any case the Attorney-General is satisfied that the penalty or forfeiture was incurred without intended fraud, he may enter a *nolle prosequi* on such terms as he may see fit, and which shall be binding on all parties: the entry of such *nolle prosequi* shall be reported to the Minister of Customs with the reasons therefor.

Averment as to place at which any act was done.

196 In any prosecution, suit or other proceeding for the recovery of any penalty or forfeiture as aforesaid, or for an offence against this Act or any other law relating to the Customs, or to trade or navigation, the averment that the cause of prosecution or suit arose, or that such offence was committed within the limits of any district, county, port or place, shall be sufficient without proof of such limits, unless the contrary is proved.

Onus of proof that duties have been paid to be on the owner or claimant.

197. If any prosecution or suit is brought for any penalty or forfeiture under this Act or any other law relating to the Customs or to trade or navigation, and any question arises whether the duties have been paid on any goods, whether the same have been lawfully imported, or lawfully laden or exported, or whether any other thing hath been done by which such penalty or forfeiture would be avoided, — the burden of proof shall lie on the owner or claimant of the goods, and not on the party bringing such prosecution or suit.

Things seized as forfeited to be deemed condemned, if not claimed within a certain time.

198. All vessels, vehicles, goods and other things seized as forfeited under this Act or any other law relating to Customs, or to trade or navigation, shall be placed in the custody of the nearest Collector, and secured by him, or if seized by any officer in charge of a revenue vessel, shall be retained on board thereof until her arrival in port, and shall be deemed and taken to be condemned, without suit, information or proceedings of any kind, and may be sold, unless the person from whom they were seized, or the owner thereof or some person on his behalf, within one month from the day of seizure do give notice in writing to the seizing officer or other chief officer of the Customs at the nearest port, that he claims or intends to claim the same; and the burden of proof that such notice was duly given in any case shall always lie upon the person claiming.

Notice of claim.

199. Notwithstanding that no such notice has been given, proceedings for the condemnation of the things seized may be commenced and prosecuted to judgment.

Want of notice not to stay proceedings.

200. So soon as proceedings have been commenced in any court, for the condemnation of anything seized, notice thereof shall be posted up in the office of the clerk, registrar or prothonotary of the court, and also in the office of the Collector at the port at which the thing has been seized as aforesaid; and if it be a vessel shall also be posted on a mast thereof, or on some other conspicuous place on board.

Notice of proceedings to be posted up, and where.

201. Any person desiring to claim any thing seized after proceedings for condemnation thereof have been commenced must file such claim in the office of the clerk, registrar or prothonotary of the court: such claim must state the name, residence and occupation or calling of the person making it, and must be accompanied by an affidavit of the claimant or his agent having a knowledge of the facts, setting forth the nature of the claimant's title to the thing seized.

As to claims made after proceedings have been commenced.

202. Before any claim can be filed the claimant shall give security to the satisfaction of the court or a judge thereof by bond in a penalty of not less than two hundred dollars, or by a deposit of money not less than that sum, for the payment of the costs of the proceedings for condemnation.

Bond for payment of costs required.

203. If within one month after the last posting of the notice, under section two hundred, no claim to the thing seized be duly made, and security for costs given in accordance with the provisions of this Act and of the practice of the court, judgment by default for the condemnation of the thing seized may, with the leave of the court or a judge thereof, be entered.

Judgment by default for want of claim or security for costs.

204. Any Collector of Customs may, as may also any court or judge having competent jurisdiction to try and determine the seizure, with the consent of the Collector at the place where the things seized are, order the delivery thereof to the owner, on the deposit with the Collector in money of a sum at least equal to the full duty paid value (to be determined by the Collector) of the things seized and the estimated costs of the proceedings in the case; and any sum or sums of money so deposited shall be immediately deposited in some bank appointed for that purpose by competent authority, to the credit of the Receiver-General of Canada, there to remain until forfeited in due course of law or released by order of the Minister of Customs; and in case such seized articles are condemned, the money deposited shall be forfeited.

Delivery of things seized to owner on deposit of a sum equal to value and costs.

205. If the thing seized be an animal or a perishable article, the Collector at whose port the same is, may sell the

Cattle or perishable

same

articles may be sold as if condemned. Provision in such case.

Proviso : for delivery of articles seized on sufficient security being given.

As to deposit of money.

Provision, if notice of claim has been given, and value is not over \$100.

Proceeding before Justices of Peace.

Notice to parties.

Hearing if case is defended, etc.

Justices to be a court.

Limitation of time for

same so as to avoid the expense of keeping it or to prevent its becoming deteriorated in value. The proceeds of such sale shall be deposited in some chartered bank to the credit of the Receiver-General of Canada, and shall abide the judgment of the court with respect to the condemnation of the thing seized, in case proceedings for condemnation be taken in court, or shall become the property of Her Majesty, in case the thing seized becomes condemned without proceedings in court: Provided always, that the Collector shall deliver up such animal or perishable article to the claimant thereof, upon such claimant depositing with him a sum of money sufficient in the opinion of the Collector to represent the duty paid value of the thing claimed, and the costs of any proceedings to be taken in court for the condemnation of the thing seized. The money so deposited shall be paid into some chartered bank to the credit of the Receiver-General of Canada, and shall be dealt with in the same manner as above provided for in the case of the proceeds of a sale of such thing.

206. If notice of intent to claim has been given and the value of the goods or thing seized does not exceed one hundred dollars, and the prosecutor chooses to proceed under this section, he shall forthwith cause the goods to be valued by a competent appraiser, and if such appraiser certifies them to be under the said value, a summary information in writing may be exhibited in the name of the Collector at or nearest to the place of seizure, or in the name of any officer authorized thereto by the Minister of Customs, before two Justices of the Peace, charging the articles seized as forfeited under some particular Act and section thereof to be therein referred to, and praying condemnation thereof; and the justices shall thereupon issue a general notice for all persons claiming interest in the seizure to appear at a certain time and place there to claim the articles seized, and answer the information, otherwise such articles will be condemned; and a copy of the notice shall, at least eight days before the time of appearance, be served upon the person from whose possession the things were taken, or shall be left at or affixed to the building or vessel in which they were seized, if any, and if there remaining, or at two public places nearest the place of seizure: if any person appears to answer the information, the justices shall hear and determine the matter in a summary manner and acquit or condemn the articles, but if no person appears, judgment of condemnation shall be given; and the justices, on condemnation, shall issue a warrant to the Collector to sell the goods; and such two justices shall be deemed to be a court, and each of them to be a judge thereof for the purposes of this Act.

207. All prosecutions or suits for the recovery of any of the penalties or forfeitures imposed by this Act, or any other law

law relating to the Customs, may be commenced at any time within three years after the cause of prosecution or suit arose, but not afterwards; and the vessels, vehicles, goods or things forfeited shall be liable to forfeiture during the same period. bringing suits for penalties, etc.

208. An appeal shall lie from a conviction by any magistrate, judge, Justice or Justices of the Peace under this Act, in the manner provided by law from convictions in cases of summary conviction, in that Province in which the conviction was had, on the appellant furnishing security by bond or recognizance with two sureties to the satisfaction of such magistrate, judge, Justice or Justices of the Peace, to abide the event of such appeal. Appeal from convictions before Justices of Peace.

209. And an appeal shall also lie from the Exchequer Court of Canada, the Superior, County, and Circuit Courts respectively, in cases where the amount of the penalty or forfeiture is such that if a judgment for a like amount were given in any civil case, an appeal would lie; and such appeal shall be allowed and prosecuted on like conditions, and subject to like provisions as other appeals from the same court, in matters of like amount. And from other courts.

210. If the appeal be brought by Her Majesty's Attorney General, or a Collector or officer of the Customs, it shall not be necessary for him to give any security on such appeal. If brought by the Crown.

211. In any case in which proceedings have been instituted in any court against any vessel, vehicle, goods or thing, for the recovery of any penalty or forfeiture under this Act or any law relating to the Customs, trade or navigation, the execution of any decision or judgment for restoring the thing to the claimant thereof, shall not be suspended by reason of any appeal from such decision or judgment, provided the claimant gives sufficient security, to be approved of by the court or a judge thereof, to render and deliver the thing in question or the full value thereof, to the appellant, in case the decision or judgment so appealed from be reversed. Restoration of goods, etc., not prevented by appeal if security be given.

212. All sales of goods forfeited or otherwise liable to be sold under this Act shall be by public auction, and after a reasonable public notice, and subject to such further regulations as may be made by the Governor in Council; but in any case, the Minister of Customs may order vessels, goods, vehicles or things forfeited to be disposed of as he may see fit, instead of being sold by public auction. Sales to be by public auction. Exception.

213. The proceeds, after deducting expenses, shall, unless it be otherwise provided, belong to Her Majesty for the public uses of the Dominion; but the net proceeds or any portion Appropriation and distribution of

penalties and forfeitures.

Powers of Governor in Council and of Minister of Customs not affected.

Duty of the importer or exporter of any goods seized or detained for breach of Customs laws, to furnish certain books, papers, etc.

Penalty for not furnishing such books and papers.

Costs and damages for seizure set aside, to be limited on certificate of probable cause.

portion thereof, may be divided between and paid to the Collector or chief officer of the Customs at the port or place where the seizure was made, and the officer or officers by whom the seizure was made or the information given which led to the seizure, and any person who has given information or otherwise aided in effecting the condemnation of the thing seized, in such proportions as the Governor in Council may in any case or class of cases direct and appoint; but nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council or the Minister of Customs to make and ordain any other plan or system for the distribution of such net proceeds, or with regard to the remission of penalties or forfeitures imposed by this Act or any other law.

214. When any goods have been seized or detained under any of the provisions of this Act, or of any law relating to the Customs, the importer or exporter thereof, and the owner or claimant thereof, shall immediately, upon being required so to do by the Collector or other proper officer of Customs of the port where the seizure or detention took place, produce and hand over all invoices, bills, accounts and statements of the goods so seized or detained, and of all other goods imported into Canada by him at any time within three years next preceding such seizure or detention; and shall also produce for the inspection of such Collector or other officer, and allow him to make copies of, or extracts from, all books of account, ledgers, day-books, cash books, letter books, invoice books, or other books wherein any entry or memorandum appears respecting the purchase, importation, cost, value or payment of the goods so seized or detained, and of all other goods as aforesaid.

215. If any person required under the next preceding section to produce and hand over invoices, bills, accounts and statements, or to produce for inspection books of accounts, ledgers, day-books, cash books, letter books, invoice books, and other books, or to allow copies or extracts to be made therefrom, neglects or refuses so to do, he shall incur a penalty of not less than two hundred dollars, nor more than one thousand dollars.

216. If in any prosecution, information or suit respecting any seizure made under this Act, or any law relating to the Customs, decision or judgment be given for the claimant, and if the judge or court before whom the cause has been tried or brought, certifies that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution be brought against any person on account

account of his making or being concerned in the making of such seizure, the plaintiff, if probable cause is certified as aforesaid, shall not be entitled to more than twenty cents damages nor to any costs, nor shall the defendant in such prosecution in such case be fined more than ten cents.

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

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

218. When any vessel, vehicle, goods or thing has been seized or detained under any of the provisions of this Act or of any law relating to the Customs, or when it is alleged that any penalty or forfeiture has been incurred under the provisions of this Act or of any law relating to the Customs, the Collector or the proper officer shall forthwith report the circumstances of the case to the Commissioner of Customs.

Seizure or detention to be reported to Commissioner of Customs.

219. The Commissioner may thereupon notify the owner or claimant of the thing seized or detained, or his agent, or the person alleged to have incurred the penalty or forfeiture, or his agent, of the reasons for the seizure, detention, penalty or forfeiture, and call upon him to furnish within thirty days from the date of the notice, such evidence in the matter as he may desire to furnish: such evidence may be by affidavit or affirmation, made before any Justice of the Peace, any Collector of Customs, any commissioner for taking affidavits in any court, or any Notary Public.

Commissioner to call upon owner or claimant of thing seized for statement under affidavit.

220. After the expiration of the said thirty days, or sooner if the person so called upon to furnish evidence so desires, the Commissioner may consider and weigh the circumstances of the case, and report his opinion and recommendation thereon to the Minister of Customs.

Commissioners to report opinion to Minister.

221. The Minister may thereupon give his decision in the matter, respecting the seizure, detention, penalty or forfeiture, and the terms (if any) upon which the thing seized or detained may be released or the penalty or forfeiture remitted; and if the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty signifies in writing, by himself or his agent, his acceptance of the decision, he shall be bound thereby; and in any action, thereof may be enforced and carried out; and in any action, suit or proceeding to recover any money claimed by virtue of such decision the person accepting the same shall not be at

Minister's decision in the matter to be binding on claimant accepting it.

liberty

liberty to set up that the thing seized was not liable to seizure or detention, or that he had not incurred any penalty or forfeiture.

Provision if claimant refuses to accept the decision.

222. But if the said owner or claimant or person, or his agent, within twenty days after having been notified of the decision, gives to the Minister of Customs notice in writing that such decision will not be accepted, or if such twenty days elapse without such decision being accepted, proceedings for the condemnation of the thing seized or for the enforcement of the penalty or forfeiture, may be taken without delay.

If decision be accepted, but terms not complied with.

223. If the said decision be accepted as by this Act provided, and if the terms thereof be not forthwith complied with, the Minister of Customs may elect either to enforce the terms of the decision or to take proceedings for the condemnation of the thing seized, or for the enforcement of the penalty or forfeiture.

If the decision requires payment of a sum of money which is not paid.

224. If a term of the decision be that the thing seized or detained be released upon payment of a sum of money, and if such money be not paid forthwith after acceptance of the decision, and if the Minister elects to enforce the decision, such thing may be sold and the net proceeds applied towards payment of such sum—the balance (if any) to be handed over to the person entitled thereto: if such net proceeds be not sufficient to pay such sum the person accepting the decision shall be liable to pay the amount of the deficiency, and the same may be recovered from him as a debt due to Her Majesty.

If a penalty be not paid.

225. If, after acceptance of the decision, the person required thereby to pay any sum of money as a penalty or forfeiture, does not forthwith pay the same, the amount thereof may be recovered from him as a debt due to Her Majesty.

What notice of action for things done under this Act shall be given.

226. No action, suit or proceeding shall be commenced no writ shall be sued out against, nor a copy of any process served upon any officer of the Customs or person employed for the prevention of smuggling as aforesaid, or upon any officer of Customs for any thing done in the exercise of his office, until one month after notice in writing has been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process—in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of such action shall be produced except of such as is contained in such notice; and no verdict or judgment shall be given for the plaintiff, unless he prove

What evidence only may be produced on the trial.

on the trial, that such notice was given, and in default of such proof, the defendant shall receive a verdict or judgment and costs.

227. Any such officer or person against whom any action, suit or proceeding is brought on account of anything done in the exercise of his office, may, within one month after such notice, tender amends to the party complaining, or his agent, and plead such tender in bar to the action, together with other pleas; and if the court or jury (as the case may be), find the amends sufficient, judgment or verdict shall be given for the defendant; and in such case, or in case the plaintiff becomes non-suited, or discontinues his action, or judgment is given for the defendant upon demurrer or otherwise, then such defendant shall be entitled to full costs of defence; the defendant, by leave of the court in which the action is brought, may, at any time before issue joined, pay money into court as in other actions.

Defendant may tender amends and plead tender in bar.

Costs to defendant if successful.

Payment into Court.

228. Every such action, suit or proceeding must be brought within three months after the cause thereof, and laid and tried in the place or district where the facts were committed; and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff becomes non-suited or discontinues the action, or if upon a demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover full costs of defence.

Action must be brought within a certain time.

229. If in any such action, suit or proceeding, the court or judge before whom the action is tried certifies upon the record that the defendant in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than twenty cents damages nor to any costs of suit, nor in case of a seizure shall the person who made the seizure be liable to any civil or criminal suit or proceeding on account thereof.

If probable cause be certified on record, damages and costs to be limited.

230. In addition to the purposes and matters hereinbefore or hereinafter mentioned, the Governor in Council may, from time to time, and in the manner hereinafter provided, make regulations for or relating to the following purposes and matters:—

Governor in Council may make regulations for—

1. For the warehousing and bonding of such cattle and swine as may be slaughtered and cured in bond, and of such wheat, maize and other grain as may be ground and packed in bond, and of such sugar as may be refined in bond;
2. For the branding and marking of all duty-paid goods and goods entered for exportation, and for regulating and declaring what allowances shall be made for tare on the gross weight of goods;

Slaughtering cattle, and grinding grain in bond.

Marking duty paid goods; and as to tare.

- Coasting trade and inland navigation. 3. For declaring what shall be coasting trade, or inland navigation, respectively, and how the same shall be regulated in any case or class of cases, and for relaxing or dispensing with any of the requirements of this Act, as to vessels engaged in such trade, on any conditions which he may see fit to impose ;
- Ports of entry. 4. For appointing places and ports of entry, and warehousing and bonding ports, and respecting goods and vessels passing the canals, and respecting the horses, vehicles and personal baggage of travellers coming into Canada or returning thereto, or passing through any portion thereof ;
- Passing through Canada. 5. For regulating or restricting the importation of spirits, wine and malt liquors, or other goods requiring to be weighed, gauged or tested for strength or quantity, and limiting or prescribing the kind and capacity of packages in which the same may be imported, and the conveyances by which, and the ports or places at which the same may be landed and entered ;
- Regulating or restricting importation of spirits, etc. 6. For exempting from duty, any flour or meal or other produce of any wheat or grain grown in and taken out of Canada into the United States to be ground, and brought back into Canada within two days after such wheat or grain has been so taken out to be ground, or any boards, planks or scantling the produce of any logs or timber grown in and taken out of Canada into the United States to be sawn, and brought back into Canada within seven days after such logs or timber were so taken out to be sawn ;
- Exempting produce of grain or timber grown in Canada, &c. from duty in certain cases. 7. For regulating the quantity to be so taken out or brought in at any one time by any party, and the mode in which the claim to exemption shall be established and proved ;
- Respecting claims to such exemption. 8. For authorizing the appointment of warehouses, and regulating the security which shall be taken from warehouse keepers, the forms and conditions subject to which goods are to be warehoused, the mode of keeping goods in warehouse, and of removing such goods therefrom, and the amount of warehouse rent or license fees ;
- Warehousing 9. For extending either by general regulation or by special order, the time for clearing warehoused goods, and for the transport of goods in bond from one port or place to another ;
- Forms, rents, &c. 10. For regulating the form in which transfers of goods in warehouse or bond from one party to another shall be entered ;
- Extending time for clearing warehoused goods. 11. For exempting goods from duty as being the growth, produce or manufacture of Newfoundland, if such exemption
- Transfers in bond.
- Exemption of goods from

- tion be provided for by any Act relating to Customs, and for regulating the mode of proving such exemption ; Newfound-land.
12. For transferring to the list of goods which may be imported into Canada free of duty, any or all articles (whether natural products or products of manufactures) used as materials in Canadian manufactures,—and any such materials transferred to the free list by such Order in Council, shall be free of duty of Customs for the time therein appointed for that purpose; and for granting a drawback of the whole or part of the duty paid on articles which may have been used in Canadian manufactures, or for granting a certain specific sum in lieu of any such drawback ; Transferring certain materials for Canadian manufactures to the free list, or granting drawback thereon.
13. For appointing the manner in which the proceeds of penalties and forfeitures shall be distributed ; Distribution of penalties.
14. For authorizing the taking of such bonds and security as he deems advisable for the performance of any condition on which any remission or part remission of duty, indulgence or permission is granted to any party, or any other condition made with such party, in any matter relating to the Customs or to trade or navigation; and such bonds, and all bonds taken with the sanction of the Minister of Customs, expressed either by general regulation or by special order, shall be valid in law, and upon breach of any of the conditions thereof, may be sued and proceeded upon in like manner as any other bond entered into under this Act or any other law relating to the Customs ; Taking bond for security of performance of conditions of remission, &c.

Such bonds to be valid.
15. For any other purpose for which, by this Act or any other law relating to the Customs or to trade and navigation, the Governor in Council is empowered to make orders or regulations ; it being hereby declared competent for him (if he deems it expedient) to make general regulations in any matter in which he may make a special order, and any such general regulation shall apply to each particular case within the extent and meaning thereof, as fully and effectually as if the same referred directly to each particular case within the intent and meaning thereof, and the officers, functionaries and parties had been specially named therein. General regulations in cases where he may make special.
- 231.** And whereas it frequently happens that goods are conveyed directly through the Canadian canals or otherwise by land or inland navigation, from one part of the frontier line between the Dominion of Canada and the United States to another, without any intention of unloading such goods in Canada, and that travellers in like manner pass through a portion of Canada, or come into it with their carriages, horses or other cattle drawing the same, and personal baggage, with the intention of forthwith returning Recital of cases.
to

Regulations as to passing of goods through Canadian Canals, &c.

Forfeiture for contravention.

Oath or declaration may be required by regulations.

Governor in Council may prohibit the exportation, etc., of certain goods.

Fees on vessels having no coasting license on entering certain ports.

to the United States, or having gone to the United States from Canada, return to it with such articles, and though the bringing of such goods and other articles into Canada is strictly an importation thereof, it may nevertheless be inexpedient that duties should be levied thereon: with regard to all such cases as aforesaid, the Governor in Council may, from time to time and as occasion may require, make such regulations as to him seem meet, and may direct under what circumstances such duty shall be or shall not be paid, and on what conditions it shall be remitted or returned, and may cause such bonds or other security to be given, or such precautions to be taken at the expense of the importer (whether by placing officers of the Customs on board any such vessel or carriage or otherwise) as to him seem meet; and on the refusal of the importer to comply with the regulations to be so made, the duty on the goods so imported shall forthwith become payable; and all and every animal, vehicle or goods of any kind, brought into Canada by any traveller, exempted from duty under such regulations or otherwise, shall, if sold or offered for sale in Canada, provided the duties thereon have not been previously paid, be held to have been illegally imported, and shall be seized and forfeited, together with the harness or tackle employed therewith or in the conveyance thereof.

232. In any regulation made by the Governor in Council, under this Act, any oath, or declaration may be prescribed and required which the Governor in Council deems necessary to protect the revenue against fraud, and any person or officer may be authorized to administer the same; and by any such regulation, a declaration may be substituted for an oath in any case where an oath is required by this Act.

233. The Governor in Council may, by proclamation or Order in Council, at any time, and from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of the following goods:—arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food by man; and if any goods, so prohibited, be exported, carried coastwise or by inland navigation, or waterborne or laden in any railway carriage or other vehicle, for the purpose of being so exported or carried, they shall be seized and forfeited.

234. The Governor in Council may grant yearly coasting licenses to British vessels navigating the inland waters of Canada above Montreal, and may direct that a fee of fifty cents shall be payable for each such license, and that the master

master or person in charge of any vessel navigating the said waters, and not having a coasting license, shall, on entering any port in the Dominion with such vessel, pay a fee of fifty cents if such vessel is not over fifty tons burthen, and of one dollar if she is more than fifty tons burthen, to the Collector on each entry, and a like fee of fifty cents, or one dollar. (according to the burthen of the vessel) on each clearance of such vessel at any port; and such fees shall be payable accordingly before such vessel shall be entered or cleared: Provided, that the Governor in Council may reduce or re-adjust such fees, but may not increase them; and provided also, that vessels merely passing through any of the Canadian canals, without breaking bulk, shall not be liable to such fees.

Proviso.

Proviso.

235. All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation made by the Governor in Council, and all goods or vehicles and all vessels under the value of four hundred dollars, with regard to which the requirements of any such regulations have not been complied with, shall be seized and forfeited; and if such vessel be of or over the value of four hundred dollars, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid, or satisfactory security is given for the payment thereof; and any such forfeitures and penalties shall be recoverable and may be enforced in the same manner, before the same court and tribunal, as if incurred by the contravention of any direct provision of this Act.

Penalties and forfeitures for contravention of regulations.

Recovery thereof.

236. All general regulations made by the Governor in Council under this Act, shall have effect from and after the day on which the same have been published in the *Canada Gazette*, or from and after such later day as may be appointed for the purpose in such regulations, and during such time as shall be therein expressed, or if no time be expressed for that purpose, then until the same are revoked or altered; and all such regulations may be revoked, varied or altered by any subsequent regulation: and a copy of the *Canada Gazette* containing any such regulation shall be evidence of such regulation to all intents and purposes whatsoever.

Publication of regulations.

Revocation.

Proof.

237. Any copy of an Order of the Governor in Council made in any special matter, and not being a general regulation, certified as a true copy by the Clerk or assistant Clerk of the Queen's Privy Council for Canada, shall be evidence of such Order to all intents and purposes whatsoever.

Certified copies to be evidence.

238. In every case where the person required to take any oath under any Act or regulation relating to the Customs, is one of the persons entitled by law to take a solemn affirmation

Oath to include affirmation in certain cases.

tion

Punishment for false statement.

tion instead of an oath in civil cases, such person may, instead of the oath hereby required, make a solemn affirmation to the same effect; and every person before whom any oath is, by any such Act or regulation, required or allowed to be taken, or solemn affirmation to be made, shall have full power to administer the same; and the wilfully making any false statement, in any such oath, shall be perjury; and the wilfully making any false statement in such solemn affirmation shall be a misdemeanor punishable as perjury.

Time of importation defined;

239. Whenever, on the levying of any duty or for any other purpose, it becomes necessary to determine the precise time of the importation or exportation of any goods, or of the arrival or departure of any vessel, such importation, if made by sea, coastwise or by inland navigation in any decked vessel, shall be deemed to have been completed from the time the vessel, in which such goods were imported, came within the limits of the port at which they ought to be reported, and, if made by land or by inland navigation in any undecked vessel, then from the time such goods were brought within the limits of Canada; and the exportation of any goods shall be deemed to have been commenced from the time of the legal shipment of such goods for exportation, after due entry outwards, in any decked vessel, or from the time the goods were carried beyond the limits of Canada, if the exportation be by land or in any undecked vessel; and the time of the arrival of any vessel shall be deemed to be the time at which the report of such vessel was, is or ought to have been made, and the time of the departure of any vessel to be the time of the last clearance of such vessel on the voyage for which she departed.

And of exportation; and

Of arrival or departure.

Over-paid duties not returnable after three years.

240. Although any duty of Customs has been overpaid, or although, after any duty of Customs has been charged and paid, it appears or is judicially established that the same was charged under an erroneous construction of the law, no such overcharge shall be returned after the expiration of three years from the date of such payment, unless application for repayment has been previously made.

No refund after 14 days.

As to error discovered while unpacking.

241. No refund of duty shall be allowed after the lapse of fourteen days from the time of entry, for any alleged misdescription of goods by the importer; and should any error of the kind be discovered by the importer while unpacking his goods, he shall immediately and without further interference with the goods, report the facts to the collector in order that the same may be verified.

Drawback on on duty-paid goods exported.

242. The Governor in Council may, under regulations to be made for that purpose, allow, on the exportation of goods which have been imported into Canada and on which a duty of Customs has been paid, a drawback equal to the duty

so paid, with such deduction therefrom as may be provided in such regulations; and in cases to be mentioned in such regulations, and subject to such provisions as may be therein made, such drawback or a specific sum in lieu thereof, may be allowed on duty-paid goods manufactured or wrought in Canada into goods exported therefrom as aforesaid; and the period within which such drawback may be allowed, after the time the duty was paid shall be limited in such regulations.

Regulations as to such cases.

243. All bonds and securities, of what kind and nature soever, authorized to be taken by any law relating to Customs, trade or navigation, shall be taken to and for the use and benefit of Her Majesty; and such bonds shall be taken before the performance of any act or matter with regard to which the taking of any such bond or bonds is required.

Bonds to be to Her Majesty's use, and when to be given.

244. All bonds, documents and papers necessary for the transaction of any business at the respective Custom Houses or places or ports of entry in Canada, shall be in such form as the Minister of Customs shall, from time to time, direct.

Forms for bonds and papers.

245. Certificates and copies of official papers, certified under the hand and seal of any of the principal officers of the Customs in the United Kingdom, or of any Collector of colonial revenue in any of the British Possessions in America or the West Indies, or other British Possessions, or of any British Consul or Vice Consul in a foreign country, and certificates and copies of official papers made pursuant to this Act or any Act in force in Canada relating to the Customs or Revenue, shall be received as presumptive evidence in reference to any matter contained in this Act or any Act relating to the Customs, or on the trial of any suit in reference to any such matter.

Certain certified documents to be presumptive evidence.

246. Whenever any person makes any application to an officer of the Customs to transact any business on behalf of any other person, such officer may require the person so applying to produce a written authority from the person on whose behalf the application is made, and in default of the production of such authority, may refuse to transact such business; and any act or thing done or performed by such agent, shall be binding upon the person by or on behalf of whom the same is done or performed, to all intents and purposes, as fully as if the act or thing had been done or performed by the principal.

Persons transacting Customs business for others to produce written authority.

Their acts to bind their principals.

247. Any attorney and agent duly thereunto authorized by a written instrument, which he shall deliver to and leave with the Collector, may, in his said quality, validly make any entry, or execute any bond or other instrument required by this

Agent duly authorized may execute bonds for his principal.

this

Form of
appointment.

this Act, and shall thereby bind his principal as effectually as if such principal had himself made such entry or executed such bond or other instrument, and may take the oath hereby required of a consignee or agent, if he be cognizant of the facts therein averred; and any instrument appointing such attorney and agent shall be valid if in the form prescribed by the Minister of Customs.

Any partner
may execute
bonds, etc.,
without men-
tioning the
other mem-
bers of the
co-partner-
ship.

As to seals.

248. Any partner in an incorporated company, association or co-partnership of persons, or their attorney and agent authorized as aforesaid, may, under the name and style usually taken by such company, association or co-partnership, make any entry or execute any bond or other instrument required by this Act, without mentioning the name or names of any of the members or of the other members of the company or association or partnership; and such entry, bond or instrument shall nevertheless bind them as fully and effectually, and shall have the same effect in all respects as if the name of every such member or partner had been therein mentioned and he had signed the same, and (if it be a bond or other instrument under seal) as if he had thereunto affixed his seal and had delivered the same as his act and deed; and the seal thereunto affixed shall be held to be the seal of each and every such member or partner as aforesaid: and the provisions of this section shall apply to any instrument by which any company, association or partnership of persons appoint an attorney or agent to act for them under the next preceding section: the person who, under this section, makes any entry or executes any bond or instrument on behalf of any company, association or partnership, shall under the name and style usually taken by them, write his own name with the word "by" or the words "by their Attorney," or words to the like effect, as the case may be thereunto prefixed.

Proviso: as
to form of
signature.

SCHEDULE.

ACTS REPEALED SUBJECT TO THE PROVISIONS MADE IN SECTION THREE OF THIS ACT.

1. The Act passed in the fortieth year of Her Majesty's reign, chaptered ten, and intituled "*An Act to amend and consolidate the Acts respecting the Customs.*"

2. The Act passed in the forty-fourth year of Her Majesty's reign, chaptered eleven, and intituled "*An Act to amend the Act fortieth Victoria, chapter ten, intituled 'An Act to amend and consolidate the Acts respecting the Customs.'*"

CHAP. 13.

An Act further to amend the Tariff of Duties of Customs.

[Assented to 25th May, 1883.]

IN amendment of the Act passed in the forty-second year Preamble.
of Her Majesty's reign, and intituled "An Act to alter the 42 V., c. 15.
Duties of Customs and Excise," as amended by the Act passed
in the forty-third year of Her Majesty's reign, and intituled
"An Act to amend the Act forty-second Victoria, chapter fif- 43 V., c. 18.
teen," intituled "An Act to alter the Duties of Customs and
Excise," and by the Act passed in the forty-fourth year of 44 V., c. 10.
Her Majesty's reign, and intituled "An Act further to amend
the Acts forty-second Victoria, chapter fifteen, and forty-third
Victoria, chapter eighteen, as respects duties of Customs," and
by the Act passed in the forty-fifth year of Her Majesty's 45 V., c. 6.
reign, and intituled "An Act further to amend the several Acts
imposing Duties of Customs, now in force": Her Majesty,
by and with the advice and consent of the Senate and
House of Commons of Canada, enacts as follows:—

1. The duties (if any) imposed by the said Acts or any of Articles add-
them, on the following articles respectively, are hereby ed to the free
repealed, and the said articles are hereby added to the list list.
of Free Goods, Schedule B, of the Act first above cited:—

Asphaltum ;
Books, bound, which shall have been printed more than
seven years at the date of importation, except foreign reprints
of English copyrighted books, which shall remain subject
to the copyright duty ;
Books printed by any Government, or by any Scientific
Association, or other Society now existing for the promotion
of learning and letters, and issued in the course of their
proceedings and not for the purpose of sale or trade ;
Chronometers and compasses for ships ;
Copper, in sheets ;
Hatters' plush, of silk or cotton ;
Iron and steel, old and scrap ;
Iron beams, sheets or plates, and knees for iron or com-
posite ships ;
Iodine, crude ;
Manuscripts ;
Marble, in blocks from the quarry in the rough, or sawn
on two sides only, and not specially shapen, containing fif-
teen cubic feet or over ;
Weekly literary papers ;
Ottar of roses ;
Platinum wire ;
Seeds, anise, coriander, cardamom, fennel and fenugreek ;
Spurs

Spurs and stiltis, used in the manufacture of earthenware;
 Sausage skins or casings, not cleaned ;
 Wire of brass or copper, round or flat ;
 Wire of iron or steel, galvanized or tinned or not, 15-gauge
 or smaller ;
 Wire of spring steel, coppered, for the manufacture of
 mattresses, number 9-gauge and smaller ;
 Steel railway bars or rails, and fish-plates, and in sheets
 for the manufacture of saws ;
 Mineral waters, natural, under regulations to be made by
 the Minister of Customs ;
 Diamond drills for prospecting for minerals ;
 Dye, jet black ;
 Kainite or German potash salts for fertilizers.

Alterations
 in the free
 list.

(2.) And the said Schedule B is hereby further amended
 by making the following alterations therein and additions
 thereto, viz. :—

After the word "Agates" strike out the word "unmanu-
 factured" and insert the words, "rubies, pearls, sapphires,
 emeralds, garnets and opals, not polished nor otherwise
 manufactured."

After the words "Aniline dyes" add the words "in bulk
 or packages of not less than one pound weight."

After the words "Celluloid or xyolite in sheets" add the
 words "lumps or blocks."

Under the heading "Colors, dry," strike out the words
 "*blanc fixe*," and "*marjacca*," and add the words "Metallic
 Colors, viz. :—cobalt, zinc and tin."

Under the heading "Lumber and timber" after the word
 "chestnut" and before the word "mahogany" insert the
 word "gumwood," and after the closing word "manu-
 factured" add the words "and sawdust of the same, pro-
 vided that hickory lumber, sawn to shape for spokes of
 wheels but not further manufactured, shall be also free."

Under the heading "Settlers' effects," after the words
 "removal to Canada" and before the words "not to include"
 insert the words "musical instruments, domestic sewing
 machines, live stock, carts and other vehicles, and agricul-
 tural implements in use by the settler for at least one year
 before his removal to Canada," and after the word
 "machinery" strike out the words "or live stock," and after
 the words "entered as settlers' effects" and before the words
 "shall not be sold" insert the words "cannot be so entered
 unless brought with the settler on his first arrival and—"

Rates of duty
 on certain ar-
 ticles altered.

2. The rates of duty now chargeable under the said Acts or
 any of them on the following articles are hereby repealed
 except in so far as they are the same as those hereinafter
 mentioned, and the rates of duty hereinafter mentioned are
 substituted for them and shall be payable on the said articles
 respectively.

respectively, that is to say, the duty so payable shall be on:—

On and after 20th April, 1883.

1. Acetic acid, fifteen cents per Imperial gallon 15 c. p. Imp. gall.
2. Sulphuric and nitric acid combined, and on all mixed acids, twenty-five per cent. *ad valorem*..... 25 per ct.
3. Playing cards, six cents per pack..... 6 cts.p.pack
4. Printed music, bound or in sheets, ten cents per pound..... 10 cts.p.lb.
5. Braces or suspenders, thirty per cent. *ad valorem*..... 30 per ct.
6. Railway cars, sleighs, cutters, wheel-barrows and hand-carts, 30 per cent. *ad valorem*..... 30 per ct.
7. Parts of carriages or of other manufactured articles, shall be charged with the same rate of duty, on a proportionate valuation, as that chargeable on the finished article.
8. Lamp-wicks, thirty per cent. *ad valorem*..... 30 per ct.
9. Cordage of all kinds, twenty per cent. *ad valorem*..... 20 per ct.
10. Drain-tiles, not glazed, twenty per cent. *ad valorem*..... 20 per ct.
11. Drain-pipes and sewer-pipes, glazed, twenty five per cent. *ad valorem*..... 25 per ct.
12. Currants, dates, figs, plums, prunes, raisins and all other dried fruits not otherwise specially charged with duty, twenty per cent. *ad valorem*..... 20 per ct.
13. Fruits in air-tight cans or other packages, including the cans or other packages, weighing not over one pound each, three cents and three cents additional per can or package, and three cents additional per can or package for each pound or fraction of a pound over one pound in weight... 3 cts. each additional over 1 lb.
14. Furniture of wood, iron or any other material, house cabinet, or office, finished or in parts, including hair and spring mattresses, bolsters and pillows, caskets and coffins of any material, thirty-five per cent. *ad valorem* 35 per ct.
15. Show cases, two dollars each, and thirty-five per cent. *ad valorem*..... \$2 each and 35 per ct.
16. The provision in the Act 45 Vic., chap. 6, sec. 4, for the insertion of the heading, "Manufactures of iron or steel, or of iron and steel combined," being hereby repealed, all articles now rated as iron or manufactures of iron, shall be chargeable with the same rate of duty, if made of steel or of steel and iron combined,

combined, unless otherwise expressly provided.

17. Glove leathers, viz. : buck, deer and antelope, tanned or dressed, coloured or not coloured, ten per cent. *ad valorem*..... 10 per ct.
18. Liquorice root, paste extract of, for manufacturing purposes, fifteen per cent. *ad valorem*. 15 per ct.
19. Marble in blocks from the quarry, in the rough or sawn on two sides only, and not specially shapen, containing less than fifteen cubic feet, ten per cent. *ad valorem*..... 10 per ct.
20. Marble slabs, sawn on not more than two sides, ten per cent. *ad valorem*..... 10 per ct.
21. Carbolic or heavy oil for any use, ten per cent. *ad valorem*..... 10 per ct.
22. Lubricating oils composed wholly or in part of petroleum, and costing thirty cents per Imperial gallon or over, twenty-five per cent. *ad valorem*..... 25 per ct.
23. The same costing less than thirty cents per gallon, seven and one-fifth cents per Imperial gallon..... 7½ cents per I.G.
24. All other lubricating oils, twenty-five per cent. *ad valorem*..... 25 per ct.
25. Paper hangings or wall paper, and glazed, plated, marbled, enamelled or embossed paper, in rolls or sheets, and card-board similarly finished, thirty per cent. *ad valorem*..... 30 per ct.
26. Union collar cloth paper in sheets not shapen, five per cent. *ad valorem*..... 5 per ct.
27. Spices, viz : Ginger and spices of all kinds, except nutmegs and mace, unground, ten per cent. *ad valorem*..... 10 per ct.
28. Trunks, satchels, valises, carpet-bags, purses and pocket books, thirty per cent. *ad valorem*. 30 per ct.
29. Turpentine, spirits of, ten per cent. *ad valorem*. 10 per ct.
30. Tomatoes and other vegetables including corn, in cans or other packages weighing not over one pound each including the can or other package, two cents per can or package ; and two cents additional per can or package, for each pound or fraction of a pound over one pound in weight..... 2 cts. each and 2 cts. additional per lb. if over 1 lb.
31. Vinegar, fifteen cents per Imperial gallon..... 15 cts. p. I.G.
32. Worsted yarn, whether under number 30 or not, and hosiery not elsewhere specified or charged with any other duty,—seven and a half cents, per pound, and in addition thereto, twenty per cent. *ad valorem*..... 7½ cts. per lb. and 20 per ct.
33. Knitted goods, viz : socks and stockings, shall be deemed clothing ready made, and charged with a duty of ten cents per pound, and in addition..... 10 cts. per lb. addition

	addition thereto, twenty-five per cent <i>ad valorem</i>	and 25 per ct.
34.	Dress or costume cloths, serges and similar fabrics, under twenty-five inches wide and weighing not over three and a half ounces per lineal yard, either or both, twenty per cent. <i>ad valorem</i>	20 per ct.
35.	Absinthe, two dollars per Imperial gallon	\$2 per I.G
36.	Agates, sapphires, emeralds, garnets and opals, polished but not set or otherwise manufactured, ten per cent. <i>ad valorem</i>	10 per ct.
37.	Aniline dyes, not otherwise provided for, ten per cent. <i>ad valorem</i>	10 per ct.
38.	Bed comforters or quilts of cotton, twenty-seven and a-half per cent. <i>ad valorem</i>	27½ per ct.
39.	Bells, of any description, except for churches, thirty per cent. <i>ad valorem</i>	30 per ct.
40.	Boot, shoe and stay laces of any material, thirty per cent <i>ad valorem</i>	30 per ct.
41.	Button covers, crozier, ten per cent. <i>ad valorem</i>	10 per ct.
42.	Cane or rattan, split or otherwise manufactured, twenty-five per cent. <i>ad valorem</i>	25 per ct.
43.	Cases, jewel and watch cases, and other like articles of any material, thirty per cent. <i>ad valorem</i>	30 per ct.
44.	Coal-dust, twenty per cent. <i>ad valorem</i>	20 per ct.
45.	Hair cloth for furniture, thirty per cent. <i>ad valorem</i>	30 per ct.
46.	India rubber clothing, or clothing made waterproof with India rubber, thirty-five per cent. <i>ad valorem</i>	35 per ct.
47.	Jellies and jams, five cents per pound.....	5 cts. p. lb
48.	Jute, carpeting or matting and mats, twenty-five per cent. <i>ad valorem</i>	25 per ct.
49.	Lamp-black and ivory black, ten per cent. <i>ad valorem</i>	10 per ct.
50.	Lead, nitrate and acetate of, five per cent. <i>ad valorem</i>	5 per ct
51.	Magic lanterns and optical instruments, including microscopes and telescopes, twenty-five per cent. <i>ad valorem</i>	25 per ct.
52.	Nickel anodes, ten per cent. <i>ad valorem</i>	10 per ct.
53.	Pumps, iron, pitcher spout, cistern, well and force pumps, thirty-five per cent. <i>ad valorem</i>	35 per ct.
54.	Tin crystals, twenty per cent. <i>ad valorem</i>	20 per ct.
55.	Vaseline, and all similar preparations of petroleum for toilet, medicinal or other purposes, in bulk, four cents per pound ; and in bottles or other packages, not over one pound in weight each, six cents per pound.....	4 cts. p. lb 6 cts. p. lb.
56.	Files and rasps, thirty-five per cent. <i>ad valorem</i>	35 per ct.

On and after 10th May, 1883.

- 57. Carriages, viz.: buggies of all kinds, farm wagons, farm, railway or freight carts, pleasure carts or gigs, and similar vehicles, and all other carriages not otherwise enumerated, thirty-five per cent. *ad valorem*..... 35 per ct.
- 58. Children's carriages of all kinds, thirty-five per cent. *ad valorem*..... 35 per ct.
- 59. Agricultural implements, viz.: mowing machines, self-binding harvesters, harvesters without binders, binding attachments, reapers, sulky and walking ploughs, and parts of the same, harrows, scythes, horse and hand hay rakes, garden rakes of any material, grain seed drills, spades and shovels, hoes, hay, straw, manure, spading and mining forks, and all similar articles and parts thereof, thirty-five per cent. *ad valorem*..... 35 per ct.
- 60. Portable machines, portable steam-engines, threshers and separators, horse powers, portable saw-mills and fanning mills and parts thereof, thirty-five per cent. *ad valorem*..... 35 per ct.

On and after 1st May, 1883.

- 61. Manufactured tobacco and snuff, twenty cents per pound and twelve and a-half per cent. *ad valorem*..... 20 c. per lb. and 12½ per ct.

Steel goods, after 1st July 1883.

3. Steel, ingots, bars, sheets and coils, not elsewhere specified, shall remain free from duty until the first day of July next (1883), on and after which day they shall be chargeable with a specific duty of five dollars per ton.

From what time the foregoing provisions shall be held to have taken effect.

4. Except only in cases where it is otherwise provided, the alterations, made in the Tariff of Duties of Customs by the first section of this Act, or by the enactments in the second section thereof preceding the item relating to "Carriages," shall be held to have taken effect upon, from and after the twentieth day of April in the present year, one thousand eight hundred and eighty-three; and the alterations made in the said Tariff by the enactments in the said second section following the said item relating to "Carriages," shall be held to have taken effect upon, from and after the tenth day of May in the said present year, and not before, except the last item in the said section which shall be held to have taken effect on, from and after the first day of May, in the said present year; and the said enactments, respectively, shall be held to have applied and shall apply to all goods imported or taken out of warehouse for consumption on or after the day when they have so taken effect, respectively.

5. The importer of cotton duck, used for sails of ships or fishing boats or other vessels, shall be entitled to a drawback equal to the duty paid thereon, less five per cent. of the value of the article, on furnishing proof that the duck has been so used, under regulations to be made by the Minister of Customs.

Drawback on cotton duck used for sails.

6. All medicinal preparations whether chemical or otherwise, usually imported with the name of the manufacturer, shall have the true name of such manufacturer and the place where they are prepared permanently and legibly affixed to each parcel by stamp, label or otherwise; and all medicinal preparations imported without such names so affixed shall be forfeited.

Provision as to medicinal preparations.

7. Section five of the Act first mentioned in the Preamble of this Act is hereby repealed.

Sect. 5. of 42 V. c. 15 repealed.

8. All laws now or hereafter in force respecting the Customs, shall apply to the duties payable under the Acts cited in the preamble of this Act, as hereby amended.

Customs laws to apply.

9. The export of deer, wild turkeys and quail in the carcass or parts thereof, is hereby declared unlawful and prohibited, and any person exporting or attempting to export any such article shall, for each such offence, incur a penalty of one hundred dollars, and the article so attempted to be exported shall be forfeited, and may, on reasonable cause of suspicion of intention to export the same, be seized by any officer of the Customs, and if such intention be proved, shall be dealt with as for breach of the Customs laws.

Export of deer, &c., prohibited.

Penalty and enforcement thereof.

CHAP. 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:—

Preamble.

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

Bounty authorized on pig iron made in Canada, from Canadian Ore.

Under Regulations by O. C.

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.

Yearly report to Parliament.

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.

CHAP. 15.

An Act to consolidate and amend the several Acts respecting the Inland Revenue.

[Assented to 25th May, 1883.]

Preamble.

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

GENERAL PROVISIONS.

GENERAL INTERPRETATION AND DEFINITION OF TERMS.

Interpretation of certain terms and expressions.

1. The terms and expressions in this Act defined and interpreted, and used in this Act, unless it be otherwise specially provided, or there be something in the context repugnant to or inconsistent with such construction, shall be construed and interpreted as hereinafter mentioned:

Stamp.

(a.) "*Stamp*" means any distinctive mark, label or seal impressed upon or affixed to any goods, material, merchandise, or apparatus, subject to the provisions of this Act, or of any other Act passed or to be passed respecting excise, or of any Order in Council, or departmental regulation made under such provisions or impressed upon or affixed to any package in which any such goods, material, or merchandise are contained; and such stamps respectively shall be made, impressed and affixed, in such manner, and by means of such dies or other instruments as shall, from time to time, be ordered and regulated by the Minister of Inland Revenue:

Subject to excise.

(b.) The words "*subject to excise*," whenever they occur in this Act, mean,—“subject to the provisions of this Act, or of any other Act, passed or to be passed, respecting duties of excise or the Inland Revenue, or of any Proclamation, Order in Council or departmental regulation published or made, or that may be hereafter published or made, under such

such provisions ;" and every place or premises wherein licit or illicit, licensed or unlicensed mashing, fermentation, distillation, rectifying, brewing, malting, or manufacturing of tobacco, or manufacturing cigars, or manufacturing of any article in bond, or manufacturing of any article on which there is a duty of excise, or which is manufactured wholly or partly out of any articles on which there is a duty of excise or customs, and on which such duty has not been paid, is carried on or performed,—and every worm, still, mash-tub, fermenting-tub or other tool, utensil, apparatus or thing, which is or might be used for such purposes lawfully, or unlawfully, shall be deemed to be "subject to excise :"

(c.) The words "*Department of Inland Revenue*," for the purposes of this Act, mean the Minister of Inland Revenue or the Commissioner of Inland Revenue, or any person duly authorized to act in his stead. Department of Inland Revenue.

(d.) The words "*Superior Officer of Inland Revenue*" mean and include the Commissioner or Inspector of Inland Revenue, or any person doing duty as the deputy head of the Department, and any inspecting officer of Inland Revenue or of Excise : Superior officer of Inland Revenue.

(e.) The words "*Departmental Regulations*," whenever they occur in this Act, mean and include all regulations and rules promulgated by the Department of Inland Revenue, and duly authenticated by the deputy head of that Department. Departmental regulations.

GENERAL PROVISIONS AS TO LICENSES.

2. From and after the passing of this Act, no person, except such as shall have been licensed as herein provided, shall carry on the business or trade of a distiller, rectifier, compounder or brewer or maltster, or of a manufacturer of tobacco or cigars, or bonded manufacturer ; or use any utensil, machinery or apparatus suitable for carrying on any such trade or business, or any business subject to excise ; or import, make, or begin to make any still, rectifier or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification or compounding of spirits : Business subject to excise not to be carried on without license.

2. Neither shall it be lawful for any person or persons to import, make or have in his or their possession, or keep any still, worm, mash-tub, fermenting-tun, distilling, rectifying or brewing apparatus, or any malt-kiln or malt-floor, nor any apparatus for the manufacture or production of malt, nor any tobacco press or mill for cutting or grinding tobacco, without having given, when such articles come into his possession, and on or before the tenth day of July in each subsequent year, List and return of apparatus used in such business to be furnished.

year, a full and particular list, description and return thereof to the Collector of Inland Revenue of the division in which such article or apparatus is located, of the same nature and in the same form as is hereby required in an application for a license to use similar apparatus or machinery.

When licenses shall expire.

3. Every license shall terminate on the thirtieth day of June, in every year, and the same amount shall be paid for every such license, whether it has a full year or only a part of a year to run from the date when it is granted; except that in the case of an application for any such license by a party who has not theretofore obtained a license, and who is beginning business, such license, if applied for on or after the first day of January, may be issued to such applicant for the remainder or until the end of the fiscal year, upon payment of one-half only of the annual license duty or fee otherwise payable on such license.

Application for license.

4. Every person requiring a license under this Act shall make application therefor in writing over his signature to the Collector of Inland Revenue, or any other officer appointed by the Minister of Inland Revenue, within whose district or Inland Revenue division the business for which such license is required is to be carried on; and every such application shall be made in the form to be prescribed by the Department of Inland Revenue.

What application must show.

5. Every application for a license shall state the exact locality, in the city, town, village, township or local municipality (as the case may be), where the premises are situated, in which the business for which the license is required is to be carried on, and shall also contain or have annexed thereto a full and particular description (in triplicate) in writing, with such models, diagrams or drawings as may be needed for fully understanding the same, of all the machinery, buildings, premises and places where such business is to be carried on, or where any of the materials or commodities used or to be used therein, or any of the products thereof, are or are to be stored or kept, and of the power by which the machinery so used is to be worked; and the description shall also describe, in detail, every building and every separate room, cellar, vault, shed or other compartment thereof, specifying what use is to be made of each, and stating the designation which is to be placed over the entrance to each, in accordance with the provisions of this Act; and no license shall authorize a person to keep or use a still, or make wort or wash, low wines or spirits, or brew malt liquor, or manufacture malt, or tobacco, or cigars, or manufacture in bond, in any other place than the house or premises mentioned in the application for such license: Provided, that in a manufactory where no material changes or alterations have been made since the original

License to apply to one place only.

Proviso: renewal of license.

original descriptions, models, diagrams or drawings were furnished, and when the manufacturer certifies in writing, upon application being made for each subsequent license, that the original papers filed with the Department still correctly represent his manufactory premises, and that no changes or alterations have been made therein--such certificate bearing the endorsement of the Collector of Inland Revenue or other proper officer--the Department of Inland Revenue may accept the application and authorize the issue of the license without new descriptions, models, diagrams and drawings each year.

6. Every such application shall also state the names of the parties proposed by such applicant as his sureties (which sureties shall in all cases be residents of the Dominion of Canada), in accordance with the requirements of this Act; and it shall also contain a statement of the maximum quantity of each article which the utensils are capable of mashing, fermenting, distilling or otherwise producing within each month.

Names of sureties to be stated in application.

7. Every application for a license for distilling, compounding, brewing, malting, or for manufacturing in bond shall also contain a list and description of all utensils, stills, worms, boilers, mash-tubs, fermenting-tuns, coolers, underbacks, steep cisterns, closed spirit-receivers or other vessels or machinery which it is intended should be placed in the premises, or which are on the premises at the time of application, specifying distinctly and clearly—

What the application for license must show as to apparatus.

1. The dimensions and capacity of every still, steep cistern, mash-tub, fermenting-tun, cooler, closed spirit-receiver, and of every other utensil, in inches and gallons, the purpose to which each is to be applied, and the locality or position in the building in which it is, or is to be placed or used; and also—

Dimensions of stills, &c.

2. A description of every pipe, conduit, trough, hose, valve, pump, cock, and of every means of connection or communication between the several vessels or utensils used in or about the distillery or brewery, with a description and drawing or model shewing the exact position of every cock, valve, connection and joint.

Description of pipes, &c.

8. No license shall be granted for carrying on any business or trade under this Act, until after a survey has been made by the Collector of Inland Revenue or an officer instructed for the purpose by him, of the building or place wherein such business is to be carried on, nor until such Collector or other officer has certified in writing that the application, descriptions, models, diagrams and drawings correctly represent the premises,

Premises to be surveyed by officer.

premises, and that all the provisions of this Act and any Order in Council or departmental regulation made in virtue thereof, have been complied with as respects such place :

No license if premises unsatisfactory.

2. Nor shall any license be granted for carrying on any such business in a building or premises which, after careful survey, may appear to the Department to be so situated with reference to surrounding buildings or places of business, or to be so constructed or arranged, as to embarrass or endanger the full collection of the revenue :

No license when manufactory communicates with any shop, &c.

3. And, except as hereinafter specifically provided, no license shall in any case be granted for carrying on any business in any building which forms part of or is appurtenant to, or which communicates in any way whatever except by means of a public highway, with any shop or premises wherein any article to be manufactured under such license is sold by retail, or wherein there is kept any broken package of any such article :

Nor when Inspector reports against granting such license.

4. If any Inspector of Inland Revenue reports to the Department of Inland Revenue, that it is not expedient that a license should be granted in respect of any building in connection with which the license is applied for, in view of its proximity to any such shop or premises as in the next preceding subsection mentioned, the license may not be granted notwithstanding that the provisions of the said subsection would not operate to prevent the granting of such license.

How long bonds shall remain in force.

9. Every bond entered into under the provisions of this Act shall remain in force so long as any duty upon any articles or commodities subject to excise, or on any license, or any penalty to which the bond relates, remains unpaid by the party to whom such license was granted.

New bond if new license.

10. But whenever any new license is granted to any party, a new bond shall be likewise entered into with reference to such new license.

New bond if surety dies, &c.

11. And a new bond shall also be given, whenever, during the period for which any license to which the bond first given relates is in force, either of the sureties dies, becomes insolvent, or removes permanently out of Canada : and the license shall be void from the time the party to whom it was granted is required by the Collector or superior officer of Inland Revenue to enter into a new bond until the time when such new bond is given,—during which time the party neglecting to enter into such new bond shall be held to be without a license.

License void until new bond given.

12. Whenever the required amount of security, as computed under any provision of this Act, exceeds ten thousand dollars, the amount may be determined by the Governor in Council at such sum not less than ten thousand dollars as to him may appear sufficient for the safety of the revenue.

Security in certain cases determined by Governor in Council.

13. Notwithstanding any provision in this Act contained in respect of the number of sureties to any license or other bond entered into under the provisions hereof, the Department of Inland Revenue may in lieu and instead of such several sureties, in any case, accept the security of any duly incorporated Guarantee Company doing business and having a domicile in Canada, and approved of by the Governor in Council.

Guarantee companies may be sureties.

14. Every application for a license under this Act shall be forwarded by the Collector of Inland Revenue to the District Inspector of Inland Revenue, with such information as may be required by any departmental regulation; and so soon as the said application shall be returned to the Collector, endorsed with the approval of the District Inspector, and in the case of a bonded manufacturing license by the Department of Inland Revenue also, and upon the due execution of the bond with sureties as herein required, the Collector of Inland Revenue shall issue a license to carry on the business and to use the utensils, machinery and apparatus specified in the application, and in the place and premises therein specified, and in such place or premises only, and shall immediately report the issue of such license to the Department.

Applications for licenses, and proceedings thereon.

Issue of license.

15. Upon application being made, in a form to be prescribed by the Department of Inland Revenue, by the holder of any license under this Act, the license so held may be transferred from any premises to any other premises of similar capacity situated within the same Inland Revenue division, without payment of additional license fee; provided that all the requirements of this Act have been complied with by the holder of such license in reference to the premises to which it is proposed to transfer it, and that all obligations imposed by the license have been fulfilled: but whenever any such transfer is made, new bonds shall be taken as is required upon the issue of a new license.

Transfer of license to other premises.

Proviso.

Proviso.

16. Upon the expiration of every license issued under this Act, the granting of a new license in lieu thereof, except as hereinbefore provided as to diagrams, drawings, models or descriptions, shall be subject to the same restrictions and conditions as the granting of the original license was subject to.

Renewal of license.

Proof of license.

17. The burden of proof that any license required by this Act has issued, shall rest upon the person to whom such license is alleged to have been issued.

License to be posted up.

18. Every person licensed under this Act shall keep his license posted in a conspicuous place in his manufactory.

Payment of license fees.

19. All license fees shall be due and payable at the time when the license is granted, and in no case shall the license be granted until all such fees are paid.

OBLIGATIONS GENERALLY OF PERSONS HOLDING LICENSES.

Notice to Collector of intention to work.

20. No distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer or bonded manufacturer shall work his distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory at any time, unless he has given at least six days' previous notice in writing to the Collector of Inland Revenue, of his intention to work the same at some time not less than six nor more than twenty days after the giving of such notice; but having commenced to work the same within such time he may continue to work the same uninterruptedly without new notice,—but after any interruption of work for more than one week a new notice must be given.

Penalty for working without notice.

2. And if any distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer or bonded manufacturer works his distillery, malt house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory at any time for which he has not given notice of his intention to work the same, he shall incur the same penalty and forfeiture, as if he had worked the same without a license.

Assistance to inspecting officer.

21. Every person licensed under this Act shall, at all times when required, supply any officer of Inland Revenue with all assistance, lights, ladders, tools, staging, or other thing necessary for inspecting the premises, stock, tools or apparatus belonging to such licensed person, or for weighing, gauging or testing any article or commodity then on the premises for which the license is granted, and shall open all doors, and open for examination all boxes, packages and all casks, barrels and other vessels, when required so to do by any officer of Inland Revenue.

Notice of any alterations or additions to apparatus, &c

22. If any person or persons, holding a license under this Act, intend to make any alteration or addition to the premises, utensils, machinery or apparatus, described as herein provided, or to remove any portion of such utensils, machinery or apparatus, or to make any use of any compartment

ment or room for a purpose different from that mentioned in the written description accompanying his application for license, notice in writing shall be served on the Collector of Inland Revenue of the intention to make such alterations, additions, removals or changes at least one week before they are commenced; and all such notices shall set forth fully and correctly the particulars of the proposed alterations, additions, removals or changes.

23. Any Inspector of Inland Revenue may, for sufficient cause (of which sufficiency he shall be the sole judge) at any time after having given ten days' notice, require a new list and description, with such models, diagrams or drawings as are herein required in an application for a license, to be made out and furnished by any party holding a license under this Act; and any party refusing to comply with such requisition, shall incur the same penalty as is provided for carrying on any business subject to excise without license; and every such description shall be received as evidence in all courts of law.

Inspector may require new list, &c. of apparatus.

24. Except for the necessary continuance of some process of manufacture previously commenced in the ordinary course of business, persons licensed under this Act shall not transact any business, nor perform any act, operation or process of manufacture during Sunday in the premises mentioned or referred to in the license held by them, that will require, under any regulation then in force, the supervision or attendance of an officer of Inland Revenue:

Restriction of time for business processes.

As to Sundays.

2. No act, operation or process of manufacture, for the supervision of which the presence of an officer of Inland Revenue is required, by any regulation then in force, shall be done in any licensed premises before the hour of six o'clock in the morning, nor after six o'clock in the afternoon, except when permitted by departmental regulations:

As to night work.

8. Whenever any business, act, operation or process of manufacture, for the supervision of which the presence of an officer of Inland Revenue is required by any regulation then in force, is carried on or done in any premises licensed under this Act, before eight o'clock in the morning, during the dinner hour, or after six o'clock in the afternoon, the person in whose premises the business, act, operation or process is carried on or done, shall pay to the Collector of Inland Revenue, for the attendance of the officer or officers during the extra time they are so employed, at such rate as may be determined by departmental regulations in that

Extra time of officers to be paid for.

Rate of pay.

Designation

Designation of Apartments.

Inscription
over pre-
mises.

25. There shall be conspicuously placed over the chief entrance to every place or premises subject to excise, or where any business subject to excise is carried on, the name of the person, or the name and style of the firm by whom such premises are occupied, or on whose behalf such business is carried on :

Size of letters.

2. The name so placed shall be written or printed in oil colors in Roman characters at least three inches in height :

Inscription
over each
separate
apartment.

3. Every separate apartment, room, granary, kiln, vault, workshop or storeroom, in every place or premises, subject to excise, or in which any business subject to excise is carried on, or in which any utensils, apparatus or machinery used in such business are situated, or in which any of the materials to be used therein, or the products of such manufactory are stored or kept, shall have placed over the principal entrance thereto, by the manufacturer, a sign in Roman characters written or printed in oil colors at least two inches in height, stating the designation thereof, and the purpose to which it is to be put, or for which it is to be used :

Notices, &c.,
how printed
and affixed.

4. Every notice or written or printed designation or name of any person or persons, place or thing hereby required, shall be printed, painted, put up or affixed under and according to the direction of an officer of Inland Revenue, and at the expense of the party on whose behalf it is done.

Books, Accounts and Papers.

Stock books
to be kept.

26. Every distiller, compounder, maltster, brewer, tobacco manufacturer, cigar manufacturer, bonded manufacturer, or other trader, who is required to take out a license under this Act, or who carries on any business subject to excise, shall, in addition to the books, accounts and papers herein after specifically mentioned, keep such stock books and other books, in such form and manner as may be prescribed and supplied by the Department of Inland Revenue, which stock books shall in all cases be kept on and within the premises covered by the license issued to such manufacturer or other person,—and in which stock or other books there shall be clearly recorded, day by day, and on the same day on which the circumstance, thing or act to be recorded is done or occurs, in the prescribed columns,—

What such
books must
show.

Quantities
brought in.

(a) A full and particular account of all grain, malt, spirits, raw and manufactured tobacco, cigars and other stock, material, or commodity brought into the distillery, malt-house,

house, brewery, tobacco manufactory, cigar manufactory, or bonded manufactory, or other licensed premises, to which such stock books relate, and also,—

(b) Of all grain, spirits, malt, raw or manufactured tobacco, cigars, or other stock, material, or commodity, sold, removed, or transferred from such distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other licensed premises ; together with—

Quantities sent out.

(c) Such further particulars as may be required by any departmental regulation in that behalf ;

Further particulars.

Stating in every case the name of the person from whom the same was bought or obtained, or to whom it was sold or transferred, as the case may be, and also the mode of conveyance by which it was brought to the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other licensed premises, or by which it was carried therefrom ; and if any such grain, malt, spirits, manufactured or raw tobacco, cigars, or other stock, material or commodity have been conveyed by any vessel or railway to or from any port, wharf, or station, situated within a distance of ten miles from the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other licensed premises, then such vessel or railway shall be named as the conveyance by which such grain, spirits, malt, tobacco, cigars, stock, material or commodity were conveyed as aforesaid.

Certain matters to be stated specially.

27. Every distiller, maltster, tobacco manufacturer, cigar manufacturer, or bonded manufacturer, now or hereafter engaged in the manufacture of or dealing in articles subject to excise, shall make and deliver to the Collector of Inland Revenue of the Division in which his manufactory or premises is or are situated, an inventory in such form as may be prescribed by the Department of Inland Revenue and verified by oath, of the quantity of the different kinds of raw material, articles and goods in process of manufacture, and manufactured products, and all other materials held or owned by him on the first day of July of every year, or at the time of commencing and at the time of concluding business, if before or after the first day of July, or at any intermediate time when required by the Department of Inland Revenue,—the stock-taking necessary to make up such inventory being done under the immediate supervision and to the satisfaction of the officer in charge of the respective manufactories or other premises, or other duly authorized officer, and the inventory to have endorsed thereon the certificate of the said officer as to its correctness.

Yearly inventory of stock to be furnished.

Stock-taking

Inspection of books, &c.

28. Every person who is licensed to carry on any business subject to excise under this Act, shall, when required so to do, and as often as may be required by any officer of Inland Revenue, and at any time within ordinary business hours, or when any operation is being carried on within the premises licensed, produce for the inspection of any such officer,—

Officers may make memorandums therein.

1. All books, papers, and accounts kept in accordance with the requirements of this or any other Act, or in accordance with the requirements of any Order in Council or any departmental regulation made under this or any other Act,—in which books or accounts such officer may enter any memorandum, statement or account of quantities; and in such case he shall attest the same by his initials:

Or take extracts.

2. All books, accounts, statements, and returns whatsoever, and all partnership accounts used by any such person, or by any co-partners in carrying on any such licensed business, whether such books, memorandums, papers or accounts be considered private or otherwise; and every such officer shall be permitted to take any extracts therefrom or any copies thereof:

Officer seizing may remove books, &c.

3. And in case of seizure of any article or thing in any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other premises subject to Excise, for contravention of this Act, the seizing officer or any superior officer of excise, may take possession of and remove all or any books, papers or accounts kept under the requirements of this Act, or under the requirements of any Order in Council or any departmental regulation made thereunder, and may retain the same until the seizure shall be declared valid by competent authority, or the article or thing seized or the proceeds thereof shall, by such authority, be directed to be restored.

No erasures allowed in books.

29. No erasures shall be made in any stock or other books kept by any manufacturer or other person licensed in accordance with the provisions of this Act; nor shall any leaf or leaves, or part of a leaf or leaves, be removed therefrom; and an erasure shall be defined as any obliterating of any words or figures by any means whatever other than by ruling through the same, with ink, in such a manner as not to render the words or figures so ruled out incapable of being read.

Erasure defined.

Quantities, how to be stated in books.

30. Except as herein otherwise provided, every quantity of grain recorded or stated in the stock-books herein mentioned, and in all returns, accounts, inventories and statements required

required to be kept or made by this Act, and the quantity of every other article or commodity, except fluids, used in or about the premises subject to excise, or entering into the manufacture of any article or commodity subject to excise, shall be stated in pounds avoirdupois :

2. All quantities of fluids, except where otherwise provided by this Act, shall be stated in the aforesaid books, returns, accounts, inventories and statements in gallons; and the quantity of any fluid in gallons shall, for all the purposes of this Act, be determined by weighing or gauging, in such manner as may be, from time to time, prescribed by any Departmental regulation in that behalf :

Those of fluids to be stated in gallons.

3. All beams, scales, weights and measures used in or about any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, shall be inspected, tested and verified by an officer of Inland Revenue, or by an Inspector of Weights and Measures, as often as any Inspector of Inland Revenue or Excise may direct : Provided always, that scales used in a tobacco or cigar manufactory, when used exclusively for weighing tobacco during any intermediate process of manufacture, and not used for weighing raw material brought into the manufactory or taken for use therein, or in ascertaining the manufactured products of such manufactory, may be used without inspection.

Inspection of weights and measures.

Proviso: as to scales for weighing tobacco.

GENERAL PROVISIONS AS TO PAYMENT OF DUTIES AND TIME AND FORM OF RETURNS.

31. Every provision of this Act imposing any new duty of excise, or making any alteration in any duty of excise imposed by the laws now in force, shall come into force and take effect upon, from and after the first day of May, 1883 ; but the provisions of this Act making any alteration in the manner of collecting any duty of excise or the mode of calculating the same shall come into force and take effect upon, from and after the first day of July, 1883—until which date the several provisions of the laws in force at the time of the passing of this Act respecting such manner of collecting duties of excise and calculating the same shall continue in force ; and the said provisions of this Act as to such new and altered duties shall apply to, and the duties hereby imposed shall be payable on all spirits, malt, beer, tobacco, cigars, vinegar or fermented beverages, or methylated spirits, distilled, manufactured or made or taken out of bond for consumption on or after the said first day of May, 1883 ; but the duty payable under this Act on or for any license issued after it comes into force shall be that imposed by this Act :

Commencement of duties imposed or altered by this Act.

Application of new or altered duties.

On what quantities to be levied.

2. The said duties shall accrue and be levied on the quantities made or manufactured, which may be ascertained in the manner by this Act provided or otherwise proved, and shall be in addition to all sums charged as license duties, whether on utensils or otherwise :

To be duties within meaning of Audit Act.

3. The said duties shall be duties within the meaning of the "*Act to provide for the better Auditing of the Public Accounts,*" and shall form part of the Consolidated Revenue Fund of Canada.

Monthly returns.

32. All returns, unless when otherwise provided by this Act, shall be made distinct and separate for each month.

Time for making returns.

33. All returns as to quantities required to be made by this Act, shall be made to the Collector of Inland Revenue or other officer authorized by the Department of Inland Revenue to receive the same, on the first day of each month for the month next preceding such day : and the duty exigible on any article made during any month, shall be computed at the rate of duty to which it is or may be liable on the day upon which the return respecting it is required to be made.

Computation of duty.

Statement for each month.

34. Every such statement shall be made for and relate to the month next preceding the day on which it is made.

How to be attested.

35. Every account or return rendered as herein provided, shall be made and signed by the person carrying on the business to which it relates, or his agent, and shall also be signed by the foreman, clerk, chief workman or other person employed in or about the premises where the business is carried on ; and the Collector or any superior officer of Inland Revenue may, at any time after the making of such account or return, require any other person employed about such premises, who, in his opinion, may be best acquainted with the quantity of material used and of goods produced, subject to excise, to testify upon oath before him as to the correctness of such account or return.

Further attestation.

Form of attestation.

36. Every such account or statement shall be attested by the persons signing the same, by the following oath :—

" I , do solemnly swear that the several accounts included in this return are true according to their purport : So help me God."

Before whom to be attested.

37. Every such oath shall be made before some Collector or other duly authorized officer of Inland Revenue ; and the Collector or officer before whom it is made, or any superior

superior officer of Inland Revenue may, when the account or statement is made, or at any time thereafter, put to the person or persons making it such questions as are necessary to the elucidation and full understanding of the account, and for ascertaining whether such person has had the means of knowing the same to be correct; and the Collector or officer aforesaid may also, when the account or statement is made or at any time thereafter, examine under oath any person or persons employed, or who may, at any time, have been employed, in or about the distillery, brewery, malt-house, tobacco manufactory, cigar manufactory, or bonded manufactory, or other premises subject to excise, to which such account relates, or any person doing business therewith or selling material thereto or buying goods therefrom, and also any common carrier, agent, clerk or other person who has been concerned in the removal of any such goods or material to or from any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, or bonded manufactory, or other premises subject to excise, or in taking or keeping an account of such removals, as to the truth of all such statements, and may reject all such written statements as may be shewn by such evidence to be incorrect or unreliable; and such rejection shall render the party making the return liable to the same penalty as he would be liable to if no return whatever had been made:

Officers may examine certain persons on oath.

2. Provided always, that in cases where the Governor in Council may deem it expedient so to do, he may authorize the taking of such oath or declaration before a Justice of the Peace.

Proviso;
Oath before Justice of the Peace.

38. All notices, lists, descriptions, returns, inventories, statements, accounts and reports required by this Act to be given or made to any person or officer, shall be held to be validly so given or made, if they be received by such person or officer, as the case may be, or if they are left at the usual place of residence of such officer or person, within the period or delay fixed herein in that behalf, without any reference to the mode by which such notice, list, description, account, statement, inventory or return was conveyed to such person or officer; and the onus of proof that all such notices, lists, descriptions, returns, inventories, accounts, statements and reports have been given or made as herein required shall lie upon the person whose duty it is to give or make them.

Mode of giving notices, delivering returns, &c.

39. The several duties imposed by this Act shall be due and payable on the sixth of each month, for the quantities of each article or commodity produced or manufactured during the preceding month, unless another time of payment is herein expressly fixed.

When duties shall be payable.

Removal of excisable goods.

40. No goods subject to a duty of excise under this Act, shall be removed from any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, licensed as herein provided, nor from any warehouse in which they have been bonded or stored, until the duty on such goods has been paid or secured by bond in the manner by law required ; and any goods removed from such distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises, or from a warehouse, before the duty thereon has been so paid or secured, shall be seized and detained by any officer of excise having a knowledge of the fact, and shall be and remain forfeited to the Crown.

Forfeiture for illegal removal.

Hours of removal.

41. Except under Departmental authority, in each case specifically obtained, no goods subject to a duty of excise under this Act, shall be removed from any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or from a bonding warehouse or other premises, licensed as herein provided, between the hours of six o'clock in the afternoon and seven o'clock on the following morning ; and any goods removed in contravention of this section shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue having knowledge of the fact, and dealt with accordingly.

Forfeiture for contravention.

Calculation of duty and correction of such calculation.

42. The amount of duty shall be calculated on the measurements, weights, accounts, statements and returns, taken, kept or made as herein provided, subject to correction and approval by the Collector of Inland Revenue or other officer duly authorized thereto ; and when two or more methods for determining quantities or the amount of duty to be paid are provided for, that method which yields the largest quantity or the greatest amount of duty shall be the standard ; but if the Collector of Inland Revenue or any superior officer of Inland Revenue has any reason to doubt the correctness of any statement, account or return, he shall compute the weights, measurements or quantities himself, and levy the duty accordingly ; and such computation may be based on any reliable evidence respecting the quantity of material brought into the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other premises subject to excise, or as to the quantity of the manufactured article removed therefrom, or as to the quantity or strength of any articles used in any of the processes of manufacture ; and if the result is disputed, the proof of the error or wrong shall rest with the party who is liable for the payment of the duty.

Basis of calculation.

Proof of error.

GENERAL PROVISIONS AS TO BONDING OR WAREHOUSING.

43. Spirits, malt, tobacco, cigars and other articles subject to duty under this Act, may be deposited in any suitable excise bonding warehouse licensed for the purpose, without payment of the duty hereby imposed, subject to the following regulations and to such other regulations as the Governor in Council may make.

Warehousing of goods.

44. Before any license is granted to any person for a bonding warehouse, for goods subject to excise duties, such person shall give good and sufficient security by bond for an amount equal to the sum to which it is estimated the duty on the average quantity of goods in the warehouse will amount; and such bond shall be conditioned for the payment of all such duties and all penalties to which the owners of any goods warehoused therein, or the owner of any such warehouse, may become liable under this Act:

Security to be given before bonding warehouse is licensed.

2. And whenever the duties on the goods warehoused in such warehouse exceed the amount for which the bond is taken, a new bond may be taken for a sum sufficient to cover the increased amount of duty.

New bond in certain cases.

45. The warehouse shall be provided by the owner or bailee of the goods, and shall be licensed in conformity with such departmental regulations as may be, from time to time, made in that behalf, and upon being surveyed and approved as to security by the inspecting officer, shall be secured under the joint locks of the Inland Revenue Department and the proprietor or owner of the goods warehoused, so as to be accessible only in the presence of an officer of Inland Revenue and of the owner or bailee of the goods in bond, or his agent.

Warehouse to be provided by owner or bailee of goods and approved.

46. All goods warehoused shall be at the risk of the owner, and, unless destroyed by fire, the duty shall be payable thereon as if they were entered for consumption.

Goods at owner's risk.

47. Except as herein otherwise provided, no goods shall remain warehoused for a longer period than two years, and at the end of that time the full amount of duty remaining unpaid shall be collected:

Term of warehousing limited.

2. In case the quantity of goods bonded in any warehouse shall, at any time or by any means, fall short or be deficient of the actual quantity which ought to be or remain warehoused, after deducting the quantities entered ex-warehouse, the owner thereof shall be subject and liable to the full duties on the balance of goods with which the warehouse stands debited; and the goods remaining shall be subject to

Goods in warehouse subject to duties when there is a deficiency.

Exception. the duties on the quantity deficient, and shall and may be sold for payment thereof, by order of the Department, the surplus, if any, to be payable to the person who warehoused such goods, or his assigns, after deducting all penalties and expenses incurred: except that when the Department of Inland Revenue is satisfied that no goods have been illegally removed from the warehouse, such goods as are actually in the warehouse at the time stock is taken, or at the expiration of two years, may be re-warehoused on payment of the full amount of duty on the ascertained deficiency.

When duty shall be computed. 48. At the time of entering the goods for warehouse, the amount of duty shall be computed and ascertained and stated in the entry.

Transfer of goods in bond. 49. Goods warehoused under this Act may be transferred in bond, and may be exported, or removed from one warehouse to another, without payment of duty, under such restrictions and regulations as the Governor in Council may deem necessary.

Quantity, value, &c. to be described in entry. 50. When goods are entered for warehouse, the entry shall state the exact quantity of goods in each package or parcel, together with the duty to which they are liable; and each package shall be described in the entry paper, and shall also be designated by a distinguishing number.

Packages to be marked. 51. Each package when originally warehoused by the manufacturer shall, except in the case of cigars, be consecutively numbered and shall be marked with the entry number, with the date when warehoused, and with the quantity which the package contains.

Stowage of goods. 52. Goods warehoused shall be so stowed or arranged that the casks, boxes or packages contained or described in one entry are placed together in separate lots; and in no case shall the casks, boxes or packages contained or described in one entry, be intermixed with those contained or described in another.

To be re-marked and re-stowed in certain cases. 53. Whenever the marks or numbers on any goods in warehouse have been omitted, or have been defaced or otherwise become illegible, or whenever such goods are not stowed or arranged in compliance with the requirements of this Act, the owner of such goods shall, on being required so to do, immediately re-mark or arrange or stow them, as the case may be, to the satisfaction of the Collector of Inland Revenue, or of any officer inspecting the division; and if the owner of such goods fails to re-mark, arrange or stow them in the manner herein required, for the space of one week after having been required so to do, all such goods shall be forthwith entered for duty ex-warehouse, and the duty thereon collected.

Provision in case of failure to do so.

collected in accordance with the original warehouse entry; and any failure so to enter for duty ex-warehouse, and to pay the duty thereon, when a demand to that effect has been made by the Collector of Inland Revenue, shall be construed as an evidence of a deficiency in the said warehouse, and shall be dealt with accordingly.

54. No goods shall be removed from warehouse for consumption unless upon the payment of the full amount of duty accruing thereon. Removal for consumption.

55. 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 may be placed, shall refuse all entries ex-warehouse until the owner of such goods or his agent shall have complied with all conditions in respect thereto, which may be required by this or any other Act, or by any regulations made by virtue of this or any other Act. Entries to be refused for non-compliance with regulations.

56. All entry papers, either for warehouse, ex-warehouse for removal, or other purposes, shall be made in such forms, and shall be attested by such affidavits, affirmations or declarations as the Department of Inland Revenue may order. Forms of entries.

57. The party in whose favor a license is granted to have an excise bonding warehouse, not included in the description of the premises for which he has received a license under this Act, shall pay for one such warehouse the sum of twenty dollars, and for each additional warehouse the sum of ten dollars. Fee for bonding warehouse license.

58. The Governor in Council may order that an Inland Revenue bonding warehouse shall be established at any place or places specified in such order; and such order shall prescribe the storage dues, and the license fee to be paid by persons using such Inland Revenue bonding warehouse, but such license fee shall not exceed ten dollars per annum: Provided always, that all goods stored and kept in any Inland Revenue bonding warehouse established under the provisions of this section shall be so stored and kept at the risk, in every respect, of the owner thereof, and that any damage or loss by fire or otherwise shall not give rise to a claim for indemnity by the owner. Governor in Council may establish Inland Revenue bonding warehouse.
 Provided goods to be at owner's risk.

OFFICERS OF EXCISE, THEIR POWERS AND DUTIES.

59. The Commissioner of Inland Revenue or other person acting as Deputy-Head of the Department, and every Inspecting Officer of Inland Revenue, shall have and may exercise in each and every revenue division all the powers and Powers of Inland Revenue officers.

and rights conferred by this Act on the Collector or any other officer of Inland Revenue.

Who shall be deemed such officers **60.** Inspectors of Inland Revenue, and all persons appointed under this Act, or employed for the purposes of this Act, or upon whom any duty is imposed by this Act, shall be known as officers of Inland Revenue.

Collectors. **61.** Every officer of Inland Revenue who is appointed to collect the duties hereby imposed in any defined district or revenue division shall be specially designated as a "Collector of Inland Revenue;" and any officer who is employed or appointed to the survey of manufactures, operations, or premises subject to excise, may also be designated as an "Officer of Excise."

Officers of Excise.

Not to deal in excisable goods. **62.** No officer of Inland Revenue shall directly or indirectly deal or trade in any goods or commodities subject to excise or customs duties.

Power to administer oaths. **63.** Every superior and inspecting officer, and every Collector of Inland Revenue, and such other officers as may, from time to time, be designated by the Governor in Council, are hereby empowered and authorized to administer all oaths and receive all declarations required or authorized by this Act.

Powers of officers. **64.** Every officer of Inland Revenue is hereby empowered and authorized,—

Entry into buildings, &c. 1. With any assistants acting under him and by his directions, at all times, as well by night as by day, to enter into and remain in, as long as he may deem necessary, any building or place belonging to or used by any person or persons for the purpose of carrying on any trade or business subject to excise, or in which are any machinery, utensils or apparatus subject to excise, or which may be used in the manufacture of goods subject to excise;

Into premises of dealer in goods subject to excise. 2. With any assistants acting under him and by his instructions, at any time between six o'clock in the forenoon and ten o'clock in the afternoon, to enter the premises of any dealer wherein any goods subject to excise are stored, kept or sold;

Inspection of buildings and apparatus. 3. With any assistants acting under him and by his directions, to inspect any such building or place, and to take such account as he may deem necessary of every part thereof, and of all works, vessels, utensils, goods and materials, machinery and apparatus, belonging or in any wise appertaining to such business;

4. To break up or cause to be broken up or removed any floor, wall, partition, ceiling, roof, door, or other part of such building, place or premises, or any ground surrounding them, for the purpose of ascertaining whether there is any pipe, worm, still, conduit, tool, vessel, utensil, machinery or apparatus, or any stock, goods, commodity or article subject to excise, concealed or kept out of view ;

Breaking partitions, &c.

5. To examine the worm of any still or other apparatus used by any distiller or bonded manufacturer, by causing the water to be drawn off from the worm tub or refrigerator containing such worm, at any time when, in the opinion of such officer, the doing so will not be prejudicial to the working of such still or other apparatus, or when he may deem it to be necessary to do so for the prevention or detection of fraud ;

Examination of still, &c.

6. To gauge, measure, weigh, prove, mark, label, stamp, lock, seal or otherwise designate or secure any fermenting-tun, mash-tub, cistern, kiln, worm, still, spirit-receiver, pipe, cock, vessel or apparatus, furnace door, machinery or utensil, or any goods, article or commodity subject to excise, and to close, seal and secure all or any such worms, stills, fermenting-tuns, mash-tubs, furnace doors, kilns and utensils during the period when the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, or bonded manufactory is not at work ;

Gauging, closing and sealing vessels, &c.

7. To take, at any time that he may be instructed by the Collector or Superior Officer of Inland Revenue so to do, a sample or samples of any goods unmanufactured, or in process of manufacture, or manufactured, in the stock or possession of any person carrying on business subject to excise, paying for the same, if demanded, at the current wholesale price of such articles ; except that samples of raw leaf tobacco, stems, scraps, cuttings or other unmanufactured products of raw leaf tobacco when taken for the purpose of ascertaining the moisture therein, shall be furnished by the manufacturer or other person free of cost.

Taking samples of goods at wholesale price.

Exception.

65. If any officer of Inland Revenue, with any assistants acting under him and by his directions, after having demanded admittance into any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory, or other premises subject to excise, or into the premises of a distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer, or bonded manufacturer, or into any place or premises subject to excise, and having declared his name and business at the gate or entrance door or at any window or door of any such distillery, malt-house, brewery, manufactory or place, or at the door, window or gate of any building or place forming part thereof, be not

Power to make forcible entry.

immediately

By day, or
with peace
officer at
night.

immediately admitted into such distillery, malt-house, brewery, manufactory or other premises, it shall be lawful for such officer and any person acting in his aid, at all times, as well by night as by day (but if by night then in the presence of a constable or other peace officer), to break through any of the doors, windows or walls of such distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises necessary to be broken open or through to enable him and them to enter the said distillery, malt-house, brewery, manufactory or other premises aforesaid.

Power to
search under
warrant.

66. The Collector or other officer of Inland Revenue or any person or persons acting under him or by his directions respectively, having first obtained a search warrant for that purpose from some Justice of the Peace, who may grant the same on affidavit (made before him and to his satisfaction, and stating reasonable grounds for the issuing thereof), may, at any hour between sun-rise and sun-set, enter into and search any house, building or place mentioned in such search warrant, as being one in which it has been made to appear by affidavit that there is reasonable cause to suppose that an unlicensed still, worm, mash-tub, cooler, fermenting-tun, malt-floor or kiln, press, cutting-knife, mill or other vessel or implement is illegally in use or possession, or that the provisions of this Act are otherwise contravened.

Licenses may
be suspended
or revoked
for obstruct-
ing officer.

67. The Minister of Inland Revenue may lawfully suspend or revoke the license of a distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer, bonded manufacturer, or other person carrying on business subject to excise, who shall delay, obstruct or prevent, or whose agent or servants shall delay, obstruct or prevent any officer or his assistant in or from entering into a distillery, malt-house, brewery, tobacco manufactory, cigar manufactory or bonded manufactory, or any house, outhouse, store or other place whatsoever of such distiller, maltster, brewer, tobacco manufacturer, cigar manufacturer, bonded manufacturer, or other person carrying on business subject to excise, or in or from otherwise performing his duty in the enforcement of any Act relating to the Inland Revenue.

Collector or
officer may
examine on
oath in cer-
tain cases.

68. If any person shall do or permit to be done, anything in or about any premises subject to excise, which in the opinion of any officer of Inland Revenue is intended, or likely to mislead such officer in the discharge of his duty, or to prevent him from ascertaining the true quantity of the products of the business therein carried on and subject to excise, such person or any other person who may be supposed to have any knowledge of the facts, may be examined on oath

oath by any Collector or other superior officer of Inland Revenue.

69. Any Judge of the Exchequer Court of Canada or of the High Court of Justice for Ontario in the Province of Ontario, or of the Superior Court in the Province of Quebec, or of the Supreme Court in the Provinces of Nova Scotia, New Brunswick, Prince Edward Island or British Columbia, or of the Court of Queen's Bench in the Province of Manitoba, having jurisdiction in the province or place where the application is made, shall grant a writ of assistance upon application made to him for that purpose by a Collector of Inland Revenue, or any superior officer of Inland Revenue, or by Her Majesty's Attorney General of Canada; and such writ of assistance, when issued, shall be in force during the whole of the reign in which the same shall have been granted, and for twelve months from the conclusion of such reign; and for the purposes of this section, any Judge of the Court of Queen's Bench, in the Province of Manitoba, shall have jurisdiction over the North-West Territories and the District of Keewatin, and shall grant a writ of assistance for use therein, in like manner and with like effect as he might grant such writ for use in the Province of Manitoba :

Writs of assistance in the several Provinces.

In N.W. Territories and Keewatin.

2. Under authority of a writ of assistance so granted, any officer of Inland Revenue, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment, or by general regulation, may enter in the night time if accompanied by a peace officer, and in the day time without being so accompanied, any building or other place within the jurisdiction of the court granting such writ, and may search for and seize and secure any goods or things liable to forfeiture under this Act, and in case of necessity, may break open any entrance or other doors, walls, floors, windows or gates and any chests or other packages for that purpose :

Powers of officers under writs.

Entry, search and seizure.

3. Any officer of Inland Revenue having a writ of assistance may arrest and detain any person whom he may detect in the commission of any offence declared by this Act to be a misdemeanor or a felony :

Arresting offender.

4. Every person so arrested shall, as soon as possible thereafter, be brought before any court of record having jurisdiction in the premises, a County Judge, a junior County Judge, or before a police or stipendiary magistrate or two Justices of the Peace, by whom alone and no other or others, the complaint against the person arrested shall be dealt with as the law directs.

Trial of offender.

70. All Justices of the Peace, Mayors, Bailiffs, Constables and all persons serving under Her Majesty by commission, warrant

Justices of the Peace and

others to assist officers.

warrant or otherwise, and all other persons whosoever, shall aid and assist, and they are hereby respectively required to aid and assist every officer of Inland Revenue in the due execution of any act or thing authorized, required or enjoined by this or any other Act.

PROTECTION OF OFFICERS.

Notice to officer sued for any official Act.

71. No writ shall be sued out against, nor any process served upon any officer of Inland Revenue for anything done in the exercise of his duty as such officer, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process,—in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of such action shall be produced except of such as shall be contained in such notice; and no verdict or judgment shall be given for the plaintiff, unless he shall prove on the trial, that such notice was given; and in default of such proof, the defendant shall receive in such action a verdict or judgment and costs.

Proof required for verdict or judgment.

Limitation of time for action. —

72. Every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the place or district where the acts were committed; and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff shall become non-suited, or shall discontinue the action, and if, upon a demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover costs, and have such remedy for the same as any defendant has in other cases where costs are given by law.

Non-suit or discontinuance.

Amends may be tendered after notice; effect of such tender.

73. It shall be lawful for any such officer or person against whom any action shall be brought on account of any such seizure or entry, or of anything done under the authority of this Act, within one calendar month after such notice, to tender amends to the party complaining or his agent, and to plead such tender in bar to any action, together with other pleas; and if the court or jury (as the case may be) find the amends sufficient, they shall give a judgment or verdict for the defendant; and in such case, or in case the plaintiff shall become non-suited or shall discontinue his action, or judgment shall be given for the defendant upon demurrer or otherwise,—then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: Provided always, that it shall be lawful for such defendant, by leave of the court where such action shall be brought, at

No costs if tender sufficient.

Payment of money into court.

at any time before issue joined, to pay money into court as in other actions.

74. In any such action, if the judge or court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than twenty cents damages, nor to any costs of suit.

Nominal damages only if probable cause shown.

75. In case any information or suit shall be brought to trial or determined on account of any seizure or entry made under this Act, and a verdict shall be found or decision or judgment given for the claimant, and the judge or court before whom the cause shall have been tried or brought shall certify on the record that there was probable cause of seizure or for such entry, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure or entry be liable to any action, indictment, or other suit or prosecution on account of such seizure or entry; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure or entry, wherein a verdict or judgment shall be given against the defendant, the plaintiff, if probable cause be certified as aforesaid on the record, besides the thing seized, if a seizure, or the value thereof, shall not be entitled to more than twenty cents damages nor to any costs of suit, nor shall the defendant in such prosecution in such case be fined more than ten cents.

Costs and damages limited if probable cause shown.

Limitation of damages, etc. in such case.

PENALTIES GENERALLY.

76. Every manufacturer who neglects or refuses to keep his license posted as required by section eighteen of this Act, shall incur and pay a penalty of fifty dollars for the first offence, and of one hundred dollars for each subsequent offence.

Penalty for not posting up license.

77. All grain, malt, raw tobacco, and all other material in stock, and—

Goods and apparatus forfeited when no license has been taken out.

2. All engines, machinery, utensils, worms, stills, mash-tubs, fermenting-tuns, tobacco-presses or knives, and—

3. All tools or materials suitable for the making of stills, worms, rectifying, or similar apparatus, and—

4. All spirits, malt, beer, tobacco, cigars, and other manufactured articles,—

Which may at any time be found in any distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded

If found in certain places

bonded manufactory, or other premises or place where any thing is being done or any working carried on which is subject to excise, and for which a license is required under this Act, but in respect of which no such license has been taken out; and—

Horses, vehicles, &c. 5. All horses, vehicles, and other appliances which have been or are being used for the purpose of removing any spirits, malt, beer, tobacco, cigars, materials or apparatus used or to be used in the production of any article subject to excise, in contravention of this Act,—

Seizure and forfeiture. Shall be liable to be seized by any officer of Inland Revenue having a knowledge thereof, and to be forfeited to the Crown, and may either be destroyed when and where found, or removed to some place for safe-keeping at the discretion of the seizing officer.

Engines and apparatus forfeited when fraud has been committed. 78. Every steam-engine, boiler, mill, still, worm, rectifying apparatus, fermenting-tun, mash-tub, cistern, couch-frame, machine, vessel, tub, cask, pipe or cock, with the contents thereof, and all stores or stocks of grain, spirits, malt, beer, tobacco, cigars, drugs or other material or commodity which may be in any premises or place subject to excise, when any fraud against the revenue is committed in any such place or premises, or when the owner of any such place, premises, apparatus, goods or commodities, his agent or any person employed by him, or any person having lawful possession or control of such premises, apparatus, goods or commodities, is discovered in the act of committing, or is convicted of committing, any act in or about such place or premises which is declared by this Act to be a misdemeanor or felony, shall be and remain forfeited to the Crown, and be dealt with accordingly.

Forfeiture of goods for non-payment of duty. 79. Every article or thing subject to duty under this Act, and on which the duty hereby imposed shall not have been paid at the proper time for paying the same, shall be seized by any officer of Inland Revenue and shall be and remain forfeited to the Crown and be dealt with accordingly.

Penalty for unlawfully using stamped packages. 80. Every person who shall put into any packages, barrels or casks which have been stamped, marked or branded under this Act, any article or commodity subject to excise on which the duty imposed by this Act has not been paid or secured, or which has not been inspected as herein required, shall be guilty of a misdemeanor, and for a first offence shall incur and pay a penalty of not less than one hundred dollars and not more than five hundred dollars, and for a second or any subsequent offence shall incur and pay a penalty of five hundred dollars; and in addition to such penalties shall be punishable, at the discretion of the Court before

before which the case is tried, by imprisonment for a period of not more than three months.

81. Every vendor of any package, barrel or cask, labelled, branded, marked or sealed, as required by this Act, who shall fail to obliterate or deface such label, mark, brand or seal, so soon as the contents thereof have been removed, shall, for each such offence, incur and pay a penalty not exceeding one hundred dollars. Penalty for failing to obliterate brands, &c.

82. Every person who shall, except as permitted by this Act, bring or cause or permit to be brought into any place licensed under this Act, belonging to him, or into any place in which any business subject to excise is carried on under his supervision or control, or in whose licensed premises there shall, at any time, be found any box, jar, barrel, bag or other package, such as is used for containing any of the articles subject to excise which are made in such licensed premises, and having attached to it any stamp, mark or brand, or a part of any stamp, mark or brand affixed thereto, under any provision of this Act, as evidence that the duty to which the contents of such box jar, barrel, bag or other package is liable, has been paid or secured, or that the inspection to which such article is liable has been made— Unlawfully keeping stamped packages.

Shall, for a first offence, incur and pay a penalty of not less than one hundred and not more than five hundred dollars, and for a second or subsequent offence shall incur and pay a penalty of five hundred dollars; and all articles subject to excise on the premises at the time such packages are discovered a second or any subsequent time, shall be seized as forfeited to the Crown, and shall be dealt with accordingly. Penalty and forfeiture.

83. Every person carrying on any business subject to excise, or having in his possession or on his premises, any machinery, tools, utensils, apparatus or appliances, suitable for carrying on any business subject to excise, who shall neglect, refuse or omit to make a true and correct return and entry at the time and in the manner required by this Act, or at any time when specially required so to do under the provisions hereof, of all work-shops, apartments, utensils, tools, apparatus, machinery or appliances possessed, occupied or used by or for him, or existing in or introduced into or intended to be used in the premises wherein such business is or might be carried on; or— Penalty for not making proper returns of premises, apparatus, &c.

2. Who shall make use of any still, worm, fermenting-tun, mash-tub, cistern, malt-kiln, malt-floor, tobacco-press, cutting-machine, vessel, utensil, closed spirit-receiver, fixed or movable pipe, cock, pump or other appliance or apparatus, or permit any such to be used in his distillery malt-house, brewery, tobacco manufactory, cigar manufactory or Using apparatus not reported.

or bonded manufactory or other premises subject to excise which or any of which have not been known or reported to the proper officer previous to being so used, or for the use of which no license has been taken out as herein required ; or—

Making changes without notice. 3. Who shall make any changes therein, or additions thereto, without duly notifying the Collector of Inland Revenue ; or—

Using secret communications. 4. Who shall make, cause to be made, or permit to exist, any secret, covert or unusual connection or communication between the several parts or compartments of the premises in which such business is carried on, other than are shown on the return or plan made thereof ; or—

Or pipes, &c. not reported. 5. Who shall allow any pipes, pumps, cocks, conduits, troughs or other means for conducting fluids or other matter from one part of such premises to another, or from one vessel to another, other than such as are clearly indicated and made known on the returns, models, diagrams or entries made of such premises or vessels, or other than have been made known to the Collector of Inland Revenue, or other than are permitted to be used by this Act ; or—

Using apparatus for purpose not reported. 6. Who shall permit any apparatus, utensils, vessels, pipes, store-rooms or compartments of such premises to be used or occupied otherwise than for the purpose for which they have been entered or returned ; or—

Not designating contents of vessels, &c. 7. Who shall neglect or refuse to designate in the manner required by this Act, the contents or capacity of, and the purpose to which each vessel, utensil, apparatus, pipe, conduit, store-room, workshop or compartment of such premises, is respectively applied ; or—

Refusing to admit officer. 8. Who shall refuse to admit the Collector or other officer of Inland Revenue or his assistants to the premises or manufactory where any business subject to excise is carried on, at any hour of the day or night when such business is being carried on, or when any act or thing connected with the carrying on of such business is being performed therein ; or—

Or to allow inspection of stock, &c. 9. Who shall refuse to admit any officer of Inland Revenue to inspect any place or premises where any grain, stock, commodity, material, utensil or apparatus suitable for carrying on any business subject to excise is placed or deposited ; or—

Deceiving officers. 10. Who shall do or cause or permit to be done, anything in or about the premises where such business is carried on, intended or likely to mislead any officer of Inland Revenue in the discharge of his duty, or to prevent him from ascertaining

taining the true quantity of the products of the business therein carried on and subject to excise,—

Shall incur and pay for a first offence a penalty of not less than one hundred dollars and not more than five hundred dollars, and for a second or any subsequent offence a penalty of five hundred dollars, together with— Penalty.

A further penalty of one hundred dollars for each and every day upon which such offence has been committed. Further penalty.

84. Every still, worm, rectifying apparatus, fermenting-tun, mash-tub, machinery, tobacco-press, cutting-machine vessel, utensil, pipe, cock, pump, trough, conduit, cistern, couch-frame or apparatus, with all and every matter or thing which they may contain, and the contents of every store-room, work-shop, malt-house, kiln or apartment in respect of which any penalty is incurred under this Act, or which has not been entered, described or returned as herein required, shall be and remain forfeited to the Crown, and shall be seized by any officer of Inland Revenue having a knowledge thereof, and dealt with accordingly. Apparatus, &c., forfeited when penalty is incurred.

85. Every person who shall refuse or neglect to aid any officer of Inland Revenue in the execution of any act or duty required by this Act, shall be guilty of a misdemeanor, and on conviction thereof, shall be subject to a penalty of not less than fifty dollars nor more than one hundred dollars, and shall be also liable to imprisonment in the common gaol for a period not less than three nor exceeding six months. Refusing to assist officers.

86. Every person carrying on any business subject to excise, who shall fail or neglect, or allow any person acting for him or in his employ to fail or neglect— Penalty for—

1. To keep stock books and all such other books as are required to be kept by this Act, or by any regulation made under the provisions of this Act, or by any regulation approved by the Governor in Council, or by any departmental regulation in that behalf; or— Neglecting to keep stock books, &c.

2. To make true and correct entries therein of all particulars required by this Act, or by the said regulations, to be entered in such books; or— Not making true entries.

3. Who shall in any way alter or falsify any such entries, or make or cause or allow to be made any untrue entry or entries in the said books; or— Falsifying entries.

4. Who shall remove or cause or permit the removal from the said books of any leaf or leaves or part of a leaf or leaves; or— Removing leaves of books.

Defacing entries.

5. Who shall deface or erase, or cause or permit to be defaced or erased any entry made therein; or—

Refusing to make returns.

6. Who shall neglect or refuse to prepare and deliver the inventory or make any return or statement, or to give any information, or to render any accounts required by this Act; or—

Falsifying returns or inventories.

7. Who shall falsify any such return, inventory, statement or account; or who shall knowingly give false information; or—

Refusing to produce books, &c.

8. Who shall neglect or refuse to produce any book, account, statement or return by this Act required to be kept, or any private books or accounts which may be demanded for the inspection of any duly authorized officer of Inland Revenue, when required so to do during ordinary business hours—

Amount of penalty.
First offence.

Shall, for a first offence, incur and pay a penalty of not less than fifty and not more than three hundred dollars, and for a second or any subsequent offence a penalty of five hundred dollars, together with a further penalty equal to double the amount of license fees, duty or other impost payable under this Act on any spirits, malt, beer, manufactured tobacco, cigars, stock, goods manufactured in bond, or materials for manufacturing them:

For second or subsequent offence.

Forfeiture of goods.

And every article or commodity in respect of which any fraudulent, false, incorrect, or imperfect information, entry, return, inventory, account or statement has been made or given, or in respect of which any entry, return, account, inventory, statement or information has been in whole or in part neglected or refused to be made or given, or in respect of which any entry, return, inventory, account or statement has been in whole or in part erased, defaced, removed or destroyed, —

And of stock and apparatus, &c.

And all spirits, raw and manufactured tobacco, cigars, goods or materials, grain, beer, malt, hops, drugs, stock, machinery, utensils, tools, apparatus, articles or commodities, in respect of which any such fraudulent, false or imperfect entry, return, inventory, account or information has been made or given, or in respect of which any information, return, entry, inventory or account may have been in whole or in part neglected, or omitted, or refused to be made or given, or in respect of which any entry, return, inventory, account or statement has been in whole or in part erased, defaced, removed or destroyed,—or which may be found in the distillery, malt-house, brewery, tobacco manufactory, cigar manufactory, bonded manufactory or other premises subject to excise, at the time when such false, fraudulent or imperfect

imperfect information, entry, return, inventory, account or statement shall be discovered to have been made or given,— or at the time when it shall be discovered that the giving of any information or the making of any return, inventory, entry, statement or account has been in whole or in part neglected— or at the time when it shall be discovered that any return, inventory, account or statement has been in whole or in part erased, defaced, removed or destroyed,—

Shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, and shall be dealt with accordingly. Seizure and forfeiture.

87. Any person who shall use or cause or permit the using, except as by this Act otherwise provided, of any beams, scales, weights or measures in or about any distillery, malt-house, tobacco manufactory, cigar manufactory, brewery, bonded manufactory or other premises subject to excise,—other than such as have been tested and inspected as by this Act provided, and approved by the proper officer of Inland Revenue—shall incur and pay for every such offence a penalty of one hundred dollars, and a further penalty of fifty dollars for each and every day upon which such offence shall have been committed; and such beams, scales, weights and measures, shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, and be dealt with accordingly. Penalty for using weights and measures not duly inspected and approved.

88. Every person who opens or breaks any lock or seal, or other contrivance attached to any apparatus, vessel, pipe, trough, safe, closed spirit-receiver, meter, pump, cock, room, warehouse or other apartment used for the security of the revenue under this Act, or who unlawfully abstracts any spirits, malt, beer, tobacco or cigars, goods manufactured in bond, or materials for the manufacture thereof, from any place where they or any of them are retained under the supervision of any officer of Inland Revenue, or who counterfeits any label, stamp or seal provided for by or under the provisions of this Act, or who in any way perforates any vessel or closed spirit-receiver used for containing any spirits on which the duties have not been paid, without the knowledge and consent of the Collector of Inland Revenue, shall be guilty of felony. Breaking the Crown's lock or seal, abstracting goods, counterfeiting labels, &c., to be felony.

89. If from any bonding warehouse, authorized under this or any other Act, any goods subject to excise are removed or in any way abstracted without due entries having been made and the duties paid as required by law, whether such removal or abstraction has been effected with or without the knowledge or consent of the person holding the license for such warehouse or of the owner of the goods abstracted, the person to whom the license for the warehouse Penalty for unlawfully removing bonded goods

Lien for duty on remaining goods and sale thereof. warehouse was granted, and the owner of the goods, shall in addition to the duties of excise to which the goods abstracted were liable, pay as a penalty a sum equal in amount to the said duties; and all goods, articles or things remaining in the warehouse, when it is ascertained that any goods have been unlawfully abstracted, shall be liable for the duties to which the abstracted goods were subject and for the penalty hereby imposed, and may be forthwith sold by order of the Collector or other officer whose duty it may then be to collect such duties of excise, and the proceeds of such sale shall be applied,—

Application of proceeds. (a.) To the liquidation of the duties of excise to which the goods then in warehouse are subject;

(b) To the payment of the duties of excise to which the abstracted goods are subject;

(c.) To the payment of the penalty hereby imposed:

Proviso: remission to innocent owners. Provided always, that if the parties who become liable to the penalty hereby imposed can show to the satisfaction of the Minister of Inland Revenue, that they were in no wise privy to the unlawful abstraction of such goods, or that the goods were stolen by some person or persons unknown to them, and that they had used all possible means for the detection and arrest of the criminal, then the Governor in Council may remit such penalty upon payment of the duties to which such goods would otherwise have been liable.

Penalty for— **90.** Every person carrying on any business subject to excise who shall refuse or neglect—

Not rendering accounts. 1. To render such accounts, inventories, statements and returns as are by this Act required, and at the time by this Act prescribed, or—

Not paying duties. 2. To pay over at the proper time the duties and license fees imposed by this Act, or—

Or forfeitures 3. To pay over any penalty or forfeiture incurred under this Act, for more than one month after such penalty or forfeiture has been incurred,—

License to be forfeited, and consequences thereof. Shall, by every such refusal or neglect, forfeit his license; and it shall thereupon become the duty of the Collector of Inland Revenue to cause a notice of such forfeiture to be forthwith inserted in the *Canada Gazette*, and from and after the insertion thereof, the license shall be null and void; nor shall any new license be granted to such person, nor shall any license be granted to any other person for carrying on any

any business in the premises occupied by him at the time of his failure to render true accounts, inventories, statements and returns, and to pay duties or penalties, until he shall have complied with the provisions of this Act,—nor until after such penalty or forfeiture has been satisfied.

91. Any person licensed under this Act, who shall commence any operation, or use any apparatus for which a notice is required to be given, before the time mentioned in such notice as that of such commencement or use, shall, for every such offence, incur and pay a penalty of one hundred dollars.

Penalty for unlawfully using apparatus.

92. Every person who shall obstruct, impede or interfere with any officer of Inland Revenue, or any person assisting such officer in the discharge of his duty, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for any period not less than six months, nor longer than one year.

Obstructing officers.

93. If any person, under any pretence, either by actual assault, force or violence, or by threats of such assault, force or violence, in any way resists, oppresses, molests or obstructs any officer of Inland Revenue, or any person acting in his aid or assistance, in the discharge of his or their duty under the authority of this Act, or wilfully or maliciously shoots at, maims or wounds any officer of Inland Revenue, or any person acting in his aid or assistance, while employed for any prevention of illicit distillation, brewing, malting or manufacturing, and in execution of his or their duty, or the protection or care of any article or place seized for any contravention, or supposed contravention of this Act,—such person, being convicted thereof, shall be adjudged guilty of felony, and shall be punishable by imprisonment for any period not less than six months nor longer than five years, unless any greater penalty is otherwise provided by law.

Assaulting or threatening officers.

To be felony; and how punishable.

94. If any person whatever, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, carriage or other thing which has been seized or detained on suspicion, as forfeited under this Act, before the same has been declared by competent authority to have been seized without due cause, and without the permission of the officer or person having seized the same, or of some competent authority,—such person shall be deemed to have stolen such goods or thing, being the property of Her Majesty, and to be guilty of felony, and shall, on conviction, be imprisoned with hard labor for a period of not more than three years.

Taking away goods seized or detained.

95. Any person refusing or neglecting to appear before any justice or justices, or any court, to give evidence, when summoned,

Refusing to give evidence

summoned, concerning any alleged offence against the provisions of this Act, or who shall refuse or neglect to give evidence when required, before any officer herein authorized to examine such person, shall, for such refusal or neglect, incur and pay a penalty of one hundred dollars.

Penalty for
contravention
of Act
generally.

96. Every person who shall violate any of the provisions of this Act, or who shall neglect any duty imposed on him by this Act, for which violation or neglect no penalty is herein specially provided, shall incur and pay a penalty of two hundred dollars.

Imprison-
ment in lieu
of or in ad-
dition to fine

97. Whenever any person is convicted of any offence against this Act, for which a money penalty only is hereby provided, the court may, if it thinks fit, in addition to or in lieu of any of the punishments by this Act authorized, sentence the offender to be imprisoned in any gaol or place of confinement, other than a penitentiary, for any term not exceeding two years.

RECOVERY OF DUTIES AND PENALTIES.

Recovery of
duties.

98. Any duties of excise or license duties or fees payable under this Act shall be recoverable at any time after the same ought to have been accounted for and paid, whether an account of quantity of spirits, malt, beer, tobacco, cigars, drugs or other goods or commodities, has or has not been rendered as by this Act required, or whether a true return of the utensils, tools and apparatus on which such duties or license fees are payable has or has not been made as by this Act required; and all such duties and license fees shall be recoverable with full costs of suit as a debt due to Her Majesty, in any court of competent civil jurisdiction.

Recovery of
penalties.

99. All penalties and forfeitures incurred under this Act or any other law relating to excise, may be prosecuted, sued for and recovered in the superior courts of law, or Court of Vice-Admiralty, having jurisdiction in that Province in Canada where the cause of prosecution arises, or wherein the defendant is served with process; and if the amount or value of any such penalty or forfeiture does not exceed five hundred dollars, the same may also be prosecuted, sued for and recovered in any County Court or Circuit Court having jurisdiction in the place where the cause of prosecution arises, or where the defendant is served with process.

Seizure of
perishable
articles :

100. In case of the seizure of any article, the Department of Inland Revenue may authorize the Collector of Inland Revenue for the division in which the seizure has been made, or any superior officer of Inland Revenue to sell the same within such delay as to prevent its becoming deteriorated in value, or a part of the value consumed by reason

Power to sell
and deal with
proceeds.

reason of the expense of keeping or the decay or waste of the same, as if it had been condemned,—and to keep in his hands the proceeds of such sale until the same has been condemned, or deemed to be condemned, or ordered to be restored to any claimant,—in which last mentioned case, the court before which the claim is heard shall order the Collector to pay over to the claimant the proceeds of such sale, in lieu of awarding restitution :

2. Nevertheless, the Department of Inland Revenue may authorize the Collector of Inland Revenue, or superior officer of Inland Revenue aforesaid, to deliver up to any claimant any such article so seized as aforesaid, upon such claimant depositing in the hands of the Collector or superior officer of Inland Revenue such sum of money as will represent the full value thereof, or giving security to the satisfaction of such Collector or superior officer of Inland Revenue that the value of such seizure and all costs shall be paid to the use of Her Majesty, if such article be condemned :

Goods seized may be delivered to claimant giving security.

3. Any article or commodity, seized as forfeited under this Act or any Act relating to Inland Revenue, may, at the option of the seizing officer, be kept or stored in the building or place where it was seized, until it is condemned or ordered to be restored to any claimant ; and so long as such article or commodity is under seizure, the place or building in which it is so kept or stored shall be held to be in the sole custody of the officer of excise, or other person appointed for that purpose by the seizing officer or by any superior officer of Inland Revenue ; or such article or commodity may, by direction of such seizing officer, or superior officer of Inland Revenue, be removed to be kept in any other place.

Storage of goods seized, &c.

101. The burden of proof that the duties of excise have been paid and all the other requirements of this Act complied with, as regards any article of any kind subject to duty under this Act, shall lie upon the parties in whose possession the goods or articles liable to duty may, at any time, have been before such duties were proved to have been paid, or whose duty it was to pay such duties and to comply with such requirements.

Burden of proof of payment of duties, on whom to lie.

102. If any stock, steam-engine, boiler, still, fermenting-tun, machinery, apparatus, vessel or utensil, or other article or commodity be forfeited under the provisions of this Act, for any contravention thereof, they may be seized by the Collector or other officer of Inland Revenue to whom such contravention may become known, or by any other person acting by the authority of such officer, at any time after the commission of the offence for which they are forfeited, and may be marked, detained, removed, sold or otherwise secured until condemned or released by competent authority, and shall

Seizure of forfeited goods, &c.

shall not, while under seizure, be used by the offender; and if condemned, they shall be removed, sold or otherwise dealt with as the Governor in Council may direct.

Schedule of property seized.

107. It shall be the duty of the Collector or other officer of Inland Revenue, or any person aiding or assisting him in seizing property as forfeited under this Act, to mark and number each separate piece, and to make a schedule of all the property seized, with the estimated value thereof,—which schedule or list shall be dated and signed by the Collector or other officer; and a true copy thereof shall be given to the person from whom the seizure was made, or forwarded to his last known post office address by registered letter, and another copy, together with the Collector's or other officer's report relating to such seizure, shall be transmitted without delay to the Department of Inland Revenue.

Copy of schedule.

To be seized in Her Majesty's name.

108. All property seized under any provision of this Act, shall be seized, marked and secured in the name of Her Majesty the Queen; and the power of seizing, marking and securing the same shall be exercised by direction and under the authority of the Collector of Inland Revenue or other officer, where and when necessary in order to carry out the provisions of this Act:

Stock in trade and apparatus specially liable for duties.

2. And (without any prejudice to the liability of any other property of the debtor or his sureties), the grain, malt, beer, tobacco, cigars or other materials or stock in trade, from which any goods subject to excise are or could be wholly or in part made, stills, mash-tubs, vats, fermenting-tuns, engines, water-wheels, tables, presses and other machinery, implements, articles and utensils, used or capable of being used for making, manufacturing or producing any such goods or preparing any materials therefor, or by means of which any trade, business or employment subject to excise is or has been or might be carried on, and whether so fixed as to form part of the real or immovable property or not,—which are on the premises mentioned in the license or in the custody or possession of the party carrying on such trade or business, or in the custody or possession of any factor, agent or other person in trust for or for the use of such party, at the time when any duties become due or any penalty is incurred under this Act,—shall be and remain liable for such duties and for any penalty or forfeiture incurred by the distiller, brewer, maltster, tobacco manufacturer, cigar manufacturer or bonded manufacturer, or other person carrying on business subject to excise, or of whose premises or in custody or possession of whom are, by special and preferential privilege and lien in favor of the Crown, and may be seized and sold in satisfaction of the same under any warrant of distress or writ of execution, or

Preferential lien of the Crown.

or other process for the recovery thereof, and may be removed by the purchaser, to whomsoever the same might otherwise belong, or into or in whose hands or possession soever the same have passed or are found, and notwithstanding any title or claim to the same or privilege or lien thereon in favor of any other person or party whomsoever,—and shall be liable to forfeiture to the Crown, under the provisions of this Act, for any contravention thereof; and if so forfeited, they may be seized by the Collector of Inland Revenue or other officer of Inland Revenue, or any person acting by his authority, at any time after the commission of the offence for which they are forfeited, and marked, detained or secured until condemned or released by competent authority, and shall not, while under seizure, be used by the offender; and if condemned, they shall be removed or sold or otherwise dealt with as the Minister of Inland Revenue may direct.

Notwith-
standing any
claim or title.

Provision if
the goods are
forfeited.

105. So soon as an information has been exhibited in any court for the condemnation of any goods or thing seized under this Act, notice thereof shall be put up in the office of the clerk or prothonotary of the court, and also in the office of the Collector of Inland Revenue or chief officer of Inland Revenue, in the Inland Revenue Division wherein the goods or thing have been seized as aforesaid :

Notice of
seizure.

2. If the owner or person claiming the goods or thing exhibits a claim to the same and gives security and complies with all the requirements of this Act in that behalf, then the said court, at its sitting next after the said notice has been so posted during one month, may proceed to hear and determine any claim which has been validly made and filed in the meantime, and to the release or condemnation of such goods or thing, as the case requires; otherwise the same shall, after the expiration of such month, be deemed to be condemned as aforesaid, and may be sold without any formal condemnation thereof :

Claims to
property
seized.

3. No claim on the behalf of any party who has given notice of his intention to claim before the posting of such notice as aforesaid shall be admitted, unless validly made within one week after the posting thereof; nor shall any claim be admitted, unless notice thereof has been given in writing to the Collector of Inland Revenue or superior officer of Inland Revenue within one month from the seizure as aforesaid.

Notice of
claim.

106. All vehicles, goods and other things seized as forfeited under this Act or any other Act relating to excise, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with accordingly, unless the person from whom they were seized, or the owner thereof, within one month from the day of seizure, gives notice in writing to the seizing

Condemna-
tion of pro-
perty seized.

seizing officer, the Collector of Inland Revenue in the Inland Revenue division in which such goods were seized, or superior officer of Inland Revenue, that he claims or intends to claim the same :

Release of goods on security.

2. The Collector of Inland Revenue at the place where the seized articles are secured, or any superior officer of Inland Revenue, may order the delivery thereof to the owner, on receiving security by bond with two sufficient sureties (to be first approved by such Collector or superior officer of Inland Revenue), to pay double the value in case of condemnation,—which bond shall be taken to Her Majesty's use in the name of the Collector or the superior officer of Inland Revenue, and shall be delivered to and kept by such Collector or superior officer of Inland Revenue; and in case such seized articles are condemned, the value thereof shall be forthwith paid to the Collector and the bond cancelled; otherwise the penalty of such bond shall be enforced and recovered.

Payment of penalty not to discharge any duty.

107. The payment of any penalty or forfeiture incurred under this Act, shall not discharge the party paying the same from the obligation to pay all duties due by such party; and the same shall be paid and may be recovered as if such penalty had not been paid or incurred.

Recovery of penalties; in what court, &c.

108. The pecuniary penalty or forfeiture incurred for any offence against the provisions of this Act, may be sued for and recovered before any court of record having jurisdiction in the premises, a County Judge or Junior County Judge, or before a police or stipendiary magistrate or any two Justices of the Peace having jurisdiction in the place where the offence was committed by whom and by whom alone the complaint against the offender shall be dealt with as by law directed, on the oath of one credible witness; and any such penalty may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, under the warrant of the court having cognizance of the case; or the said court may, in its discretion, commit the offender to the common gaol for the period of six months, unless the penalty and costs, including those of conveying the offender to such gaol, and stated in the warrant of committal, be sooner paid; and any term of imprisonment imposed for any offence against the provisions of this Act may, in like manner, be adjudged and ordered by such court, judge, magistrate or justices, by whom and by whom alone, the complaint against the offender shall be dealt with as by law directed.

May be levied and by distress and sale.

Imprisonment if not paid.

Disposal of penalties and forfeitures.

109. All forfeitures and penalties under this Act, after deducting the expenses of prosecution, shall, unless it be otherwise expressly provided, belong to Her Majesty for the public

public uses of the Dominion, but the net proceeds of such penalty or forfeiture, or any portion thereof, may be divided between and paid to any officer of Inland Revenue, holding a rank not higher than that of a special class exciseman, by whom the seizure was made, or the information given on which the prosecution was founded, and to any person having given information or otherwise aided in effecting the condemnation of the goods or thing seized, or the recovery of the penalty, in such proportions as the Governor in Council may, in any case or class of cases, direct and appoint; but nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council, with regard to the remission of penalties or forfeitures by this Act or any other law.

110. Any officer of the Customs or of Inland Revenue, or other person employed in the collection of the revenue, shall be a competent witness in any prosecution or suit under this Act, although he has or believes himself to have some expectation of advantage to himself from the successful termination of such prosecution or suit. Officers to be competent witnesses.

111. All sums of money paid or recovered for any penalty or forfeiture under this Act, or any part thereof, belonging to Her Majesty, shall be paid to the Receiver General, and shall form part of the Consolidated Revenue Fund of Canada. Appropriation of moneys, &c., recovered for Crown.

112. If any article or thing be voluntarily given up or abandoned by the owner to any Collector of Inland Revenue or superior officer of Inland Revenue, as forfeited under this Act, or if any sum of money be voluntarily paid to any such Collector or officer as the amount of a penalty incurred under this Act, such abandonment or payment shall be held lawful; and such article or thing may be dealt with as if legally condemned, and such sum of money as if legally recovered. Voluntary forfeiture of goods or payment of penalty.

113. If in any case it is manifest to the Department of Inland Revenue that a seizure has been made through an error in judgment by an officer of Inland Revenue, and that the retention of such seized property would result unfairly in pecuniary loss to the party from whom such property was seized, such seizure may be released by the Minister, or in his absence, by the Commissioner of Inland Revenue, without reference of the matter to the Governor General in Council. Seizures made under error.

REGULATIONS BY ORDER IN COUNCIL AND DEPARTMENTAL REGULATIONS.

114. The Governor in Council may make such regulations for the warehousing and for the ex-warehousing, either for consumption, for removal for exportation, or otherwise, of goods, subject to a duty of excise; and likewise for giving effect Regulations for warehousing.

effect to any of the provisions of this Act, and declaring the true intent thereof in any case of doubt as to him shall seem meet.

Legal effect
of regula-
tions.

115. All regulations, whether Departmental or made by Order in Council, made under the provisions of this Act, shall have the force of law, and any infraction, breach or violation of any such regulation shall subject the holder of a license under this Act, or any other person in the said regulations mentioned, to such penalty or forfeiture as may, by the said regulations, be imposed for such offence; and the same shall be enforced in like manner as other penalties and forfeitures imposed by this Act.

DISTILLERIES.

INTERPRETATION.

“Still.”

116. (a.) “Still” means and includes any distilling apparatus whatever for the distilling or making of spirits :

“Closed spirit receiver”

(b.) “Closed Spirit Receiver” means the vessel or vessels into which the spirit is conveyed as hereinafter provided, from the tail of the first worm in which it is condensed for measurement, and in which the quantity and strength upon which the duty is payable, is ascertained and determined by the officers of excise :

“Rectifier.”

(c.) “Rectifier” means and includes any pipe, vessel or still into which the spirit is conveyed after leaving the spirit receiver, for the purpose of rectification, by re-distillation, filtration, or by any other process :

“Proof spirits.”

(d.) “Proof Spirits,” or “Spirits of the strength of Proof,” mean any spirit having the strength of proof by Sykes Hydrometer :

“Distillery.”

(e.) “A Distillery” means and includes any place or premises—

Where any process of fermentation for the production of wash is carried on, or—

Where any wash is kept or produced for the purpose of distillation, or—

Where any mash-tub, fermenting-tun, worm or still for the distillation of spirits is set up or used, or—

Where any process of distillation whatever of spirits is carried on, or—

Where

Where any process of rectification of spirits either by re-distillation, filtration or other process is carried on, or—

Where any spirits are manufactured or produced from any substance whatever, by any process whatever, or—

Where any still, rectifier or other apparatus, suitable for the manufacture of wash, beer or spirits, is in whole or in part manufactured, made or kept ;

And every office, workshop, warehouse, granary, fermenting-room, mash-house, still-room, rectifying-house, vault, cellar, shed, yard or other place owned or occupied by, or on behalf of or for the use of any distiller, or wherein any part of his business as such is transacted, or where any grain, matter, material or apparatus suitable for or adapted to the production of spirits, or which is or is to be used in the production or rectification of spirits is kept or stored, or where any of the products of the distillery are kept or stored, or where any process of manufacture is carried on, shall be held to be included in and to form part of the distillery to which they are attached or are appurtenant :

(f.) "*Distiller*" means and includes any person who con- " Distiller." ducts, works, occupies or carries on any distillery or who rectifies any spirits by any process whatsoever either by himself or his agent :—and every person making or keeping beer or wash prepared, or in preparation, or fit for distilling, or low wines or faints, or having in his possession or use a still or rectifying apparatus, shall be deemed to be a distiller, and liable to the several duties, obligations, penalties and forfeitures imposed by law on distillers ; or—

Who has in his possession, complete or partially completed, or who imports, makes or manufactures, in whole or in part, any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits :

(g.) "*Chemical still*" means any distilling apparatus which " Chemical still." has a capacity of less than fifty gallons, and which is kept and used by a manufacturing chemist or druggist, for the sole purpose of distilling water or reclaiming alcohol previously used in the preparation or manufacture of chemical, medicinal or pharmaceutical preparations for the preparation or manufacture of such chemical, medicinal or pharmaceutical preparations, or which is used for scientific purposes (in every one of which cases the Department of Inland Revenue shall be sole judge), and which is not used for the manufacture or distillation of spirits for sale : Provided, that the Governor in Council may make such regulations as to him seem necessary, for permitting the increase of the capacity of chemical stills—such capacity in no case to exceed one hundred gallons :

(h.)

“Working of a distillery.” (h.) Any use made of any still, worm, mash-tub or fermenting-tun, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or for the distillation or rectification of any spirits, or for fermenting any beer or wash, or the making or commencing to make, or the importation of any such still, worm, rectifying or other apparatus shall be deemed to be a working of a distillery, and acting as a distiller, within the meaning of this Act.

LICENSES.

Distillery licenses.

117. In addition to the general provisions of this Act respecting licenses, those in the next succeeding section contained apply to distilleries.

Conditions of license and security to be given by distiller.

118. A license to carry on the business or trade of a distiller may be granted to any party who has complied with the other requirements of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly with not less than two and not more than six good and sufficient sureties, entered into a bond to Her Majesty, Her Heirs and Successors, in a sum equal to the amount at which the Collector or some superior officer of Inland Revenue estimates the duties to accrue on the products of the distillery for which it is granted (worked to its full capacity), during one month of the time for which the license is to remain in force, and to such further amount as the Collector of Inland Revenue may deem sufficient to cover the duty on goods remaining in warehouse from time to time, during the currency of the license about to issue—such latter amount to be determined by such means as the Department of Inland Revenue may prescribe,—the party obtaining the license being bound in the full amount of such estimates, and the sureties each severally for such amount as that the sums for which they are respectively bound shall together be equal to the amount of such estimates; and such bond shall be taken before the Collector of Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue,—who shall cause such sureties to justify as to their sufficiency, each for the sum for which he is bound, by affidavit to be made before him and endorsed upon the bond,—and shall be conditioned for the rendering of all accounts, inventories, statements and returns prescribed by law, and the payment of all duties and penalties which the party to whom the license is to be granted may become liable to render or pay under this Act, and that such party will faithfully comply with all the requirements of this Act, according to their true intent and meaning, as well with regard to such accounts, inventories, statements, returns, duties and penalties, as to all other matters and things whatsoever :

Bond.

2. A license to carry on the trade or business of a rectifier may be granted to any party who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly and severally, with two good and sufficient sureties, entered into a bond to Her Majesty, Her Heirs and Successors, in the sum of four thousand dollars; and such bond shall be taken before the Collector of Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue,—who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond,—and shall be conditioned for the rendering of all accounts and the payment of all duties and penalties which the party to whom the license is to be granted may become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever :

Conditions of
license for
rectifier.

Bond.

3. A license to import or make (apart from the manufacture of beer, wash or spirits, and from the rectification of spirits), stills, worms, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, may be granted to any person who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly and severally, with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in the sum of one thousand dollars; and such bond shall be taken before the Collector of Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue—who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond,—and shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties which the party to whom the license is to be granted may become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever :

License for
importer or
maker of ap-
paratus.

Bond.

4. An application for a license to have in possession and use the chemical still or stills mentioned in such application, shall contain a full and exact description of such still or stills, and of the capacity of each, and also of the purposes to which they are to be applied, and of the place wherein they are to be used :

Application
for license
for chemical
still.

Conditions of
license for a
chemical still

5. A license to possess and use a chemical still or stills within the limits of a city, town or village, or within one mile thereof, may be granted to any manufacturing chemist or druggist who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector and authorized by the Department of Inland Revenue, and that all the apparatus connected therewith are so made and arranged, and the whole so situated, as regards the nature of the building in which it is placed, and the location of such building (as to all which the Department shall be the sole judge) that such still or stills and apparatus may be kept under such supervision by an excise officer as will prevent their fraudulent use, and that the party shall, before such license is issued, jointly and severally, with two good and sufficient sureties, enter into a bond to Her Majesty, Her Heirs and Successors, in such sum as in each case or class of cases may be decided by the Governor in Council; and such bond shall be taken before the Collector of Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue,—who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond,—and shall be conditioned for the rendering of all accounts, and the payment of all duties, and penalties, which the party to whom the license is granted may become liable to render or pay under the provisions of this Act, and that such party will comply with the requirements thereof, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever.

Bond.

DUTIES PAYABLE ON LICENSES.

License fee
for distilling.

119. The party in whose favor a license is granted for distilling and rectifying, or for either, by any process, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of two hundred and fifty dollars.

License fee
for chemical
still.

120. The party in whose favor a license is granted to have and use the chemical still or stills mentioned in his application for a license, shall, upon receiving such license, pay to the Collector of Inland Revenue, the sum of twenty-five dollars: Provided, that a chemist or druggist using a chemical still of a capacity not to exceed three gallons, may, upon registering the said still at the office of the Collector of Inland Revenue of the division in which it is situated, be permitted to use the same without payment of license fee or the giving of bonds—but the possession of any such still without registration shall be deemed a having in possession of a still contrary to the provisions of this Act.

Proviso.

License fee
for importer
or manu-

121. Every person who, not being licensed as a distiller, applies for a license to import or manufacture *stills, worms,*

worms, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, shall, when applying for such license, pay to the Collector of Inland Revenue the sum of twenty dollars.

IMPORTATION AND MANUFACTURE OF APPARATUS.

122. Every person who is about to import or make any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, shall, before the importation or making thereof is commenced, report in writing his intention in relation thereto, to the nearest officer of Inland Revenue, stating the number of stills, worms, rectifying or other apparatus, or part thereof, suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, to be imported or about to be manufactured, showing with reference to each—

Intention to import or make apparatus to be reported.

- (a.) The capacity of each apparatus or part thereof;
- (b.) The name and residence of the person for whom such apparatus or part thereof is to be imported or made;
- (c.) The time at which every such apparatus or part thereof is to be imported or made;
- (d.) The date at which such apparatus or part thereof is to be removed from the place where the same is to be manufactured;
- (e.) The material of which such apparatus is or is to be made.

Details of report.

BOOKS, ACCOUNTS AND PAPERS.

123. In addition to the general provisions of this Act respecting books, accounts and papers those in the next succeeding section contained apply to distilleries:—

Books and accounts to be kept by distiller.

124. Every person or party, licensed as a distiller, shall keep a book or books in a form to be furnished from time to time, by the Department of Inland Revenue, which books shall be open at all reasonable hours to the inspection of the Collector of Inland Revenue or other officer, and wherein such distiller shall enter, day by day, and upon the same day on which the circumstance, thing or act to be recorded is done or occurs,—

What distiller's books must show.

1st. The quantity of grain and other raw material brought into or removed from his distillery premises;

2nd. The date and hour upon which the operations to be carried on in his distillery, and of which notice may be required

quired by any Departmental regulation, are to be commenced ;

3rd. The quantities of grain or other vegetable production, or other substance, put by him into the mash-tub, or otherwise used by him for the purpose of producing beer or wash, or consumed by him in any way for the purpose of producing spirits ; .

4th. The quantity of beer or wash fermented or made by him or in his distillery ;

5th. The quantity of spirits by him distilled, manufactured or made, removed or brought into his distillery premises ;

6th. The hours during which his stills are worked on each day ;

7th. The quantity of spirits entered for warehouse and ex-warehouse.

DUTIES OF EXCISE.

Duties of excise imposed on spirits.

125. In lieu and instead of all duties of excise imposed by any Act hereby repealed, there shall be imposed, levied and collected on all spirits distilled, the following duties of excise, which shall be paid to the Collector of Inland Revenue, as herein provided, that is to say :—

Made from raw grain.

(a.) When the material used in the manufacture thereof consists of not less than ninety per cent. by weight, of raw or unmalted grain,—on every gallon of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any less quantity than a gallon, one dollar :

Made from malted barley.

(b.) When manufactured exclusively from malted barley, taken to the distillery in bond and on which no duty of customs or excise has been paid,—on every gallon of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, one dollar and two cents :

Made from molasses, &c.

(c.) When manufactured exclusively from molasses, syrup, sugar or other saccharine matter, taken to the distillery in bond, and on which no duty of customs has been paid,—on every gallon of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, one dollar and three cents.

CHARGE

CHARGE OF DUTIES ON SPIRITS.

126. The duty upon spirits shall be charged and computed as follows :— Computation of duty.

1. Upon the grain used for its production at the rate of one gallon of proof spirits for every twenty and four-tenths pounds ;

2. Upon the quantity of beer or wash fermented or made in the distillery at the rate of one gallon of proof spirits for every fourteen gallons of beer or wash ;

3. Upon the quantity of beer or wash fermented or made in proportion to its alcoholic value ;

4. Upon the quantity of spirits which passes from the tail of the first worm in which it is condensed into the closed spirit receivers,—

Subject to an abatement not exceeding three per cent. for such quantity of fusil oil or other refuse as may be separated therefrom by a second process of distillation, and destroyed in the presence of an officer of excise,—the quantity so allowed in abatement being determined and destroyed in accordance with such regulations as may be approved by the Governor in Council,— Abatement in certain cases.

5. Upon the quantity of spirits sold or removed from any distillery by the distiller, or by his agent or for his account ;

And that method of computation which yields the greatest amount of revenue, shall, in all cases, be the one upon which the distiller shall pay the duty : Method giving most duty to be used.

Except that when any distiller is about to use damaged grain or mill offal, and shall give the Collector of Inland Revenue one week's notice of his intention so to do, such officer as may be instructed for that purpose by the Collector shall specially inspect the beer or wash made from such damaged grain or mill offal, and test its alcoholic value, and the quantity of such material which it contains ; and if he reports that the yield of such damaged grain or mill offal is less than one gallon of proof spirits to twenty and four-tenths pounds, the Minister of Inland Revenue may authorize the assessment of the duty on the highest quantity ascertained by any of the other methods, without reference to the quantity of damaged grain or mill offal used by the distiller. — Proviso when damaged grain is used.

127. For the purpose of computing the duty by the methods prescribed in the next preceding section,— Directions for computation,

Quantity of
grain.

1. The quantity of grain shall be the quantity actually weighed into the mash tubs and recorded in the books kept under the requirements of this Act; except that whenever there may appear to be cause to doubt the correctness of the quantity so entered on the said books, an inquiry may be made by any inspecting officer of Inland Revenue, who may swear and examine parties and witnesses under oath, and inquire as to the quantity of grain taken to the distillery in which such books are kept, and as to the quantity of grain removed therefrom, and generally into the matters referred to, and shall determine as nearly as may be the actual quantity of grain consumed in the distillery; and the duty may be assessed and levied on the quantity of grain so determined, in the proportion of one gallon of proof spirits to every twenty and four-tenths pounds of grain :

Quantity of
beer or wash.

2. The quantity of beer or wash fermented or made in the distillery shall be determined by the distiller, or as often as may be directed by any departmental regulation in that behalf, by an officer of Inland Revenue, who shall gauge the quantity in the fermenting tuns at the time when the fermentation has been completed, or when the beer is in a fit state for distillation; and the quantities so determined shall be recorded by the distiller, in a register of fermentation, under such regulations as the Department of Inland Revenue may order; except that whenever there may appear to be cause to doubt the correctness of the quantity entered into the said register of fermentation, an inquiry may be made by any inspecting officer of Inland Revenue in the manner above provided, as to the capacity of the fermenting tuns used in the distillery, the frequency with which they have been used, and the quantity of beer or wash, from time to time, fermented therein; and the duty may be assessed and collected in the proportion of one gallon of proof spirits for every fourteen gallons of beer or wash determined by such Inspecting Officer, after such enquiry, to have been fermented in the distillery :

Alcoholic
value of beer
or wash.

3. The alcoholic value of any beer or wash made in any distillery may be determined by any Inspecting Officer of Inland Revenue or by any Collector or other officer of Inland Revenue authorized thereto—who, as often as he may deem it to be necessary, but not more frequently than once in each day, may take out of any beer or wash then in the distillery a quantity not exceeding twenty-eight gallons, as a sample which he may distil or cause to be distilled, for the purpose of any computation under this Act, and he may calculate the value or strength of the beer or wash used in that distillery according to the result ascertained from the sample so taken; or—

Testing
strength of
beer or wash,

He may, at any time, test the strength of any beer or wash then in the distillery, by its attenuation or by running a portion

portion thereof not exceeding the contents of any one fermenting tun, through the stills, in the ordinary course of working such distillery, and may require the ordinary operatives of such distillery to do the work, or may introduce other operatives into the distillery for that purpose: and for the purpose of any such computation as aforesaid he may calculate the alcoholic value or strength of the beer or wash used in that distillery according to the result ascertained from the portion of such beer or wash so distilled; and the alcoholic value of the beer or wash as determined by either of the above methods may be applied to or used in the computation and charge of duty on the beer or wash made in that distillery:

4. The quantity of spirits which passes from the tail of the first worm into the closed spirit receivers shall be ascertained and determined by gauging the quantity and testing the strength thereof in such manner, at such periods and by such means, as may, from time to time, be directed by any departmental regulation in that behalf:

Quantity of spirits passing into receiver.

5. The quantity of spirits sold or removed from any distillery by the distiller shall be the quantity recorded in the distillery stock books kept under the provisions of this Act: except that whenever any Inspector of Inland Revenue shall have cause to doubt the correctness of the quantity so recorded, he may inquire, or cause an inquiry to be made in the manner above provided, as to the quantity of spirits sold by the distiller or by his agent or for his account, and as to the quantity removed from the distillery by any agency or vehicle whatsoever, and also as to the quantity of duty-paid spirits brought into the distillery; and for the purpose of such inquiry all shipping notes or bills of lading signed by the distiller or by his agent shall be taken as evidence of the sale or removal by him from his distillery of the quantity therein specified, and the evidence on oath of any railway clerk, station-master or agent, or of any warehouseman or common carrier or shipping agent, as to the truth of the accounts kept by him of shipments or removals of spirits by any distiller, shall be sufficient evidence of the truth of such accounts; and the evidence on oath of any person who has purchased any spirits from a distiller or from his agent, shall be taken as evidence that the spirits so bought were manufactured at the distillery of the distiller selling the same, unless the contrary is shewn; and all packages of spirits not otherwise described in the accounts or shipping notes or bills of lading relating thereto, or proven to contain some greater or less quantity, shall be reckoned as puncheons containing each one hundred and fifty gallons of proof spirits; and the difference between the quantity shewn by such inquiry to have been sold by the distiller or removed from his distillery, and the quantity of

Quantity of spirits sold or removed from distillery.

Inquiry and evidence.

Packages.

duty-

duty-paid spirits brought into the distillery, shall be held to be the quantity liable to duty under this Act :

Period to which enquiries of officer may extend ; additional duty when payable.

6. The inquiries of any Inspecting Officer or Collector of Inland Revenue as herein provided, may be made for any period not more than one year before the time when the inquiry is commenced ; and if it is found that during the said period the returns have been made for, and the duty charged on a less quantity of spirits than is ascertained and determined by the result of such inquiry, the additional duty then determined shall become due and payable within five days after the distiller has been notified of the result of such inquiry ; and the payment of such additional duty shall be enforced in the same manner, and under the same conditions and penalties as the payment of the duty mentioned in the monthly returns :

Onus of proof of error : where to lie.

7. If the determination of the officer under any provision of this Act be disputed, the proof of the error or wrong shall rest with the party alleging it.

PROVISIONS AS TO SUPERVISION.

Capacity of vessels to be ascertained.

128. On or before the tenth day of July in each fiscal year, the capacity of all spirit receivers, fermenting tuns, mash tubs, coolers and other vessels used in or about distilleries, shall be accurately ascertained by gauging or by actual measurement by standard measures of capacity, as the officer of excise may determine or direct ; and—

List of vessels.

2. A correct list thereof shall be made out by the distiller, in triplicate, setting forth the number, use, dimensions and capacity of every such vessel ; and the said list shall be attested by the signature of the distiller, and shall be subject to the verification and approval of the officer of excise under whose supervision the gauging or measurement was made ; and when signed by him in testimony of such approval, every such list shall be received as evidence in all courts of law :

Proviso for correction.

Provided always, that every such list may, at any time, be revised by any superior officer of Inland Revenue, and should any errors be found therein, he shall cause the necessary corrections to be made in such list by the distiller :

Copies to be kept.

3. One counterpart of such list shall be kept on record at the distillery, another at the Department of Inland Revenue, and the third shall be retained by the Collector of Inland Revenue within whose district or division the distillery is situated.

Apparatus to be constructed according to regulations.

129. The spirit-receiver, doubler, low wines receiver, faints receiver, the safe or apparatus enclosing the tail of the worm or still, and—

2. Every pump used for removing any spirit, wash or other matter to or from any vessel, or from one vessel to another, and every lock, pipe, valve, duct, conduit, cock or connexion used for securing, leading to or from, or between, or for giving access to any of the vessels herein mentioned or referred to, and—

Pumps, locks &c.

3. Every valve, pipe, cock, gauge, pump, lock or other apparatus, utensil, appliance or arrangement for securing, gauging, ascertaining, testing or proving the quantity or strength of any spirit, wash or worts manufactured or distilled, or for preventing the undue abstraction of any such spirits, wash or worts,—

Valves, pipes, &c.

Shall be constructed, arranged and applied at the cost of the distiller, in accordance with such plans, designs, drawings, and regulations, and of such materials as may be, from time to time, approved by the Department of Inland Revenue :

To be constructed as aforesaid.

4. Every mash tub, fermenting tun, closed spirit-receiver, cooler, tank, vat or other utensil or vessel, for using which a license is required, or which is used for containing or holding any commodity subject to excise, shall have written, stamped or printed on it in white Roman characters at least two inches in height, on a black ground, the serial number, the name or designation of the vessel or utensil and the contents thereof in gallons and in cubic inches :

Capacity of vessels to be marked thereon.

5. Every pipe, trough or conduit, used for the conveyance of spirits, shall be painted or colored a *light blue* :

Colours of pipes and conduits.

6. Every pipe, trough or conduit used for the conveyance of water, shall be painted or colored *white* ; and—

7. Every pipe, trough or conduit used for the conveyance of beer or wash shall be painted or colored *red*.

130. On every cask or barrel used in any distillery, or for keeping or delivering out any spirits, there shall, at all times be legibly cut, branded, or painted in oil colors on one head, the name of the distiller, and on the other head such marks, numbers and other information as may be required by any Departmental regulation in that behalf.

Casks, how marked.

131. The tail of every worm in every distillery shall be enclosed in a locked or sealed "safe," or other suitable apparatus in which the strength of the spirits and low wines flowing from the worm may be approximately ascertained by the inspection of the hydrometer or other suitable instruments contained therein :

Tail of worm to be enclosed in safe.

Safes to be approved.

2. Every such safe shall be constructed in such manner and secured by such means and by such mechanism as may be approved by the Department of Inland Revenue :

Pipes to convey spirits.

3. From the said closed safe or apparatus all low wines, faints and spirits, from time to time running from the end of the worm, shall be conveyed to the doubler or closed spirit receiver, as the case may be, through suitable pipes of such metal as may be required by departmental regulations, visible throughout the whole of their length, with stop cocks and other appliances so arranged that the liquid may be conveyed either to the doubler or to the receiver ; but so that no portion of the liquid can be abstracted or diverted from the closed spirit-receiver or doubler without the knowledge and consent of the proper officer.

Certain distilleries to have two receivers.

132. In distilleries where the weekly production of spirits is not over six thousand gallons, two closed spirit-receivers shall be provided, each of which shall have sufficient capacity to contain at least one week's production of spirits :

2. In distilleries where the weekly production of spirits exceeds six thousand gallons, there shall also be two closed spirit-receivers, each of which shall have sufficient capacity to contain at least one day's production :

Officer to ascertain quantities produced.

3. The quantities of spirits produced shall be gauged and ascertained by the officer of excise in charge of the distillery, at such intervals as may be directed by his superior officer.

Spirit not to be removed from receiver until gauged, &c.

133. The spirit which passes from the tail of the worm to the closed spirit-receiver shall not be removed from the closed spirit-receiver until the quantity and strength thereof has been ascertained by the Collector of Inland Revenue or other officer, and then only with the consent and in the presence of the said Collector or other proper officer.

Receiver to be a close vessel and locked.

134. The closed spirit-receiver shall be a closed vessel, and all pipes, cocks or valves communicating therewith, as well as all means of access thereto, shall be securely locked or sealed, and the key or keys shall remain in the sole possession of the Collector of Inland Revenue or other proper officer.

No perforation allowed in receiver.

135. No vessel shall be used as a closed spirit-receiver, high wine tub, low wine tub or doubler in which there has been bored or made any perforation or aperture other than those necessary for its lawful use ; and if at any time it shall be discovered that any perforation, aperture or hole has been made in such closed spirit-receiver, high wine tub, low wine tub or doubler, or that any such exists therein, although it may have been stopped or plugged, the existence of

of such perforation, aperture or hole, plugged or unplugged, shall be evidence that it has been unlawfully made and used.

136. The internal diameter of every closed spirit-receiver shall be so proportioned to the productive capacity of the distillery wherein it is placed, that the product of one day's work will measure in the closed spirit-receiver at least twenty-four inches in depth :

Proportions of receiver.

2. Around, above and below every closed spirit-receiver and every apparatus used for gauging or testing the strength of spirits, and every safe or apparatus used for inclosing or guarding the tail of the worm, and around and above every fermenting tun, still charger, beer pump or spirit pump, there shall be sufficient space to admit of a full and careful examination of every such vessel or apparatus, with the contents thereof, and there shall be sufficient light for the purpose of such inspection :

Space for examination around apparatus.

3. The beer reservoir in every distillery shall be so placed that it and every pipe, trough, hose or conduit leading into or from it may be fully seen and examined ; and no pipes, troughs, conduits or hose for the passage of any water, spirits, wash or other fluid, shall be placed near to any such beer reservoir, or so that any fluid whatever can be run into it, except with the knowledge of the officer in charge.

Beer reservoir.

4. Any failure to comply with the requirements or provisions of this section, after one month's notice has been given of such default, shall be sufficient cause for cancelling any license granted to the distiller so in default, and no further license shall be granted to any person for distilling within the premises wherein such default has occurred, until all the requirements of this and the preceding sections have been fully complied with.

Penalty for non-compliance with this section.

137. In every distillery which is not working, all the worms, still heads, closed spirit-receivers and doublers, with all pipes and cocks leading to or connecting with the same, shall be closed and locked or sealed in such manner as the Collector of Inland Revenue or the Inspecting Officer may require or direct ; and the absence from any closed spirit-receiver, still head, worm, doubler or cock, of the locks or seals herein required, shall subject the distiller in whose distillery the default has occurred, to the same penalties as he would be liable to for working without a license : Provided always, that whenever it becomes necessary to execute any repairs to any of the apparatus herein mentioned, the locks and seals may be removed by a proper officer of Inland Revenue, to such extent as may be actually necessary for the performance of such repairs, and during the period they are actually progressing.

Certain apparatus in distillery not working to be locked up.

Proviso for repairs.

Safes, meters, &c., by whom supplied.

138. All safes, meters, locks or seals which are by this Act required to be used, or which may be required to be used by any departmental regulation or Order in Council issued by virtue of this Act, may be supplied by the Department of Inland Revenue, under such regulations of the Department as may be adopted in that behalf; but the cost thereof shall be borne and discharged by the distiller, for whose premises or utensils they are provided.

Certain apparatus, to be locked or sealed.

139. In distilleries where a doubler is used or where a portion of the products of the still, commonly called low wines or faints, are passed over for redistillation, the vessels and pipes used in that process shall be locked or sealed and shall receive the low wines from the safe or apparatus which encloses the tail of the worm, through suitable metal pipes, cocks or valves properly secured by locks or seals so as to prevent the running or removal of any liquid therefrom, except with the knowledge and concurrence of the proper officer.

RETURNS.

Special provisions as to payment of duties and returns by distillers.

140. In addition to the general provisions of this Act respecting payment of duties and time and form of returns, those in the next succeeding section contained apply to distilleries.

What distiller's accounts must show.

141. Every person carrying on business as a distiller shall render to the Collector of Inland Revenue, or other officer whose duty it is to receive the same, a just and true account in writing, extracted from the books kept as by this Act provided, which account shall exhibit—

1. The quantity of spirits produced according to each gauge and test taken during the preceding month, with the strength thereof; and in a separate column, the equivalent quantity of spirits of the strength of proof;
2. The quantity of grain, malt, spirits, beer or wash, or other commodity brought into the distillery during the preceding month;
3. The quantity of each kind of grain or other commodity or substance used in the distillery, in the manufacturing of spirits during the preceding month;
4. The quantity of grain, malt or other commodity removed from the distillery, or disposed of otherwise than for distillation during the preceding month;
5. The quantity of spirits sold or removed from the distillery during the preceding month;

6. The number and denomination of packages, and the aggregate quantity in each lot of spirits received into the distillery during the preceding month, other than that manufactured therein ;

7. The quantity of beer or wash made and set to ferment on each day of the preceding month ;

8. The quantity of beer or wash fermented and distilled on each day of the preceding month ;

9. The quantity of spirits entered for warehouse, and,—

10. Entered ex-warehouse and ex-manufactory for consumption during the preceding month :

And every such statement shall be made for and relate to the month next preceding the day on which it is made. To be made for each month.

BONDING OR WAREHOUSING.

142. In addition to the general provisions in this Act contained respecting bonding or warehousing, those contained in the next following five sections apply to distilleries. Special provisions as to bonding or warehousing.

143. No less quantity than one hundred gallons of proof spirits shall be entered for warehouse by one entry ; and— Least quantity to be entered.

2. Except for exportation no less quantity than fifty gallons of proof spirits shall be ex-warehoused by one entry. Or ex-warehoused.

144. 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 to be 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. Molasses may be manufactured into spirits in bond.

145. All casks of spirits shall be arranged and stowed in the warehouse so that access may be easily had to each cask, and so that the marks and numbers thereon may be conveniently read or ascertained. Stowage of casks.

146. The duty paid on spirits taken out of warehouse for consumption or which shall have gone directly into consumption, shall not be refunded by way of drawback or otherwise. No refund of duties except under regulation.

otherwise upon the exportation of such spirits out of Canada unless when specially permitted by some regulation of the Governor in Council in that behalf.

Bottling spirits in bond.

147. The Governor in Council may make such regulations as to him may seem necessary for allowing the bottling of spirits in bond, at the distillery where the spirits were manufactured, and for its removal therefrom after being so bottled.

DRAWBACK ON EXPORTATION.

Drawback on spirits exported made from foreign grain.

148 Any licensed distiller who imports and receives into his distillery, or uses in the manufacture of spirits therein, any foreign grain on which a duty of customs has been paid, and exports spirits thereafter made in such distillery, shall, on due proof of such use and export, be entitled to a drawback equal to the customs duty paid on the grain used in the production of the spirit exported; and the amount of such drawback shall be determined in such manner as may be directed by any departmental regulation in that behalf.

Drawback on spirits exported from malt.

149. Any distiller who exports any spirits in the production whereof any malt is used upon which any duty of customs or excise has been paid, shall upon the production of due proof of such use and payment of duty, be entitled to a drawback equal to the duty paid on the malt used in the production of the spirits so exported, and the amount of such drawback shall be determined in such manner as may be directed by any departmental regulation in that behalf.

PERMITS.

Removal of spirits from distillery.

150. No spirits shall be removed from any distillery, nor from any warehouse in which they have been bonded or stored, until a permit for such removal has been granted in such form and by such authority as the Governor in Council may, from time to time, direct and determine; and any spirits removed from such distillery or warehouse before such permit has been granted, shall be seized and detained by any officer of Inland Revenue having a knowledge of the fact, and shall be and remain forfeited to the Crown, and shall be dealt with accordingly.

Forfeiture for illegal removal.

Officer may examine packages being removed.

151. 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 endorse the time and place of examination thereon; but if no such permit is produced, then such packages

Forfeiture if no permit.

ages if found to contain spirits, and if the quantity thereof be 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 be adduced that such spirits were being lawfully removed, and that the duty thereon had been paid; and if such evidence be not adduced within thirty days, the spirits so detained shall be forfeited to the Crown, and shall be dealt with accordingly.

152. No spirits shall be removed from a distillery at any time in casks or packages containing less than twenty-five standard gallons each, except under special authority granted by the Department; any spirits removed in contravention of this section, shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue having a knowledge thereof, and dealt with accordingly.

Least quantity to be removed in one cask or package on pain of forfeiture.

PENALTIES.

153. In addition to the general provisions in this Act contained respecting penalties, those contained in the next following three sections apply to distilleries.

Special penalties applicable to distilleries.

154. Any person who, after the passing of this Act, and without having a license under it then in force, shall—

Penalty for exercising any business of distilling without license.

(a.) Distil or rectify any spirits, or make or ferment any beer; or—

(b.) Assist in distilling or rectifying any spirits, or in making or fermenting any beer or wash in any unlicensed place; or—

(c.) Import, make, commence to make, sell, offer for sale or deliver any still, worm, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or any part of such apparatus; or—

(d.) Who completely or partially sets up or assists in setting up, prepares or partially prepares for working, any such still, worm, rectifying or other apparatus; or—

(e.) Who has in his possession any such still, worm, rectifying or other apparatus, or any part or parts thereof, in any place or premises owned by him or under his control, without having given notice thereof as required by this Act, except in cases of registration provided for by section one hundred and twenty of this Act; or—

(f.) Who conceals, or keeps or allows to be concealed or kept in or about any place or premises owned or controlled by him, any such still, worm, rectifying or other apparatus, or part thereof; or—

(g)

(g.) Who conceals by removing, or who removes, or assists in concealing by removing or otherwise, any such still, worm, rectifying or other apparatus, or parts thereof—

Misdemeanor and how punishable.

Shall be guilty of a misdemeanor, and on conviction thereof shall, for a first offence, incur and pay a penalty of not less than one hundred dollars and not more than five hundred dollars, and shall be imprisoned with or without hard labor, for a period of not less than one and not more than six months; and for a second or any subsequent offence shall incur and pay a penalty of five hundred dollars, and shall be imprisoned with hard labor for a period of not less than six and not exceeding twelve months; and—

Apparatus to be seized.

All such stills, worms, fermenting-tuns, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or parts thereof, and all beer, wash or spirits that may be found in the possession of any unlicensed person, or in any unlicensed place, shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, and may either be destroyed when and where found, or removed to some place of safe keeping at the discretion of the seizing officer.

Additional penalty.

155. Any person who shall become subject to the penalty provided for in the next preceding section, shall, in addition thereto, forfeit and pay for the use of Her Majesty, double the amount of excise duty and license duty which should have been paid by him under this Act.

Penalty for having unlawful perforations in certain vessels.

156. If in any distillery there shall, at any time, be found a closed spirit-receiver, high wine tub, low wine tub, doubler or other vessel that may be used for containing any of the products resulting from distillation before the quantity of such products is determined, and an account taken thereof, in which there shall at any time be found any perforation, hole or aperture, other than such as is necessary for the lawful use of such closed spirit receiver, or other vessel, or in contravention of this Act, the distiller in whose distillery the closed spirit-receiver or other vessel so perforated shall be found, although such holes or apertures or perforations have been plugged or stopped, shall be liable to a penalty of five hundred dollars; and the closed spirit-receiver or other vessel, with its contents, together with all the stock of spirits or grain in the distillery at the time when such unlawful perforation is discovered, shall be and remain forfeited to the Crown, and shall be dealt with accordingly.

Forfeiture.

COMPOUNDERS:

COMPOUNDERS.

INTERPRETATION.

157. (a.) The term "*Compounded Spirits*" means and includes all articles containing Canadian or other spirits, which are enumerated in the Schedule to this Act, the duty thereon having been paid,—or which may be added to such schedule by any order of the Governor in Council :

Interpretation :

Compounded spirits ;

(b.) "*Compounder*" means and includes every person who by himself or his agent compounds or mixes for sale by wholesale any of the articles enumerated in the Schedule to this Act, the duty thereon having been paid,—or which may be added to such schedule by order of the Governor in Council.

Compounder.

158. In addition to the general provisions in this Act contained respecting licenses, obligations of persons holding licenses, payment of duties and time and form of returns, penalties and bonding or warehousing, the provisions in the seven sections next following apply to compounders.

Special provisions as to compounders.

LICENSES.

159. A license to carry on the business of and to act as a compounder and to sell by wholesale the articles compounded under such license, may be granted to any party who has complied with the provisions of this Act, provided the granting of the license has been approved by the District Inspector, and that the party has, jointly and severally with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in the sum of one thousand dollars ; and such bond shall be taken before the Collector of Inland Revenue, his Deputy or other officer authorized thereto by the Department of Inland Revenue,—who shall cause such sureties to justify as to their sufficiency, before him, by affidavit endorsed upon such bond,—and shall be conditioned for the rendering of all accounts and the payment of all duties and penalties which the party to whom the license is granted may become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts and penalties, as to all other matters and things whatsoever.

Conditions of license as a compounder ; security and bond.

160. The party in whose name a license is granted to act as a compounder, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of fifty dollars.

Fee for license as a compounder.

BOOKS AND RETURNS.

Returns to be made by compounder. **161.** Every compounder shall make such entries and returns, and keep such books and accounts, as may be, from time to time, determined by departmental regulations.

PENALTIES.

Penalty for acting without license. **162.** Any person who after the passing of this Act, and without having a license under it then in force, shall carry on business as a compounder, shall for the first offence incur and pay a penalty of fifty dollars, and for a second or any subsequent offence shall incur and pay a penalty of two hundred dollars.

MISCELLANEOUS PROVISIONS.

Removal of articles made by compounder. **163.** All the articles made by a compounder shall be subject to the same restrictions and provisions as to their removal from the premises in which they are made, and as to their removal from place to place, as Canadian or other spirits are liable to.

Articles must be designated by a label. **164.** Every article made by a compounder shall be designated by some label or brand which shall show the name of the compounder and the place at which such article was made; and the Governor in Council may, when it is deemed expedient so to do, order that such brands or labels shall be in the form of a stamp issued by the Department of Inland Revenue.

Governor in Council may add or take away articles to or from Schedule. **165.** It shall be lawful for the Governor by Order in Council to add to the Schedule to this Act, or to remove from the said schedule, any article or ingredient the addition or removal of which may, by him, be deemed necessary in the public interest. Every such order shall be published in the *Canada Gazette*, and shall take effect at the expiration of the thirty days from the date of such publication.

BREWERIES.

INTERPRETATION.

Interpretation: Beer; **166.** (a.) "*Beer*" means and includes beer, ale, porter, lager beer and all other fermented liquor made in whole or in part from malt, grain or any saccharine matter:

Brewery; (b.) "*Brewery*" means and includes any place or premises where any beer or malt liquor, or beverage in imitation of malt liquor, is manufactured; and all offices, granaries, mash-rooms, cooling-rooms, vaults, yards, cellars and store-rooms connected therewith or in which any material to be used in the

the manufacture of beer or malt liquor is kept or stored, or where any process of manufacture is carried on, or where any apparatus connected with such manufacture is kept or used, or where any of the products of brewing or fermentation are stored or kept, shall be held to be included in and to form part of the brewery, to which they are attached or are appurtenant :

(c.) "*Brewer*" means and includes any person who occupies, carries on, works or conducts any brewery either by himself or his agent. Brewer.

LICENSES.

167. In addition to the general provisions of this Act respecting licenses, those in the three sections next following apply to breweries. Special provisions as to brewery licenses.

168. A license to carry on the trade or business of a brewer may be granted to any person who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly and severally, with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in the sum of one thousand dollars ; Conditions of license, as a brewer ; security.
and such bond shall be taken before the Collector of Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue,—who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond,—and shall be conditioned for the rendering of all accounts and the payment of all duties and penalties to which the party to whom the license is granted may become liable under the provisions of this Act, and that such party will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever. Bond.

169. Utensils used by any person solely for the purpose of brewing beer for the use of himself and family, and not for sale, are exempt from the provisions of this Act ; and beer so brewed shall not be liable to any duty under this Act, nor shall any license be required by any person so brewing for his own private use. Beer brewed for private use.

170. The party, in whose favour a license for brewing is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of fifty dollars. Duty on license for brewing.

DUTIES OF EXCISE.

171. In lieu and instead of all duties of excise imposed by any Act hereby repealed on fermented beverages made in imitation Duties of Excise imposed.

imitation of malt liquor, and wholly or in part from any other substance than malt, there shall be imposed, levied and collected the following duties of excise, which shall be paid to the Collector of Inland Revenue as herein provided, that is to say:—

On imitations of beer, &c.

On every gallon of any fermented beverage made in imitation of beer or malt liquor, and brewed in whole or in part from any other substance than malt, four cents;

Proviso: Drawback on sugar, &c. used.

Provided, that any brewer using sugar, syrup or other saccharine matter in the manufacture of beer, and having previously given ten days' notice, in writing, to the Collector of Inland Revenue of his intention to use such sugar, syrup or other saccharine matter, and paying the before-mentioned duty on the beer made therewith, may receive a drawback equal to the duty of excise paid by him on the malt used with such sugar, syrup or other saccharine matter in making such beer, under such restrictions and regulations as the Department of Inland Revenue may prescribe.

DRAWBACK ON EXPORTATION.

Drawback on beer exported.

172. Any licensed brewer who shall export any beer or malt liquor of his own manufacture, shall be entitled to receive a drawback thereon equivalent to the duty herein imposed on the malt contained in the beer so exported; and the amount of such drawback shall be in proportion to the strength of the beer, and shall be computed and tested in such manner and by such means as may be, from time to time, directed by departmental regulations in that behalf:

Notice of intention to export required.

2. No such drawback shall be allowed or paid unless the brewer claiming it shall have given at least two days' notice of his intention to export the beer on which it is claimed, and made such declaration as to the strength thereof as may be required by departmental regulations in that behalf, nor unless the beer shall have been duly inspected and tested and certified by a proper officer of Inland Revenue.

RETURNS.

Special provisions as to returns.

173. In addition to the general provisions of this Act, respecting payment of duties and time and form of returns, those contained in the two sections next following apply to breweries.

What brewers' returns must show.

174. Every person carrying on business as a brewer shall render to the Collector of Inland Revenue or other officer whose duty it is to receive the same, a just and true account in writing, extracted from the books kept as by this Act. provided, which account shall exhibit,—

1. The quantity of malt and of each description of vegetable or saccharine matter brought into, removed from or used in the brewery ;
2. The quantity of beer or other fermented liquor made in the brewery ;
3. The serial numbers of the brewings made and the products of each of the said brewings.

175. Every such statement shall be made for and relate to the month next preceding the day on which it is made. Returns to be for each month.

PENALTIES.

176 In addition to the general provisions of this Act respecting penalties, those contained in the four sections next following apply to breweries. Penalties on brewers.

177. Any person who, after the passing of this Act and without having a license under it then in force, shall brew any beer or other fermented liquor, except for the use of himself or family, shall, for the first offence, incur and pay a penalty of fifty dollars, and for a second or any subsequent offence shall incur and pay a penalty of two hundred dollars. For brewing without license. Exception.

178. Any person who shall become subject to the penalty provided for in the next preceding section, shall, in addition thereto, forfeit and pay for the use of Her Majesty double the amount of excise duty and license duty which should have been paid by him under this Act. Additional penalty.

179. Every person who shall have in his possession any brewing apparatus, without having made a full and particular list, description and return thereof as by this Act required, shall incur and pay, for a first offence, a penalty of not less than fifty dollars, and not more than one hundred dollars, and for a second or any subsequent offence a penalty of one hundred dollars ; and all such apparatus shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, and shall be dealt with accordingly. For having apparatus without making return thereof.

180. Any brewer who shall add to the malt brought into his brewery, any meal, raw grain or other material, or shall put into his mash-tub or mix with his worts any syrup, sugar or other saccharine matter, without making a true return thereof to the proper officer or without entering the same in the books or accounts kept or required to be kept by him in pursuance of any regulations made under this Act, shall, for a first offence, incur and pay a penalty of one hundred dollars, and for a second or any subsequent offence, a penalty For adding material without making return.

penalty of not less than two hundred dollars and not more than three hundred dollars :

Seizure on second offence.

2. And for any such second or subsequent offence all the malt, beer and utensils in his brewery when the offence is discovered, shall be seized by any officer of Inland Revenue having a knowledge thereof and forfeited to the Crown, and shall be dealt with accordingly.

MALTING AND MALT HOUSES.

INTERPRETATION.

Interpretation:
Malt.

151. (a.) "*Malt*" means and includes all preparations of grain or leguminous seeds that have been steeped in water, allowed to germinate, and the germination checked by drying, or which are to be used for the production of beer, or that may be malted for the purpose of distillation :

Malt-house.

(b.) "*Malt-house*" means and includes any place or premises where any malt is manufactured, made or produced; and all offices, granaries, malt-houses, kilns, yards, malt warehouses and store-rooms connected therewith, or in which any grain, leguminous seeds or material to be used in the manufacture of malt are kept or stored, or where any process of such manufacture is carried on, or where any apparatus or utensils connected with or used in such manufacture are kept or used, or where any of the products of malting are stored or kept, shall be held to be included in and to form part of the malt-house to which they are attached or are appurtenant :

Maltster.

(c.) "*Maltster*" means and includes any person who occupies, carries on, works or conducts any malt-house either by himself or his agent :

Cistern.

(d.) "*Cistern*" means and includes any vessel, vat or other apparatus or utensil wherein any grain or leguminous seeds are steeped or wetted during any of the processes of converting the same into malt :

Couch-frame.

(e.) "*Couch-Frame*" means and includes any place or compartment into which the grain or leguminous seeds are conveyed after being removed from the cistern :

Malt-floor.

(f.) "*Malt-Floor*" means and includes all those floors in the malt-house whereon the grain or leguminous seeds are placed during the next process after removal from the couch-frame :

Kiln.

(g.) "*Kiln*" means and includes all heated floors or apparatus wherein or whereon grain or leguminous seeds are the

are dried or roasted in the next process after removal from the malt-floor: and—

(h.) Any use made of any cistern, couch-frame, malt-floor or kiln for the steeping, germinating or drying of any grain, or leguminous seeds shall be a working of a malt-house, and an acting as a maltster within the meaning of this Act. Working of a malt-house.

LICENSES.

182. In addition to the general provisions of this Act respecting licenses, those contained in the three sections next following apply to malting and malt-houses. Licenses for malting.

183. Every application for a license to carry on business as a maltster shall, in addition to the matters required to be therein set forth by the general provisions respecting licenses, contain a description of all cisterns, couch-frames, malt-floors, kilns, malt-warehouses or other places, utensils, apparatus or things whereon or wherein malt is to be made, manufactured or stored,—in every case stating the dimensions, cubical contents or area, as the case may be, of the cisterns, couch-frames, malt-floors, kilns or storehouses. Application for license.

184. A license to carry on the trade or business of a maltster may be granted to any party who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly with not less than two or more than six good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in a sum equal to the amount at which the Collector of Inland Revenue estimates the duties to accrue on the goods to be manufactured by the party to whom the license is granted, during one month of the time it is to remain in force, and to such further amount as the Collector of Inland Revenue may deem sufficient to cover the duty on goods remaining in warehouse from time to time during the currency of the license about to issue—such latter amount to be determined by such means as the Department of Inland Revenue may prescribe; the party obtaining the license being bound in the full amount of such estimates, and the sureties each severally for such amount as that the sums for which they are respectively bound, shall together be equal to the amount of such estimates; and such bond shall be taken before the Collector of Inland Revenue, his deputy, or other officer authorized thereto by the Department of Inland Revenue—who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond—and shall be conditioned for the rendering of all accounts, inventories, statements, and returns prescribed by law, and the payment of all duties and penalties which the party, to whom the Conditions of license; security.
Bond.

license is to be granted, may become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, inventories, statements, returns, duties and penalties, as to all other matters and things whatsoever.

License duty. **185.** The party, in whose favor a license for malting is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue,—

On first-class license. (a.) For a first-class license, which shall entitle him to work a malt-house having a capacity to produce two hundred thousand pounds and upwards of malt during one month's working, two hundred dollars ;

Second-class license. (b.) For a second-class license, which shall entitle him to work a malt-house having a capacity to produce one hundred and fifty thousand and not more than two hundred thousand pounds of malt during one month's working, one hundred and fifty dollars ;

Third-class license. (c.) For a third-class license, which shall entitle him to work a malt-house having a capacity to produce one hundred thousand and not more than one hundred and fifty thousand pounds of malt during one month's working, one hundred dollars ;

Fourth-class license. (d.) For a fourth-class license, which shall entitle him to work a malt-house having a capacity to produce not more than one hundred thousand pounds of malt during one month's working, fifty dollars ;—

Classification of malt-houses. The capacity in each case to be as computed by the Collector of Inland Revenue, upon a survey of the premises for which a license is required.

DUTIES OF EXCISE.

Duties of excise imposed. **186.** In lieu and instead of all duties of excise imposed on all malt by any Act hereby repealed, there shall be imposed, levied and collected the following duties of excise, which shall be paid to the Collector of Inland Revenue, as by this Act provided, that is to say :—

On malt. 1. On every pound of malt, one cent,—

Exception as to malt made for certain distilleries. Except that malt, made in a malt-house where malt is not made for any other purpose than for use in a distillery wherein no other material than malt is used for the production of spirits, may be removed from the malt-house to the distillery in bond, and the duty on such malt may be remitted.

mitted upon proof satisfactory to the Department of Inland Revenue, that such malt has been used solely for the production of spirits as herein stated ;

2. On every pound of malt imported into Canada and warehoused, when taken out of bond for consumption, an excise duty of one cent ;

On imported malt.

Malt so imported shall be warehoused in a suitable bonded warehouse provided at the cost of the importer and approved as such by a duly authorized revenue officer, and shall be bonded under the excise regulations then in force in respect of malt made in Canada, and shall be subject to the same restrictions ; and if not so warehoused immediately on importation shall be forfeited to the Crown, and may be seized by any officer of the revenue knowing the fact, and shall be dealt with accordingly.

Imported malt to be bonded.

BOOKS, ACCOUNTS AND PAPERS.

157. In addition to the general provisions of this Act respecting the obligations of persons holding licenses, those in the next following section contained apply to malting and malt-houses.

Special provisions as to keeping accounts.

158. Every person licensed to carry on business as a maltster shall keep a book or books in a form to be furnished from time to time by the Department of Inland Revenue, —which book or books shall be open at all reasonable hours to the Collector or other officer of Inland Revenue,—wherein such maltster shall enter day by day and on the same day on which the circumstance, thing or act to be recorded is done or occurs,—

Books to be kept by maltster.

What they must shew.

1. The quantity of grain or leguminous seeds, and of malt, brought into or removed from his malt-house ;

2. The quantity by gauge and by weight of dry grain or leguminous seeds placed to steep or wet in any cistern or cisterns ;

3. The quantity by gauge and (in pounds) by weight, of malt taken from the kilns ; and also such other particulars relative to quantity in the various stages of its manufacture as may be required by departmental regulations ;

4. The quantity of malt warehoused and ex-warehoused.

CHARGE OF DUTIES ON MALT.

159. All grain or leguminous seeds brought into any malt-house shall be weighed and the quantity shall be stated

Weighing of grain and seeds.

stated in all books, returns and accounts kept and made under this Act in pounds avoirdupois :

Malt measure established.

2. For the purpose of comparing the several gauges of grain or leguminous seeds required by this Act, a "malt measure" is hereby established, which shall be a vessel whose capacity is one thousand cubic inches :

Grain in steep.

3. The quantity of grain or leguminous seeds placed in steep in any malt house shall be stated in pounds and in malt measures :

Grain to be stated in malt measures.

4. All the quantities of grain or leguminous seeds in process of conversion into malt, as determined by gauging, shall, until the process of malting is completed, be stated in malt measures :

Quantity of malt removed from kiln.

5. The quantity of malt removed from any kiln and chargeable with duty, shall be the quantity determined by gauging and weighing, and shall be stated in all books and returns made under this Act in malt measures and pounds.

Shape of cistern.

190. Every cistern shall be made with its interior truly cylindrical, or it shall be a rectangular vessel, having its bottom truly even and its sides perfectly straight and perpendicular (but the bottom may have such an incline as is necessary for drip), or shall be of such other shape as may be approved by the Governor in Council

Couch-frame to be provided. How constructed.

191. Every maltster licensed under this Act shall provide a couch-frame, and such couch-frame shall be constructed with the sides and bottom straight and at right angles with each other, and of such strength that they will preserve their true form when the frame is filled with grain.

Space around cistern and couch-frame.

192. Above and around every such cistern and couch-frame, there shall be sufficient space for conveniently gauging their contents, and they shall be so placed that there shall be sufficient light for that purpose and for examining the contents.

Grain how to be deposited on floor.

193. The maltster shall in all cases, when required so to do by any officer of Inland Revenue, deposit the grain in process of manufacture into malt on the malt-floor, of an equal depth over the whole surface covered, and shall make the outward edges thereof in straight lines convenient for gauging, as may be required by the officer aforesaid.

Steeping or removing grain.

194. No grain or leguminous seeds shall be placed in any cistern to steep or wet nor shall any malt be placed in any kiln to be dried, nor moved from any such kiln after the drying is completed, except between the hours of eight o'clock in the morning and five o'clock in the afternoon.

195. Whenever any maltster is about to place any grain or leguminous seeds in the cistern, to be steeped for the making of malt, he shall first give the proper officer, when the malt-house is within a city or town, twenty-four hours' notice—or if not within a city or town, forty-eight hours' notice—of his intention to steep grain or leguminous seeds as aforesaid, stating in every such notice the day and hour at which he will place the grain or leguminous seeds in the cistern, and describing the cistern, by number or otherwise, in which it is to be placed.

Notice of intent to steep grain.

196. Whenever any maltster is about to place any grain or leguminous seeds then in process of manufacture into malt, on any kiln, to be dried, or when he is about to move any dried malt from any such kiln, he shall notify the proper officer of his intention so to do, in the same manner as is provided in the next preceding section; and the notices required to be given by this and the next preceding section, shall be in writing, and in such form as may be, from time to time, required by departmental regulations.

Notice of intent to dry grain or move dried malt.

197. Whenever any maltster requires to add water to any grain or leguminous seeds, after leaving the steep tub, he shall record in the notice book, supplied by the Department of Inland Revenue, his intention so to do, giving in each instance the number of the steep and at what stage it is to be watered.

Notice of intent to add water.

198. The charge of duty on malt shall be computed as follows:—

Computing malt duty.

1. The grain or leguminous seeds when about to be placed in steep, and before being run into the cistern, shall be weighed and gauged by or in the presence of the proper officer of Inland Revenue; such gauging of the grain or leguminous seeds may, if desired, be done in the cistern and before the grain or leguminous seeds are wetted, but the quantity in pounds shall, in all cases, be ascertained by actual weighing: and the quantity so ascertained shall be immediately entered by the maltster or his agent, in a book or books provided for that purpose, and such person shall also attest the correctness of the entry by his signature:

Gauging and weighing before wetting.

2. The maltster or his agent shall also gauge the grain or leguminous seeds while in the cistern after they have been wetted, and again while in the couch-frame, and also at such other periods during the manufacture as may be directed by departmental regulation, and the results of such gauging shall be entered, in the book provided for that purpose, by the maltster or his agent, and shall be used for computing the quantity of malt manufactured, as herein provided:

Gauging after wetting.

Gauging and weighing when dried.

3. The quantity of malt taken from the kiln after it has been dried, and the process of manufacture completed, shall be gauged and weighed by or in the presence of the proper officer of excise; and the quantity so ascertained shall be immediately entered in the book or books provided for that purpose, both in pounds and in malt measures by the maltster or his agent, who shall attest every such entry by his signature :

Case of absence of officer provided for.

4. Provided, that at any time when the proper officer of Inland Revenue shall not be present at the time for which notice has been legally given for any of the above mentioned operations, the maltster may proceed with the operation or operations, except the weighing of malt removed from the kiln, as if the officer were present, and shall enter the result of the gauging or weighing, or both, of such operation or operations, in the book or books provided for that purpose.

Basis of calculation for comparing results of gauging.

199. In comparing the results of the gaugings, weighings and computations made as herein provided, the following proportions shall form the basis of calculation :—

1. One hundred malt measures by gauge of dry barley shall be held to be equivalent to one hundred and seven malt measures by gauge of dry malt ;

2. Eighty-one and a-half malt measures by gauge of dry barley shall be held to be equivalent to one hundred malt measures (by gauge) of barley properly saturated with water for the purpose of malting ; or to eighty-seven and one-fifth malt measures by gauge of dry malt ;

3. One hundred pounds of barley or other grain weighed into the cistern shall, without any allowance for skimmings, be held to be equal to not less than seventy-five pounds of malt taken from the kiln, and so in proportion for every greater or less quantity :

Computation of quantity for duty.

4. The principal gauge and weight whereby the duty shall be computed, shall be that of the malt on its removal from the kiln ; but whenever the quantity computed from any other gauging or weighing, or series of gaugings or weighings, is greater than the final gauge of the malt, then that computation which yields the largest quantity shall be the quantity for duty ; and whenever the difference between the results of any two sets of gaugings or weighings, taken as aforesaid, exceeds seven per cent. the return of the quantity of grain placed in steep shall be deemed to have been a fraudulent return, and the maltster shall be liable to all the penalties for making fraudulent or false returns ; 5.

5. Malt shall be weighed when removed from the kiln, and no less quantity than the whole contents of one kiln shall be placed in the warehouse or taken for use ex-manufactory at any one time.

Removal of malt from kiln, &c.

200. If at any time any doubt or question arises as to the manner of determining the quantity of malt liable to duty under this Act, such doubt or question shall be decided and determined by the Minister of Inland Revenue, whose decision shall be final and conclusive.

Doubts, how decided.

201. When a maltster licensed under this Act desires to follow a process of malting not therein provided for, and gives notice to that effect, such notice being accompanied by such plans and descriptions as the Department may deem necessary for fully understanding the proposed process, the Governor in Council may authorize such modes of determining the quantity of malt that shall be held to be produced from a stated quantity of grain, or leguminous seeds, as,—having reference to the proposed change in the process of manufacture,—he may deem necessary for insuring an equitable assessment of the duty.

Provision in case of new process of malting.

202. The duty herein imposed upon malt shall be finally computed and charged when it is removed from the kiln, and an account thereof shall then be entered in the stock books kept under this Act, which shall be balanced on the first day of each month for the month next preceding that day, but the duty shall be collected whenever any malt is taken from the malt-warehouse for consumption; and the duty shall in all cases be collected on the full quantity of malt entered on the warehouse books as having been placed in such warehouse, notwithstanding any deficiency that may arise or be discovered during its delivery or removal therefrom.

Final computation of duty.

203. An account shall also be kept in such other form as may be required by departmental regulation, of all malt placed in the malt-warehouse, and all malt removed therefrom; and the account shall be taken and recorded at the time of placing such malt in the malt-warehouse, and at the time of removing it therefrom, in a book or books to be kept for that purpose, in such form as may be required by any departmental regulation made in that behalf.

Special account of malt placed in warehouse and removed therefrom.

PROVISIONS AS TO SUPERVISION.

204. So soon as any malt is dried and ready for removal from the kiln, and the required notice of such removal duly given, the said malt shall be removed to the malt warehouse and shall be there stored under the lock of the owner thereof, and the lock of the Crown, until the duty thereon has

Removal of dried malt to warehouse.

Removal for use.

has been paid; except that any maltster may remove for use and enter for consumption ex-manufactory any portion of the products of his malt-house not less than the contents of one kiln which he does not intend to warehouse.

Storage of malt.

205. For the storage of malt on which the duty has not been paid, every maltster shall, at his own charge, provide a suitable warehouse, subject to the survey of the proper officer of Inland Revenue, which warehouse shall be included in his licensed premises and shall, in all cases, be contiguous thereto; and every entrance to such warehouse, as well as every window or other mode of access thereto, shall be secured to the satisfaction of such surveying officer, and also to the satisfaction of the inspecting officers.

Securing of malt warehouses.

206. Every principal entrance to the malt-warehouse shall be secured by two locks, one of which shall be supplied by the Department of Inland Revenue, and the key thereof shall be kept by the officer of Inland Revenue; the other lock shall be provided and the key thereof kept by the owner, and all other entrances shall be secured on the inside; and every such malt-warehouse shall be fitted up with such convenient bins or other compartments for storing the malt as may be required by the officer of Inland Revenue, so that it may, at any time, be gauged and the quantity therein ascertained.

The same as to malt-houses.

207. Whenever any maltster ceases from working his malt-house, the kiln and all means of access thereto, shall be closed and secured by Crown lock to the satisfaction of the proper officer of Inland Revenue, and the keys of such lock shall remain in the possession of the Collector of Inland Revenue; and the kiln shall remain so closed and secured until the maltster gives the required notice of his intention to resume working: Provided always, that the Collector of Inland Revenue may, in his discretion, remove the locks while repairs are necessarily and actually in progress, or while the kiln is being used, under Departmental regulation, for the purpose of drying damaged grain.

RETURNS.

Special provisions as to returns.

208. In addition to the general provisions of this Act respecting payment of duties and time and form of returns, those contained in the two sections next following apply to malting and malt-houses.

What maltsters' returns must show.

209. Every person carrying on business as a maltster shall render to the Collector of Inland Revenue or other officer whose duty it is to receive the same, a just and true account in writing extracted from the books kept as by this Act provided, which account shall exhibit,—

1. The quantity of grain, malt or leguminous seeds in pounds brought into the malt-house during the preceding month ;

2. The quantity of grain or leguminous seeds in malt measures and in pounds, placed in steep or wetted or used for malting on each day during the preceding month ;

3. The quantity of malt in malt measures and pounds malted or made and removed from the kiln on each day during the preceding month ;

4. The quantity of grain or leguminous seeds in pounds removed from the malt-house, or disposed of otherwise than for the production of malt, during the preceding month ;

5. The quantity of malt in pounds removed from the malt-house ;

6. The quantity of malt in pounds warehoused, ex-warehoused and entered for duty, ex-manufactory, during each month.

210. Every such statement shall be made for and relate to the month next preceding the day on which it is made. To be made for each month.

BONDING OR WAREHOUSING.

211. In addition to the general provisions of this Act respecting bonding or warehousing those contained in the next succeeding two sections apply to malting and malt houses. Special provisions as to bonding.

212. No less quantity than two thousand pounds of malt shall be entered for warehouse under one entry, and— Least quantity to be entered.

2. No less quantity than two thousand pounds of malt shall be ex-warehoused for duty by one entry. Or ex-warehoused.

213. The duty paid on malt taken out of warehouse for consumption, or which shall have gone directly into consumption, shall not be refunded by way of drawback or otherwise, upon the exportation of such malt out of Canada. No drawback in certain cases.

PENALTIES.

214. In addition to the general provisions of this Act respecting penalties, those contained in the six sections next following apply to malting and malt-houses. Special provisions respecting penalties.

215. Any person who, after the passing of this Act, and without having a license under it then in force, shall make any malt or steep any grain or leguminous seeds for the purpose Penalty for malting without license.

pose of malting shall, for the first offence, incur and pay a penalty of one hundred dollars, and for a second or any subsequent offence shall incur and pay a penalty of two hundred dollars.

Additional penalty.

216. Any person who shall become subject to the penalty provided for in the next preceding section, shall, in addition thereto, forfeit and pay for the use of Her Majesty double the amount of excise duty and license duty which should have been paid by him under this Act.

Penalty for having possession of apparatus without making return.

217. Every person who shall have in his possession any malt-floor, malt-kiln, or any malting implement, machinery or apparatus, without having made a full and particular list, description and return thereof as by this Act required, shall incur and pay, for a first offence, a penalty of not less than fifty dollars, and more than one hundred dollars, and for a second or any subsequent offence a penalty of one hundred dollars; and all such implements, machinery or apparatus shall be seized by any officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, and shall be dealt with accordingly.

Penalty for fraudulently putting grain in cistern.

218. If any maltster shall add, or cause or permit to be added, any grain or leguminous seeds to the grain or leguminous seeds wet in any cistern, or placed in any cistern for the purpose of being wetted, after the officer of Inland Revenue shall have taken an account thereof, he shall for a first offence incur and pay a penalty of two hundred dollars and for a second or any subsequent offence, shall incur and pay a penalty of five hundred dollars; and all the grain and leguminous seeds so mixed or added, together with all the grain and leguminous seeds and malt then in the malt-house, shall be and remain forfeited to the Crown, and shall be dealt with accordingly.

Penalty for removing malt before account is taken.

219 If any maltster shall remove, or cause or permit to be removed, any malt from his malt-house before an account has been taken of the same by the proper officer, and in the manner required by this Act, or if any person shall receive or have any malt so removed, knowing the same to have been so removed, the maltster and person so offending shall for a first offence, respectively, incur and pay a penalty of two hundred dollars; and for a second or any subsequent offence, shall, respectively, incur and pay a penalty of five hundred dollars, and the malt so removed, together with all the grain, leguminous seeds and malt then in the malt-house from which the malt was so illegally removed, shall be forfeited to the Crown, and shall be seized by any officer having a knowledge thereof, and dealt with accordingly.

220. Any maltster who shall add water to any grain or leguminous seeds, after leaving the steep tub, without having first given the notice hereinbefore required shall, for the first offence incur and pay a penalty of twenty dollars, and for a second or any subsequent offence, shall incur and pay a penalty of fifty dollars.

Penalty for adding water without notice.

BONDED MANUFACTURERS.

INTERPRETATION.

221. (a.) "*Bonded Manufacturer*" means and includes any person who, by himself or his agent, carries on the manufacture of any article or compound wherein goods liable to duties of customs or excise are used, before the duties to which they are liable are paid :

Interpretation :
Bonded manufacturer ;

(b.) "*Bonded Manufactory*" means and includes any place or premises where any article or compound is manufactured or made, in the compounding or manufacturing whereof goods liable to duties of customs or excise are used before the duties to which they are liable are paid : and every place where any such goods are warehoused, stored or kept, shall be held to form a part of the bonded manufactory to which it is attached or is appurtenant.

Bonded manufactory.

LICENSES.

222. In addition to the general provisions of this Act respecting licenses, those contained in the three sections next following apply to bonded manufacturers.

Special provision respecting licenses.

223. The Governor in Council may, in his discretion, authorize the manufacture in bond of such dutiable goods as he may, from time to time, see fit to designate, in the manufacture or production whereof spirits or other articles subject to duties of customs or excise are used, by persons licensed to that effect and subject to the provisions herein made and to the regulations to be made by the Governor in Council in that behalf.

Manufacture in bond.

224. Before any person shall be entitled to carry on any such manufacture in bond, he must apply for and obtain a license so to carry on the manufacture of some certain kind or kinds of goods to be mentioned in the application for license, in some certain premises to be therein described : every such license shall be known as a Bonded Manufacturing License, and no such license shall be granted to any party until the granting thereof has been approved by the District Inspector and authorized by the Department of Inland Revenue, nor until he has, jointly and severally with not less than two nor more than six

Conditions of license ; security.

Bond.

good

good and sufficient sureties, to the satisfaction of the Collector or some superior officer of Inland Revenue, entered into a bond to Her Majesty, Her heirs and successors, in the sum of five thousand dollars, and in a further sum equal to the amount at which the said Collector or superior officer of Inland Revenue estimates the maximum amount of duties on the goods to be manufactured by such party during any one month of the time it is to remain in force; and such bond shall be taken before the said Collector or superior officer of Inland Revenue,—who shall cause such sureties to justify as to their sufficiency before him, by affidavit endorsed upon such bond,—and shall be conditioned for the rendering of all accounts inventories, statements and returns prescribed by law, and the payment of all duties and penalties which the party to whom the license is granted may become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, inventories, statements, returns, duties and penalties, as to all other matters and things whatsoever:

What application for license must contain.

2. Every application to manufacture in bond shall contain a description of all the articles to be used in the manufactory and of the articles to be produced therein, stating the quantity of each of the said articles respectively to be used in the production of a stated quantity of the manufactured article to be produced therefrom; and whenever the proportions stated as herein required are such as to make an evasion of duty or loss of revenue on any of the said articles possible (of which the Department of Inland Revenue shall judge), the license asked for shall be refused:

Certain articles to be supplied by Department.

3. When wood naphtha, wood alcohol, or any similar or equivalent article is to be used in a bonded manufactory, it shall be supplied to the manufacturer by the Department of Inland Revenue, or by such agency and on such conditions as may be determined by departmental regulations in that behalf.

License fees; on goods for consumption.

225. The party in whose favor a license for manufacturing in bond for consumption in Canada only is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of fifty dollars:

On goods for exportation.

2. The party in whose favor a license is granted to manufacture in bond for exportation, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of three hundred dollars.

DUTIES OF EXCISE.

Duties of Excise.

226. In lieu and instead of all duties of excise imposed by any Act hereby repealed on any of the articles hereinafter

hereinafter named, there shall be imposed, levied and collected on goods manufactured in bond within the Dominion of Canada, the following duties of excise which shall be paid to the Collector of Inland Revenue, as by this Act provided, that is to say :

All goods manufactured in bond shall, if taken out of bond for consumption in Canada, be subject to duties of excise equal to the duties of customs to which they would be subject if imported from Great Britain and entered for consumption in Canada; and whenever any article not the produce of Canada, upon which the duty of excise would be levied if produced in Canada, is taken into a bonded manufactory, the difference between the duty of excise to which it would be so liable, and the customs duty which would be levied on such article, if so imported and entered for consumption, shall be paid as a duty of excise when it is taken into the bonded manufactory ;

On goods manufactured in bond.

Articles not produced in Canada.

Provided always, that the undermentioned articles when manufactured in bond shall, when entered for consumption in Canada, be subject to the following duties of excise, and to no other, that is to say :—

Proviso: exception as to certain articles.

Vinegar containing six per cent. of acetic acid, the strength to be determined by such tests as may be established by Order in Council, and so in proportion for any greater or less strength,—on every gallon or less quantity than a gallon, four cents ;

Vinegar.

Methylated spirits, being composed of alcohol mixed with wood naphtha in such proportions and subject to such regulations as may, from time to time, be made by the Department of Inland Revenue,—for every gallon of the strength of proof, by Sykes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, fifteen cents.

Methylated spirits.

RETURNS.

227. In addition to the general provisions of this Act respecting payment of duties and time and form of returns, those contained in the two sections next following apply to bonded manufacturers.

Special provisions as to returns.

228. Every person carrying on business as a bonded manufacturer, shall render to the Collector of Inland Revenue or other officer, whose duty it is to receive the same, a just and true account in writing, extracted from the books kept as by this Act provided, which account shall exhibit,—

What accounts to be rendered to collector must show.

1. The quantity of each description of article or commodity brought into the manufactory to which the account relates, during the preceding month ;

2. The quantity of each description of article or commodity used in the production of the manufactured articles made in the manufactory during the preceding month ;

3. The quantity of each description of article or commodity removed from the manufactory, or disposed of otherwise than for the production of the articles therein manufactured or made during the preceding month ;

4. The quantity of each description of manufactured article or commodity made or produced on each day during the preceding month, except so far as it may be dispensed with by departmental regulations ;

5. The quantity of manufactured product removed from the manufactory ;

6. The quantity entered for warehouse ; and—

7. The quantity ex-warehoused and the quantity entered for duty, ex-manufactory.

To be made monthly.

229. Every such statement shall be made for and relate to the month next preceding the day on which it is made.

DRAWBACK AND IMPORTATION OF MATERIAL IN BOND.

Drawback on goods exported.

230. Any person who manufactures any goods in bond under a license granted under this Act, and who exports any of the goods so manufactured by him in the production whereof any article has been used upon which duties of customs or excise have been, by him, paid, shall, upon the production of due proof of such use and payment of duty, be entitled to receive a drawback equal to the duties paid on the articles used in the production of the goods exported ; the amount of such drawback shall be determined in such manner, and the proof of the payment of the duty and export of the goods for which the drawback is claimed, shall be of such nature as may be directed or required by any departmental regulation in that behalf.

Dutiable articles used in process of manufacture may be taken into factory.

231. Any person licensed to manufacture in bond may receive into the place for which his license is granted, as into a bonded warehouse, and except as is herein otherwise provided, without payment of the duty thereon, all such spirits and other articles as are commonly used in the manufacture of the goods for which the license is granted, on

on a permit for that purpose to be granted by the Collector of Inland Revenue, of such form, and on such bond being entered into, and on such conditions as shall be prescribed in any Order in Council or departmental regulation in that behalf; but no less quantity of such spirits or other articles shall be so received at any one time than might be taken out of bond for consumption.

232. Except in the case of methylated spirits, goods manufactured in bond, shall remain in the place for which the license was granted, in like manner and subject to the like restrictions and to the supervision of the officers of Inland Revenue, as by law provided with respect to other goods manufactured in Canada and subject to excise,—and the duty thereon shall be paid in like manner within six days of the close of every month, unless such goods are then exported or warehoused, as they may be, in the manner provided with respect to other goods subject to excise.

Payment of duties on goods manufactured, &c.

PROVISIONS AS TO SUPERVISION.

233. On the first day of each of the months of October, January, April and July, the Inspector of Inland Revenue shall cause to be taken an accurate account of the quantity of each of the articles entered for use in the bonded manufactories under his survey, then in stock, as well as the quantity in process of manufacture; and whenever it shall appear to his satisfaction—

Quarterly account of stock.

(a.) That the articles made in any bonded manufactory have been made in conformity with the law ;

(b.) That the conditions of the license have been complied with as to the proportion of each article used and produced ; and,—

(c.) That the quantities of the several articles then on hand, together with the quantities lawfully taken for use in the manufacturing of the articles for which the license is granted, truly represent the whole quantity of the articles entered into the manufactory as shown by the returns made and accounts kept in accordance with the law and the regulations made in that behalf,—

The Collector shall certify the quantity of each article so taken for use, and the account with the manufacturer's bond shall be credited with the quantities so certified : but,—

Certificate of collector, if satisfied.

2. When the quantity of any article found in stock is less than that which, with the quantity lawfully taken for use and accounted for, would be equivalent to the whole quantity of such article taken into the manufactory, the bonded manufacturer

Duty to be paid on short stock.

manufacturer shall forthwith pay the amount of duty for which the quantity so deficient would have been liable if entered for consumption from a regular bonding warehouse, and the duty so collected shall be held to be a duty of excise, and shall be collected and accounted for as such.

BONDING OR WAREHOUSING.

234. In addition to the general provisions of this Act respecting bonding or warehousing those in the next succeeding section contained apply to bonded manufacturers.

235. No less quantity of goods manufactured in bond shall be ex-warehoused by one entry than would be liable to a duty of twenty dollars.

REGULATIONS BY ORDER IN COUNCIL.

236. The Governor in Council may, from time to time, make such regulations as to him may seem necessary for carrying into effect and enforcing the provisions of this Act respecting the manufacture of goods in bond, or the warehousing of such goods when manufactured, and for declaring the true intent and meaning of such provisions in any case of doubt, and for declaring how far any of the provisions of this Act shall be modified in their application to the manufacture of goods in bond and matters thereunto relating, or for substituting other provisions of the like nature in the place of any of them which cannot in his opinion conveniently be so applied; and may, by such regulations, require any bond or any oath or affirmation which he shall deem requisite for the purposes aforesaid, and may, for breach of such regulations, impose any penalty not exceeding five hundred dollars in any case, or the forfeiture of the goods or articles or things in respect of which they shall have been violated; and every such regulation may, by the Governor in Council, be repealed, amended or re-enacted.

TOBACCO AND CIGARS AND TOBACCO AND CIGAR MANUFACTURERS.

INTERPRETATION.

237. (a.) "*Raw Leaf Tobacco*" means unmanufactured tobacco, or the leaves and stems of the plant before they have passed through any process of manufacture:

(b.) "*Manufactured Tobacco*" means and includes every article made from raw leaf tobacco by any process of manufacture whatever, except cigars:

(c.) "*Standard Leaf Tobacco*" of all kinds, shall be that which consists of ten per cent. of water and ninety per cent. of

of solid matter ; and the weight of all raw leaf tobacco, scraps, cuttings, stems and other unmanufactured tobacco, shall be computed and charged in all inventories, statements, accounts and returns, with reference to such standard in such manner as may be provided by departmental regulation.

(d.) "*Tobacco Manufactory*" means and includes any place or premises where raw leaf tobacco is worked up into what is designated by this Act as manufactured tobacco ; and every work-shop, office, store-room, warehouse, shed, yard or other place where any of the raw material is or is to be stored, or where any process connected with the manufacture or preparation of manufactured tobacco is, or is intended to be carried on, or where any of the products of the manufacture are, or are intended to be stored, shall be held to be included in and to form part of the tobacco manufactory to which they are attached or are appurtenant :

Tobacco
manufactory.

(e.) "*Tobacco Manufacturer*" means and includes every person who manufactures tobacco for himself, or who employs others to manufacture tobacco, other than cigars, whether such manufacture be by cutting, casing, packing, pressing, grinding, rolling, drying, crushing or stemming of any raw leaf tobacco, or otherwise preparing raw leaf or manufactured or partially manufactured tobacco, or the putting up for use or consumption of scraps, waste, clippings, stems or deposits of tobacco resulting from any process of handling tobacco, or by the working or preparation of raw leaf tobacco, tobacco stems, scraps, clippings or waste, by sifting, twisting, screening, or any other process :

Tobacco
manufacturer.

(f.) "*Cancellation Stamp or Die*" means and includes any distinctive stamp or punch used to impress or print upon, or burn, or indent into any tobacco or cigar stamp subject to the provisions of this Act, or of any other Act to be passed respecting Excise, or of any Order in Council or departmental regulation made under such provisions ; and such stamps or dies shall be of such form, material and design, and shall be used in such manner as shall, from time to time, be ordered and regulated by the Department of Inland Revenue :

Cancellation
stamp or die.

(g.) "*Caution Label*" means and includes the notice required by the provisions of this Act, to be attached to all packages containing tobacco and cigars :

Caution label.

(h.) "*Cigarette*" means any description of cigarette made of cut tobacco, and weighing not more than four pounds and a quarter of a pound per thousand and being wrapped with paper or one single thickness of leaf tobacco, or of a description identical with a sealed sample, approved by departmental regulations in that behalf and deposited in the office of the Collector of Inland Revenue for the division

Cigarette.

in which such cigarettes are manufactured, or where any such cigarettes are imported :

Cigar. (i.) "*Cigar*" means and includes every description of cigar and cheroot :

Cigar manufactory. (j.) "*Cigar Manufactory*" means and includes any place or premises where raw leaf tobacco is worked up into what is described and designated as a cigar under this Act ; and every workshop, office, store-room, shed, yard or other place where any of the raw material is or is to be stored, or where any process connected with the manufacture or preparation of cigars is, or is intended to be carried on, or where any of the products of the manufacture are, or are intended to be stored, shall be held to be included in and to form part of the cigar manufactory to which they are attached or are appurtenant :

Cigar manufacturer. (k.) "*Cigar Manufacturer*" means and includes any person, who by himself or his agent, carries on the manufacture of cigars as defined by this Act ; and the casing, packing, cutting, pressing, grinding, rolling, drying, crushing or stemming of any raw leaf tobacco or otherwise preparing raw leaf tobacco for manufacture into cigars, shall be a working of a cigar manufactory, and an acting as a cigar manufacturer within the meaning of this Act :

Cigar maker. (l.) "*Cigar Maker*" means and includes every person whose business it is to make cigars, either for pay, on commission, on shares or otherwise, from material furnished by others :

Tobacco stamp. (m.) "*Tobacco Stamp*" means any distinctive stamp affixed to any package of manufactured tobacco as required by any of the provisions of this Act, or of any other Act to be passed respecting Excise, or of any Order in Council, or departmental regulation made under such provisions ; and such stamps shall be made and affixed in such manner and by such means as shall, from time to time, be ordered and regulated by the Department of Inland Revenue :

Cigar stamp. (n.) "*Cigar Stamp*" means any distinctive stamp affixed to any package of cigars as required by any of the provisions of this Act, or of any other Act to be passed respecting Excise, or of any Order in Council, or departmental regulation made under such provisions ; and such stamps respectively shall be made and affixed in such manner and by such means as shall, from time to time, be ordered and regulated by the Department of Inland Revenue :

Cigar sample box. (o.) The words "*Cigar Sample Box*" (for the purposes of this Act) mean any box containing not more than twenty-five cigars :

cigars and each bearing the special sample stamp provided by the Department of Inland Revenue, and which box the manufacturer of cigars is permitted to have, in his factory premises, open for the purpose of exhibiting the cigars contained therein to his customers :

(p.) "*Common Canada Twist*," otherwise called "*tabac blanc en torquette*," means the unstemmed, unflavored and unpressed leaf of tobacco grown in Canada, twisted and made into coils by the cultivator thereof or by a manufacturer of tobacco, duly licensed under this Act to use Canadian leaf tobacco only. Canada twist.

LICENSES.

238. In addition to the general provisions of this Act respecting licenses, those contained in the seven sections next following apply to tobacco and cigars and tobacco and cigar manufacturers. Special provisions as to licenses.

239. Every application for a license for the manufacturing of tobacco or cigars shall, in addition to the matters required to be therein set forth by the general provisions of this Act respecting licenses, contain a list and description of all tools and machinery used or proposed to be used in the business for which the license is sought, especially of all presses, cutting machinery and mills,—stating the part of the building in which they are to be used; and shall further state whether any foreign or imported raw leaf tobacco is to be used in or brought into the factory for which the license is required. Application for license to set forth certain matters.

240. And every application for a license as a cigar manufacturer shall also state the number of persons employed, or to be employed, in making cigars, in accordance with the requirements of this Act. Additional as to cigar manufacturer's application.

241. A license to carry on the trade or business of a tobacco or cigar manufacturer may be granted to any party who has complied with the provisions of this Act, provided that the granting of such license has been approved of by the District Inspector, and that the party has, jointly with not less than two nor more than six good and sufficient sureties, entered into a bond to Her Majesty the Queen, Her heirs and successors, in a sum equal to the amount at which the Collector of Inland Revenue estimates the duties to accrue on the goods to be manufactured by the party to whom the license is to be granted, during one month of the time it is to remain in force, and to such further amount as the Collector of Inland Revenue may deem sufficient to cover the duty on goods remaining in warehouse, from time to time, during the currency of the license about to issue; and such Conditions of license :
Security ;

Bond.

latter amount shall be determined by such means as the Department of Inland Revenue may prescribe; the party obtaining the license being bound in the full amount of such estimates, and the sureties each severally for such amount as that the sums for which they are respectively bound, shall, together be equal to the amount of such estimates; and such bond shall be taken before the said Collector of Inland Revenue, his deputy or other officer authorized thereto by the Department—who shall cause such sureties to justify as to their sufficiency before him, by affidavit endorsed upon such bond—and shall be conditioned that he shall render correctly all the returns, inventories, statements and accounts prescribed by law or regulations; that he shall pay all duties and penalties which he may become liable to pay under the provisions of this Act; and that he shall comply with all the requirements of the law relating to the manufacture and warehousing of tobacco or cigars, according to their true intent and meaning, as well with regard to such returns, inventories, statements, accounts, duties and penalties as to all other matters and things whatsoever.

Tobacco manufacturer not to make cigars and vice versa.

242. No manufacturer of tobacco shall, in such licensed premises, carry on the business of a cigar manufacturer, nor shall a cigar manufacturer carry on in such licensed premises the business of a manufacturer of tobacco, nor shall either carry on in his licensed premises any other business deemed by the Department of Inland Revenue to be incompatible with the business engaged in by him, and for which he has obtained a license from the Department of Inland Revenue.

Licensed premises must be near Inland Revenue station.

Proviso: As to new licenses.

243. No license shall be granted to any person as a tobacco or cigar manufacturer for carrying on business in any building or premises, unless the same be within one and one-half mile of a place where an officer of Inland Revenue is stationed at the time the application is made, or within one and a-half mile of the limits of any city or incorporated town: Provided always that the provisions of this section shall not operate to prevent the granting of new licenses from time to time, to persons holding licenses under any Act relating to Inland Revenue at the time of the passing of this Act.

License fee; foreign leaf.

244. The party in whose favor a license for manufacturing tobacco or cigars in whole or in part from foreign leaf tobacco is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of seventy-five dollars:

And Canadian leaf.

2. The party, in whose favor a license for manufacturing tobacco or cigars exclusively from tobacco grown in Canada is granted, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of fifty dollars.

245. Every Collector of Inland Revenue shall cause the several manufactories of tobacco and cigars in his division to be numbered in accordance with a register kept in the Department of Inland Revenue,—which registered number shall be issued from the Department at Ottawa, and shall not thereafter be changed; and the registered number for tobacco manufactories shall be separate and distinct from those issued to cigar manufactories.

Manufactories to be numbered and registered.

SPECIAL OBLIGATIONS OF PERSONS LICENSED AS MANUFACTURERS OF TOBACCO AND CIGARS.

246. Every manufacturer of tobacco or cigars shall, at the time when he applies for a license as such, mention and describe in the papers accompanying his application, some one certain entrance to his manufactory as that at which raw leaf tobacco will be brought in, and shall place over the entrance so mentioned a sign, in Roman characters, written or painted in oil colors, at least three inches in height, containing these words: "Raw Leaf Tobacco Entrance;" and from and after the coming into effect of the provisions of this Act, it shall not be lawful for any manufacturer of tobacco or cigars to receive raw leaf tobacco into his manufactory through any other entrance or opening than the one so mentioned, designated and set apart for that purpose.

Application for license to specify one entrance into manufactory for raw leaf tobacco.

247. Every manufacturer of tobacco or cigars shall post up in a conspicuous place in each room or compartment in his manufactory (and to the satisfaction of the Collector or other superior officer of Inland Revenue) a printed notice, the letters of which shall be at least one quarter of an inch in height, to the following effect: "The Inland Revenue Act provides that raw leaf tobacco may only be brought into a tobacco or cigar manufactory through the one entrance, designated by the sign containing the words 'Raw Leaf Tobacco Entrance,' and that any manufacturer who brings raw leaf tobacco into his manufactory by any other than the above mentioned entrance, or who brings foreign leaf tobacco into a manufactory licensed to use Canadian leaf tobacco only, or who brings any Canadian or other raw leaf tobacco into a manufactory without reporting the same or entering the quantity so brought in, in his stock book, shall incur and pay a penalty of from two hundred to one thousand dollars, and further that all goods subject to excise on the premises at the time the offence is committed, shall be forfeited."

Notice to be posted in all compartments.

Form of notice.

DUTIES OF EXCISE.

248. In lieu and instead of all duties of excise imposed by any Act hereby repealed, on tobacco and cigars manufactured within

Duties of excise imposed.

within the Dominion of Canada, there shall be imposed, levied and collected the following duties of excise which shall be paid to the Collector of Inland Revenue as by this Act provided, that is to say :

On manufactured tobacco ;

On all chewing and smoking tobacco, cigarettes, fine-cut, cavendish, plug or twist, cut or granulated, of every description ; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner, other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument, and without being pressed or sweetened, and on all fine-cut shorts and refuse scraps, cuttings and sweepings of tobacco ; and—

On snuff ;

On all snuff, manufactured of tobacco or any substitute for tobacco, ground, dry, scented or otherwise, of all descriptions, when prepared for use, and containing not more than forty per cent. of moisture—

The product in whole or in part of foreign leaf.

Made in whole or in part from foreign or imported raw leaf tobacco, or the product in any form in whole or in part of foreign raw leaf tobacco ;

Duty.

On every pound, actual weight, twelve cents ; except that cigarettes or cut tobacco, when put up in packages weighing one-twentieth of a pound or less each, shall pay a duty of twenty cents per pound : and—

Snuff flour.

Snuff flour, when sold or removed for use or consumption shall pay the same duty as snuff, and shall be put up in packages and stamped in the same manner as is herein prescribed for snuff completely manufactured ; except that snuff flour not prepared for use, but which needs to be subjected to further processes by sifting, pickling, scenting or otherwise before it is in a condition fit for use or consumption, may be sold by one tobacco manufacturer directly to another tobacco manufacturer, and without the payment of the duty, under such regulations as may be provided therefor by the Department of Inland Revenue ;

On moist snuff.

On damp or moist snuff, when containing over forty per cent. of moisture, eight cents per pound, actual weight ;

Same duty on all snuff.

And all snuff, whether the product of foreign or domestic leaf tobacco, shall be subject to the same rates of duty, as above provided ;

On cigars made from foreign leaf.

On cigars of all descriptions, made in whole or in part from foreign or imported leaf tobacco, or any substitute therefor, thirty cents per pound from the first day of May to the thirtieth day of June, 1883, and three dollars per thousand thereafter ;

On

On cigars of all descriptions made solely from tobacco grown in Canada, and made in a manufactory where no foreign or imported leaf is used or kept, fifteen cents per pound from the first day of May to the thirtieth day of June, 1883, and one dollar and fifty cents per thousand thereafter;

On cigars made from Canadian leaf.

On manufactured tobacco of all kinds (including common Canada twist) when made solely from tobacco grown in Canada, and on the farm or premises where grown, by the cultivator thereof, or in a manufactory where no imported or foreign leaf is used or kept, on every pound, actual weight, two cents.

On manufactured tobacco made from Canadian leaf.

249. A drawback at the rate of two per cent. on the value of the stamps used shall be allowed to manufacturers of foreign leaf tobacco, licensed under this Act, in respect of all cut tobacco and cigarettes manufactured by them when entered for duty ex-manufactory and put up in packages weighing one pound and less,—such drawback to be paid monthly by the Department of Inland Revenue under regulations to be established by the Governor in Council in that behalf; but such drawback shall not be allowed or paid on any tobacco that has been placed in warehouse.

Drawback on cut tobacco and cigarettes in certain cases.

COLLECTION OF DUTIES ON TOBACCO AND CIGARS.

250. All manufactured tobacco and cigars whether imported or manufactured in Canada shall be put up and prepared by the manufacturer or importer before they are offered for sale, or for removal for sale or for consumption, in packages of the following description and in no other manner, and shall be stamped by the manufacturer or importer in such manner as may be required by any departmental regulation, and to the satisfaction of the Collector or other proper officer:—

Packing and stamping of tobacco.

(a.) All cavendish, plug and twist tobacco in rectangular wooden boxes, except as hereinafter provided, containing ten pounds, or from fifteen to twenty-five pounds inclusive, or from sixty to eighty pounds inclusive;

Cavendish, plug and twist.

(b.) All fine cut chewing tobacco and all other kinds of tobacco not otherwise provided for, in packages containing one-twentieth, one-sixteenth, one-tenth, one-eighth, one-fifth, one-fourth, one-half or one pound, - except that fine-cut chewing tobacco when of a quality and description identical with sealed sample, approved by departmental regulations in that behalf, and deposited in the office of the Collector of Inland Revenue for the division in which the tobacco is manufactured, or where any such tobacco is imported, may, at the option of the manufacturer or importer, be put up in wooden packages containing five or ten pounds each;

Fine cut, &c.

(c.)

Out and granulated tobacco, &c.

(c.) All cut and granulated tobacco, other than fine-cut chewing, all shorts, the refuse of fine-cut chewing tobacco, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, cuttings and sweepings of tobacco, in packages containing one-twentieth, one-sixteenth, one-tenth, one-eighth, one-fifth, one-fourth, one-half or one pound each ;

Snuff.

(d.) All snuff in wooden packages containing five or ten pounds each.—except that snuff when containing more than forty per cent. of moisture, may be put up in packages containing ten or twenty pounds each, actual weight ;

Cigarettes.

(e.) All cigarettes in packages containing one-fortieth, one-twentieth, one-sixteenth, one-tenth, one-eighth, one-fifth, one-fourth, or one-half pound each :

To be put up in unused packages.

(f.) All manufactured tobacco of every description, except snuff, whether plug, cut, cigarettes or other, shall be put up in packages not before used for that purpose :

Quantities less than one pound.

(g.) When any package of tobacco contains less than a pound, it shall be such quantity as may be covered by some denomination of stamp then authorized and in use :

Cigars.

(h.) All cigars shall be packed in wooden boxes (except as hereinafter provided) not before used for that purpose, containing respectively twenty-five, fifty, one hundred or two hundred cigars each ; but Manilla cigars and cheroots, but not imitations thereof, may, when imported from abroad, be contained, in addition to the above-named quantities, in boxes of five hundred each :

Exception.

Packages to be marked.

2. And every wooden, metal or other package containing tobacco shall have printed or marked thereon the registered number of the manufactory, the number of the Inland Revenue division in which the manufactory is situated, and the gross weight, the tare and the net weight of the tobacco in each package, except that it shall not be necessary in the case of packages weighing one pound and under to mark the gross weight and tare thereon :

Proviso : exception as to fine cut shorts, &c.

Provided, that fine-cut shorts (the refuse of fine-cut chewing tobacco), refuse scraps, cuttings, stems and sweepings of tobacco, may be sold in bulk as material, and without the payment of duty, by one manufacturer directly to another manufacturer, or for exportation, under such restrictions, rules and regulations as the Department of Inland Revenue may prescribe; and provided further, that wood, metal, paper or other material may be used separately or in combination for packing tobacco or cigars, under such regulations as the Department of Inland Revenue may prescribe.

251. All boxes containing cigars shall have stamped, indented, burned or impressed into them in a legible and durable manner, the registered number of the manufactory where made, the number of the Inland Revenue division in which the manufactory is situated, and the number of cigars contained in each box, and such stamping, indenting, burning or impressing shall be done in such manner as may be determined by the Department of Inland Revenue.

Boxes of cigars to be stamped with registered number of manufactory, &c.

252. 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 the Dominion of Canada may be removed to such other port under such regulations as may be established by the Governor in Council :

Imported manufactured tobacco and cigars to be stamped.

And put up in prescribed packages.

Proviso: removal in bond.

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 to be 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 may be 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.

And if not in pre-cribed packages to be bonded.

253. Whenever any stamped box, bag, vessel, wrapper, or envelope of any kind, containing tobacco or cigars, is emptied, the stamp or stamps thereon shall be destroyed by the person in whose hands the same may be :

Removal of stamps when a package is emptied.

2. No licensed tobacco or cigar manufacturer, dealer or other person shall retain in his possession any stamped package, used for putting up or packing tobacco or cigars, upon which there remains any Inland Revenue or Customs stamp or any part of such stamp, after the contents thereof have been removed :

Empty stamped packages not to be retained.

3. No empty or partly filled package of a description such as

Empty or partly filled as

stamped packages not to remain in manufactory.

as is used for packing tobacco or cigars, and having attached to it any stamp or part of a stamp, whether such stamp has been defaced or not, and no package the stamp on which has been cut or broken, shall be brought into or remain in any tobacco or cigar manufactory; except that packages containing samples of cigars, each containing not more than twenty-five cigars may be and remain open in the cigar manufactory where the same were manufactured, for the purpose of exhibition to the customers of the manufacturer; but all such packages containing samples of cigars must be regularly and duly stamped with a duty paid stamp and bear all the marks, the caution label and any other information required by the Department of Inland Revenue; but the said packages containing samples of cigars if found in the possession of any other person than the licensed manufacturer, and elsewhere than on the factory premises where made, or than in the possession of his duly authorized travelling agent, shall be forfeited and shall be seized by any officer of Excise or Customs having a knowledge of the fact, and dealt with accordingly.

Empty stamped packages to be destroyed.

254. It shall be the duty of all officers of Excise or Customs to destroy any such empty box or other package upon which there shall remain any tobacco or cigar stamp, in contravention of this Act, and to 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.

Act to apply to stamps heretofore affixed.

255. Every such empty box or package, on which there shall remain any tobacco or cigar stamp or part thereof, shall be subject to the provisions of this Act, whether such stamp was affixed to the box or package before or after the coming into force of this Act.

What shall be completion of manufacture of plug and twist, &c.

256. All cavendish, plug and twist tobacco shall be considered as completely manufactured so soon as it has been put up in packages and moved from the sweat room;

Cut tobacco, &c.

2. All cut and granulated smoking, fine-cut chewing tobacco, snuff, cigarettes and all other descriptions of tobacco and cigars shall be considered as completely manufactured so soon as they have been put up in packages.

Monthly returns of completed manufacture.

257. All tobacco and cigars, the manufacture of which shall have been completed during any month shall be returned as produced, and at the end of each month shall either be entered for duty ex-manufactory, or be warehoused.

Deficiency between raw material and products of manufactory.

258. The deficiency between the raw leaf tobacco and other materials taken for use and the manufactured tobacco and other products resulting therefrom during the period between

between any two stock-takings, in any tobacco manufactory, shall not at any time exceed six per cent.

259. There shall be produced from each and every twenty-five pounds of unstemmed raw leaf, scraps, cuttings or other material taken for use in a cigar manufactory at least one thousand cigars: but if at any time the Department of Inland Revenue determines that the standard herein established exceeds or falls short of what may hereafter be ascertained to be the true standard, the Governor in Council may amend or alter such standard by regulation to the extent of three pounds.

Minimum product from raw material in cigars.

260. Tobacco may be re-worked under such rules and regulations and subject to such charges as the Department of Inland Revenue may prescribe.

Re-working tobacco.

261. All raw leaf tobacco, stems, cuttings, liquorice, sugar, gum or other raw material shall, when brought into, used in, or removed from a tobacco or cigar manufactory, be dealt with in such manner and under such regulations as the Department of Inland Revenue may prescribe.

Disposal of raw material.

262. No foreign leaf tobacco shall be brought into any tobacco or cigar manufactory licensed to use Canadian leaf tobacco only.

No foreign leaf under a license for Canada leaf.

263. Whenever it is ascertained by stock-taking that the standard of production established by or under this Act, has not been reached by any manufacturer of tobacco or cigars, the Commissioner of Inland Revenue is empowered to make an assessment and to order the collection from such manufacturer of the duty at the highest rate chargeable on the manufactured tobacco or cigars so deficient.

Duty to be paid on short production.

264. No manufactured tobacco or cigars shall be sold or offered for sale, unless put up in packages and branded and stamped, as prescribed in this Act, and then under such conditions as may be prescribed by the Governor in Council: Provided, that tobacco or cigars which may have been legally put up in packages prior to the coming into effect of the provisions of this Act, and which packages may differ from those herein prescribed, shall not be seized, nor shall the person selling or having the same in possession be liable to the penalties provided by this Act, when evidence to the satisfaction of the Department of Inland Revenue is produced as to such tobacco or cigars being legally in his possession.

Manufactured tobacco to be in stamped packages.

Proviso: as to packages put up prior to this Act.

265. Every manufacturer of tobacco shall, in addition to all other requirements of this Act relating to tobacco, print on each package, or securely affix by pasting on each package containing tobacco, manufactured by or for him, a label,

Packages to be labeled and numbered by manufacturer.

on

Label to be affixed.

on which shall be printed the number of his manufactory, the number of the Inland Revenue division in which his manufactory is situated, and these words:—"NOTICE: The manufacturer 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 this package for tobacco again, or the stamp thereon, nor to remove the contents of this package without destroying the said stamp, under the penalties provided by law in such cases."

Label to be affixed by importer on packages of tobacco.

266. Every importer of tobacco shall, in addition to 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, 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 the 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, nor to remove the contents of this package without destroying the said stamp, under the penalties provided by law in such cases."

Label.

Label to be affixed to packages of cigars by manufacturer.

267. Every manufacturer of cigars shall securely affix by pasting on each package containing cigars manufactured by or for him a label, on which shall be printed the number of his manufactory, and the number of the Inland Revenue division in which his manufactory is situated, and these words:—"NOTICE:—The manufacturer 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, nor to remove the contents of this package without destroying the said stamp, under the penalties provided by law in such cases."

Label.

Label to be affixed to packages of cigars by importer.

268. 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 where, 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, nor to remove the contents of this package without destroying the stamp, under the penalties provided by law in such cases."

Label.

269. Such label or caution notice shall be of such dimensions and shall be placed upon the package containing tobacco or cigars in such manner as may be prescribed by the Department of Inland Revenue.

Dimensions of labels.

270. 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 may prescribe, 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. 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 sell 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, to merchants and others who have given bonds and taken out a license for an excise bonding warehouse, under such regulations as may be prescribed by the Department of Inland Revenue, and to persons required by law to affix the same to tobacco or cigars on hand on the first day of July, eighteen hundred and eighty-three; and every Collector shall keep an account of the number, amount and denominate values of stamps sold by him to each manufacturer or other person aforesaid: Provided, that such stamps as may be required to stamp tobacco or cigars sold under distraint by any Collector of Inland Revenue, or for stamping any tobacco or cigars which may 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 shall prescribe, 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 the Dominion of Canada: and provided further, that in case it shall appear 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 the Dominion of Canada; and upon application made to the Commissioner of Inland Revenue it shall be lawful for him to order the destruction of such tobacco or cigars, by the officer in whose custody and control the same may be at the time,

Stamps for duty.

Cancelling tobacco stamps.

Stamps to be furnished to collectors.

Collectors to keep an account of stamps sold.

Proviso: stamps for forfeited tobacco.

Proviso: disposal of forfeited tobacco when not worth the duty.

time, and in such manner and under such regulations as the Department of Inland Revenue may prescribe.

Cancellation of tobacco and cigar stamps: how and when to be effected.

271. The cancellation of tobacco and cigar stamps shall be by means of such dies or device as the Department of Inland Revenue may prescribe, and is to be performed by the person entering the goods for consumption before the packages leave his premises.

Instruments for attaching and cancelling stamps.

272. The Department of Inland Revenue may prescribe such instruments or other means for attaching, protecting and cancelling tobacco and cigar stamps, as shall be approved by the Governor in Council; such instruments or other appliances to be furnished by the Department of Inland Revenue to the person using the stamps to be affixed or cancelled therewith, under such regulations as the Department of Inland Revenue may prescribe.

Department to regulate the form of stamps, marks or brands.

And the mode of attaching and cancelling them.

273. The Department of Inland Revenue may establish, and may, from time to time, alter or change the form, style, character, material and device of any stamp, mark, label or brand used on packages of tobacco and cigars, under any provisions of the law relating to the Inland Revenue. Such stamps shall be attached, protected, removed, cancelled, obliterated and destroyed in such manner and by such instruments or other means as may be prescribed by departmental regulation.

As to tobacco and cigars unstamped on 30th June, 1883.

274. All tobacco and cigars of every description on hand unstamped after the thirtieth day of June, eighteen hundred and eighty-three, shall be liable to the provisions of this Act, as to the stamping thereof, the new mode of collecting the duty and all matters herein provided for.

Tobacco stems and sweepings.

275. All stems, sweepings, or other waste or refuse tobacco found in a tobacco or cigar manufactory and which are not worked up and charged at some manufactory with duty, shall be destroyed under such regulations as may be prescribed in accordance with the provisions of this Act, or entered for exportation.

Appliances for weighing, stamping and testing.

276. Every manufacturer of tobacco or cigars shall provide for the use of the Collector of Inland Revenue, all necessary means, tools and apparatus for weighing and stamping the products of his manufactory and the raw leaf or other material used therein (except dies or stamps), and also a convenient place wherein such process of weighing and stamping may be performed.

CIGAR MAKERS.

Special provision as to cigar makers.

277. Every cigar maker shall cause his name and residence to be registered, without previous demand, with the Collector

Collector of Inland Revenue of the Division in which such cigar maker shall be employed, and shall be furnished by the said Collector of Inland Revenue with a certificate of such registration.

REGULATIONS BY THE GOVERNOR IN COUNCIL.

278. The Governor in Council may make such regulations as to him may seem necessary, as regards tobacco and cigars manufactured in Canada, and tobacco imported in a raw or manufactured state,—

Regulations
by Governor
in Council.

(a) For warehousing raw leaf tobacco ;

Warehousing.

(b) For destroying such as is not entered for exportation or manufacture ;

Destroying.

(c) For removing raw leaf tobacco from one warehouse to another ;

Removing.

(d) For causing accounts to be kept by tobacco and cigar manufacturers of all raw leaf tobacco received by them and subsequently disposed of by them by removal, sale, or otherwise ;

Accounts.

(e) For determining the manner in which the computation of the weights of tobacco with reference to the standard herein established shall be made ;

Computation
of weights.

(f) For the inspection of tobacco and cigars and the collection of the duty thereon, as may be deemed most effective for the prevention of frauds in the payment of such duty ;

Inspection,
collection of
duty.

(g) For the manufacture and sale of common Canada twist tobacco, made from raw leaf tobacco grown in Canada,—such tobacco being made into Canada twist by the cultivator only on whose farm or premises it is grown, or in a manufactory licensed to use Canadian raw leaf tobacco only, and the duty of two cents per pound paid, as herein required ; and generally—

Manufacture
of Canadian
tobacco.

(h) For giving effect to the provisions of this Act,—

Carrying out
Act.

The whole subject to the provisions of this Act.

BOOKS, ACCOUNTS AND PAPERS.

279. In addition to the general provisions of this Act respecting books, accounts and papers, those contained in the next following three sections apply to tobacco and cigars and to tobacco and cigar manufacturers.

Special pro-
visions as to
books and ac-
counts.

Books to be kept by tobacco or cigar manufacturer, what to show.

280. Every person or party licensed as a tobacco or cigar manufacturer shall keep a book or books in a form to be furnished by the Department of Inland Revenue, which book or books shall be open at all reasonable hours to the inspection of the Collector of Inland Revenue or other officer, and therein such tobacco or cigar manufacturer shall enter, day by day, and upon the same day on which the circumstance, thing or act to be recorded is done or occurs,—

Quantities and numbers of certain articles.

1. The quantity of raw leaf tobacco, scraps, cuttings, stems and other raw materials, and of manufactured tobacco and cigars, brought into or removed from his tobacco or cigar manufactory ;

2. The quantity of raw leaf tobacco, stems, scraps, cuttings or other material taken for use in his manufactory ;

3. The quantity of manufactured tobacco, cigars and other articles produced therein ;

4. The quantity of stems, scraps, cuttings or other materials destroyed ;

5. The quantity of tobacco and cigars entered for warehouse and ex-warehouse ;

6. The number, denomination and value of tobacco or cigar stamps used ;

7. The number and capacity of cigar boxes brought into and used, or otherwise disposed of, in the cigar manufactory.

Books to be kept by bonding warehouseman, and what to show.

281. Every person or party having a licensed bonding warehouse in which raw leaf tobacco is stored or kept shall keep a book or books in a form to be prescribed by the Department of Inland Revenue, which book or books shall be open at all reasonable hours to the inspection of the Collector of Inland Revenue or other officer, and therein such person shall enter, day by day, and upon the same day on which the circumstance, thing or act to be recorded is done or occurs,—

Quantities brought in.

1. The quantity of raw leaf tobacco, scraps, cuttings or stems brought into his warehouse, giving the name and residence of the person from whom purchased or received ; and—

Removed.

2. The quantity of raw leaf tobacco, scraps, cuttings or stems removed from his warehouse, giving the name and residence of the person to whom sold or conveyed.

Quantities to be stated in pounds avoirdupois.

282. With the exception of cigars, the quantities of which shall be stated by number, all quantities recorded in the books

books hereinbefore mentioned of a tobacco or cigar manufacturer, or of a person having a license to use an excise bonding warehouse in which raw leaf tobacco is stored or kept, and in all returns, inventories, descriptions and statements required to be kept or made by this Act or any other Act, as well with regard to fluids as to solids used in or about the premises subject to excise, or entering into the manufacture of any article or commodity produced in such tobacco or cigar manufactory, shall be stated in pounds avoirdupois and decimal parts thereof.

dupois, except as to cigars.

RETURNS.

283. In addition to the general provisions of this Act respecting payment of duties and time and form of returns, those contained in the two sections next following apply to tobacco and cigars and tobacco and cigar manufacturers.

Special provisions as to returns.

284. Every person carrying on business as a tobacco or cigar manufacturer shall render to the Collector of Inland Revenue, or other officer whose duty it is to receive the same, a just and true account, in writing, extracted from the books kept as by this Act provided, which account shall exhibit,—

Accounts to be rendered to collector and what they must show.

1. The quantity of raw leaf tobacco and of all other material used in the manufacture of tobacco or cigars, brought into the manufactory during the preceding month ;
2. The quantity of raw leaf tobacco and other material removed from the manufactory or disposed of, otherwise than for the production of manufactured tobacco or cigars, during the preceding month ;
3. The quantity of raw leaf tobacco and the quantity of all other material used in the manufacture of tobacco or cigars during the preceding month in the manufactory to which such return relates ;
4. The quantity of each description of tobacco or cigars, at each rate of duty, manufactured in, brought into or removed from such manufactory during the preceding month, shewing the number of packages, the description and the aggregate quantity at each rate of duty ;
5. The quantity of unmanufactured and manufactured tobacco and other materials or manufactured cigars on hand ;
6. The quantity of manufactured tobacco and cigars warehoused and ex-warehoused during the preceding month ;
7. The quantity of manufactured tobacco and cigars entered for duty ex-manufactory during the preceding month ; and—

Quantities of certain articles.

8. The number and capacity of cigar boxes brought into the cigar manufactory, and the number and capacity of cigar boxes used therein during the preceding month.

To be made monthly.

285. Every such statement shall be made for, and relate to the month next preceding the day on which it is made.

BONDING OR WAREHOUSING.

Special provisions as to bonding and warehousing.

286. In addition to the general provisions of this Act respecting bonding or warehousing, those contained in the next succeeding seven sections apply to tobacco and cigars and tobacco and cigar manufacturers.

Least quantity of tobacco and cigars to be entered—

287. No less quantity than one hundred pounds of raw leaf tobacco, four hundred pounds of cavendish or other tobacco, or fifteen thousand cigars, shall be entered for warehouse by one entry ; and—

Or ex-warehoused.

2. No less quantity than one hundred pounds of raw leaf tobacco, two hundred pounds of cavendish or manufactured tobacco, or seven thousand cigars shall be ex-warehoused by one entry :

Exception as to samples.

3. Provided always, that the restrictions herein contained as to the quantity of raw leaf tobacco that may be warehoused or ex-warehoused at one time, shall not apply to samples of foreign leaf tobacco made up in accordance with the departmental regulations made in that behalf.

Limitation of size of package as to removal in bond.

288. No tobacco put up in packages weighing one pound or under, nor tobacco in any sized packages whatever, when the product of raw leaf tobacco of Canadian growth, shall be removed in bond from one warehouse to another warehouse, whether within the same or any other Inland Revenue division.

Stowage of packages in warehouse.

289. All boxes, caddies, or packages of tobacco and cigars shall be arranged and stowed in warehouse so that access may be easily had to each package, and so that the marks required to be placed thereon by the provisions of this Act may be easily read.

No refund of duty on goods ex-warehoused for consumption.

290. The duty paid on tobacco and cigars taken out of warehouse for consumption, or which shall have gone directly into consumption, shall not be refunded by way of drawback or otherwise, upon the exportation of such tobacco or cigars out of Canada.

Removal in bond of tobacco and cigars

291. Manufactured tobacco and cigars intended for immediate exportation may, after being properly inspected, marked, labelled or branded, be removed from the manufactory in bond,

bond, without having affixed thereto the stamps indicating the payment of the duty thereon: the removal of such tobacco and cigars from the manufactory shall be made under such regulations, and after making such entries, and executing and filing, with the Collector of the division from which the removal is made, such bonds, and giving such other additional security as may be prescribed by the Department of Inland Revenue and approved by the Governor in Council: there shall be affixed to each package of tobacco or cigars, intended for immediate export, before it is removed from the manufactory, a label or brand of such design as the Department of Inland Revenue may prescribe, indicative of such intention: each package shall be examined carefully by the officer in charge, and shall be marked, labelled or branded in such manner and under such regulations as the Department of Inland Revenue may prescribe.

manufactured for exportation.

Labels or brands on each package

292. The bond taken for raw leaf tobacco warehoused as herein required, shall be for a sum equal to thirty cents per pound on the tobacco to which it relates, and shall be conditioned—

Conditions of bond for raw leaf tobacco.

(a) For the delivery of the raw leaf tobacco to which it relates, to some one or more tobacco or cigar manufacturers duly licensed as such under any Act relating to the Inland Revenue, or—

(b) For the delivery of such tobacco into a bonding warehouse, licensed under this Act, or—

(c) For its exportation or destruction as herein required, within two years of the date of such warehousing :

And the evidence of its delivery to a licensed bonding warehouse or to a licensed tobacco or cigar manufacturer shall be the certificate of a Collector of Inland Revenue, or other proper officer, that the tobacco has been delivered into some certain licensed tobacco or cigar manufactory or manufactories, or into some licensed bonding warehouse therein named, and that an account thereof has been entered in the manufacturer's books or in the warehouseman's books, as required by law.

Evidence of compliance with bond.

293. Raw leaf tobacco warehoused as herein provided, may remain in warehouse for a period of two years, at the expiration of which period, or sooner, it shall be removed to and entered in some licensed tobacco or cigar manufactory or manufactories, or to some other warehouse as herein provided, or entered for exportation, or re-warehoused in the same warehouse for a further term,—the full amount of duty being first paid at the rate charged on manufactured tobacco, on any deficiency that may be ascertained by stock-taking at

How long allowed to remain in bond.

at the expiration of two years, or when the new bond is taken; or at the expiration of such period it shall be destroyed, under such regulations as may be made in that behalf by competent authority.

SPECIAL PROVISIONS AS TO CANADIAN LEAF TOBACCO.

Application by cultivator for license to make Canada twist for sale.

294. Every cultivator of tobacco desiring to manufacture the leaf tobacco grown by him into common Canada twist for sale, shall make application to the Collector of Inland Revenue for the Division in which his farm is situated for a license therefor; and any cultivator of tobacco who shall manufacture any tobacco for sale without having obtained the license herein provided for, shall be liable to the same fines, penalties and forfeitures as if he had worked a tobacco manufactory without a license.

Duty on license.

295. The cultivator in whose favor a license is granted for manufacturing "common Canada twist," shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of two dollars; but—

Tobacco grown for private use.

2. Any person growing tobacco on his own land or property, and manufacturing the same solely for the use of himself and such members of his family as are resident with him on the farm or premises on which the tobacco was grown, and not for sale, shall not require a license for so doing; nor shall the tobacco so manufactured be subject to excise duty: Provided always, that the quantity so manufactured in any one year shall not exceed thirty pounds for each adult male member of the family resident on the farm or premises as aforesaid.

Canada twist to be put up in rolls and stamped.

296. Common Canada twist shall, before it is offered for sale, be put up in rolls or coils weighing one-fourth, one-half or one pound each, and every such roll or coil shall be secured, and the stamp attached thereto in such manner as the Department of Inland Revenue may determine:

Stamps to be affixed before removal.

2. All tobacco so manufactured shall be stamped as herein required before it is removed from the farm or premises on which the tobacco from which it was made was grown or from the factory wherein it was manufactured: and—

Forfeiture of unstamped packages.

3. Any package of tobacco which shall be exposed or offered for sale or be found in the market without being sealed, stamped, labelled or marked as herein required, shall be deemed to be tobacco unlawfully in the market.

Sale of surplus tobacco by cultivator for private use.

297. The cultivator, having taken out a license as herein provided, may manufacture into common Canada twist, the surplus tobacco grown by him over what is required

required for the use of his own family, and may sell the tobacco so manufactured, after paying to the nearest officer of Inland Revenue, the duty of two cents per pound, and after causing such tobacco to be put up in packages in accordance with this Act and causing each package to be duly stamped in such manner as may be required by any Departmental regulation in that behalf.

298. When any raw leaf tobacco of Canadian growth has been taken into a licensed warehouse in which there is any foreign leaf tobacco, or which is used for the storage of foreign leaf tobacco, or into any manufactory which has been licensed to use foreign leaf tobacco, or into which any foreign leaf tobacco has been taken, either for use or storage, such Canadian leaf tobacco shall thereafter be deemed to be foreign leaf tobacco, and shall be dealt with accordingly.

Canadian leaf to be deemed foreign leaf in certain cases.

SPECIAL PROVISIONS AS TO FOREIGN RAW LEAF TOBACCO.

299. Raw leaf tobacco shall not be imported into Canada except at the undermentioned ports, namely:—Prescott, Kingston, Toronto, Hamilton, Clifton, Sarnia, Windsor, London, St. Catherines, Paris, Brockville, Brantford, Port Hope, Belleville, Guelph, Chatham, Stratford, Barrie, Simcoe, Woodstock, Ingersoll, St. Thomas, Preston, Berlin, Cobourg and Peterborough, in the Province of Ontario; Quebec, Montreal 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 may authorize.

Raw leaf to be imported at certain ports only.

300. 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.

All such tobacco to be bonded.

301. All imported raw leaf tobacco shall be weighed by the proper officer of Customs at the port where it enters the Dominion; 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 labor necessary for moving, piling or handling such packages.

All raw leaf to be weighed at port of entry.

302. All imported raw leaf tobacco shall be in packages which can be conveniently stamped; and, except as is herein otherwise provided, it shall not be lawful to remove any such tobacco from any warehouse wherein it has been bonded, except in such original stamped packages.

How only to be packed and removed.

Removal in bond limited. **303.** Imported raw leaf tobacco shall only be removed in bond and delivered to the undermentioned persons and to no others, viz:—

(1). To manufacturers of tobacco and cigars, duly licensed under this Act, or—

(2.) To persons who have taken out a license for an Excise or Customs bonding warehouse.

Removal in bond from a manufactory. **304.** 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 the 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.

Cancelling 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:

Quantity, how ascertained. 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 at the premises of a licensed warehouseman.

Weight, how to be stated. **305.** 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.

Warehousing of raw tobacco. **306.** 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.

AM removals to be under bond. **307.** 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.

PENALTIES.

Special provisions as to penalties. **308.** In addition to the general provisions of this Act respecting penalties, those contained in the next following
twenty-

twenty-four sections apply to tobacco and cigars, and tobacco and cigar manufacturers.

309. Any person, who, after the passing of this Act, and without having a license under it then in force, shall— Penalty for doing certain things without license.

(a) Manufacture any tobacco or cigars, except as by this Act permitted, or—

(b.) Manufacture for sale, or for consumption, except by himself or the members of his family resident with him on the farm or premises whereon it is grown, any tobacco grown by himself for his private use, or—

(c) Who, claiming to have grown any tobacco and manufactured it solely for his own use, shall sell or barter away any tobacco so manufactured, or—

(d.) Who, having purchased any raw leaf tobacco grown in Canada from the cultivator thereof, shall in any way unlawfully manufacture such tobacco and sell it, or offer it for sale in a manufactured state,—

Shall for the first offence incur and pay a penalty of not less than twenty-five nor more than one hundred dollars, and for a second or any subsequent offence shall incur and pay a penalty of five hundred dollars; and all goods subject to excise found on the premises wherein any such offence is committed shall be forfeited to the Crown and shall be dealt with accordingly. Penalties for first and subsequent offences.

310. Any person who shall become subject to the penalty provided for in the next preceding section, shall, in addition thereto, forfeit and pay for the use of Her Majesty double the amount of excise duty and license duty which should have been paid by him under this Act. Further penalty.

311. Any person who, after the coming into effect of the provisions of this Act, shall open any package containing tobacco or cigars in any other manner than as herein prescribed, viz.: so as to break the stamp thereon in so doing, or in whose possession there shall, at any time, be found any package of tobacco or cigars opened otherwise than in accordance with the provisions of this Act, shall, for a first offence, incur and pay a penalty of twenty-five dollars, and for a second or any subsequent offence shall incur and pay 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 shall at any time be found that have been opened otherwise than as herein directed, shall be forfeited and shall be seized by any officer of Excise or Customs and dealt with accordingly. Forfeiture of packages so opened.

Penalty for putting tobacco in package used before.

312. Any manufacturer of tobacco or cigars, or any other person who shall, except as permitted by this Act, pack or put up tobacco or cigars in packages which have been before used for that purpose shall, for the first offence, incur and pay a penalty of ten dollars for each box or package so unlawfully used, and for a second or any subsequent offence shall incur and pay a penalty of fifty dollars for each box or package so used.

For selling loose or unpacked foreign leaf.

313. Every person who shall sell, or offer for sale, or have in his possession, except in a licensed tobacco or cigar manufactory, any loose or unpacked foreign raw leaf tobacco, shall incur and pay for a first offence a penalty of not less than fifty, and not more than two hundred dollars, and for a second or any subsequent offence a penalty of two hundred dollars; and all raw tobacco so offered or exposed for sale, or so unlawfully had in possession, loose or unpacked, shall be and remain forfeited to the Crown, and shall be seized by any officer of Inland Revenue having a knowledge of the fact, and dealt with accordingly.

Tobacco to be imported only at ports of entry authorized.

314. All imported raw leaf tobacco brought into Canada at any port or place other than at the ports of entry herein named, or which may hereafter be authorized by an order of the Governor in Council, shall be seized by any officer of Customs or Excise having a knowledge thereof, and shall be and remain forfeited to the Crown and shall be dealt with accordingly.

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

315. 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 seized by any officer of Customs or Excise having a knowledge of the fact, and shall be and remain forfeited to the Crown and shall be dealt with accordingly.

Penalty for not destroying stamps, selling empty stamped packages, &c.

316 Every person who neglects or refuses to destroy the stamp or stamps on any box, bag, vessel, wrapper or envelope of any kind containing tobacco or cigars, and every person who sells or gives away, or who buys or accepts from another any such empty stamped box, vessel bag, wrapper or envelope of any kind, or the stamp or stamps taken from any such empty box, bag, vessel, wrapper or envelope of any kind, shall, for each such offence, incur and pay a penalty not exceeding one hundred dollars.

Using emptied packages, counterfeit stamps, &c. or having the same in possession.

317. Every manufacturer or other person who puts tobacco or cigars into any such box, bag, vessel, wrapper or envelope,—the same having been either emptied or partially emptied— or who has in his possession, or who sells or offers for sale any box or other package of tobacco or cigars, having affixed

affixed thereto any fraudulent, spurious, imitation or counterfeit stamp, or any stamp that has been previously used, or sells from any such fraudulently stamped box or package, or has in his possession any box or package as aforesaid, knowing the same to be fraudulently stamped,—and every tobacco or cigar manufacturer who shall bring or allow to be brought into his manufactory any such emptied or partly emptied stamped box or package such as is used for packing tobacco or cigars, and having attached to it any stamp or part of a stamp, whether such stamp has been defaced or not, or in whose possession the same shall be found,—and every tobacco or cigar manufacturer upon whose factory premises there shall, at any time, be found any package or packages of tobacco or cigars, the stamps or labels upon which have been unlawfully cut or broken, whether such package or packages be filled or partly filled—shall be guilty of a misdemeanor, and for a first offence shall incur and pay a penalty of not less than one hundred dollars nor more than five hundred dollars, and for a second or any subsequent offence shall incur and pay a penalty of five hundred dollars,—and in addition to such penalties shall be punishable, at the discretion of the court before which the case is tried, by imprisonment for a period of not more than three months; and all articles subject to Excise on the premises at the time such packages are discovered, shall be forfeited to the Crown, and shall be seized by any officer having a knowledge of the fact and dealt with accordingly.

Misdemeanor.

Forfeiture of stock on premises.

318. Any person who sells, or offers for sale, any manufactured tobacco or cigars, representing the same to have been manufactured and the duty paid thereon prior to the first day of July, eighteen hundred and eighty-three, when the same was not so manufactured, or the duty not so paid, shall incur and pay a penalty of not less than fifty dollars, nor more than five hundred dollars.

False representations as to date of manufacture.

319. Every person who affixes to any package containing tobacco or cigars, any false, forged, fraudulent, spurious or counterfeit stamp, or a stamp which has been before used, shall be deemed guilty of felony, and shall incur and pay a penalty of not less than one hundred dollars nor more than five hundred dollars, and shall be imprisoned for any term not less than two years nor more than five years in a penitentiary, or for any term not less than six months nor more than two years, in any common gaol or place of confinement.

Affixing forged stamps to be felony.

320. Every person who removes from any manufactory, or from any place where tobacco or cigars are made, any manufactured tobacco or cigars without the same being put up in proper packages, or without being stamped and the stamps being properly cancelled as required by law or regulations established thereunder; or who uses, sells

Penalty for unlawful removal, sale, &c. of tobacco or cigars.

Forfeiture of articles.

sells or offers for sale, or has in possession, except in the manufactory, or while in transit under bond from any manufactory, store or warehouse, to a vessel or railway car for exportation to a foreign country or for removal in bond from the manufactory or licensed bonding warehouse to another manufactory or licensed bonding warehouse, any manufactured tobacco or cigars without the proper stamps for the amount of duty thereon being affixed and cancelled, shall, for each such offence, respectively, incur and pay a penalty of not less than one hundred dollars nor more than five hundred dollars, and shall be imprisoned for a term of not less than three months nor more than two years; and all tobacco or cigars so offered or exposed for sale, or so unlawfully had in possession or without being stamped and the stamps being properly cancelled or the package branded, as herein required, shall be forfeited and shall be seized by any officer of Inland Revenue, having a knowledge of the fact, and dealt with accordingly.

Absence of stamp to be notice of non-payment of duty.

321. The absence of the proper duty paid stamp on any package of tobacco or cigars sold, or offered for sale, or kept for sale, or found in possession of other than a licensed manufacturer, or a licensed bonding warehouseman, and then only in his manufactory or in a licensed bonding warehouse, shall be notice to all persons that the duty has not been paid thereon, and shall be *prima facie* evidence of the non-payment thereof; and such tobacco or cigars shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue or Customs having knowledge of the fact, and dealt with accordingly: Provided, that tobacco or cigars made, packed and stamped prior to the coming into effect of the provisions of this Act, and which shall have had the stamps thereon removed in accordance with the requirements of "The Inland Revenue Act, 1880," and the Act amending the same, shall not, until the first day of January, one thousand eight hundred and eighty-four, be liable to forfeiture, when sufficient proof is produced as to their being legally in the possession of the holder thereof: Provided also, that tobacco and cigars removed in bond, and having only the removal permit stamp thereon, or removed for exportation and having only the exportation stamp or brand thereon, shall not be liable to the forfeiture by this section provided, when regularly and legally in transit.

Proviso: as to goods packed before 30th June, 1883.

Receiving goods from manufacturer not duly licensed.

322. Every person who knowingly purchases or receives for sale any manufactured tobacco or cigars from any manufacturer not duly licensed under this Act shall, for each offence, incur and pay a penalty of two hundred dollars and shall, in addition thereto, forfeit all the articles so purchased or received for sale, or the full value thereof.

Receiving goods not packed and

323. Every person who purchases or receives for sale any manufactured tobacco or cigars which have not been packed and

and branded or stamped according to law, shall incur and pay a penalty of two hundred dollars for each offence, and shall, in addition, forfeit all the articles so purchased or received for sale or the full value thereof.

stamped according to law.

324. Every manufacturer of tobacco or cigars who neglects or refuses to put up in a conspicuous place in each room or compartment in his manufactory, the notice required by section two hundred and forty-seven of this Act shall incur and pay a penalty of fifty dollars for the first offence and of one hundred dollars for each subsequent offence.

Penalty on manufacturer not affixing notice in each room.

325. Every manufacturer or importer of tobacco or cigars who neglects to print on or affix to any package containing tobacco or cigars made or imported by or for him, or sold or offered for sale by or for him, the notice or caution label required to be affixed to packages of tobacco or cigars by the provisions of this Act, and every person who removes any such label so affixed from any such package, shall incur and pay a penalty of fifty dollars for each package in respect of which such offence shall be committed.

Not affixing caution label to packages.

326. Any manufacturer of tobacco or cigars who shall cause or permit to be brought into, or into whose manufactory there shall be brought any raw leaf tobacco through any other entrance than the one mentioned in the papers accompanying his application for a license and designated by the sign "Raw Leaf Tobacco Entrance;" or—

Bringing raw tobacco into factory un- lawfully.

2. Who, having obtained a license to manufacture exclusively from raw leaf tobacco grown in Canada, shall use in or bring into, or permit to be used in or brought into his manufactory any foreign raw leaf tobacco; or—

Bringing in foreign leaf unlawfully.

3. Who omits to enter or who allows any person in his employ to omit to enter in the inventories, statements, books or returns kept or made in pursuance of this Act, or of any regulations made thereunder a true account of all tobacco of Canadian or foreign growth brought into his manufactory:—

Omitting entries.

Shall, for each such offence, incur and pay a penalty of not less than two hundred nor more than one thousand dollars; and all goods subject to excise found on the premises wherein any such offence is committed shall be forfeited to the Crown and shall be dealt with accordingly.

Penalty and forfeiture of goods.

327. Except as herein specifically provided, every person who sells or offers for sale, or not being a licensed tobacco or cigar manufacturer, has in his possession, any kind of manufactured tobacco or cigars not put up in packages

Penalty for unlawfully having or selling manufactured tobacco or cigars.

packages and stamped in accordance with the provisions of this Act, shall incur and pay a penalty of not less than fifty dollars nor more than five hundred dollars; and any tobacco or cigars so found, which shall not be put up in packages and stamped as herein provided, shall be forfeited and shall be seized and dealt with accordingly.

The same as to imported tobacco or cigars.

328. Every person who sells or offers for sale any imported tobacco or cigars, or tobacco or cigars purporting or claimed to have been imported, not put up in packages and stamped as provided by this Act, shall incur and pay a penalty of not less than fifty dollars nor more than five hundred dollars: Provided, that the provisions of this section shall not interfere in any way with tobacco or cigars imported and lawfully packed and stamped in compliance with the regulations in force prior to the coming into force of this Act.

Proviso. ;

Selling cigars unlawfully packed or fraudulently branding, &c.

329. Every person who sells or offers for sale, or delivers, or offers to deliver any cigars in any other form than in new boxes, as by this Act provided, or who packs in any box any cigars in excess of the number required by law to be put in each box respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of duty than that required by law, shall incur and pay a penalty for each offence of not less than fifty dollars nor more than five hundred dollars.

Forfeiture of cigars improperly packed or branded, &c.

330. Whenever any cigars are removed from any manufactory, or place where cigars are made, without being packed in boxes as required by the provisions of this Act, or without the proper stamps thereon, denoting the duty, or without the stamping, indenting, burning or impressing into each box, in a legible and durable manner, of the number of the cigars contained therein, the number of the manufactory and the number of the Inland Revenue division in which the manufactory is situated; or without the properly affixing thereon and the cancelling of the stamp denoting duty on the same; or whenever any cigars are offered for sale, not properly boxed and stamped, such cigars shall be forfeited to the Crown; and every person who commits any offence against the provisions of this section, shall incur and pay a penalty for each such offence of not less than one hundred dollars nor more than five hundred dollars, and shall be imprisoned for a term of not less than three months nor more than two years.

Penalty on offender.

Unlawfully having sample box of cigars.

331. Any person who shall unlawfully have in his possession any sample box of cigars, shall, for the first offence, incur and pay a penalty of fifty dollars, and for a second or any subsequent offence, shall incur and pay a penalty of five hundred dollars.

332. Cigar manufacturers employing any cigar maker who shall have neglected or refused to register his name and residence, in accordance with the provisions of this Act, shall incur and pay a penalty of five dollars for each day that such cigar maker so offending by neglect or refusal to register shall be employed by him.

Employing unregistered cigar maker.

REPEAL—APPLICATION OF ACT—SHORT TITLE.

333. Subject to any special provision made in the foregoing enactments, this Act shall come into force upon, from and after the day of the passing thereof, and upon, from and after the said day, the Act forty-third Victoria, chapter nineteen, intituled "*An Act to consolidate and amend the Acts respecting the Inland Revenue,*" and the Act forty-fifth Victoria, chapter eight, intituled "*An Act to amend the 'Inland Revenue Act, 1880,'*" and all Acts, enactments or provisions of law, inconsistent with this Act are hereby repealed, and this Act is substituted for them: Provided always, that all Acts or enactments repealed by any of the said Acts shall remain repealed, and that all Orders in Council and regulations made under the Acts hereby repealed shall remain in force until revoked or altered by competent authority; and all things lawfully done and all rights acquired under the said Acts, or any of them, shall remain valid and may be enforced, and all offences committed or liabilities incurred under them or any of them, may be prosecuted, punished and enforced, and all proceedings and things lawfully commenced under them, or any of them, may be continued and completed, under the said Acts or under corresponding provisions of this Act,—which shall not be construed as a new law but as a consolidation and continuation of the said repealed Acts,—subject to the amendments and new provisions hereby made and incorporated with them; and any thing heretofore done, or any obligation, penalty or liability heretofore incurred in pursuance or in contravention of any provisions in any of the said repealed Acts which is repeated without material alteration in this Act, may be alleged or referred to as having been done or incurred in pursuance or in contravention of the repealed Act in which such provision was made, or of this Act; and every such provision shall be construed as having and as having had the same effect and from the same time as under such repealed Act; and any reference in any former Act or document to any such provision in any of the said repealed Acts shall hereafter be construed as a reference to the corresponding provision in this Act.

Commencement of Act.

Repeal of inconsistent enactments.

Proviso: as to rights acquired, &c.

How this Act shall be construed.

As to references in former Acts to Acts hereby repealed.

334. This Act shall extend and apply to the whole Dominion of Canada, subject always to the provisions respecting intoxicants in the Acts relating to the North-West Territories

Extent and application of Act.

As to N.W.T. and Keewatin. Territories and the District of Keewatin,—in which no license to manufacture any intoxicant shall issue, except under an Order in Council as provided in the said Acts: Provided always, that no license shall be issued under this Act, nor shall any business subject to excise be carried on in any surveyed or unsettled tract of country, nor shall any such license issue or such business be carried on in any district or place to be designated in an Order in Council to that effect, so long as such order shall be in force.

Proviso: As to unsettled tracts, &c.

Short title. **335.** This Act may be cited as “*The Consolidated Inland Revenue Act, 1883.*”

SCHEDULE.

Imitations of British or foreign wines, brandy, rum, gin, Old Tom, Geneva schnapps, British or foreign whiskey and bitter liquors and cordials when containing alcohol.

CHAP. 16.

An Act to make further provision respecting the Regulation and Collection of Tolls on Government Timber Slides and other Works constructed to facilitate the transmission of Timber, Lumber and Saw-logs.

[Assented to 25th May, 1883.]

Preamble. **W**HEREAS it is necessary to make more ample provision respecting the regulation of tolls imposed for the use of slides and other works under the control of the Government of Canada, and used for the purpose of facilitating the transmission of timber and lumber down rivers and streams, and also respecting the collection of such tolls, and the imposition and enforcement of penalties under the law, or any regulation made thereunder: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation of terms in this Act. **1.** In this Act, the term “*Works*” means and includes the slides, booms, dams, bulkheads, and other works and improvements for facilitating the transmission of timber and lumber down any river or stream, which are under the control of the

the Government of Canada; and the term "*Collector of tolls and dues,*" means and includes every officer authorized by competent authority to receive any tolls, dues, or charges whatsoever, payable by any person using or taking advantage of any works to which this Act applies.

2. All works to which this Act applies shall, as respects the construction, repair, maintenance and management thereof, be under the control of the Department of Public Works, and as respects the collection of tolls and dues on any timber, lumber or saw-logs passing through or using the said works, the same shall be under the control of the Department of Inland Revenue.

Control to be in Dept. of Public Works.

3. In addition to the powers now in him vested by law in that behalf, the Governor in Council may, from time to time, make, revoke, alter or amend regulations as respects matters relating to such works as aforesaid, and not specially provided for by this or any other Act, and for fixing the rates of toll, and the dues to be charged for the use of any such works, or of any series of such works (the rates in such latter case to be denominated through rates) and providing for the manner in which such tolls and dues shall be ascertained and collected, and also for imposing fines and penalties for any infraction of such regulations, not exceeding in any one case five hundred dollars; and such fines and penalties shall be recoverable in any court of competent jurisdiction:

Regulations may be made by the Governor in Council.

2. And the Governor in Council may make regulations authorizing a Collector of tolls and dues on any works, in any case or class of cases to be specified in the regulation, to require any assertion of fact or any statement in relation to any matter to which this Act or any regulation made under it relates, to be verified by the oath of the person making such assertion of fact or statement; and the oath so authorized may be administered by any Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits for use in any court in Canada, or by the Collector of tolls and dues.

Verification of statements by oath may be required.

4. All tolls and dues chargeable for the transmission of timber, lumber or saw-logs through or over any works shall be a first charge or lien on all or any part of such timber, lumber or saw-logs (each part being liable for the whole), and the same shall be liable for the payment of the tolls and dues thereon, so long as, and wheresoever, the said timber, or any part of it, may be found, whether it be, or be not, converted into deals or boards; and all officers or agents employed in the collection of such tolls and dues, and all persons acting under the authority of such officers or agents may follow all such timber and may seize and detain the same wherever it be found, until the dues thereon are paid or secured as provided by

Tolls and dues to be a first charge on the timber.

Seizure thereof by officers.

Lien not affected by transfer.

by this Act or by any regulation made thereunder; and no transfer, assignment, sale, mortgage or delivery to another party, or change of owner, shall affect the claim or lien of the Crown on any timber, lumber or saw-logs, or sawn lumber, in respect of which, or of the timber, lumber or saw-logs out of which such sawn lumber was manufactured, any tolls or dues for the use of any works remain due and unpaid, saving always the right of the innocent holder to any remedy which he may have at law against the person from whom he received such timber, lumber or saw-logs, or the product thereof: Provided always, that no part of any such timber, lumber, saw-logs, or the product thereof, when *bonâ fide* sold, assigned or transferred, shall be liable for more than double the tolls or dues accrued, in proportion to the amount chargeable upon the whole, upon such timber, lumber or saw-logs, or upon the timber, lumber or saw-logs from which the product was manufactured, in addition to the costs, if any, incurred in connection therewith :

Proviso: in case of *bonâ fide* sale.

If product is mixed with any other sawn lumber, the whole to be liable.

2. And if any timber, lumber or saw-logs, in respect of which tolls or dues are chargeable, have been converted into sawn lumber and placed in any yard or piling ground with other sawn lumber, in such way that the identity thereof cannot be ascertained, then, and in that case, all the sawn lumber in such yard or piling ground shall be deemed to be the product of timber, lumber or saw-logs which have passed over or through works to which this Act applies, and shall be liable for all tolls and dues with which the timber, lumber or saw-logs, the product of which has been so placed with other sawn lumber in such yard or piling ground, are chargeable.

Sale of timber seized if tolls and dues are not paid.

5. If any timber, lumber or saw-logs, or product thereof, so seized and detained for non-payment of tolls, dues, penalties and expenses remain more than thirty days in the custody of the Collector or person appointed to guard the same, without the tolls, dues, penalties and expenses being paid, then the Minister of Inland Revenue may order a sale of the said timber, lumber or saw-logs, or product thereof, to be made after such notice as he may deem sufficient; and the balance of the proceeds of such sale, after retaining the amount of tolls, dues, penalties and costs incurred, shall be paid to the owner or claimant of such timber, lumber or saw-logs, or product thereof; and should there not be sufficient realized from such sale to defray such tolls, dues, penalties and expenses, the amount remaining unpaid may be recovered, with costs, in any court having civil jurisdiction to the amount, by the Collector of tolls and dues in his own name, or in the name of Her Majesty: Provided always, that the whole amount of tolls and penalties may be recovered in like manner with costs from the owner or party in possession

Application of balance of proceeds.

Proviso: for recovery by suit.

sion of such timber, lumber or saw-logs, or product thereof, by the Collector of tolls and dues, should he, by permission of the Minister of Inland Revenue, choose that method of collection: Provided also, that all pecuniary penalties imposed by any regulation made by the Governor in Council under this Act may be recovered by the collector of tolls and dues, if he sees fit, by summary proceedings before any Justice of the Peace under the sixty-first section of the "Act respecting the Public Works of Canada," which applies to the works herein referred to.

Proviso: recovery under Public Works Act.

6. Any officer or person seizing timber, lumber or saw-logs, or any product thereof, in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the property so seized; and if any person under any pretence, either by assault, force or violence, or by threat of assault, force or violence, in any way resists or obstructs any officer or person acting in his aid in the discharge of his duty under this Act,—such person, being convicted, shall be adjudged guilty of felony, and shall be punishable accordingly.

Officer may call in assistance.

7. It shall be the duty of Collectors of Customs, officers of canals, and all other Government officers, when requested so to do, to co-operate with the Collector of tolls and dues and his assistants, with the view of preventing the transport of timber, lumber or saw-logs and the products thereof, till the charges thereon are secured.

Other officers to assist when called upon.

8. All managers and officers of railways, on being requested by the Collector of tolls and dues, shall render a correct account of all timber, lumber and saw-logs being forwarded by their respective railways, stating kinds and quantities, and specifying the owners thereof or by whom sent; and should any of such managers or officers refuse or neglect to give the required information, the Collector of tolls and dues or person acting for him may, if he have reasonable cause to believe that the tolls and dues thereon have not been paid, seize and detain such timber, lumber or saw-logs together with the cars employed in removing them; and such cars and timber, lumber or saw-logs shall be forfeited to Her Majesty, unless it shall be proved that the tolls and dues on such timber, lumber or saw-logs have been paid, or that the timber, lumber or saw-logs are not liable for any such tolls or dues; and the Minister of Inland Revenue may order the same, when so forfeited, to be sold at his discretion; and the managers and officers of railways so refusing or neglecting to give the information above required, or giving false information, shall be personally liable to a penalty of not less than one hundred dollars and not more than five hundred dollars, to be recovered in any court of competent jurisdiction.

Returns to be made by railway officers.

Detention and forfeiture if timber dues are not paid.

Penalty in default of returns aforesaid.

Removing timber seized to be felony.

9. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away or causes to be taken or carried away, without the permission of the officer or person who seized the same, or of some competent authority, any timber, lumber or saw-logs or product thereof, seized and detained under this Act, before the same have been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, lumber or saw-logs, or product thereof, and to be guilty of felony, and shall be punishable accordingly.

Burden of proof of payment to lie on owner or claimant.

10. And when any timber, lumber or saw-logs, or product thereof, are seized for non-payment of tolls or dues, or any prosecution is brought for tolls or dues and penalties under this Act, and any question arises whether the tolls or dues have been paid on such timber, lumber or saw-logs or product thereof, or whether the same are liable to tolls or dues for having used the works in respect of which the same are charged, the burden of proving payment or that the works were not used, shall lie on the owner or claimant of such timber, lumber or saw-logs, or product thereof, and not on the officer seizing the same, or instituting such prosecution.

If security is given, property may be released.

11. It shall be lawful for the Collector of tolls and dues, with the sanction of the Minister of Inland Revenue, to release from seizure any timber, lumber or saw-logs, or product thereof, seized under this Act, and to deliver the same to the alleged owner, on receiving security by bond, with two good and sufficient sureties, satisfactory to him, to pay double the amount claimed as chargeable in respect of such timber, lumber or saw-logs, or product thereof; and such bond shall be taken in the name of Her Majesty; and if such seizure is maintained by competent authority, the amount actually due, with interest and costs, shall be paid forthwith to the proper officer,—otherwise the penalty of such bond shall be enforced and recovered.

Bond and enforcement of penalty if incurred.

CHAP. 17

An Act further to amend and to consolidate, as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned.

[Assented to 25th May, 1883.]

WHEREAS it is expedient, with a view to the proper and efficient administration and management of certain of the public lands of the Dominion, that the same should be regulated by statute, and divers Acts have been passed for that purpose which it is expedient further to amend and to consolidate as so amended: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

PRELIMINARY— INTERPRETATION.

1. This Act applies exclusively to the public lands included in Manitoba and the several Territories of the Dominion, which lands shall be styled and known as *Dominion Lands*; and this Act shall be known and may be cited as the "*Dominion Lands Act, 1883*"; and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say:—

	Extent of Act.
	Short title.
	Interpretation of terms.
1. The term "*Minister of the Interior*" means the Minister of the Interior of Canada;

	Minister of Interior.
--	-----------------------
2. The term "*Surveyor-General*" means the officer of the Department of the Interior bearing that designation, or the chief clerk performing his duties for the time being;

	Surveyor General.
--	-------------------
3. The term "*Agent or Officer*" means any person, or officer, employed in connection with the administration and management, sale or settlement of Dominion lands; and the term "*Local Agent*" means the Agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the term "*Land Office*" means the office of any such Agent;

	Agent, Officer
	Local Agent.
	Land office.
4. The term "*Dominion Land Surveyor*" means a Surveyor duly authorized under the provisions of this Act, to survey Dominion lands;

	Dominion Land Surveyor.
--	-------------------------

Crown Timber agent.

5 The term "*Crown Timber Agent*" means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer, in respect to the timber on Dominion lands ;

Clause.

6. The term "*Clause*" means a section of this Act, or of any Act herein cited, distinguished by a separate number ; and

Sub-clause.

the term *Sub-Clause* means a subdivision of any clause distinguished by a separate number or letter, in smaller type ;

Canada Gazette.

7. The term "*Canada Gazette*" means the official Gazette of the Government, published at Ottawa.

Pre-emption entry and right.

8. The term "*Pre-emption entry*" means the entering on the books of a Local Agent of a preferential claim to acquire by purchase, in connection with a homestead entry, and on becoming entitled to a patent for the homestead, a quarter section or part of a quarter section of land adjoining such homestead ; and the term "*Pre-emption right*" means the right of obtaining a patent for such quarter section or part of a quarter section, on the said condition and on payment of the price fixed by the Governor in Council at the time of entry, in the class of lands in which such pre-emption is comprised, in respect of land subject to pre-emption entry.

DEPARTMENT OF THE INTERIOR.

Administration and management

2. The Department of the Minister of the Interior shall be charged with the administration and management of the Dominion lands :

How effected.

2. Such administration and management shall be effected through a Branch of the said Department, to be known and designated as "*The Dominion Lands Office*" :

Governor in Council may appoint certain officers and boards. Their powers and duties.

3. The Governor in Council may appoint an officer to be styled "*The Commissioner of Dominion Lands,*" and an officer to be styled "*The Inspector of Dominion Lands Agencies,*" and such officers shall respectively have the powers, not inconsistent with the provisions of this Act, and perform the duties that may be, from time to time, conferred upon and assigned to them by order of the Governor General in Council ; the Governor in Council may also establish a "*Dominion Lands Board*" to investigate and settle all disputed questions arising out of the duties imposed upon the Commissioner of Dominion Lands and the Inspector of Dominion Lands Agencies, and all matters connected with the administration of the Dominion Lands system in

Manitoba and the North-West Territories; and such Dominion Lands Board shall be composed of such persons, and shall have such powers and authority, not inconsistent with this Act, and shall perform such duties as shall, from time to time, be prescribed by Order of the Governor in Council:

4. Copies of any records, documents, plans, books or papers, belonging to or deposited in the Dominion Lands office, attested under the signature of the Minister of the Interior or of the Surveyor-General, or any chief clerk or officer authorized thereto, and of plans or documents in any Dominion lands or Surveys office in Manitoba or the North-West Territories, attested under the signature of the Agent or Inspector of Surveys, or other officer in charge of such office, shall be competent evidence in all cases in which the original records, documents, books, plans or papers would be evidence; and lithographed or other copies of maps or plans purporting to be issued or published by the "Dominion Lands Office" of the Department of the Interior, and to have a lithographed or copied signature of the Minister of the Interior or of the Surveyor-General thereto attached, shall be received in all courts and proceedings as *prima facie* evidence of the originals, and of the contents thereof:

Certified copies of certain documents to be evidence.

As to lithographed copies, &c.

5. No person employed in or under the Department of the Interior, including the Geological Survey Branch thereof, shall purchase any Dominion lands except under authority of an Order in Council, or shall locate military or bounty land warrants, or land scrip, or act as agent of any other person in such behalf; nor shall any person so employed disclose to any person except his superior officer any discovery made by him or by any other officer of the Department of the Interior, nor any other information in his possession in relation to Dominion Lands, until such discovery or information has been reported to the Minister of the Interior, and his permission for such disclosure has been obtained.

Employees of department not to purchase Dominion lands;

Or give information without permission of Minister.

INDIAN TITLE.

3. None of the provisions of this Act shall be held to apply to territory the Indian title to which shall not, at the time, have been extinguished.

As to lands still under Indian title.

DOMINION LANDS—TOWNSHIPS.

4. The Dominion lands shall be laid off in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits, with such road allowances between sections, and of such width, as the Governor in Council may fix;

System of survey. Townships.

Sections.

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

		N.							
		31	32	33	34	35	36		
		30	29	28	27	26	25		
		19	20	21	22	23	24		
W.		18	17	16	15	14	13	E.	
		7	8	9	10	11	12		
		6	5	4	3	2	1		
		S.							

Lines bounding townships.

5. The lines bounding townships on the east and west sides shall be meridians ; and those on the north and south sides shall be chords to parallels of latitude.

How townships shall be numbered from principal meridian.

6. The townships shall be numbered, in regular order, northerly from the international boundary, or forty-ninth parallel of latitude, and shall lie in ranges numbered, in Manitoba, east and west from a certain meridian line run in the year 1869, styled the "Principal Meridian," drawn northerly from the said forty-ninth parallel at a point ten miles, or thereabouts, westerly from Pembina ; and in ranges numbered from such other initial meridians throughout the North-West Territories as the Minister of the Interior may, in his direction of the land surveys, order to be established, — such meridians to be styled the Second, the Third, the Fourth Meridian, and so on, according to their order in number westward from the Principal Meridian.

From other meridians.

Width on base lines.

7. Townships shall be given their prescribed width on the base lines hereinafter mentioned ; and the meridians between townships shall be drawn across such bases, northward and southward to the depth of two townships therefrom, that is to say, to the correction lines hereinafter mentioned.

Base lines of townships.

8. The said forty-ninth parallel, or international boundary, shall be the first base line, or that for townships numbered one. The second base line shall be between townships four and five, the third between townships eight and nine, the fourth between townships twelve and thirteen, the fifth between townships sixteen and seventeen, and so on northerly in regular succession.

Correction lines.

9. The correction lines, or those upon which the "jog" resulting from the convergence of meridians shall be allowed, shall be as follows, that is to say :—on the line between townships two and three, on that between six and seven, on that between ten and eleven, and so on. In other words,

words, they will be those lines running east and west between townships and midway between the bases.

10. Each section shall be divided into quarter sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made. Divisions of a section.

11. In the survey of a township, the deficiency or surplus, resulting from convergence of meridians shall be allowed in the range of quarter sections adjoining the west boundary of the township, and the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges of quarter sections adjoining, and north or south respectively of the said correction lines: Provided, that such deficiency or surplus, and such north and south error, or either of them, may, by the Governor in Council, be ordered to be equally distributed among all the quarter sections involved. Allowances for deficiency or surplus.
Proviso.

12. The dimensions and area of irregular quarter sections shall, in all cases, be returned by the surveyor at their actual measurements and contents. Irregular quarter sections.

13. Preliminary to the subdivision into townships and sections of any given portion of country proposed to be laid out for settlement, the same shall be laid out into blocks of four townships each, by projecting the base and correction lines, and east and west meridian boundaries of each block: Blocks of 4 townships to be first laid out.

2. On these lines, at the time of the survey, all township, section and quarter-section corners shall be marked, which corners shall govern, respectively, in the subsequent subdivision of the block. Corners to be marked.

14. Except as hereinafter provided, only a single row of posts or monuments, to indicate the corners of townships or sections, shall be placed on any survey line thereof. These posts or monuments shall, on north and south lines, be placed in the west limit of the road allowances and on the east and west lines, in the south limit of road allowances, and in all cases shall fix and govern the position of the boundary corner between the adjoining townships, sections, or quarter sections, on the opposite side of the road allowance: Posts and monuments at corners.

2. Provided, that in the case of township, section and quarter section corners on correction lines, posts or monuments shall, in all cases, be planted and marked independently for the townships on either side; those for the townships north of the line, in the north limit of the road allowance, and those for the townships south of the line, in the south limit. Proviso: as to corners on correction lines.

Surveys to be given out by contract or tender.

Proviso.

Legal sub-divisions of townships.

15. The township subdivision surveys of the Dominion lands, according to the system above described, shall be performed under contract at a certain rate per township, per mile, or per acre, fixed from time to time by the Governor in Council, or by competitive tender, as may be fixed from time to time by the Governor in Council: Provided that, in special cases, where circumstances may render it advisable to effect otherwise the survey of a township, or townships, the Governor in Council may order the same to be done.

16 To facilitate the descriptions for Letters Patent of less than a quarter section, every section shall be supposed to be divided into quarter sections, or forty acres, and such quarter sections shall be numbered as shown in the following diagram, which is intended to show such sub-divisions of a section, which shall be styled legal sub-divisions:

		N.					
		13	14	15	16		
W.	12	11	10	9			E.
		5	6	7	8		
		4	3	2	1		
		S.					

Areas to be more or less,

2. The area of any legal sub-division as above set forth shall, in letters patent, be held to be more or less, and shall in each case be represented by the exact quantity as given to such sub-division in the original survey.

Proviso: as to laying out and describing lands in certain sections.

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

DISPOSAL

DISPOSAL OF DOMINION LANDS.

LANDS RESERVED BY THE HUDSON'S BAY COMPANY.

18. Whereas by article five of the terms and conditions in the deed of surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the "Fertile Belt"; Recital.

2. And whereas by the terms of the said deed, the right to claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot; and whereas the said Company and the Government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one-twentieth of the lands, and in order further to simplify the setting apart thereof, certain sections or parts of sections, alike in numbers and position in each township throughout the said territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth; Recital.

3. And whereas it is found, by computation, that the said one-twentieth will be exactly met by allotting in every fifth township two whole sections of six hundred and forty acres each, and, in all other townships, one section and three-quarters of a section: therefore— Recital.

4. In every fifth township in the said territory, that is to say: in those townships numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections numbers 8 and 26, and in each and every of the other townships, the whole of section number 8, and the south half and north-west quarter of section number 26 (except in the cases hereinafter provided for) shall be known and designated as the lands of the said Company: Certain sections and parts of sections in certain townships to be Hudson's Bay Company's lands.

5. Provided, that the Company's one-twentieth of the lands in fractional townships shall be satisfied out of one, or other, or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships,—the allotment thereof to be effected by the Minister of the Interior and the said Company, or some person duly authorized by them respectively: Company's lands in fractional townships.

6. Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bonâ fide* settled on under the authority of any Order in Council, or Company may select lands in lieu of any found settled upon by authority.

of this Act, then, if the Company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied :

Company's lands not to be included in timber limits.

7. Provided also, as regards the sections and parts of sections as above mentioned, that where the same may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits, included in such township, but shall be held to be the property of the Company :

Company to have one-twentieth of revenue from timber limits in unsurveyed lands in fertile belt.

8. Provided further, that one-twentieth of the revenue derived from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the Company,—such one-twentieth to cease or to be diminished in proportion as the townships comprised in such limits, or any of them, may be surveyed, in which event the Company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six as hereinbefore enacted : Provided nevertheless, that on such sections being surveyed as aforesaid, should the same, or either of them, prove to have been denuded of timber by the lessee, to the extent of one-half or more, then, in such case the Company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township.

Proviso : as to lands found denuded of timber.

Title to lands to pass to Company without patent in certain cases, but by patent in others.

9. As townships are surveyed, and the respective surveys thereof confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the said Company shall be duly notified thereof by the Minister of the Interior, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the Company will be entitled under this clause, as aforesaid, and to vest the same in the said Company, without requiring a patent to issue for such lands ; and as regards the lands set apart by allotment, and those selected to satisfy the one-twentieth in townships other than the above, as provided in sub-clauses five and six, returns thereof shall be made in due course by the Local Agent, or Agents, to the Dominion Lands Office, and patents shall issue for the same accordingly.

EDUCATIONAL ENDOWMENT.

Sections 11 and 29 in each

19. And whereas it is expedient to make provision in aid of education in Manitoba and the North-West Territories, therefore

therefore sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion lands, shall be and are hereby set apart as an endowment for purposes of education, and shall be designated school lands; and they are hereby withdrawn from the operation of the clauses of this Act, which relate to the sale of Dominion lands and to homestead rights therein; and no right to purchase or to obtain homestead entry shall be recognized in connection with the said sections, or any part or parts of them.

township set apart.

And withdrawn from sale or homestead entry.

20 The school lands shall be administered by the Governor in Council, through the Minister of the Interior:

How to be administered.

2. Provided, all sales of school lands shall be at public auction, and an upset price fixed from time to time by the Governor in Council; but in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands may be situate:

Sale to be by public auction, and upset price.

Proviso.

3. Provided also, that the terms of sale of school lands shall be at least one-fifth in cash at the time of sale, and the remainder in four equal successive annual instalments, with interest at the rate of six per cent. per annum, to be paid with each instalment on the balance of purchase-money from time to time remaining unpaid:

Terms of payment.

4. Provided also, that all moneys from time to time realized from the sale of school lands shall be invested in Dominion securities, to form a school fund, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the Government of the Province or Territory within which such lands are situated towards the support of public schools therein,—the moneys so paid to be distributed for that purpose by the Government of such Province or Territory in such manner as may, by it, be deemed most expedient.

Investment of purchase moneys, and disposal of interest thereon.

MILITARY BOUNTY LAND SCRIP.

21. In all cases in which land scrip has heretofore been earned, or shall hereafter be given by the Dominion, for military services, warrants therefor shall be granted in favor of the parties entitled thereto by the Minister of Militia and Defence; and such warrants shall be recorded in the Department of the Interior:

Warrants instead of scrip for military services.

2. Such warrants shall be received, at the value shewn upon their face, in payment for any Dominion lands open for sale: Provided always, that no greater area in any township than twenty per cent. of the land, exclusive of school and

May be given in payment for lands.

Proviso.

Hudson's

Hudson's Bay Company's lands, shall be open for entry by military bounty warrants.

As to acceptance of warrants as purchase money.

3. In accepting warrants as so much purchase money, any deficiency shall be payable in cash; but should any payment by warrant or by amount in warrants, be in excess of the amount of the purchase-money, any such excess shall not be returned by the Government.

Assignments not allowed but warrants to be payable to bearer.

22. Assignments of Military Bounty warrants, or of the expectancy of the same, shall not be recognised; but the warrants shall, similarly to other land scrip, be considered payable to bearer; and the warrantees shall be at all risk of their loss, as no warrant shall be duplicated. In cases where any person entitled to a Military Bounty warrant dies before its issue, the warrant shall issue in favor of the legal representative or representatives of such deceased person.

And to pass to legal representatives.

Recital of Order in Council of 25th April, 1871, and grant under it confirmed.

23. And whereas by Order of the Governor in Council, dated the twenty-fifth April, one thousand eight hundred and seventy-one, it was declared that the officers and soldiers of the 1st, or Ontario, and the 2nd, or Quebec, Battalion of Rifles, then stationed in Manitoba, whether in the service or depot companies, and not having been dismissed therefrom, should be entitled to a free grant of land (without actual residence) of one-quarter section, such grant is hereby confirmed, and the Minister of Militia and Defence is hereby authorized and required to issue the necessary warrants therefor accordingly:

Assignments of grants under such Order, attested as herein mentioned, recognized.

2. And whereas effect could not be given to the above-mentioned Order in Council, until the lands in Manitoba had been surveyed, and in the meantime many of the said men so entitled as above have assigned their interest in such free grants,—such assignments duly made and attested, and having the certificate of discharge in the case of non-commissioned officers or private soldiers attached thereto, and filed in the Dominion Lands Office before the issue of the warrant, shall be held to transfer in each case the interest of the man so entitled in the warrant when issued,—which latter, in every such case, shall be attached, after registry, to the assignment on file, and held for delivery to the party entitled thereto, or for location.

ORDINARY SALE OF LANDS.

As to sale of surveyed lands.

24. Dominion lands, as the surveys thereof are duly made and confirmed, shall, except as otherwise herein-after provided, be open for purchase at such prices, and on such terms and conditions, as may be fixed from time to time by the Governor in Council: Provided, that no purchase shall be permitted at a less price than one dollar per acre; Provided also that, except in special cases where otherwise

Proviso.

Proviso.

ordered

ordered by the Governor in Council, no sale to one person shall exceed a section, or six hundred and forty acres; Provided further that, where deemed expedient by the Governor in Council, sales shall be restricted to the odd-numbered sections in each township; And provided also that, whenever so ordered by the Minister, such uncultivated lands as may be deemed by him expedient from time to time, may be withdrawn from ordinary sale and settlement, and sold at public auction to the highest bidder,—an upset price being fixed for the same:

Proviso.

Proviso.

Sale by auction.

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

Proviso: as to water powers, &c.

TOWN PLOTS, ETC.

25. The Minister of the Interior shall have power to withdraw from sale or homestead entry any tract or tracts of land, and to lay the same out into town or village lots, the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at public auction,—an upset price being fixed for the same:

Minister may reserve tracts for town plots, &c.

2. When the lands withdrawn from sale or homestead entry, to be laid out into town or village lots, are adjacent to lands to which any railway company is entitled, the Minister of the Interior may arrange with such company that the lands so withdrawn, and such lands of the company in the town or village as may be agreed upon, shall be sold on joint account and on such terms as may appear just and equitable, and the lands so withdrawn may be granted to the company or to such person as the Government and the company shall agree upon for the purposes of such sale. A deed from the grantee to the purchaser of any lands so withdrawn and sold, shall give the latter a good and valid title, free from all charges, incumbrances and trusts not expressed in the deed of conveyance executed by the grantee.

And arrange with any railway company as to sale of such lands.

Conveyance from grantee.

26. The Governor in Council may set apart and appropriate such Dominion lands as he may deem expedient, for the sites of market places, gaols, court houses, places of public worship, burying grounds, schools, benevolent institutions, squares, and for other like public purposes, and at any time before the issue of letters patent therefor, may alter or revoke such appropriation, as he deems expedient; and he may make free grants for the purposes aforesaid of the lands so appropriated,—the trusts and uses to which they are to be subject being expressed in the letters patent.

Governor in Council may set apart lands for other public purposes.

HOMESTEAD RIGHTS.

Entry for homestead rights; area limited.

27. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, shall, on making application in the form A in the schedule to this Act, be entitled to obtain homestead entry for any quantity of land not exceeding one quarter section, and being of the class of land open, under the provisions of this Act, to homestead entry :

Pre-emption entry therewith.

2. Such person shall also, in connection with such homestead entry, be entitled to the privilege of obtaining at the same time, but not at a later date, a pre-emption entry for an adjoining unoccupied quarter-section or part of a quarter-section of land of the said class :

Effect of such homestead and pre-emption entry.

3. The entry for a homestead and for its attached pre-emption, if any, shall entitle the recipient to take, occupy and cultivate the land entered for, and hold possession of the same to the exclusion of any other person or persons whomsoever, and to bring and maintain actions for trespass committed on the said land ; the title to the land shall remain in the Crown until the issue of the patent therefor, and the said land shall not be liable to be taken in execution before the issue of patent :

Exemption from execution.

To apply only to agricultural and surveyed lands.

4. The privilege of homestead and pre-emption entry shall only apply to surveyed agricultural lands ; no person shall be entitled to such entry for land valuable for its timber, or for hay land, or for land on which there is a stone or marble quarry, or coal or other mineral having commercial value, or whereon there is any water power which may serve to drive machinery, or for land which, by reason of its position, such as being the shore of an important harbor, bridge site or canal site, or being either an actual or prospective railway terminus or station, it will be in the public interest to withhold from such entry.

As to rights of persons having settled on lands before survey.

28. Whenever the survey of any township has been finally confirmed and such township opened for homestead entry, any person who has *bonâ fide* settled and made improvements before such confirmed survey on land in such township, shall have a prior right to obtain homestead entry for the land so settled on, provided such right be exercised within three months after the land is open for settlement ; and provided that such land has not been reserved or the right to homestead entry is not excepted under the provisions of this Act. No homestead entry shall be granted to any other person in respect of such land until three months after notice in writing shall have been given by the Local Agent to such *bonâ fide* settler that such land is open for settlement.

Proviso :

As to homestead entry thereafter.

29. To obtain homestead entry it shall be necessary for the person applying therefor to appear and make affidavit before the Local Agent according to form B, C, D, or E, in the schedule to this Act, as the circumstances of the case require : upon filing such affidavit with the Local Agent, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the Local Agent according to the form F in the schedule to this Act ; and such receipt shall be a certificate of entry, and shall be authority to the person obtaining it to go into possession of the land described in it.
- Affidavit to be made by applicant for homestead entry.
Fee.
2. If a person obtaining homestead entry applies for and obtains at the same time a pre-emption entry, he shall pay to the Local Agent a further office fee of ten dollars, and shall receive therefor from him a receipt in like form, and having like effect to that prescribed for homestead entry :
- Further fee on pre-emption entry.
3. Provided, that in the case of intending immigrants or other persons proposing to settle together, the Minister of the Interior or the Land Board, on requisition signed by them, may authorize any person they name to obtain homestead and pre-emption entries for them, before their arrival in the territory in which the land they desire to occupy is situate :
- As to immigrants or others intending to settle together.
4. The person so authorized shall, to obtain such entries, make application in the form G in the schedule to this Act, on behalf of each of those whom he represents, and shall make affidavit before the Local Agent according to form H, J, K, or L, in the schedule to this Act, as the circumstances require, and pay for each homestead and for each pre-emption entry the office fee of ten dollars hereinbefore prescribed for such entry.
- Application in such case.
Fees.
5. Persons occupying land owned by them may obtain homestead entry for any contiguous land open to the same ; but the whole extent of land, including that previously owned and occupied, must not exceed one quarter section.
- As to entry by occupants of contiguous lands.
6. A person applying for such entry for contiguous land must, when making the affidavit prescribed for homestead entry, also describe therein the tract he owns and lives upon ; and his residence upon and cultivation of the whole shall thereafter be of the kind and for the term required by the provisions of this Act in the case of ordinary homestead entry, before he shall be entitled to patent for the part so entered for : Provided, that such residence and cultivation may be upon and of either the land originally occupied by him, or that for which homestead entry has been obtained, or both.
- Affidavit in case of application by owner of contiguous land.
Proviso : as to residence, &c.
30. In case a dispute arises between persons claiming the right to homestead entry for the same land, the
- Investigation in case of dispute between
Local

Persons claiming entry for the same land.

Local Agent, or any person thereto authorized by the Minister of the Interior, shall make investigation and obtain evidence respecting the facts, and his report thereon, together with the evidence taken, shall be referred to the Minister of the Interior for decision, or to the Dominion Lands Board, Commissioner of Dominion Lands, or such person as may be appointed by the Governor in Council to consider and decide in cases of such disputes :

First settler entitled to entry, unless contrary to public interest.

2. Provided that, when two or more persons have settled upon and seek to obtain homestead entry for the same land, the one who settled first thereon shall be entitled to such entry if the land be of the class open to homestead entry, and if it be not in the opinion of the Minister of the Interior otherwise inexpedient, in the public interest, to entertain any application therefor :

Provision in case contending parties have made valuable improvements.

3. Provided further that, where contending parties have made valuable improvements on the land in dispute, the Minister of the Interior, if the application to acquire the land by homestead entry is entertained by him, may order a division thereof in such manner as shall preserve to each of them as far as practicable, his improvements ; and the Minister may, at his discretion, direct that what the land so allotted to each of them may be deficient of a quarter-section shall be made up from unoccupied land adjoining, if there be any such of the class open to homestead entry.

Delay for perfecting entry limited.

31. Any person who has obtained homestead entry shall be allowed a period of six months from its date within which to perfect the entry by taking, in his own person, possession of the land and beginning continuous residence thereon and cultivation thereof ; and if the entry be not perfected within that period, it shall be void, and the land shall be open to entry by another person, or to other disposition under this Act by the Minister of the Interior :

Proviso : as to entry obtained after 1st September.

2. Provided, that any person who has obtained entry on or after the first of September in any year, and whose term for perfecting the same expires before the first day of June following, shall be allowed an extension of time to the latter date within which to perfect his entry :

Proviso in case of immigrants from places out of N.A.

3. Provided further, that in the case of immigrants from elsewhere than the North American Continent, the Governor in Council may extend the time for the perfecting of entry to twelve months from the date thereof.

Case of immigrants forming a hamlet or village.

32. In case a certain number of homestead settlers, embracing not less than twenty families, with a view to greater convenience in the establishment of schools and churches,

churches, and to the attainment of social advantages of like character, ask to be allowed to settle together in a hamlet or village, the Minister of the Interior may, in his discretion, vary or dispense with the foregoing requirements as to residence, but not as to the cultivation of each separate quarter-section entered as a homestead.

3. At the expiration of three years from the date of his perfecting his homestead entry, the settler, or in case of his death, his legal representatives, upon proving to the satisfaction of the Local Agent, that he, or they, or some of them have resided upon and cultivated the land during the said term of three years, shall be entitled to a patent for the land, provided such proof is accepted by the Commissioner of Dominion Lands, or the Land Board: Provided also, that the patent therefor shall not issue to any person not then a subject of Her Majesty by birth or naturalization:

When and on what conditions a settler may obtain his patent.

Proviso: must be a subject of H. M.

2. Provided that, in the case of a settler who may have obtained homestead entry for land occupied by him previous to survey thereof, in manner hereinbefore mentioned, residence upon and cultivation of the land for the three years next preceding the application for patent, shall, for the purpose of the issue of patent, be held equivalent to that prescribed in the foregoing sub-clause, if such residence and cultivation be otherwise in conformity with the provisions of this Act.

Case of settler obtaining entry before survey.

3. Any person proving that he has resided on the land for which he has homestead entry for twelve months from the date of his perfecting his entry therefor, and that he has brought under cultivation at least thirty acres thereof, may, before the expiration of the three years defined in sub-clause one of this clause, obtain a patent by paying the Government price at the time for the land.

Or residing 12 months and performing other duties before the end of three years.

4. Proof of such residence and cultivation shall be made by affidavit before the Local Agent by the claimant, and corroborated by the testimony on oath of two disinterested witnesses resident in the vicinity of the land affected by their evidence, and accepted as sufficient by the Commissioner of Dominion Lands or the Land Board.

Proof of residence and cultivation in such case.

5. And if, in connection with the homestead entry, the settler has heretofore obtained, or hereafter obtains, a pre-emption entry in accordance with the provisions of this Act, he shall, on becoming entitled to a patent for his homestead, be also entitled to a patent for the land included in such pre-emption entry, on payment of the price fixed in accordance with the provisions of this Act by the Governor in Council; but such pre-emption right, if not exercised and payment made within six months after

Right of settler who has also obtained pre-emption entry and pays the price.

Proviso.

the settler shall have become entitled to claim a patent under his homestead entry, shall be forfeited, and such pre-emption shall not thereafter be open to homestead entry without the consent of the Minister of the Interior.

Forfeiture of right by non-residence.

34. In case it is proved to the satisfaction of the Minister of the Interior that a settler has not resided upon and cultivated his homestead, except as herein provided for, at least six months in any one year, the right to the land shall be forfeited, and the entry therefor shall be cancelled; and the settler so forfeiting his entry shall not be eligible to obtain another entry except in special cases in the discretion of the Minister of the Interior :

Proviso : in case of sickness, &c.

2. Provided, that in cases of illness, vouched for by sufficient evidence, or in the cases of immigrants requiring to return to their native land to bring out their families to their homesteads, or in other special cases, the Minister of the Interior may, in his discretion, grant an extension of time, during which a settler may be absent from his homestead, without prejudice to his right therein; but the time so granted shall not count as residence.

Sale of homestead of which entry is cancelled.

35. A homestead, the entry of which has been cancelled, may, at the discretion of the Minister, be held for sale of the land with the improvements, if any,—or of the improvements only, in connection with homestead entry thereof,—to another person.

Assignments before patent to be void.

36. Any assignment or transfer of homestead or pre-emption right or any part thereof, and any agreement to assign or transfer any homestead or pre-emption right or any part thereof after patent, which shall have been obtained, made or entered into before the issue of the patent, shall be null and void; and the person so assigning or transferring or making an agreement to assign or transfer, shall forfeit his homestead and pre-emption right, and shall not be permitted to make another homestead entry: Provided, that a person whose homestead or homestead and pre-emption may have been recommended for patent by the Local Agent and who has received from such Agent a certificate to that effect in the form M, in the Schedule to this Act, countersigned by the Commissioner of Dominion Lands, may legally dispose of and convey, assign or transfer his right and title therein.

Forfeiture.

Proviso : in case of recommendation for patent by local agent.

Condition on which a patentee may obtain another homestead entry.

37. Any person who has obtained a homestead patent after three years' residence, or a certificate countersigned by the Commissioner of Dominion Lands, as in the next preceding clause mentioned, with the additional statement that there has been three years' residence, may obtain another homestead and pre-emption entry.

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

Governor in Council may order advances to immigrants for certain purposes, to be a lien upon their homesteads.

Proviso:

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

Conditions on which such lien may be allowed.

(b) That an acknowledgment by such immigrant of the debt so incurred shall have been filed in the office of the Local Agent;

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

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

2. If an immigrant to whom an advance has been made, as in this clause provided, and by whom or for whom a homestead entry, or homestead and pre-emption entries, have been obtained, forfeits such entry or entries under the provisions of this Act, the Minister of the Interior may, in his discretion, treat the person by whom such advance was made as if he were the person who had obtained such entry or entries, or his legal representative, and as if, up to the time of his being so treated, no forfeiture of the entry had taken place; and if, under like circumstances, the immigrant, by or for whom a homestead entry or homestead and pre-emption entries have been obtained, has acquired a right to receive a patent for the land forming the subject of such entry or entries after three years' residence, and does not apply for the issue of the same, the person or persons by whom the advance was made may obtain such patent or certificate for patent in the name of the person so entitled to obtain the same, or of his legal representatives, and thereupon the advance made shall be a statutory mortgage on such homestead.

Provision in case the immigrant forfeits his right to the homestead.

His right to pass to the party making the advance.

Provision when right to patent has been acquired.

DISCONTINUANCE OF PRE-EMPTIONS.

39. The privilege of pre-emption, in connection with a homestead entry, shall be discontinued from and after the first day of January, A.D., 1885.

Pre-emption to be discontinued after 1st Jan, 1885.

GRAZING LANDS.

40. The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons for such term of years, and at such rent in each case, as may be deemed expedient; and every such lease shall contain a condition by which the Governor in Council may authorize the Minister of the Interior, at any time during the term of the lease, to give the lessee notice of cancellation thereof; and, at the end of two years from the service of such notice, such lease shall cease and determine.

Special provisions as to lease of grazing lands.

Condition for cancellation of lease.

HAY LANDS.

41. A settler in the vicinity of unoccupied hay lands may obtain a lease, for an area thereof not exceeding a quarter quarter section, or forty acres, for such term and at such rent as the Minister of the Interior may deem expedient; but such lease shall not operate to prevent, at any time during its term, the sale or settlement of the land: in the case of either, the lessee shall be paid by the purchaser or settler for fencing, or other improvement made, such sum as the Local Agent may fix; and the lessee shall be allowed to remove any hay he may have cut.

Leases of hay lands.

Proviso.

In case of sale or settlement.

MINING AND MINING LANDS.

42. Lands containing coal or other minerals, whether in surveyed or unsurveyed territory, shall not be subject to the provisions of this Act respecting sale or homestead entry, but shall be disposed of in such manner and on such terms and conditions as may, from time to time, be fixed by the Governor in Council by regulations to be made in that behalf.

Mineral and coal lands to be disposed of under Order in Council.

Gold or silver mines not to pass by grant of land containing them.

43. It is hereby declared that no grant from the Crown, of lands in freehold or for any less estate, has operated or will operate as a conveyance of the gold or silver mines therein, unless the same are expressly conveyed in such grant.

Rights of discoverers of minerals.

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

TIMBER

TIMBER AND TIMBER LANDS.

WOOD FOR SETTLERS.

45. Whereas it is expedient that the timber in townships thrown open for settlement, should be so disposed of as to benefit the greatest possible number of settlers, it is therefore enacted as follows:—

Recital.

1. The Minister of the Interior may direct that in the sub-division of townships which consist partly of prairie and partly of timber land, the timber lands shall be divided into wood lots of not less than ten, and not more than twenty acres each, in such manner as to afford, as far as practicable, one such wood lot to each quarter-section prairie farm :

Minister may set apart land for wood lots.

2. Provided, that if a quarter-section be found to contain timber-land not exceeding in extent twenty-five acres, such timber-land shall be appurtenant to such quarter-section and shall not be divided into wood lots.

Proviso: as to quarter sections having wood on them.

3. Out of any wood lots set apart under sub-clause one of this clause, the Local Agent shall, on application, apportion a wood lot to each settler on a homestead quarter section not having on it more than ten acres of woodland ; and such wood lot shall be paid for by the applicant at the price for wood lots fixed at the time by the Minister of the Interior, and shall be entered in the books of the Local Agent, and be given by him, in his returns, as appertaining to such homestead quarter-section ; and on the homestead claimant fulfilling all the requirements of this Act in that behalf, but not otherwise, a patent shall issue to him for such wood lot : Provided always, that any person to whom a wood lot was apportioned, in connection with a homestead under the provisions of sub-clause five of clause forty-six of "*The Dominion Lands Act of 1872*," having duly fulfilled the conditions of such homestead grant, shall receive a patent for such wood lot as a free grant, as provided in the said sub-clause, notwithstanding the repeal of the said sub-clause by the Act thirty-seventh Victoria, chapter nineteen : Provided further, that the cancellation of a homestead entry shall carry with it the cancellation of the entry of the wood lot which may have been apportioned thereto, and also the forfeiture of the purchase money of such wood lot :

Assignment of wood lot to each homestead.

Price to be paid by settler.

Proviso for free grants in certain cases.

Proviso if: homestead entry is cancelled.

4. Provided, that any holder of a homestead entry, who, previously to the issue of the patent, shall sell any of the timber on either his homestead or pre-emption quarter-section, or on the appurtenant wood lot, to saw-mill proprietors or to any other than settlers for their own private use, without having previously obtained permission so to do from the Minister of the Interior, shall be guilty of a trespass, and may

Proviso: against sale of timber to saw-mills, &c. before patent.

Punishment for so doing. may be prosecuted therefor before a Justice of the Peace, and upon conviction thereof, shall be subject to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment at the discretion of the court; and further, such person shall forfeit his homestead and pre-emption rights, and the timber so sold shall be subject to seizure and confiscation in the manner provided by clause sixty-four of this Act.

TIMBER BERTHS.

"Timber" defined. **46.** In the enactments and provisions in the twenty-three next following clauses, the word "*Timber*" means all wood and all products thereof.

Timber districts. **47.** The Governor in Council may, from time to time, declare districts of territory to be timber districts, and no lease of a timber berth shall be granted except within timber districts so set apart.

Division of such districts into timber berths by Minister. Regulations respecting grant of such berths. **48.** The Minister of the Interior may set apart any tract of land in any timber district, and may cause the same to be divided into timber berths not exceeding in area fifty square miles each; and the same shall be reserved from sale and settlement; and, under such regulations as may be made by the Governor in Council respecting the ground rents, royalties or other dues which are to be paid in connection therewith, leases of the right to cut timber on such berths may be granted as hereinafter provided.

Sale of leases of such berths; conditions thereof. **49.** The Governor in Council may, from time to time, order that leases of the right to cut timber on certain timber berths defined in the order shall be offered at public auction at an upset bonus fixed by the order, and given to the person bidding, in each case, the highest bonus therefor—such bonus to be paid in cash at the time of sale: the Governor in Council may also authorize the lease of the right to cut timber on any timber berth to any person who is the sole applicant for it,—the bonus to be paid by such applicant to be fixed in the order authorizing the lease to him, and to be paid in cash at the time of its issue:

When there is more than one applicant for a berth. **2.** When one or more persons apply for the right to cut timber upon the same berth, the Governor in Council may authorize the Minister of the Interior to invite tenders from the applicants, or the public; and the person tendering the highest cash bonus therefor, shall be entitled to the lease.

Duration of leases; and as to renewal. **50.** Leases of timber berths shall be for a term not exceeding one year, and the lessee of a timber berth shall not be held to have any claim whatever to a renewal of his lease unless such renewal is provided for in the Order in Council

Council authorizing it, or embodied in the conditions of sale or tender, as the case may be, under which it was obtained :

2. Renewal of a lease shall not be given in any case where the lessee has failed to pay any ground-rent, royalty or other dues in connection therewith. No renewal in certain cases.

51. The lease shall describe the lands upon which the timber may be cut, and shall, during its continuance, vest in the lessee all rights of property whatsoever in all trees, timber, wood or other products of wood, cut within the limits of the leasehold, whether such trees, timber and wood or products be cut by his authority or by any person without his consent ; and such lease shall entitle the lessee to seize in replevin, revendication or otherwise, as his property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit at law or in equity, against any party unlawfully in possession of any such timber, and to prosecute all persons cutting timber in trespass upon his lease, to conviction and punishment, and to recover damages, if any ; and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired. Form and effect of lease. Rights of lessee in the timber, and enforcement thereof.

52. The lease shall contain, in addition to such other provisions as may be in the Order in Council granting it, or in the conditions of sale or tender under which it was obtained, provisions binding the lessee,— Further conditions of lease.

1. To erect in connection with the berth leased, and to have in operation within a time prescribed in the lease, a saw mill or mills of capacity to cut in twenty-four hours a thousand feet, board measure, for every two and a-half square miles of the area leased ; or to establish such other manufactory of wood goods as may be accepted by the Minister of the Interior as equivalent thereto ; Erection of saw-mills, &c.

2. To pay in advance, in addition to the bonus, an annual ground rent of five dollars per square mile, and further, to pay in cash, at each time of his making the return prescribed in sub-clause four of this clause, a royalty of five per cent. on his sales of the products of the berth as shewn by such return ; Payment of ground rent and royalty.

3. To keep correct books of account of his business, and to submit the same for the inspection of any authorized agent of the Minister of the Interior, whenever required ; Accounts to be kept.

4. To make, monthly, or at such other interval of time as they may be required of him, by regulations under this Act or by the Minister of the Interior, returns sworn to by him or by his agent or employee cognizant of the facts, declaring the quantities taken from the berth, and those sold, of all timber Returns to be made at stated periods.

or

or products of wood, in whatever form the same may be sold or otherwise disposed of by him during such month or other period, and the amount received by him therefor ;

Preventing waste.

5. To prevent any unnecessary waste of timber in the process of cutting it, and to prevent, when it can be avoided, the destruction of growing trees which have not yet attained a size fitting them to be used for merchantable timber ;

Precautions against fire.

6. To exercise strict and constant supervision to prevent the origin and spread of fire.

As to cases of error in survey, &c.

53. If, in consequence of any incorrectness in survey, or other error or cause whatsoever, a lease is found to comprise lands included in another lease of prior date, or any lands sold, granted, leased or lawfully set apart for any other purpose under this Act, the later lease shall be void in so far as it interferes with any previous lease, sale, grant or setting apart.

Reservation of right of Government as to coal and minerals.

54. Every lease of a timber berth shall be subject to the right of the Government to deal, in accordance with the provisions of this Act and regulations made under it by the Governor in Council, with any and all coal and other minerals which may be found within the limits of the berth leased ; and the Government shall have the right, in dealing, as above provided, with any coal or other minerals in lands leased as timber limits, to authorize the persons to whom such coal or other minerals may be granted, to take possession of and occupy such extent of the land so leased as may be necessary to work such coal or other minerals, and to open necessary roads through any such timber berth, — paying the lessee of the berth the value of any and all timber necessarily cut in making such roads or in working the mines ; and the provisions of this clause shall operate retrospectively : that is to say, they shall apply to all leases of timber berths heretofore granted under any Act respecting Dominion Lands, as if they had been contained in such Act when it was passed.

And for roads to the same.

Retroactive effect of this clause.

Forfeiture of lease for infraction of conditions.

55. Every lease shall be subject to forfeiture for infraction of any one of the conditions to which it is subject, or for any fraudulent return ; and in such case the Minister of the Interior shall have the right, without any suit or other proceeding at law or in equity, or compensation to the lessee, to cancel the same, and to make a new lease or disposition of the limit described therein, to any other party, at any time during the term of the lease so cancelled : Provided, that the Minister of the Interior, if he sees fit, may refrain from forfeiting such lease for non-payment of dues, and may enforce payment of such dues in the manner by this Act provided.

Proviso.

56. Any ground-rent, royalty, or other dues, on timber cut within the limits of any timber berth, which are not paid at the time when they become due, shall bear interest at the rate of six per cent. per annum until paid, and shall be a lien on any timber cut within such limits; and in case of such non-payment—whether, in consequence, the lease of the berth has or has not been cancelled—the Crown timber agent or other person authorized thereto may, with the sanction of the Minister of the Interior, seize so much of the timber cut on such berth as will, in his opinion be sufficient to secure the payment of such rent or royalty, and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof; and if payment be not made within three months after such seizure, he may, with the sanction of the Minister of the Interior, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon, and expenses aforesaid, he shall pay over the balance, if any, to the lessee, if the timber was in his possession at the time of seizure, or if it was not so, to the person who had possession thereof at that time.

Lien of the Crown for dues, and enforcement thereof.

Seizure and sale of timber.

57. All timber cut under lease shall be liable for the payment of the Crown dues thereon, so long as, and wheresoever, the said timber, or any part of it, may be found, whether it be, or be not, converted into deals, boards or any other manufacture of wood; and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever it be found, until the dues thereon are paid or secured as provided in the next preceding clause.

Timber liable for dues whenever found.

58. And in case the payment of the Crown dues on any timber has been evaded by any lessee or other party, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded, and any expenses incurred by the Government, in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on any timber berth by the lessee or by his authority, and may be levied and collected or secured on such timber, together with such last-mentioned dues, in the manner provided by clause fifty-six; or the amount due to the Crown, of which payment has been evaded, may be recovered by action at law in the name of the Minister of the Interior, or his agent, in any court having jurisdiction in civil cases to the amount.

Enforcement of payment in case of removal out of Canada.

59. The Minister of the Interior may take, or authorize the taking of bonds or promissory notes for any money due to the Crown, as aforesaid, or in his discretion, for double the amount of any dues, fines and penalties and costs incurred or to be incurred, and may, if it be under seizure, then release any timber upon which the same would be leviable; but

Bonds or notes may be taken without affecting lien.

but the taking of such bonds or notes shall not affect the right of the Crown to enforce payment of such money, and the debt shall be a lien on any timber cut on the same or any other berth, by the lessee or by his authority, if the sums for which such bonds or notes are given are not paid when due.

LIABILITY OF PERSONS CUTTING TIMBER WITHOUT AUTHORITY.

Penalty for cutting timber on Dominion lands without authority.

60. If any person without authority cuts, or employs or induces any other person to cut, or assist in cutting, any timber of any kind on Dominion lands, or removes or carries away, or employs or induces or assists any other person to remove or carry away any timber of any kind so cut, he shall not acquire any right to such timber, or any claim for remuneration for cutting the same, preparing the same for market, or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown timber officers, or it is otherwise found impossible to seize it, he shall, in addition to the loss of his labor and disbursements, pay a fine not exceeding three dollars for each tree which, or any part of which, he is proved to have cut or carried away, or assisted to cut or carry away; and such sum shall be recoverable with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty: and in all cases the burden of proof of authority to cut and take the timber shall lie on the party charged; and the averment of the party seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary.

Additional penalty for removal out of reach of officers.

Burden of proof, &c.

Seizure of timber on affidavit before a J. P.

61. Whenever satisfactory information, supported by affidavit made before a Justice of the Peace, or before any other competent officer or person, is received by any Crown Timber Officer or Agent, that any timber has been cut without authority on Dominion lands, or if any Crown Timber Officer or Agent, from other sources of information, or his own knowledge, is aware that any timber has been cut without authority on any such lands, he may seize or cause to be seized in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until a decision can be had in the matter by competent authority:

Provision if the timber has been mixed with other timber.

2. And where the timber reported, or known to have been cut without authority, has been made up with other timber into a crib, dram or raft, or in any other manner has, at any mill or elsewhere, been so mixed up with other timber as to render it impossible or very difficult to distinguish the timber so cut without authority, from the other timber, the

the whole shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until the holder shall have separated, to the satisfaction of the Crown Timber Agent, the one timber from the other.

62. Whenever any Crown Timber Agent, or other officer or agent of the Minister of the Interior, is in doubt as to whether any timber has, or has not been cut without authority, or is or is not liable to Crown dues on the whole or any part thereof, he may enquire of the person or persons in possession, or in charge of such timber, as to when and where the same was cut; and if no satisfactory explanation, on oath or otherwise, as he may require, be given to him, he may seize and detain such timber until proof be made to the satisfaction of the Minister of the Interior, or of such Crown Timber Agent or officer, that such timber has not been cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof be not made within thirty days after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid, according to the circumstances of the case; and the dues thereon may be recovered as provided in the fifty-sixth clause.

In absence of satisfactory explanation timber may be seized as cut without authority.

Recovery of dues.

63. In case any timber, or any product thereof, is seized under the provisions of this Act by any Crown Timber Agent or officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise to his satisfaction, for the full value thereof or, in his discretion, for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon, as the case may be.

Release of timber on security being given.

64. All timber seized under this Act on behalf of the Crown, as being forfeited, shall be deemed to be condemned unless the owner thereof, or the person from whom it was seized, within one month from the day of the seizure, gives notice to the seizing officer, or to the Crown Timber Agent or officer under whose authority the seizure was made, that he intends to contest the seizure. If, within fifteen days thereafter the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure, or if the decision of the court be against him, or should the claimant fail duly to prosecute such proceedings, in the opinion of the judge before whom such case may be tried (and who may for that cause dismiss the suit on the expiration of three months from the date on which it was instituted,—anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and sold for the benefit of the Crown, by order of the Minister of the Interior, after notice on the spot of at least thirty days: Provided nevertheless, that the Minister of the Interior, should he

Timber seized to be deemed condemned and forfeited in default of owner claiming within one month.

Confiscation and sale in case of default to contest seizure.

Proviso:

Minister may impose a fine instead of confiscation in certain cases, &c.

Sale in default of payment.

he see cause for doing so, may, instead of confiscating timber cut without authority on Dominion lands, impose a fine or penalty which, in addition to all costs incurred, shall be levied on such timber; and, in default of payment of the whole on demand, he may, after a notice of fifteen days, sell such timber by public auction, and may, at his discretion, retain the whole proceeds of such sale, or the amount of penalty and costs only.

Burden of proof to be on the claimant.

65. And whenever any timber is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is instituted for any penalty or forfeiture under this Act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the Dominion lands aforesaid, the burden of proving payment, or of proving on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same, or the party instituting such prosecution.

Officer seizing may call in assistance.

66. An officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized; and if any person under any pretence, either by assault, force or violence, or by threat of such force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under this Act, such person shall be guilty of felony, and, being convicted thereof, shall be punishable accordingly.

Carrying away timber seized, to be felony.

67. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away or causes to be taken or carried away, without permission of the officer or person who seized the same or of some competent authority, any timber seized and detained for any lawful cause under this Act, before the same has been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, the property of the Crown, and to be guilty of felony, and, being convicted thereof, shall be punishable accordingly.

SLIDES, ETC.

Right to slides &c., not to pass by sales or grants of land unless expressly mentioned.

68. No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, pier or boom, or other work previously constructed on such land, or on any stream passing through or along it, for the purpose of facilitating the descent of timber or saw-logs, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier or boom, or other work, is intended to be thereby sold or granted :

2. The free use of slides, dams, piers, booms or other works on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed by, or in virtue of, any sale or grant of Dominion lands made subsequent to the construction of such works.

Free use of slides, &c., not affected.

69. The free use, for the floating of saw-logs or other timber, of all streams and lakes that may be necessary for the descent thereof from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing on or along the land on either side, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads, as owing to natural obstacles, may be necessary for taking out timber from Dominion lands, and the right of constructing slides where necessary, shall continue uninterrupted, and shall not be affected, or obstructed by, or in virtue of any sale or grant of such lands.

Free use of streams and lakes and access thereto not affected.

PATENTS.

70. A Deputy Governor may be appointed by the Governor General, who shall have the power, in the absence of or under instructions of the Governor General, to sign letters patent of Dominion lands; and the signature of such Deputy Governor to such patents, shall have the same force and virtue as if such patents were signed by the Governor General:

Deputy Governor for signing patents.

2. Every patent for land shall be prepared in the Department of the Interior, and shall be signed by the Minister of the Interior or his Deputy, or by some other person thereunto specially authorized by order of the Governor General in Council, and when so signed shall be registered by an officer specially appointed for that purpose by the Registrar General, and then transmitted to the Secretary of State of Canada, by whom, or by the Under Secretary of State, the same shall be countersigned, and the great seal of Canada thereto caused to be affixed: Provided, that every patent for land shall be signed by the Governor or Deputy Governor, as hereinbefore provided.

Patents and leases, &c., to be prepared in Department of Interior.

To be signed by Governor or Deputy.

71. Whenever, through error in survey or in the books or plans of a Dominion Lands Office, any grant of land is found to be deficient, the Minister of the Interior may order a free grant equal in value, at the time such land was granted or sold, to the ascertained deficiency; or he may order the purchase-money of so much land as is deficient, with interest thereon at the rate of six per centum per annum, from the time

Remedy in case of deficiency of quantity mentioned in patent.

Limitation of time for claim.

time of the purchase thereof, to be paid back to the purchaser: but no claim respecting any such deficiency shall be entertained unless it be made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described in the patent as being contained in the lot or parcel of land granted.

Patent issued in error may be cancelled.

72. Whenever a patent has been issued to, or in the name of, a wrong party, or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister of the Interior may (there being no adverse claim) direct the defective patent to be cancelled and a correct one to be issued in its stead,—which corrected patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent.

Remedy in case of grants or patents inconsistent with each other.

73. In all cases in which, through error, grants or letters patent have issued for the same land, inconsistent with each other, and in all cases of sales or appropriations of the same land inconsistent with each other, the Minister of the Interior may order a new grant, to the person thereby deprived, of land of value equal to that of the original grant, at the time the same was granted, or may, in case of sale, cause repayment to be made of the purchase-money with interest; or when the land has passed from the original purchaser, or has been improved before the discovery of the error, or when the original grant was a free grant, the Minister of the Interior may assign land, or grant such amount of scrip for the purchase of Dominion lands as to him may seem just and equitable under the circumstances; but no claim under this clause shall be entertained unless it is preferred within one year after the discovery of the error.

Limitation of time for claim.

Provision in case of patents issued through fraud, &c.

74. In all cases wherein patents, leases or other instruments respecting lands have issued through fraud, or in error or improvidence, any court having competent jurisdiction in cases respecting real property in the Province or place where such lands are situate, may, upon action, bill or plaint respecting such lands and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said court shall order, decree such patent, lease or other instrument to be void; and upon the registry of such decree in the office of the Registrar-General of Canada, such patent, lease or other instrument shall be void.

Avoidance on registry of decree.

Remedy in case of refusal to deliver up possession of forfeited land, or to vacate

75. When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this Act, or whenever any person is wrongfully in possession of Dominion land, and refuses to vacate or abandon possession of the same

same, the Minister of the Interior may apply to a judge of any court having competent jurisdiction in cases respecting real property in the Province or place in which the land is situate, for an order in the form of a writ of ejectment or of *habere facias possessionem*; and the said judge, upon proof to his satisfaction that such land was so forfeited and should properly revert to the Crown, or is wrongfully in possession of such person, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Minister of the Interior or to the person by him authorized to receive such possession; and such order shall have the same force as a writ of *habere facias possessionem*, and the sheriff shall execute the same in like manner as he would execute the said writ in an action of ejectment or a petitory action.

Order to sheriff to give possession.

ASSIGNMENTS.

76. The Minister of the Interior shall cause to be kept in his Department books for registering, at the option of the parties interested, assignments of any right to Dominion lands which is assignable under this Act, upon proof to his satisfaction that such assignment is in conformity with this Act; and every assignment so registered shall be valid against any other assignment unregistered or subsequently registered; but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed, or dispensed with by the Minister of the Interior, before the assignment is registered.

Assignments of Dominion lands to be registered.

Condition of registration.

77. On any application for a patent by the legal representative of a person who died entitled to such patent, the Minister of the Interior may receive proof of the facts in such manner as he may see fit to require, and, upon being satisfied that the claim has been justly established, may allow the same and cause a patent to be issued accordingly.

Patent to legal representative of party dying entitled thereto.

TOWNSHIP PLANS AND PATENT LISTS.

78. The Minister of the Interior shall transmit to the Registrar of every county, and registration district or division in Manitoba and the North-West Territories, as early as possible in each year, a certified copy of the map of each township in such county, district or division, surveyed in the year next preceding, together with a certified list of the lands in such county, district or division, patented during such year.

Minister to transmit certain information to Registrars.

LAND SCRIP.

79. Whereas by the fifth sub-clause of the thirty-second clause of the Act passed in the thirty-third year of Her Majesty's

Certain Orders in Council authorized

ing issue of scrip for land-rights confirmed.

Majesty's reign, chapter three, it is provided that the rights of common and of cutting hay held and enjoyed by the settlers in the Province of Manitoba, may be commuted by grants of land from the Crown; and whereas the method of commuting the said rights by an issue of scrip redeemable only in land, is most convenient and expedient; and whereas it is also expedient to affirm the principle that rights to Dominion land may be satisfied by an issue of scrip; therefore, the Orders of the Governor in Council, dated respectively the sixth day of September, one thousand eight hundred and seventy-three, and the seventeenth day of April, one thousand eight hundred and seventy-four, providing for the issue of scrip in commutation of the rights of common and of cutting hay in Manitoba, are hereby confirmed.

Further authority to issue scrip.

80. The Governor in Council may, if deemed by him expedient, satisfy any claim to grants of Dominion lands, respecting which no provision is otherwise made by law, by an issue of scrip redeemable only by its receipt in payment for such land.

GENERAL PROVISIONS.

Powers delegated to Governor in Council as to—

81. The following powers are hereby delegated to the Governor in Council:—

Lands reserved for Indians.

a. To withdraw from the operation of this Act, subject to existing rights as defined or created under the same, such lands as have been or may be reserved for Indians, or such as may be required to satisfy the half-breed claims created under clause thirty-one of the Act thirty-third Victoria, chapter three;

Lands required for railways.

b. To reserve from general sale and settlement, Dominion lands to such an extent as may be required to aid in the construction of railways in Manitoba or in the Territories owned by the Dominion, and to provide for the disposal of the lands so reserved, notwithstanding anything contained in this Act, in such manner, at such price and on such terms as may be deemed expedient;

Encouragement of drainage, &c.

c. To encourage works undertaken with a view of draining and reclaiming swamp lands, by granting to the promoters of such works, remuneration in the way of grants of the lands so reclaimed or of such portions thereof as may be deemed fair and reasonable;

Schools of instruction in agriculture.

d. To grant land—in no case, however, to exceed in extent one section and one half section—to any person or persons who will establish and keep in operation thereon for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, having, during that

that period, an average attendance of thirty pupils, and otherwise meeting the approval of the Minister of the Interior ;

e. To satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories outside of the limits of Manitoba, previous to the fifteenth day of July, one thousand eight hundred and seventy, by granting land to such persons, to such extent and on such terms and conditions as may be deemed expedient ;

Claims arising out of Indian title.

f. To investigate and adjust claims preferred to Dominion land situate outside of the Province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, eighteen hundred and seventy, and to grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to the said date, and, being by their own residence, or that of their servants, tenants or agents, or of those through whom they claim, in actual peaceable possession thereof at the said date, so much land in satisfaction of such claims, as may be considered fair and reasonable, but not exceeding in any case one quarter section unless there has been cultivation of more than that area ;

Certain claims to lands outside of Manitoba, prior to 15th July, 1870.

g. To make such orders as may be deemed necessary from time to time to carry out the provisions of this Act according to their true intent, or to meet any cases which may arise and for which no provision is made in this Act ; and further to make and declare any regulations which may be considered necessary to give the provisions in this clause contained full effect ; and from time to time to alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead.

Orders in Council for carrying out the provisions of this Act.

2. Every order or regulation made by the Governor in Council, in virtue of the provisions of this clause, or of any other clause of this Act, shall, unless otherwise specially provided in this Act, have force and effect only after the same has been published for four successive weeks in the *Canada Gazette* ; and all such orders or regulations shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof.

Such orders must be published in *Canada Gazette*.

And laid before Parliament.

§2. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act, except as otherwise herein provided, may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any commissioner for taking affidavits, or Notary Public, or any Dominion Lands Agent or officer, or any person specially authorized to take such affidavits by this Act or by the Minister of the Interior.

Before whom affidavits, &c. may be made.

Certain boards and officers may summon and examine persons on oath.

83. The Dominion Lands Board, the Commissioner of Dominion Lands, and the Inspector of Dominion Lands Agencies, and any person specially authorized to that effect by the Governor in Council, shall have power to summon, before them or him, any person, by subpoena issued by them or him, to examine such person under oath and to compel the production of papers and writings before them or him, and—if any person duly summoned neglects or refuses to appear at the time and place specified in the subpoena upon him legally served, or refuses to give evidence or to produce the papers or writings demanded of him—may, by warrant under their or his hands or hand, cause such person, so neglecting or refusing, to be taken into custody and to be imprisoned in the nearest common gaol, as for contempt of court, for a period not exceeding fourteen days.

Punishment for contempt.

“Oath” to include “solemn affirmation.”

84. In any case where an affidavit or oath is required by this Act, a solemn affirmation may be administered to, and made instead of an oath by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath.

Entry receipt, &c., to give right to maintain suits.

85. Every receipt or certificate of entry or sale issued by an agent of Dominion Lands shall, unless such entry or sale shall have been revoked or cancelled by the Minister of the Interior, entitle the person to whom the same was granted to maintain suits at law or in equity against any wrong doer or trespasser on the lands to which such receipt or certificate relates, as effectually as he could do under a patent of such land from the Crown.

PREVIOUS ORDERS IN COUNCIL.

Proceedings under certain Orders in Council confirmed.

86. All proceedings properly taken under the respective Orders in Council, on the subject of the *Public Lands in the Province of Manitoba*, dated the twenty-fifth of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May following the said date, are hereby confirmed; and the said respective orders, except the provision therein respecting pre-emption rights, which is hereby repealed and done away with (and except such of the provisions thereof as may be inconsistent with the provisions of this Act, and which are hereby revoked), shall be and remain in force: Provided, that this enactment shall in no way affect the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-eight.

Proviso.

SURVEYS AND SURVEYORS.

WHO SHALL BE COMPETENT TO SURVEY DOMINION LANDS.

Qualifications required of

87. No person shall act as surveyor of Dominion lands unless he shall, before the fourteenth day of April, one thousand

and eight hundred and seventy-two, have been duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the Provinces of the Dominion, or shall have become qualified under the provisions hereinafter set forth :

Dominion Surveyors.

2. Persons qualified under the said provisions shall be styled "*Dominion Land Surveyors*," or "*Dominion Topographical Surveyors*," as the case may be.

Official style.

BOARD OF EXAMINERS.

88. There shall be a Board of Examiners for the examination of candidates for commissions as Dominion Land Surveyors, or as articulated pupils, to consist of the Surveyor General and eight other competent persons to be appointed from time to time by Order in Council; and the meetings of the Board shall commence on the second Monday in the months of May and November in each year, and may be adjourned from time to time; and the place of meeting shall be at Ottawa, or at some place in Manitoba or the North-West Territories, as the same shall, from time to time, be fixed by the Minister of the Interior, and made public by notice in the *Canada Gazette* :

Board to consist of Surveyor General and eight colleagues. Meetings.

2. Each member of the said Board shall take an oath of office according to Form N, to be administered by a judge of any one of the superior courts in any Province in the Dominion, who is hereby authorized and required to administer such oath; and any three of the said members shall form a quorum :

Members to be sworn.

3. The said Board shall, from time to time, appoint a fit and proper person to be Secretary thereof, who shall keep a record of its proceedings :

Secretary.

4. Should it be found expedient, Local Boards of Examiners may be established under Order in Council for the Provinces of Manitoba or British Columbia, or for the North-West Territories,—such Boards to consist of not less than three and not more than six members each, and to hold their meetings at such time and place as the Minister of the Interior may, from time to time, direct.

Local boards under Order in Council.

89. No person shall be admitted as an articulated pupil with any Dominion Land Surveyor unless he has previously passed an examination before the Board of Examiners, or before one of the members thereof, or before some Surveyor deputed by the Board for the purpose, as to his ability to write English correctly, and also as to his knowledge of vulgar and decimal fractions, the extraction of the square and cube roots, the first three books of Euclid, the rules of plane trigonometry, the

Examination for articles as pupils.

the mensuration of superficies and the use of logarithms, and has obtained a certificate of such examination and of his proficiency from such Board, member or Surveyor.

Notice by applicants to secretary.

90. Applicants for such examination, previous to being articted, shall give notice to the Secretary of the Board of their desire to present themselves for examination; whereupon that officer shall instruct them accordingly as to the mode in which they must proceed.

Conditions precedent to examination for admission.

91. No pupil shall be entitled to be examined before the Board for admission as a Dominion Land Surveyor unless he shall have previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form O, duly executed before two witnesses, as pupil to a Dominion Land Surveyor, nor unless he shall produce a certificate from such Surveyor of his having so served during the said period and shall also produce satisfactory testimony as to his character for probity and sobriety :

Alteration of form O when the pupil is an adult.

2. Provided always, that whenever the pupil of a Dominion Land Surveyor is, at the time of his entering into articles in writing, in compliance with the provisions of this clause, a person of full age, the said form O may be altered to suit the case, by leaving out so much as relates to the father or other person by whose consent and approbation the pupil enters into articles, by making the pupil himself take upon himself the obligation in the said form imposed on such father or other person, by stating that the consideration money has been paid by the pupil, and by otherwise so varying the form as to suit the circumstances of the case.

Transfer of a pupil.

92. Any Dominion Land Surveyor may, by an instrument in writing, transfer a pupil, with his own consent, to any other Dominion Land Surveyor, with whom such pupil may serve the remainder of his term.

Completion of term with another surveyor.

93. If any Dominion Land Surveyor dies or leaves the Dominion, or is suspended or dismissed, his pupil may complete his term under articles, as aforesaid, with any other Dominion Land Surveyor.

Duplicate of articles to be transmitted to Secretary.

94. Articted pupils must transmit to the Secretary of the Board within three months of the date of their articles, a duplicate thereof, together with a fee of two dollars for receiving and filing the same; and the said Secretary shall acknowledge the receipt of such papers, and shall carefully file and keep the same with the records of the Board.

As to admission of persons commis-

95. Any person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, shall have

have been duly qualified by certificate, diploma or commission, to survey lands in any Province of the Dominion, in which, in order to be so qualified, a course of study including the subjects prescribed by clause ninety-nine of this Act, is required by the law of such Province, shall be entitled to obtain a commission as Dominion Land Surveyor without being subjected to any examination other than as regards the system of survey of Dominion lands: Provided, that it shall rest with the Board of Examiners to decide whether the qualifications required of a surveyor of Crown lands in such Province are sufficiently similar to those set forth in the said clause ninety-nine of this Act, to entitle him, under the foregoing provisions, to such commission: And provided further, that it must be shown that such Province has reciprocated the privilege hereby granted, by granting to Dominion Land Surveyors, on their application, and without subjecting them to an examination except as regards a knowledge of the survey laws of such Province, diplomas, certificates or commissions, as the case may be, as surveyors of lands within such Province:

tioned as surveyors of lands in any Province.

Proviso: Board to judge of requirements of qualification in such Province.

Proviso for reciprocity as to such admission.

2. Land surveyors holding diplomas, certificates or commissions for Provinces of the Dominion in which the qualifications required by law for surveyors, are not similar to those prescribed by this Act, must undergo examination by the Board, and satisfactorily pass the same, in order to obtain commissions as Dominion Land Surveyors.

Examination in certain cases.

96. Any person who may have been duly admitted as a surveyor of lands in any part of Her Majesty's Dominions other than Canada shall be entitled to an examination by the said Board, and to a commission if found qualified, on his producing a written certificate of a Dominion Land Surveyor, that such person has, within the previous two years, served for one year with him continuously engaged in surveying Dominion lands, and that he considers such person as in every way qualified to pass an examination for a commission as a Dominion Land Surveyor.

Surveyors in Her Majesty's dominions, other than Canada may be admitted after one year's service.

97. Any person who shall have followed a regular course of study in all the branches of education required by this Act for admission as a Dominion Land Surveyor through the regular sessions, for at least two years, in any college or university where there may be organized a complete course of such instruction, and who has thereupon received from such college or university a certificate, diploma or degree, vouching therefor, shall not be obliged to serve three years as aforesaid, but shall be entitled to examination after one year's service under articles with a Dominion Land Surveyor.

Graduates of colleges may be examined after one year's service.

98. Every person desiring to be examined before the said Board shall give due notice thereof in writing to the Secretary at

Notice to Secretary.

at least one month previous to the meeting of the Board, enclosing with such notice the fee hereinafter prescribed.

Fee.
Examination for admission as surveyor.

99. No person shall receive a commission from the said Board authorizing him to practise as a Dominion Land Surveyor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the said Board on the following subjects: that is to say:—Euclid, first four books, and propositions first to twenty-first of the sixth book; plane trigonometry, so far as it includes solution of triangles; the use of logarithms; mensuration of superficies, including the calculation of the area of right-lined figures by latitude and departure, and the dividing or laying off land; a knowledge of the rules for the solution of spherical triangles, and of their use in the application to surveying of the following elementary problems of practical astronomy:—

In mathematics.

In practical astronomy.

1. To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star;

2. To obtain the local time and the azimuth, from an observed altitude of the sun or a star;

3. From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter:

Surveying operations and use of instruments.

He must be practically familiar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments, and must also be perfectly conversant with the system of survey as embodied in this Act, and with the manual of standing instructions and regulations published by the authority of the Minister of the Interior from time to time for the guidance of Dominion Land Surveyors.

System of Dominion surveys.

Examination may be on oath as to practice.

100. The Board may examine any candidate on oath (which oath may be administered by any one of the examiners) as to his actual practice in the field, and with regard to his instruments.

Successful candidates to receive commissions and give security.

101. Each person passing the examination prescribed by this Act shall receive a commission from the Board in accordance with Form P in the Schedule of this Act, constituting him a Dominion Land Surveyor, and shall, jointly and severally with two sufficient sureties to the satisfaction of the Board, enter into a bond in the sum of one thousand dollars, to Her Majesty, Her Heirs and Successors, conditioned for the due

due and faithful performance of the duties of his office, and shall take and subscribe the oath of allegiance, and the following oath, before the Board, —any member of which is hereby empowered to administer the same:—

“I, _____, do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duties of a Dominion Land Surveyor according to law, without favor, affection or partiality. So help me God :”

The oath.

2. Until the above formalities shall have been gone through the said commission of Dominion Land Surveyor shall have no effect :

Commission subject to above formalities.

3. The said oaths of allegiance and of office shall be deposited in the Dominion Lands Office :

Deposit of oaths.

4. The said bond shall be deposited and kept in the manner prescribed by law with regard to the bonds given for the like purposes by other public officers of the Dominion, and shall be subject to the same provisions, and shall enure to the benefit of any party sustaining damage by breach of any condition thereof; and the commission shall be registered in the office of the Registrar-General of Canada.

Deposit of bond.

102. Any person entitled to receive or already possessing a commission as Dominion Land Surveyor and having previously given the notice prescribed in clause ninety-eight of this Act, may be examined as to the knowledge he may possess of the following subjects relating to the higher surveying, qualifying him in addition to the performance of the duties declared by this Act to be within the competence of Dominion Land Surveyors, for the prosecution of extensive governing or topographic surveys or those of geographic exploration, that is to say :—

Voluntary examination in higher branches of study.

1. Algebra, including quadratic equations, series and calculation of logarithms ;

Mathematics.

2. The analytic deduction of formulas of plane and spherical trigonometry ;

3. The plane co-ordinate geometry of the point, straight line, the circle and ellipse, transformation of co-ordinates, and the determination either geometrically or analytically, of the radius of curvature at any point in an ellipse ;

4. Projections,—the theory of those usually employed in the delineation of spheric surfaces ;

5. Method of trigonometric surveying, of observing the angles and calculating the sides of large triangles on the earth's

earth's surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, having a regard to the effect of the figure of the earth ;

Practical astronomy.

6. The portion of the theory of practical astronomy relating to the determination of the geographic position of points on the earth's surface, and the directions of lines on the same, that is to say :—

Methods of determining latitude—

- a. By circum-meridian altitudes ;
- b. By differences of meridional zenith distance (Talcott's method) ;
- c. By transits across prime vertical ;

Determination of azimuth—

- a. By extra meridional observations ;
- b. By meridian transits ;

Determination of time—

- a. By equal altitudes ;
- b. By meridian transits ;

Determination of differences of longitude—

- a. By electric telegraph ;
- b. By moon culminations ;

Theory of instruments.

7. The theory of the instruments used in connection with the foregoing, that is to say, the sextant or reflecting circle, altitude and azimuth instrument, astronomical transit, zenith-telescope and the management of chronometers ; also of the ordinary meteorological instruments (barometer, mercury and aneroid), thermometers (ordinary and self-registering), anemometer, and rain gauges,—and on his knowledge of the use of the same ;

And their use.

Mineralogy and geology.

8. Elementary mineralogy and geology, so far as respects a knowledge of the more common characters by which the mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence ; the ores of the common metals and the classification of rocks ; and the geology of North America so far as to be able to give an intelligent outline of the leading geological features of the Dominion.

Geology of N. America.

Designation of those passing such examination.

103. Persons who pass the above mentioned examination in the higher branches of surveying, shall have the fact certified by the Board, and shall be designated Dominion Topographical Surveyors.

Tarif of fees.

104. The following fees shall be paid under the provisions of this Act :—

1. To the Secretary of the Board, by each pupil, on giving notice of his desire for examination preliminary to being articted, one dollar ;

2. To the Secretary of the Board, as the fee due on such examination, ten dollars, and a further sum of two dollars for certificate ;

3. To the Secretary of the Board, by each pupil, at the time of transmitting to such Secretary the indentures or articles of such pupil, two dollars ;

4. To the Secretary of the Board, by each candidate for either the ordinary or the higher examination for a commission, with his notice thereof, two dollars ;

5. To the Secretary of the Board, by each applicant obtaining a commission, as his fee thereon, two dollars ;

6. To the Secretary of the Board, as an admission fee by any candidate receiving a commission, twenty dollars, which sum shall also cover the certificate by the Board in the case of a candidate passing the higher examination ; but such amount, as also the ten dollars required to be paid under sub-clause two of this clause, shall be paid to the Receiver-General to the credit of Dominion lands. Admission fee.

105. Each of the members in attendance at the said Board during examinations, and the Secretary, shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member, and consequent upon such attendance ; and the Minister of the Interior is hereby authorized and required to pay such sums : Allowances to members of the Board of Examiners. Provido :
 that no member of the Board, if at the time of the meeting he be over one hundred miles distant from the place of such meeting, shall receive any allowance for being present at such meeting, unless such member shall have been previously specially notified to attend the same by the Secretary ; and in the case of the examination of a pupil previous to being articted, by a member of the Board, or by a surveyor deputed by the Board for such purpose, such member or such surveyor shall be paid five dollars for such examination. For special examination of a pupil.

103. The said Board may, in their discretion, suspend or dismiss from the practice of his profession, any Dominion Land or Topographical Surveyor whom they may find guilty of gross negligence or corruption in the execution of the duties of his office ; but the Board shall not suspend or dismiss such Surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered both in support of the complaint, and on behalf of such surveyor. Board may suspend or dismiss negligent or corrupt surveyor.

Surveyors to add to their returns of survey an affidavit of the faithful and correct execution thereof.

False statement to be perjury.

Lien on surveyor's property.

107. The Surveyor-General shall require every Dominion Land or Topographical Surveyor, in addition to the oath by this Act required to be administered to him on receiving his commission as such, to take and subscribe an oath, or make and subscribe an affirmation, on the return of his surveys of Dominion lands, that the same have been faithfully and correctly executed according to law and the instructions of the Surveyor-General; and if it is proved on satisfactory evidence before any court of competent jurisdiction that such surveys or any part thereof have not been so executed, the Surveyor taking such false oath or making such false affirmation shall be deemed guilty of perjury, and shall be punishable accordingly; and thereupon Her Majesty's Attorney-General for Canada shall, upon the application of the Surveyor-General, immediately institute a suit upon the bond of such Surveyor, and the institution of such suit shall act as a lien on any property owned or held by such Surveyor, or his sureties, at the time the suit is instituted.

CHAIN BEARERS.

Chain-bearers to be sworn.

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

STANDARD OF MEASURE.

Standard to be English measure of length.

109. The measure of length used in the surveys of Dominion lands, shall be the English measure of length, and every Dominion Land Surveyor shall be in possession of a subsidiary standard thereof,—which subsidiary standard, tested and stamped as correct by the Department of Inland Revenue, shall be furnished him by the said Department, on payment of a fee of three dollars therefor; and all Dominion Land Surveyors shall, from time to time, regulate and verify by such standard the length of their chains and other instruments for measuring.

HOW TO RENEW LOST CORNERS AND OBLITERATED LINES.

Provision where the original mound or post is lost.

110. In all cases where a Dominion Land Surveyor is employed to run any dividing line or limit between sections or other legal subdivisions, and the mound, post or monument erected, marked or planted in the original survey to define the corner of such section or other legal subdivision, cannot be found, he shall obtain the best evidence that the nature of the case may admit of, respecting such corner mound, post or

or monument; but if the position of the same cannot be satisfactorily so ascertained, then he shall proceed as follows:—

1. If the lost corner mound, post or monument is that of a township corner, he shall report the circumstances of the case to the Surveyor-General, who will instruct him how to proceed: If a township corner.
2. If the lost corner mound, post or monument is on one of the outlines of a township, he shall join, by a straight line, the nearest undisputed section or quarter-section corners on such outline, and divide such straight line into such number of sections or quarter-sections or other legal subdivisions as the same contained in the original survey, giving to each an equal breadth: If on one of the outlines of a township.
3. Except where in re-establishing the east or west boundary of a township, one of the nearest undisputed corners is on a correction line, in which case all quarter-sections are to be made exactly forty chains, and the deficiency or surplus, as the case may be, left in the quarter-section adjoining the correction line: Exception as to correction lines.
4. Except also where in re-establishing the north or south boundary of a township surveyed under the first system of survey, one of the nearest undisputed corners is the western corner of the township, in which case all quarter-sections are to be made exactly forty chains, and the deficiency or surplus, as the case may be, left in the western quarter-section: Where a deficiency shall be left.
5. When the position of the township corner is also lost, it shall be re-established as aforesaid, previous to re-establishing the outline of the township: Township corner to be re-established
6. When the lost corner is in the interior of a township on the limit of a meridian road allowance, the surveyor shall connect the two nearest undisputed corners on such limit by a straight line, and divide the distance into such number of sections or other legal subdivisions as the same contained in the original survey, giving to each an equal breadth: Where the lost corner is in the interior of a township.
7. Except when one of the nearest undisputed corners is on a correction line, in which case he shall make each quarter-section exactly forty chains and leave the deficiency or surplus, as the case may be, in the quarter-section adjoining the correction line: When nearest undisputed corner is on a correction line.
8. When the nearest undisputed corners on the said limit of a meridian road allowance are in different townships, the outline between such townships shall be re-established previous to re-establishing the meridian: When nearest undisputed corners are in different townships.

When of a quarter section on a line running east and west.

9. When the lost corner is that of a quarter-section on a line running east and west, the surveyor shall join by a straight line the opposite section corners on the meridians on each side, and give to each quarter-section an equal breadth :

Exception.

10. Except where in townships surveyed under the first system of survey, the lost corner is in the western row of sections of a township, in which case the first quarter-section is to be made exactly forty chains, and the deficiency or surplus as the case may be, left in the western quarter-section :

When meridian shall be re-established.

11. When the position of one of the corners on the meridians is also lost, such meridian shall be re-established previous to re-establishing the east and west line :

Allowance for road to be considered.

12. In all cases where a surveyor erects, plants or places a mound, post or monument as aforesaid, to renew a lost or obliterated corner, he shall duly take into account any allowance for road or roads, and the corner, or division or limit so established shall be the true corner, or division or limit of such section or other legal sub-division.

Effect of such survey.

HOW LEGAL SUBDIVISIONS ARE TO BE SURVEYED.

Method of proceeding in laying out a half or quarter section or other legal subdivision.

111. When, in the survey of legal subdivisions, a Dominion Land Surveyor has to establish the division line between two sections, he shall effect this by connecting by a straight line the opposite original section corners, should these exist, and should they not, by similarly connecting the points established in renewal thereof, in accordance with the preceding clause, giving, in either case, the quarter-sections involved an equal breadth. In laying out a half or quarter-section he shall connect the opposite quarter-section posts by straight lines. In laying out other and minor legal subdivisions he shall give to any such subdivision its proportionate share of frontage and interior breadth, and connect the resulting terminal points by a straight line. The lines or limits so drawn on the ground in the manner above prescribed, shall, in the respective cases, be the true lines or limits of such section, half section or other legal subdivision, whether the same shall or shall not correspond with the area expressed in the respective patents for such lands.

TO DRAW DIVISION LINES IN FRACTIONAL SECTIONS.

Dividing lines to be drawn from original corners.

112. The dividing lines or limits between legal subdivisions, in fractional sections, shall be drawn from the original corners (or the points representing such corners, as defined on the ground, in accordance with the provisions of this Act) in the section line intended as the front of the lot ;

2. Northerly or southerly lines shall be drawn due north or due south ;

3. Easterly or westerly lines shall be drawn at an angle with the meridian equal to the mean of the angles formed with the same meridian by the lines which are the northern and the southern boundaries respectively of the section.

ORIGINAL BOUNDARY LINES.

113. All boundary lines of townships, sections or legal subdivisions, towns or villages, and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits of lots surveyed, as defined by mounds, posts or monuments, erected, placed or planted at the angles of any townships, towns, villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land, under the authority of this Act or of any Order of the Governor in Council, shall be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land respectively, whether the same, upon admeasurement, be or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land.

Boundaries placed under this Act are to be deemed the true ones.

114. Every township, section or other legal subdivision, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries respectively, so erected, marked, placed or planted as aforesaid, at the several angles thereof, and no more or less,—any quantity or measure expressed in the original grant or patent thereof notwithstanding.

Townships and other legal subdivisions to comprise all the space within their boundaries.

115. Every patent, grant or instrument purporting to be for any aliquot part of any section, or other legal subdivision, block, gore, common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same may contain on the ground, whether such quantity be more or less than that expressed in such patent, grant or instrument.

As to aliquot parts of townships, &c.

116. In every town and village in Manitoba or the North-West Territories, which may be surveyed and laid out under the provisions of this Act, all allowances for any road, street, lane, lot or common, laid out in the original survey of such town or village, shall be public highways and commons; and all mounds, posts or monuments, placed or planted in the original survey of such town or village, to designate or define

Road allowances in towns, &c., to be public highways.

define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of such road, street, lane, lot or common; and all Dominion Land Surveyors employed to make surveys in such town or village, shall follow and pursue the same rules and regulations in respect of such surveys, as are, by law, required of them when employed to make surveys in townships.

EVIDENCE BEFORE SURVEYORS.

Dominion Land Surveyors may examine witnesses on oath.

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

How Dominion Land Surveyors shall proceed to ascertain boundaries when doubtful.

118. When any Dominion Land Surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, then if such person does not willingly appear before, and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, such surveyor may apply to any Justice of the Peace for an ordinary subpoena as witness, or a *subpœna duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before such Justice of the Peace, of the facts on which the application is founded; and such justice may issue a subpoena accordingly, commanding such person to appear before the surveyor at a time and place to be mentioned in the subpoena, and (if the case require it) to bring with him any writing, plan or document mentioned or referred to therein:

Subpœna may be issued.

How served.

2 Such subpoena shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or such grown person the original:

Penalty for disobeying it.

3. If the person commanded to appear by such subpoena, after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the subpoena, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information

mation as he may possess touching the boundary or limit in question, a warrant by the justice for the arrest of such person may be issued, and he may be punished accordingly by fine not exceeding one hundred dollars or imprisonment not exceeding ninety days, or both, in the discretion of such justice.

119. All evidence taken by any Dominion Land Surveyor as aforesaid shall be reduced to writing, and shall be read over to the person giving the same, and be signed by such person; or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same, as shall also the Dominion Land Surveyor; and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace, by any Dominion Land Surveyor, with reference to any survey by him performed, may be filed and kept at the registry office of the place in which the lands to which the same relate are situate, subject to be produced thereafter in evidence in court.

Evidence taken by D. L. Surveyor to be reduced to writing and signed.

120. Any Dominion Land Surveyor when engaged in the performance of his duties as such, may pass over, measure along, and ascertain the bearings of any township or section line, or other governing line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person.

Power to enter upon private lands.

PROTECTION TO SURVEYORS.

121. If any person in any part of the Dominion lands interrupts, molests or hinders any Dominion Land Surveyor, while in the discharge of his duty as a surveyor, such person shall be guilty of a misdemeanor, and being thereof lawfully convicted in any court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such court,—such imprisonment being for a period not exceeding two months, and such fine not exceeding twenty dollars, without prejudice to any civil remedy which such Dominion Land Surveyor or any other party may have against such offender for damages occasioned by such offence.

Penalty for molesting D. L. Surveyor in discharge of his duty.

122. If any person knowingly and wilfully pulls down, defaces, alters, or removes any mound, post or monument, erected, planted or placed in any original survey under the provisions of this Act, or under the authority of any Order in Council, such person shall be deemed guilty of felony and shall be punishable accordingly; and if any person knowingly and wilfully defaces, alters, or removes any other mound or land-mark, post or monument placed by any Dominion Land Surveyor to mark any limit, boundary or angle of any township, section or other legal sub-division,

Penalty for pulling down or destroying land marks placed by D. L. Surveyor.

lot

lot or parcel of land in Manitoba or the North-West Territories, such person shall be deemed guilty of a misdemeanor, and being convicted thereof before any competent court, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such court,—such fine not to exceed one hundred dollars, and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders for damages occasioned by reason of such offence: Provided, that nothing in this Act shall extend to prevent Dominion Land Surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before.

Proviso: as to examining posts.

D. L. Surveyors to keep journals and field notes and furnish copies to parties concerned.

123. Every Dominion Land Surveyor shall keep exact and regular journals and field notes of all his surveys of Dominion lands, and file them in the order of time in which the surveys shall have been performed, and shall give copies thereof to the parties concerned when so required; for which he is hereby allowed the sum of one dollar for each copy, if the number of words therein do not exceed four hundred,—but if the number of words therein exceeds four hundred, he is allowed ten cents additional for every hundred words over and above four hundred words.

Allowance to D. L. Surveyor for attendance as witness.

124. There shall be allowed to every Dominion Land Surveyor summoned to attend any court, civil or criminal, for the purpose of giving evidence in his professional capacity as a surveyor, for each day he so attends (in addition to his reasonable travelling and living expenses), and to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such court, five dollars.

TARIFF OF FEES.

Fees for documents furnished.

125. The Governor in Council may establish a tariff of fees to be charged by the Minister of the Interior for all copies of maps, township plans, field notes and other records, and also for registering assignments; and all fees received under such tariff shall form part of the revenue from Dominion lands.

To form part of revenue from Dominion lands.

REPEAL.

Acts 42 V., c. 31,

126. Subject to the provisions hereinafter made, the Act passed in the forty-second year of Her Majesty's reign and intituled "*An Act to amend and consolidate the several Acts respecting the Public Lands of the Dominion*," and the Act passed in the forty-third year of Her Majesty's reign, and intituled "*An Act to amend the Dominion Lands Act, 1879*," and the Act passed in the forty-fourth year of Her Majesty's reign, and

43 V., c. 26, and 44 V., c. 16 repealed.

and intituled, "*An Act to amend the Dominion Lands Acts,*" are hereby repealed, and this Act is substituted for them,— the Acts repealed by the Act first mentioned, and for which it was substituted, remaining so repealed: Provided always, that all enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done and all rights acquired or liabilities incurred under them or any of them shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed, under this Act, which shall not be construed as a new law, but as a consolidation and continuation of the Acts hereby repealed, subject to the amendments hereby made and incorporated with them; and any thing heretofore done under any provision in any of the said repealed Acts which is repeated without alteration in this Act, may be alleged or referred to as having been done under the Act in which such provision was made, or under this Act.

Proviso: as to effect of such repeal.

How this Act shall be construed.

SCHEDULE.

FORM A.

APPLICATION FOR A HOMESTEAD ENTRY.

I, _____ of _____ do hereby apply for a homestead entry, under the provisions of the "*Dominion Lands Act, 1883,*" for the _____ quarter-section of section _____ of the _____ township, in the _____ range of the _____ meridian.

FORM B.

AFFIDAVIT in support of claim for homestead entry by a person who has *bonâ fide* settled and made improvements upon land in advance of survey.

I, A.B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead and pre-emption entry; that I became resident upon and began to cultivate the said land on the _____ day of _____, 18____, before the same was surveyed; that I have resided upon and cultivated the said land continuously ever since; that there is no other person residing, or having improvements upon it, and that this application is made for my exclusive use and benefit, with the intention of residing upon _____

upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; and that I have not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn } (Signature.)
to, this day }
of 18 , before me }

Local Agent.

FORM C.

AFFIDAVIT in support of claim for homestead entry by a person who has not previously obtained homestead entry

I, A. B., do solemnly swear (or affirm, as the case may be) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead and pre-emption entry; that there is no person residing on the said land, nor are there any improvements thereon, and that this application is made for my exclusive use and benefit, with the intention of residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; and that I have not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn } (Signature.)
to, this day }
of 18 , before me }

Local Agent.

FORM D.

AFFIDAVIT in support of a claim for homestead entry by a person who has previously obtained, and has forfeited, his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A. B., do solemnly swear (or affirm, as the case may be,) that I am over eighteen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is of the class open for homestead and pre-emption entry; that there is no person residing on the said land, nor are there any improvements thereon; that I obtained

obtained homestead entry on the _____ day of _____ 18 ,
 for the _____ quarter section of section _____ township
 range _____ of the _____ meridian, but
 forfeited the same; that by order of the Mfnister of the In-
 terior, which I now produce, I have been permitted to make
 application for and receive another homestead entry; and
 that this application is made for my exclusive use and bene-
 fit, with the intention of residing upon and cultivating the
 land applied for, and not, directly or indirectly, for the use
 or benefit of any other person or persons whomsoever.

Subscribed and sworn } (Signature.)
 to, this _____ day }
 of _____ 18 , before me }

Local Agent.



FORM E.

AFFIDAVIT in support of a claim for homestead entry by a
 person who has previously obtained a recommendation
 for patent for a homestead, after three years' residence
 and cultivation.

I, A. B., do solemnly swear (or affirm, as the case may be)
 that I am over eighteen years of age; that to the best of my
 knowledge and belief the land in respect of which my
 application is made is of the class open for homestead and
 pre-emption entry; that there is no person residing upon the
 said land, nor are there any improvements thereon; that this
 application is made for my exclusive use and benefit, with
 the intention of residing upon and cultivating the said land,
 and not, directly or indirectly, for the use or benefit of any
 other person or persons whomsoever; that I obtained entry
 for the _____ quarter section of section _____ township
 range _____ of the _____ meridian
 as a homestead, on the _____ day of _____ 18 ; that
 I resided upon and cultivated the same for three years, and
 that my said homestead has been recommended for patent,
 certificate of which fact, signed by the proper Agent of Do-
 minion Lands, and countersigned by the Commissioner of
 Dominion Lands, I now produce.

Subscribed and sworn } (Signature.)
 to, this _____ day }
 of _____ 18 , before me }

Local Agent.

FORM F.

I certify that I have received from
 sum of ten dollars, being the office fee for homestead ^{the} entry
 (or pre-emption entry in connection with homestead entry,
 as the case may be), for (describe the land), and that the said
 is, in consequence of such entry and
 payment, vested with the rights conferred in such cases by
 the provisions of the "Dominion Lands Act, 1883," respect-
 ing homestead rights.

Local Agent.

(Place—Date).

FORM G.

APPLICATION FOR A HOMESTEAD ENTRY BY AN AGENT.

I, A. B., do hereby apply on behalf of
 of for homestead entry
 under the provisions of the "Dominion Lands Act, 1883," for
 the quarter-section of section number
 of the township, in the range
 of the meridian.

FORM H.

AFFIDAVIT by an agent in support of a claim for homestead
 entry on behalf of a person who has *bond fide* settled
 and made improvements upon land in advance of sur-
 vey.

I, A. B., do solemnly swear (or affirm, as the case may be)
 that for whom I am acting herein as agent is over
 eighteen years of age; that to the best of my knowledge and
 belief the land in respect of which the application is made is
 of the class open for homestead and pre-emption entry; that
 the said became resident upon and began to cultivate the
 said land on the day of , 18 , before
 the same was surveyed; that he has resided upon and cul-
 tivated the said land in conformity with the requirements
 of the homestead provisions of the Dominion Lands law
 ever since; that there is no other person residing on, or claim-
 ing, or having improvements upon it, and that this applica-
 tion is made for his exclusive use and benefit, with the inten-
 tion

tion of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn } (Signature.)
to, this day }
of 18 , before me }

Local Agent.

FORM J.

AFFIDAVIT by an agent in support of claim for homestead entry on behalf of a person who has not previously obtained homestead entry.

I, A.B., do solemnly swear (or affirm, as the case may be) that of for whom I am acting herein as agent, is over eighteen years of age; that to the best of my knowledge and belief the land in respect of which the application is made is of the class open for homestead and pre-emption entry; that there is no person residing upon the said land, nor are there any improvements thereon, and that the application is made for the exclusive use and benefit of the said with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he has not heretofore obtained an entry for a homestead on Dominion lands.

Subscribed and sworn } (Signature.)
to, this day }
of 18 , before me }

Local Agent.

FORM K.

AFFIDAVIT by an agent in support of a claim for homestead entry on behalf of a person who has previously obtained and has forfeited his homestead entry, but is permitted by the Minister of the Interior to obtain another homestead entry.

I, A.B., do solemnly swear (or affirm, as the case may be) that for whom I am acting herein as agent is over eighteen years of age; that to the best of my knowledge and belief the land

land in respect of which application is made is of the class open for homestead and pre-emption entry ; that there is no person residing on the said land, nor are there any improvements thereon ; that he obtained homestead entry on the day of , 18 , for the section of section township range of the meridian, but forfeited the same ; that by an order of the Minister of the Interior, which I now produce, he has been permitted to make application for and receive another homestead entry, and that this application is made for his exclusive use and benefit, with the intention of his residing upon and cultivating the land applied for, and not directly or indirectly for the use or benefit of any other person or persons whomsoever.

Subscribed and sworn) (Signature.)
to, this day }
of 18 , before me }

Local Agent.

FORM L.

AFFIDAVIT by an agent in support of a claim for homestead entry on behalf of a person who has previously obtained a recommendation for patent for a homestead after three years' residence and cultivation.

I, A. B., do solemnly swear (or affirm, as the case may be) that for whom I am acting herein as agent, is over eighteen years of age ; that to the best of my knowledge and belief the land in respect of which the application is made is of the class open for homestead and pre-emption entry ; that there is no person residing upon and cultivating the said land, nor are there any improvements thereon ; that the application is made for the exclusive use and benefit of the said with the intention of his residing upon and cultivating the said land, and not directly or indirectly for the use or benefit of any other person or persons whomsoever ; that the said obtained entry for the quarter-section of section township range of the meridian, as a homestead on the day of 18 ; that he resided upon and cultivated the same for three years, and that his said homestead has been recommended for patent, certificate of which fact, signed by the proper agent for Dominion Lands, and countersigned by the Commissioner of Dominion Lands, I now produce.

Subscribed and sworn) (Signature.)
to, this day }
of 18 , before me }

Local Agent.

FORM

FORM M.

I certify that _____ who is the holder of a homestead entry (or homestead and pre-emption entry, as the case may be) for (describe the land) has complied with the provisions of the law required to be conformed to, in order to entitle him to receive a patent for such land, and that I have recommended the issue of such patent.

(Place—Date .)
Countersigned :

Local Agent.

Commissioner of Dominion Lands.

FORM N.

OATH OF MEMBER OF BOARD OF EXAMINERS.

I, A. B., do solemnly swear (or affirm, as the case may be), that I will faithfully discharge the duty of an Examiner of candidates for commissions as Dominion Land or Topographical Surveyors according to law, without favor, affection or partiality. So help me God.

FORM O.

ARTICLES OF PUPIL TO DOMINION LAND SURVEYOR.

THESE ARTICLES OF AGREEMENT, made the _____ day of _____ one thousand eight hundred and _____ between A. B. of _____ of _____ Dominion Land Surveyor, of _____ the one part, and C. D., of _____ and E. F., son of the said C. D., of the other part, witness :—

That the said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B., to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence next ensuing, and fully to be completed and ended :

And the said C. D. doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his

his executors, administrators and assigns, that the said E. F., shall well and faithfully, and diligently, according to the best and utmost of his power, serve the said A. B., as his pupil in the practice or profession of a Dominion Land Surveyor, which he, the said A. B., now followeth, and shall abide and continue with him from the day of the date hereof, for and during and unto the full end of the said term of three years :

And that he, the said E. F., shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said A. B., his executors, administrators or assigns, or of any of his employers ; and that in case the said E. F., shall act contrary to the last mentioned covenant, or if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehavior, neglect or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse him or them the amount or value thereof :

And further, that the said E. F. shall, at all times, keep the secrets of the said A. B. in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B. in all matters and things, and from time to time pay all moneys which he shall receive of or belonging to or by order of the said A. B. into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required ; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself from the service or employ of the said A. B. at any time during the said term without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence and with honesty and sobriety :

And the said E. F. doth hereby, for himself, covenant with the said A. B., his executors, administrators and assigns, that he, the said E. F., will truly, honestly and diligently serve the said A. B. at all times, for and during the said term, as a faithful pupil ought to do in all things whatsoever in the manner above specified :

In consideration whereof, and of
 money by the said C. D. to the said A. B., paid at or before
 the sealing and delivery of these presents (the receipt whereof
 of lawful
 is

is hereby acknowledged), the said A. B., for himself, his heirs, executors, and administrators, doth covenant with the said C. D., his heirs, executors, and administrators, that the said A. B. will accept and take the said E. F. as his pupil, and that he, the said A. B., will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the course of study prescribed by clause ninety-nine of the "*Dominion Lands Act, 1883,*" in practical surveying operations, and in the use of instruments, and generally in the art, practice and profession of a Dominion Land Surveyor, which he, the said A. B., now doth, and shall, at all times during the said term, use and practice, and also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, give to the said E. F., a certificate of servitude and use his best means and endeavors, at the request, cost and charges of the said C. D. and E. F., or either of them, to cause and procure him the said E. F., to be examined before the Board of Examiners of candidates for commissions as Dominion Land Surveyors; Provided, the said E. F., shall have well, faithfully, and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them, the said A. B. and C. D., doth bind himself, his heirs, executors and administrators, unto the other, his heirs, executors, administrators, and assigns, in the penal sum of five hundred dollars, firmly by these presents.

IN WITNESS WHEREOF the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

A. B. [Seal.]

C. D. [Seal.]

E. F. [Seal.]

Signed, sealed and delivered
in the presence of

G. H.

J. K.

FORM P.

COMMISSION AS DOMINION LAND SURVEYOR.

This is to certify to all whom it may concern that A. B., of
hath duly passed his examination before the
Board

Board of Examiners, and hath been found duly qualified to fill the office and perform the duties of Dominion Land Surveyor, he having complied with all the requirements of the law in that behalf: Wherefore he, the said A. B., is hereby duly admitted to the said office, and commissioned for the discharge of the duties thereof, and is by law authorized to practise as a Surveyor of Dominion lands.

In Witness whereof We, the President and Secretary of the said Board, have signed this Commission, at
on this day of , one thousand eight
hundred and

C. D.,
Surveyor General.
E. F.,
Secretary.

CHAP. 18.

An Act to amend "The Post Office Act, 1875."

[Assented to 25th May, 1883.]

Preamble.

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

Provision in 38 V., c. 7, s. 72 repealed and new substituted.

I. Sub-section twenty-seven of section seventy-two of the said Act is repealed, and the following sub-section is enacted in lieu thereof:—

Posting of immoral books and pictures, &c., or of advertisements of swindling enterprises, to be a misdemeanor.

"27. To post for transmission or delivery by or through the post any obscene or immoral book, pamphlet, picture, print, engraving, lithograph, photograph or other publication, matter or thing of an indecent, immoral, seditious, disloyal, scurrilous or libellous character, or any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which, there are words, devices, matters or things of the character aforesaid, or any letter or circular concerning an illegal lottery, so-called gift concert, or other similar enterprise offering prizes or concerning schemes devised and intended to deceive and defraud the public for the purpose of obtaining money under false pretences, shall be a misdemeanor."

CHAP.

CHAP. 19.

An Act to amend the Patent Act of 1872.

[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. Section seventeen of "*The Patent Act of 1872*," is hereby repealed, and the following is substituted therefor:—

"17. The term limited for the duration of every patent of invention issued by the Patent Office shall be fifteen years; but at the time of the application therefor it shall be at the option of the applicant to pay the full fee required for the term of fifteen years, or the partial fee required for the term of five years, or the partial fee required for the term of ten years. In case a partial fee only is paid the proportion of the fee paid shall be stated in the patent, and the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term for which the partial fee has been paid, unless at or before the expiration of the said term the holder of the patent pays the fee required for the further term of five or ten years, and takes out from the Patent Office a certificate of such payment (in the form which may be, from time to time, adopted) to be attached to and refer to the patent, and under the signature of the Commissioner, or, in case of his absence, another member of the Privy Council; and in case such second payment, together with the first payment, makes up only the fee required for ten years, then the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term of ten years, unless at or before the expiration of such term the holder thereof pays the further fee required for the remaining five years, making up the full term of fifteen years, and takes out a like certificate in respect thereof. Every patent heretofore issued by the Patent Office in respect of which the fee required for the whole or for any unexpired portion of the term of fifteen years, has been duly paid according to the provisions of the now existing law in that behalf, has been and shall be deemed to have been issued for the term of fifteen years, subject, in case a partial fee only has been paid, to cease on the same conditions on which patents hereafter issued are to cease under the operation of this section."

Preamble.

S. 17 of 35 V., c. 26 repealed and new substituted.

Patents to be for fifteen years.

But partial fees may be paid and in such case the patent to lapse at the end of 5 or 10 years.

Unless remainder of the fee is paid.

Patents hitherto issued deemed to be for 15 years subject to provisions of this Act.

CHAP. 20.

An Act further to amend an Act intituled: "An Act relating to Banks and Banking," and the several Acts amending the same.

[Assented to 25th May, 1883.]

Preamble.

34 V, c. 5.

WHEREAS it is expedient further to amend the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered five, and intituled "*An Act relating to Banks and Banking*," and the several Acts amending the same, in the manner hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

To what banks this Act applies.

1. This Act shall apply to every Bank to which the Act cited in the preamble applies, and to the branches of such Bank in every part of the Dominion; and the expression "*The Bank Act*," when used in this Act, means the Act cited in the preamble, as amended by any subsequent Act; and the expression "*any Bank*," or "*the Bank*," means a Bank to which the Bank Act applies.

Sect. 12 of Bank Act repealed.

2. Section twelve of the Bank Act is hereby repealed, and the following substituted in lieu thereof:—

New section. Transmission of certified lists of shareholders to Minister of Finance, when and how to be made.

"12. Certified lists of the shareholders, (or of the principal partners, if the Bank be *en commandite*), with their additions and residences, and the number of shares they respectively hold, and the par value of the said shares, shall be transmitted every year to the Minister of Finance, before the day appointed for the opening of the Session of Parliament, to be by him laid before Parliament within fifteen days after the opening of the session; and such transmission shall be made by the delivery of such lists at the office of the said Minister, or by registered post-letter, posted at such time that, in the ordinary course of the post, it may be delivered at the office of the Minister before the day appointed for the opening of the session.

Penalty for neglect.

"Any Bank neglecting to transmit to the Minister of Finance the lists in this section mentioned, within the time limited hereby, shall incur and pay a penalty of fifty dollars for each and every day during which such neglect continues."

Penalties on Banks having excess of circulation.

3. If it appears by the monthly statement made by the Bank, under section thirteen of "*The Bank Act*", and the Act forty-third Victoria, chapter twenty-two, that the amount of its notes in circulation has, during the month to which such statement

statement relates, exceeded the amount authorized by section eight of "*The Bank Act*," such Bank shall incur and pay a penalty of one hundred dollars, if the amount of such excess of circulation be not over twenty thousand dollars,—a penalty of one thousand dollars, if such excess be over twenty thousand and not over one hundred thousand dollars,—a penalty of five thousand dollars, if such excess be over one hundred thousand dollars, and not over two hundred thousand dollars,—and a penalty of ten thousand dollars, if such excess be over two hundred thousand dollars.

4. Any Bank holding at any time a less amount of its cash reserves in Dominion notes than is prescribed by the fourteenth section of "*The Bank Act*," as amended by section three of the Act passed in the forty-third year of Her Majesty's reign, chaptered twenty-two, shall incur and pay a penalty of two hundred and fifty dollars for each and every time it appears by the monthly statement or otherwise, that such contravention of the said fourteenth section has occurred.

Or having less than the prescribed amount of cash reserves in Dominion notes.

5. Sub-section three of section twelve of the Act, forty-third Victoria, chaptered twenty-two, is hereby amended by striking out the word "fifty" in the third line of the said sub-section, and inserting in lieu thereof, the word "sixty," and by inserting between the word "two" and the word "dollars" in the last line of the said sub-section the words "or for four."

Sect. 12 of 43 V, c 22 amended.

6. The form substituted by the Act forty-third Victoria, chaptered twenty-two, as that in which the monthly returns to be made to the Government by any Bank are to be made up, is hereby amended by adding after the item in the said form, "Capital paid up,.....\$," the items "Amount of Rest or Reserve Fund,.....\$," "Rate per cent. of last dividend declared per cent."

Form of monthly returns amended.

7. Section thirteen of "*The Bank Act*" is hereby further amended by striking out the word "ten" in the third line of the said section, and inserting the word "twenty" in lieu thereof; and any Bank neglecting to make up the monthly returns required by the said section as hereby amended within the time thereby limited shall incur and pay a penalty of fifty dollars for each and every day after the expiration of the time limited by the said section, during which the Bank shall have neglected so to make up any such return; and the date upon which it shall appear, by the Post Office stamp or mark upon the envelope or wrapper enclosing any such return for transmission to the Government, that the same was deposited in the Post Office, shall be held *prima facie*, for the purposes of this section, to be the date upon which such return was made up.

Section 13 of Bank Act further amended.

Penalty for not making up monthly returns in due time.

Sect. 10 of 43
V., c. 22
amended.

8. Section ten of the Act forty-third Victoria, chaptered twenty-two, is hereby amended by inserting between the word "Bank" and the word "without," in the third line thereof, the words, "Banking Company, Banking House, Banking Association, or Banking Institution, without adding to the said designation the words 'not incorporated' or"—

Penalty for
contraven-
tion of ss. 40,
43, 46 and 51
of Bank Act.

9. Any Bank contravening any provision of sections forty or forty-three of "*The Bank Act*," as amended by any subsequent Act, or of the sections substituted by the Act, forty-third Victoria, chapter twenty-two, for sections forty-six or fifty-one of "*The Bank Act*," shall, for each contravention thereof, incur and pay a penalty not exceeding five hundred dollars.

Act not to
prevent
greater pun-
ishment if
incurred.

10. Nothing in this Act shall be construed to prevent any contravention by any Bank, of "*The Bank Act*" or of any Act amending it, from being punished as a misdemeanor, or by forfeiture of its charter, if without this Act it would be so punishable.

Section 8
(legal holi-
days) of 35
V., c. 8
amended and
extended.

11. Section eight of the Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered eight, intituled "*An Act to amend the Act relating to Banks and Banking*," is hereby amended by striking out the words: "the Provinces of Ontario, New Brunswick and Nova Scotia," in the fourth and fifth lines of the said section, and inserting the words: "all the Provinces and Territories of Canada, except the Province of Quebec"; and the whole of the said section, as hereby amended, shall, notwithstanding the provisions of section nine of the said Act in this section above cited, apply to every part of the Dominion, and to the holidays mentioned in the said first recited Act shall hereafter be added, that known as "Easter Monday."

Easter Mon-
day a holiday.

To what date
the annual
returns shall
be made up.

12. The annual returns required by the hereinbefore recited Acts, and by this Act, shall be made up to the thirty-first day of December in the year next preceding each Session of Parliament.

CHAP. 21.

An Act to amend the Act passed in the forty-fifth year of the reign of Her present Majesty, intituled "An Act to repeal the duty on promissory notes, drafts and bills of exchange."

[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.** In any suit or proceedings at law or in equity now pending or hereafter to be commenced, the court or judge may admit in evidence as a valid instrument, any promissory note or bill of exchange unstamped or insufficiently stamped, made or drawn prior to the fourth day of March, in the year of Our Lord, one thousand eight hundred and eighty-two, without the payment of the double duty as required by the thirteenth section of the Act passed in the forty-second year of the reign of Her present Majesty intituled "*An Act to amend and consolidate the laws respecting duties imposed on promissory notes and bills of exchange;*"
- Judge may admit any note or bill of exchange made before 4th March, 1872, in evidence although wanting the proper stamp or stamps.
- 42 V., c. 17.
- Provided always, that it is proved and shown to the satisfaction of the court or judge that the circumstances and facts are such as would have entitled the holder thereof previous to the said fourth day of March to make it valid under the provisions of the said section by affixing stamps representing the double duty; and provided also that nothing in this Act nor anything done under it shall relieve the person who ought to have affixed the proper stamp or stamps from any penalty incurred in consequence of his neglect to affix the same.
- Proviso.
- Proviso.
- 2.** In any action or suit now pending in which but for this Act the defendant could have succeeded, the defendant shall, nevertheless, be entitled to the costs of the same on any plea in which the validity of the bill or promissory note has been questioned by reason of such bill or promissory note not having been properly stamped under the Act in the next preceding section cited.
- As to costs of defendant in certain suits now pending.

CHAP. 22.

An Act relating to Bills of Exchange and Promissory Notes in the Province of Prince Edward Island.

[Assented to 25th May, 1883.]

Preamble.

WHEREAS it is desirable to assimilate the laws of the Province of Prince Edward Island to the laws of the other Provinces of the Dominion, as regards the maturity of and the protesting of bills of exchange and promissory notes: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

35 V., c. 10,
extended to
P. E. Island.

1. The Act passed in the thirty-fifth year of Her Majesty's reign, chaptered ten, and intituled "*An Act relating to Bills of Exchange and Promissory Notes*," shall, on and after the passing of this Act, extend and apply to the Province of Prince Edward Island.

How bills and
notes may be
protested in
P. E. Island.

2. From and after the first day of July next after the passing of this Act, all bills of exchange and promissory notes payable at any place in the Province of Prince Edward Island for the sum of forty dollars and upwards, may, on default of the acceptance or payment thereof, be protested by a Notary Public; and such protest shall, in any action on such bill or note, be *prima facie* evidence of presentation and dishonor, and also of service of notice of such presentation and dishonor as stated in such protest; for which protest there shall be charged a notarial fee of fifty cents for protest and twenty-five cents for each notice

Effect of protest as evidence.

Fee.

CHAP. 23.

An Act to amend "*An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies, and Trading Corporations.*"

[Assented to 25th May, 1883.]

Preamble.

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

Orders of
Court under
45 V., c. 23
to be deemed
judgments,

1. Every order of the court or a judge for the payment of money or costs, charges or expenses made under the said Act, shall be deemed a judgment of the court, and shall bind the lands, and may be enforced against the person or goods

goods and chattels, lands and tenements of the person or persons ordered to pay, in the same manner in which judgments or decrees of any superior court obtained in any suit may bind lands or be enforced in the Province where the court enforcing the same is situate. How to be executed.

2. Debts due to any person against whom such order for the payment of money, costs or expenses has been obtained may be attached and garnisheed in the same manner as debts due to a judgment debtor may be attached and garnisheed by a judgment creditor in any Province where the attachment and garnishment of debts is by law allowed. Attachment and garnishment how effected.

CHAP. 24.

An Act further to amend "The Consolidated Railway Act, 1879," and to declare certain lines of Railway to be works for the general advantage of Canada.

[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:— Preamble.

1. The sections substituted by this Act as and for sections forty-eight and forty-nine of "The Consolidated Railway Act, 1879," and section fifty-nine of the said Consolidated Railway Act, shall apply to every railway (except Government railways) and railway company subject to the legislative authority of the Parliament of Canada. Sections 48, 49, 59, of 42V., c. 9, to apply to certain railways and companies.

2. In amendment of a clerical error in the eighth sub-section of section eight of "The Consolidated Railway Act, 1879," the word "or" which follows the word "plan" in the first line of the said sub-section, is hereby struck out and the word "and" is substituted therefor. Error in s. 8, corrected.

(2.) The said section eight is hereby amended by adding thereto the following sub-section:— Section 8 amended.

"15. The words 'map or plan,' in this eighth section, or wherever they occur in this Act, and such construction is not inconsistent therewith, shall be taken to mean a 'ground plan' of the lands and property taken or intended to be taken;" and such ground plan and book of reference may be made of sections of the railway not less than twenty miles in length; and in addition thereto, the company shall be bound to file in the office of the Department of Railways and Canals, within three months after the deposit of a ground plan and book of reference, a profile of the railway described upon such ground plan." Sub-section added: as to maps and plans and books of reference.

Section 9 amended. Greater extent of ground may be taken for certain purposes.

(8.) Section nine of the said Act is hereby amended, by substituting the words "six hundred and fifty yards in length by one hundred in breadth" for the words "two hundred and fifty yards in length by one hundred and fifty yards in breadth," in the seventh and eighth lines of the said section nine, and inserting immediately thereafter the words, "except for town and city stations, depots or terminal stations, or for protection against snow drifts, in which cases such greater quantity of land or land covered with water may be taken, as may be approved of by the Governor in Council,"

The expression "working expenditure" in s. 30 defined.

3. For the avoidance of doubts, the words "working expenditure," in the thirtieth section of the said "*The Consolidated Railway Act, 1879*," are hereby declared to mean and include all expenses of maintenance of the railway, and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and also all such tolls, rents or annual sums as may be paid in respect of property leased to or held by the company, apart from the rent of any leased line, or in respect of the hire of engines, carriages or wagons let to the company; also all rent charges or interest on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for; and also all expenses of or incidental to working the railway, and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accidents or losses; also all salaries and wages of persons employed in and about the working of the railway and traffic; and all office and management expenses, including directors' fees, agency, legal and other like expenses; and generally all such charges, if any, not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue, as distinguished from capital account.

General provision.

Sections 48 and 49 repealed and new substituted.

4. Sections forty-eight and forty-nine of "*The Consolidated Railway Act, 1879*," are hereby repealed and the following sections are substituted therefor:—

Certain powers vested in the Railway Committee with respect to railways crossing highways on the level,

"48. In any case where any portion of a railway is constructed, or authorized or proposed to be constructed, upon or along, or across any turnpike road, street or other public highway, on the level, the railway company, before constructing or using the same, or in the case of railways already constructed within such time as the Railway Committee shall direct, shall submit a plan and profile of such portion of railway, for the approval of the Railway Committee; and the Railway Committee, if it appears to them necessary for the public safety, may, from time to time, with the sanction of the Governor in Council, authorize and require the company to whom such railway belongs, within such time as the

the said Committee directs, to carry such road, street or highway either over or under the said railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Committee the best adapted for removing or diminishing the danger arising from the then position of the railway, or to protect such road, street or highway by a watchman, or by a watchman and gates or other protection; and all the provisions of law at any such time applicable to the taking of land by railway companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the proper carrying out of the requirements of the Railway Committee. For each and every day after the expiration of the date for the completion of the works fixed by the Railway Committee, during which the works remain uncompleted, the company shall forfeit and pay to Her Majesty, a penalty of fifty dollars to be recovered by information, with costs of suit, in the Exchequer Court of Canada by the Attorney-General of Canada on behalf of Her Majesty.

Certain works may be ordered by the Committee.

As to land required for such purpose.

Penalty for non-compliance with orders of Committee.

"49. Whenever that portion of any railway which crosses or is constructed upon or along any turnpike road, street or other public highway on the level. is out of repair, the chief officer of the municipality, or other local division, having jurisdiction over such highway, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company do not forthwith make the same, such officer may transmit a copy of the notice so served to the Secretary of the Railway Committee; and thereupon it shall be the duty of the Committee with all possible despatch, to appoint a day for an examination into the matter; and the Committee shall, by mail, give notice to such chief officer, and to the company, of the day so fixed; and upon the day so named the said portion of the railway shall be examined by an engineer appointed by the Railway Committee; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of such certificate; and in case of default the proper authority in the municipality or other local division, within whose jurisdiction the said portion of the railway is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the company in any court of competent jurisdiction, as money paid to the company's use: Provided always, that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises."

Powers for compelling Company to make necessary repairs at such crossings.

Inspection by Committee's Engineer, whose report shall be conclusive.

Provision in case of neglect by Co. to perform work required.

Proviso: liability of Co. not affected.

Section 3 of 41 V., c. 24, amended.

5. The third section of the Act passed in the forty-fourth year of Her Majesty's reign, chaptered twenty-four, and intituled "*An Act to amend the Consolidated Railway Act,*" is hereby amended by inserting the following sub-section at the end thereof:—

Sub-section added: penalty for neglect.

"(c) And every such railway company shall be liable to a penalty not exceeding fifty dollars per day, for every day of wilful neglect, omission or refusal, to obey the provisions aforesaid."

Imperial Act 30, 31 V., c. 3, (B. N.A. Act) cited.

6. Whereas, it is, in and by "*The British North America Act, 1867,*" among other things in effect enacted, that the exclusive legislative authority of the Parliament of Canada extends to such local works and undertakings as, although wholly situate within a Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more Provinces; and whereas, not only the main lines of the Intercolonial Railway, the Grand Trunk Railway, the North Shore Railway, the Northern Railway, the Hamilton and North-Western Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario and Quebec Railway, and the Canadian Pacific Railway, but also all branch lines or railways connecting with or crossing them or any of them, are works, and each of them is a work, for the general advantage of Canada; and whereas, for the better and more uniform government of all such works, and for the greater safety, convenience and advantage of the public, it is desirable that Parliament should so declare: Therefore, it is hereby declared, that the said lines of railway, namely: the Intercolonial Railway, the Grand Trunk Railway, the North Shore Railway, the Northern Railway, the Hamilton and North-Western Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario and Quebec Railway, and the Canadian Pacific Railway, are works for the general advantage of Canada, and each and every branch line or railway now or hereafter connecting with or crossing the said lines of railway, or any one of them, is a work for the general advantage of Canada.

Certain railways declared to be works for the general advantage of Canada.

Acts of local Legislatures to remain valid.

2. Nothing in this section contained shall be construed in any way to affect, or render inoperative the provisions of any Act of a local Legislature heretofore passed, authorizing the construction and running of any such railway or branch line or any Act amending the same, but hereafter the same shall be subject to the legislative authority of the Parliament of Canada.

But the railways subject to Parliament.

Provision as to railways not now un-

3. Railway companies by this Act brought within the legislative authority of Parliament shall have one year from the

the passing hereof within which to comply with the provisions of sub-section five, section fifteen of "*The Consolidated Railway Act, 1879.*"

der authority of Parliament

7. Whereas, it is desirable to collect railway statistics, therefore sections twenty-nine to thirty-four, both inclusive, and fifty-five to fifty-eight, both inclusive, of the said "*Consolidated Railway Act, 1879,*" shall apply to all railway companies operating lines of railway in Canada, whether otherwise within the legislative authority of the Parliament of Canada or not.

Certain sections of 42 V., c. 9. to apply to all railways.

2. The following clause is hereby added to sub-section twelve of section seven of "*The Consolidated Railway Act, 1879,*" and shall be construed as forming part thereof:—
"And the power of issuing bonds conferred upon the company hereby or by its charter shall not be construed as being exhausted by such issue, but may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off, and duly cancelled: Provided always, that the limit to the amount of bonds fixed by the special Act shall not be exceeded."

Provision as to bonds of Railway Cos.

8. The nineteenth sub-section of the ninth section of the said Act is hereby repealed, and the following is substituted therefor:—

Sub-section 19 of s. 9, repealed, and new substituted.

"19. If by an award of arbitrators made under this Act, the sum awarded exceeds the sum offered by the company, the costs of the arbitration shall be borne by the company; but if otherwise, they shall be borne by the opposite party, and be deducted from the compensation; and in either case the amount of such costs, if not agreed upon, may be taxed by the judge."

Costs of arbitration by whom to be borne.

9. Sub-sections one, two and three of section sixteen of the said Act are hereby repealed and the following substituted therefor:—

Section 16 amended.

"16. Within three months from the passing of this Act, in the case of a railway already constructed on any section or lot of land any part of which is occupied, or within three months after such construction hereafter, or, before such construction, within six months after any part of such section or lot of land has been taken possession of by the company for the purpose of constructing a railway thereon, (and in the last case after the company has been so required in writing by the occupant thereof) fences shall be erected and maintained, over such section or lot of land on each side of the railway, of the height and strength of an ordinary division fence, with openings or gates, or bars, or sliding or hurdle gates, with proper fastenings, therein at farm crossings of the railway; and

Fences of certain descriptions to be erected within certain periods, on each side of a railway.

Proviso :

and also cattle guards at all highway crossings, suitable and sufficient to prevent cattle and animals from getting on the railway : but this clause shall not be interpreted to the profit of any proprietor or tenant in any case wherein the proprietor of any such section or lot shall have accepted the compensation from the company for dispensing with the erection of such gates or bars.

Liability of company in case of default.

“ 2. If after the expiry of such delay, such fences, gates and cattle guards are not duly made; and until they are so made and afterwards if they are not duly maintained, the company shall be liable for all damages which shall be done on the railway by their trains or engines to the cattle, horses or other animals of the occupant of the land in respect of which such fences, gates or guards have not been made or maintained, as the case may be, in conformity herewith.

Non liability in other cases except for negligence.

“ 3. After such fences, gates and guards have been duly made and while they are duly maintained no such liability shall accrue for any such damages unless they are caused wilfully or negligently by the company or by their employees.”

Provision added to section 20 as to calls on stock

10. The twentieth section of the said Act is hereby amended, by adding to the first subsection thereof, at the end of the said subsection, the following words: “But nothing herein contained shall prevent the Directors from making more than one call by one resolution of the Board,—the intervals between such calls, the notices of each call, and the other provisions of this Act and of the special Act, if any, being duly observed.”

Section 60 amended and sub-sections added.

11. Section sixty of the said Act is hereby amended by adding at the end of the first subsection of the said section, after the word “proxy,” the words: “and also to the approval of the Governor in Council.” And also by the addition of the following provisions, *a*, *b* and *c*:—

Notice of application to Governor in Council for approval of traffic arrangements.

“(a.) Provided, that before such approval shall be given, notice of the application therefor shall be published in the *Canada Gazette* for at least two months prior to the time therein named for the making of such application, and such notice shall state a time and place when the application shall be made, and that all parties interested may then and there appear and be heard on such application.

As to investments in stock, &c., of other companies.

“(b.) That unless specially authorized so to do, it shall not be lawful for any railway company, either directly or indirectly, to apply any of its funds to the acquisition of any shares, bonds or other securities issued by another railway company, nor of any interest in such shares, bonds or other securities:

(c.)

"(c.) That every Director of a railway company who knowingly permits any of such company's funds to be applied in contravention of the provisions of the next preceding subsection, shall be liable to a penalty of one thousand dollars for each contravention, which penalty may be sued for and recovered on information filed in the name of the Minister of Justice of Canada, and one-half of the said penalty when recovered shall belong to the Crown, and one-half thereof to the informer; and the acquisition of each share, bond or other security, or interest therein, as aforesaid, shall be deemed a separate contravention of the provisions aforesaid."

Penalty on directors allowing contravention of preceding provisions.

Acquisition of each share to be separate offence.

12. Sub-section six of section seventeen of the said Act is hereby repealed and the following substituted therefor :—

Sub-section 6 of s. 17 repealed and new substituted.

"6. And whereas, it is expedient that a Railway Company should be enabled to vary the tolls upon the railway so as to accommodate them to the circumstances of the traffic, but that such power of varying should not be used for the purpose of prejudicing or favoring particular persons, or for the purpose of collusively and unfairly creating a monopoly, either in the hands of the company or of particular persons, therefore it shall be lawful for the company, subject to the provisions and limitations herein and in their special Act contained, from time to time to alter or vary the tolls by the special Act authorized to be taken, either upon the whole or upon any particular portions of the railway as they shall think fit: Provided that all such tolls be, at all times and under the same circumstances, charged equally to all persons, and after the same rate, whether per ton, per mile or otherwise, in respect of all passengers and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same portion of the line of railway; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favor of or against any particular company or person travelling upon or using the railway."

Power to vary tolls subject to certain provisions and to any special Act.

Proviso; as to such variation. Rates to be same to all parties under the same circumstances.

13. The second sub-section of section sixty of the said Act is hereby repealed, and the following sub-section is substituted therefor :—

Sub-section 2 of section 60 repealed, new substituted.

"2. Every railway company shall, according to its power, afford all reasonable facilities for the receiving, and forwarding and delivery of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks and other vehicles; and no such company shall make or give any undue or unreasonable preference or advantage to or in favor of any particular person or company or any particular

Railway companies to afford reasonable facilities for forwarding traffic and return of carriages, without preference or favor.

cular

As to companies whose railways form part of a continuous line.

Agreements in contravention of this section to be void.

Provision in case of the sale of a railway or part thereof to a party not having legal powers for working it.

Notice to Minister.

With copies of deed, &c.

When and how long purchaser may work the railway after such notice, &c.

cular description of traffic in any respect whatsoever, nor shall any such company subject any particular person or company, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever: and any railway company having or working railways which form part of a continuous line or railway, or which intersect any other railway, or which have the terminal station or wharf of the one near the terminal station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding all the traffic arriving by one of such railways by the other, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation may, by means of the railways of the several companies, be at all times afforded to the public in that behalf; and any agreement made between any two or more railway companies contrary to the foregoing provisions shall be unlawful, null and void."

14. If at any time any railway or any section of any railway be sold under the provisions of any deed of mortgage thereof, or at the instance of the holders of any mortgage bonds or debentures, for the payment of which any charge has been created thereon, or under any other lawful proceeding, and be purchased by any person or corporation not having any corporate powers authorizing the holding and operating thereof by such purchaser, the purchaser thereof shall transmit to the Minister of Railways and Canals, within ten days from the date of such purchase, a notice in writing stating the fact that such purchase has been made, describing the termini and line of route of the railway purchased, and specifying the charter under which the same had been constructed and operated, including a copy of any writing preliminary to a conveyance of such railway which has been made as evidence of such sale; and immediately upon the execution of any deed of conveyance of such railway the purchaser shall also transmit to the Minister of Railways and Canals a duplicate or an authenticated copy of such deed, and shall furnish to the Minister, on request, any further details or information that he may require.

15. Until the purchaser shall have given notice to the Minister in manner and form as provided by the last preceding section, it shall not be lawful for the purchaser to run or operate the railway so purchased, or to take, exact or receive any tolls whatever in respect of any traffic carried thereon; but after the said conditions have been complied with, the purchaser may continue until the end of the then next Session of the Parliament of Canada to operate such railway

way and to take and receive such tolls thereon as the railway company previously owning and operating the same was authorized to take, and shall be subject, in so far as they can be made applicable, to the terms and conditions of the charter of the said company, until he shall have received a letter of license from the Minister of Railways and Canals, —which letter the Minister is hereby authorized to grant, defining the terms and conditions on which such railway shall be run by such purchaser during the said period.

Letter of license from Minister.

16. It shall be the duty of such purchaser to apply to the Parliament of Canada at the next following session thereof after the purchase of such railway, for an Act of incorporation or other legislative authority, to hold, operate and run such railway, and if such application be made to the said Parliament and be unsuccessful, it shall be in the discretion of the Minister of Railways and Canals to extend the license to run such railway until the end of the then next following Session of Parliament and no longer: and if during such extended period the purchaser does not obtain such Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister of Railways and Canals, as shall be determined by the Railway Committee of the Privy Council.

Purchaser must apply to Parliament for legislative authority.

Discretionary powers of Minister pending application:— and of Railway Committee.

CHAP. 25.

An Act for authorizing Subsidies for the construction of the lines of Railway therein mentioned.

[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:—

Preamble:

1. It shall be lawful for the Governor in Council to grant the subsidies hereinafter mentioned to the Railway Companies, and towards the construction of the Railways also hereinafter mentioned, that is to say:—

Subsidies may be granted in respect of certain railways.

To the Baie des Chaleurs Railway Company for 100 miles of their railway, from Matapediac, on the Intercolonial Railway, to Paspebiac, in the Province of Quebec, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole..... \$320,000

To

To the Caraquet Railway Company for 36 miles of their railway, from a point near Bathurst to Caraquet, in the Province of New Brunswick, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	115,200
To the Gatineau Valley Railway Company for the first 50 mile section of their railway, from Hull Station, in the Province of Quebec, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	160,000
To the Great American and European Short Line Railway Company, for 80 miles of their railway from Canso to Louisburg or Sydney, in the Province of Nova Scotia, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole....	256,000
To the International Railway Company, for 49 miles of their railway from Sherbrooke, in the Province of Quebec, to the International boundary line, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	156,800
In connection with the extension of this road through Maine to connect with New Brunswick, at or near Vanceborough or south of that point.	
To the Northern and Western Railway Company, for 32 miles of their railway, from the Intercolonial Railway, near the Miramichi, to Moran's, near Demphy Village, in the Province of New Brunswick, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole..	102,400
To the Montreal and Western Railway Company, for the first 50 mile section of their railway, out of St. Jerome, in the Province of Quebec, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	160,000
To the Napanee, Tamworth and Quebec Railway Company, for 28 miles of their railway, from Napanee to Tamworth, in the Province of Ontario, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole.....	89,600
To the Quebec and Lake St. John Railway Company, for 25 miles of their railway, from St. Raymond to Lake St. John, in the Province of Quebec, a subsidy not	

exceeding

exceeding \$3,200 per mile, nor exceeding in the whole..... 80,000
 In addition to the subsidy granted by the Act forty-fifth Victoria, chapter fourteen.

For a railway from the Intercolonial Railway at Petitcodiac to Havelock Corner, in the Province of New Brunswick, 12 miles, a subsidy not exceeding \$3,200 per mile, nor exceeding in the whole... 38,400

For a railway from Gravenhurst to Callander, 110 miles, a subsidy not exceeding \$6,000 per mile, nor exceeding in the whole..... 660,000
 In addition to the subsidy granted by the Act forty-fifth Victoria, chapter fourteen.

Total..... \$2,138,400

The nine subsidies first mentioned to be granted to the Companies hereinbefore named respectively; and the two subsidies last mentioned to be granted to such Companies as shall be approved by the Governor in Council as having established to his satisfaction their ability to complete the said railways, respectively; and all the eleven lines above mentioned, and also all the lines of railway in respect of which it is provided by the Act forty-fifth Victoria, chapter fourteen, that subsidies may be granted, shall be commenced within two years from the first day of July next, and completed within a reasonable time, not to exceed four years from and after the passing of this Act, to be fixed by Order in Council, and according to descriptions and specifications to be approved by the Governor in Council, on the report of the Minister of Railways and Canals, and specified in an agreement to be made by each Company with the Government, and which the Government is empowered to make; and all the said subsidies authorized by this Act, respectively, to be payable out of the Consolidated Revenue Fund of Canada by instalments, on the completion of each section of not less than ten miles of railway, proportionate to the value of the portion so completed in comparison with the whole work undertaken, to be established by the report of the said Minister: Provided always, that the granting of such subsidies shall be subject to such conditions for securing such running powers or traffic arrangements, and other rights, as will afford all reasonable facilities and equal mileage rates to all railways connecting with those so subsidized, as the Governor in Council may determine.

To what Companies and on what conditions.

How payable. Proviso.

Conditions as to running powers.

CHAP. 26.

An Act to provide for advances to be made by the Government of Canada to "The Saint John Bridge and Railway Extension Company."

[Assented to 25th May, 1883.]

Preamble.

WHEREAS "The Saint John Bridge and Railway Extension Company" is a corporation duly incorporated under an Act passed by the local Legislature of the Province of New Brunswick for the purpose of constructing and maintaining a line of railway from some point on the line of "The Saint John and Maine Railway Company," at or near Fairville, in the Parish of Lancaster, in the City and County of Saint John, in the said Province of New Brunswick, to some point on the Intercolonial Railway at or near its terminus in the City of Saint John, crossing the River Saint John by a railway bridge to be constructed by the said Company, which said works are and are hereby declared to be for the general advantage of Canada; And whereas the said Company have applied to the Government of the Dominion of Canada for an advance of money to aid them in the construction and completion of their said line of railway and bridge, and in consequence of such application an Order in Council, set forth in the Schedule to this Act, was passed on the nineteenth day of October, 1882; and whereas it is desirable that legislative provision should be made accordingly: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain advances may be made by the Governor in Council.

1. The Governor in Council may, if he sees fit, make advances of money to the said Company, to the extent, in the manner, for the purpose and upon the terms and conditions mentioned and set forth in the said Order in Council, which is hereby incorporated with and made a part of this Act, and upon the said Company's duly executing a mortgage deed or other instrument, to the satisfaction of the said Governor in Council, in the terms and upon the conditions aforesaid, and creating a first lien and charge upon the property, real and personal, franchises, rights, easements and privileges of the said Company; and such mortgage deed or instrument shall be valid and binding, and the obligations thereby assumed by the said Company may be enforced according to the tenor thereof.

Security to be given by the Company,

SCHEDULE.

Certified Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Honor the Deputy of His Excellency the Governor General in Council, on the 19th October, 1882:—

On a Report, dated 18th October, 1882, from the Minister of Finance stating that he has had under consideration a letter, dated the 16th October instant, from Mr. Robert Robinson, a Director of the St. John Bridge and Railway Extension Company, asking that amendments be made in the terms of the Order in Council of the 23rd September last, which recommended that Parliament at the next session be asked to legislate in aid of the Company in the direction therein mentioned:—

The Minister reports that he is of opinion that it is proper that the subsidy from the New Brunswick Government and the annuity from the St. John and Maine Railway Company be left to the Company to dispose of as they shall see fit, and that the Government shall have no charge or lien thereon, except as the same may be expended on the works of the Company.

The Minister is also of opinion that the time within which the Government may purchase the Company's works and undertakings may properly be reduced from fifteen to five years from the date on which the first advance is made.

The Minister is further of opinion that certain other amendments should be made in the said Order in Council, and he therefore recommends that the said Order in Council be cancelled and that Parliament be asked at the next session to legislate in the following direction in aid of the Company:

1. The Governor in Council to be authorized to advance to the Company as the work proceeds, such sums of money as will not exceed eighty per centum of the expenditure as made; the advances to be made on the certificate of the Chief Engineer of Government Railways in operation, and the whole of the advances not to exceed in all, the sum of five hundred thousand dollars.

2. The Company to have the right of repaying the advances and interest at any time within fifteen years from the date on which the first advance is made.

3. The Government may, if it should be found advisable, take possession of the bridge, railway and appurtenances at any time within five years from the date on which the first advance is made, on payment of the difference between the amounts then due to the Government for advances and interest, and the sum of the total amount expended by the Company, and ten per centum on the total amount so expended.

4. In case the Company fail to complete the work within the time specified by their charter, by the 25th March, 1885, the Government to have power to enter and take possession of the Company's works and undertakings and complete the same without making further advances, but paying to the Company the difference between the amount then advanced and eighty per centum of the cost at the date of entry, as certified to by the Chief Engineer of Government Railways in operation.

5. The said advances and interest thereon to be a first charge and lien on, and to be secured by a mortgage on all the property, real and personal, of the Company, and on all their rights, franchises, easements and privileges; and in case the Company should make default in payment of the interest on the said advances for the space of one year after the same becomes due, or in case they fail to repay to the Dominion Government the said advances within fifteen years from the date of the advance of the first sum, then and in either case all their property, real and personal, and all their rights, franchises, easements and privileges shall be and become by the act of default, and without any proceedings for condemnation, foreclosure or possession, forfeited to the Crown, and Her Majesty, by Her officers or agents, may thereupon enter and take possession of the same, and the same shall thenceforth be the property, rights, franchises, easements and privileges of Her Majesty as represented by the Dominion Government.

6. Interest to be computed at the rate of four per centum per annum, and to be payable annually on or before the thirtieth day of June in each year.

The Committee submit the above recommendation for Your Excellency's approval.

(Signed)

JOHN J. MCGEE.

CHAP. 27.

An Act to extend to British Columbia the Act relating to fishing by Foreign Vessels.

[Assented to 25th May, 1883.]

Preamble.

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

31 V., c. 61
extended to
B.C.

1. The Act thirty-first Victoria, chapter sixty-one, intituled "*An Act respecting fishing by foreign vessels*," is hereby extended to the Province of British Columbia.

CHAP.

CHAP. 28.

An Act respecting certificates to Masters and Mates of Inland and Coasting Ships.

[Assented to 25th May, 1883.]

WHEREAS it is expedient to provide for the examination of, and grant of certificates of competency or service to persons intending to act as Masters or Mates on board ships registered in Canada, trading on the inland waters of Canada, or on the coasts of Canada, or in its vicinity, as hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. In this Act the word "*ship*" means any vessel used for the purposes of navigation and registered in Canada; the expression "*sailing ship*" means a ship propelled mainly by sails; the word "*steamship*" or "*steamer*" includes any ship impelled wholly or in part by steam or other motive power than sails or oars; the word "*mate*" means the first or only mate; the word "*voyage*" includes "*passage*" or "*trip*"; and the expression "*coasting voyage*" includes a voyage between Canada and Newfoundland or the United States of America.

Interpretation clause.

"Ships."

"Mates."

"Voyages."

EXAMINATIONS AND CERTIFICATES OF MASTERS AND MATES.

2. Examinations may be instituted in Canada for persons having been domiciled in Canada for at least three years who intend to become masters or mates of ships trading on the inland waters of Canada, or on coasting voyages, as hereinbefore mentioned, or who wish to procure certificates of competency or service as masters or mates of such ships; and persons serving in ships so registered, and British subjects serving in foreign vessels in like trade, shall be deemed to be domiciled in Canada while so serving: And, subject as herein mentioned, the Minister of Marine and Fisheries shall provide for such examinations at such place or places as he may see fit; and the Governor may appoint an examiner or examiners at any place or places to conduct the examination, and may, by Order in Council, regulate the same, and determine the amount of the remuneration of such examiners.

Examination of masters and mates of inland vessels or coasters.

Governor may appoint examiners, &c.

3. The Governor in Council may, from time to time, make rules for the conduct of such examinations, and as to the qualifications of the applicants; and such rules shall be observed by all examiners.

And make rules respecting examinations.

Fees payable before examination.

As to second examination in case of failure to pass in first.

Certificates to persons passing such examination successfully.

Proviso: if report is not satisfactory to the Minister.

Certificates of service.

Who may obtain such certificate as Master.

And who as Mate.

4. All applicants for examination shall pay, previous to examination, to such person as the Minister of Marine and Fisheries may appoint for that purpose, the following mentioned fees, that is to say; for a certificate of competency as master, eight dollars, and for a certificate of competency as mate, four dollars, and for certificates of service, the fees hereinafter provided; and in the event of any applicant failing to procure his certificate of qualification on his first examination, he shall be entitled to a second examination without payment of any additional fee; but if he fails to procure his certificate of qualification on such second examination, he shall pay the same fee previous to any subsequent examination as is hereby required to be paid previous to a first examination for the certificate he seeks to procure.

5. Subject to the proviso hereinafter made, the Minister of Marine and Fisheries may grant to every applicant who is duly reported by any one or more of the examiners to have passed the examination satisfactorily, for sailing ships or steamers, as the case may be, and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, a certificate (hereinafter called a certificate of competency) to the effect that he is competent to act as master or mate of ships hereby required to be commanded by a certificated master, or to have a certificated mate (stating the class of ships for which he is found competent), trading on the inland waters of Canada, or in the coasting trade, as the case may be; but in every case in which the Minister of Marine and Fisheries has reason to believe such report to have been unduly made, he may remit the case either to the same or to any other examiner or examiners, and may require a re-examination of the applicant, or a further enquiry into his testimonials and character, before granting him a certificate.

6. Certificates of service in ships trading on the inland waters of Canada or on coasting voyages, differing in form from certificates of competency, may be granted as follows:—

(1.) Every person who, before the first day of January, A.D. 1883, served as master in a ship trading on the inland waters of Canada, or on coasting voyages, or being a British subject served in foreign vessels in like trade, and who has produced satisfactory evidence at such examination of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as master for ships trading on the inland waters of Canada, or on coasting voyages, on payment of a fee of four dollars.

(2.) Every person who, before the first day of January, A.D. 1883, served as mate in a ship trading on the inland waters of Canada, or on coasting voyages, or being a British subject,

subject, served in foreign vessels in like trade, and who has produced satisfactory evidence in manner aforesaid of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as first, or only mate, for ships trading on the inland waters of Canada, or upon coasting voyages, on payment of a fee of two dollars.

7. After the first day of January, which will be in the year of Our Lord, one thousand eight hundred and eighty-four, no sailing ship registered in Canada over one hundred tons register tonnage, nor any steam ship 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 be licensed or allowed to ply on any Canadian water, unless the master thereof has obtained and possesses a valid certificate of competency or service as master for inland, or (as the case may be) coasting ships of the class and description to which such ship belongs, from the Minister of Marine and Fisheries, or a valid certificate of competency or service as master for sea-going ships, from the said 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; nor shall any ship registered in Canada and over two hundred tons register tonnage, nor any steamship so registered and allowed by law to carry more than forty passengers, 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, unless such ship carries also a mate who has obtained a valid certificate of competency or service as such mate, granted by some such authority as aforesaid :

And every person who, having been engaged to serve as master or mate of any ship, the master or mate whereof is hereby required to have such certificate of competency or service, goes on any voyage described in this section after the said date as such master or mate, without being at the time entitled to and possessed of such certificate as hereinbefore required, or who employs any person as master or mate of any such ship as aforesaid, on any such voyage, without first ascertaining that he is at the time entitled to

No vessel to which this Act applies shall, after 1st January, 1884, sail or be cleared unless she carries a certificated master or mate, as hereby required.

Penalty on uncertificated persons acting as masters or mates, or on persons employing them as such.

and possessed of such certificate, shall, for each such offence, incur a penalty of one hundred dollars :

Proviso: certain classes of vessels excepted.

Provided that 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.

After the said day, a master must produce his certificate (and that of his mate if he has one) on applying for a clearance, &c.

8. After the first day of January, which will be in the year of Our Lord, one thousand eight hundred and eighty-four, the master of every ship, required by this Act to be commanded by a master having a certificate of competency or 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, Newfoundland or the United States of America, 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 be 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.

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, after the day last aforesaid, 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, after that date, 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.

Penalty for plying without a proper master.

(3.) And 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.

9. When any master or mate proves to the satisfaction of the Minister of Marine and Fisheries that he has, without fault on his part, lost or been deprived of any certificate theretofore granted to him under this Act, by the Minister of Marine and Fisheries, the Minister may, upon payment of one half the fee charged for the original certificate, cause a copy or duplicate of the original certificate to be made out and certified as aforesaid, and to be delivered to him.

Certificate lost may be replaced, and how.

10. Every person who makes, or procures to be made, or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate of competency or service under this Act, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or any official copy of any such certificate, or who fraudulently makes use of any such certificate which is forged, altered, cancelled or suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be used by any other person, shall, for each such offence, be deemed guilty of a misdemeanor.

Penalty for forgery or fraud with respect to any certificate.

11. The Minister of Marine and Fisheries may suspend or cancel the certificate of any master or mate who has received a certificate from such Minister under this Act in the following cases, that is to say: if upon any investigation made or authorized by him, such master or mate is found to be incompetent, or to have been guilty of any act of misconduct, drunkenness, or tyranny; or it is found that the loss or abandonment of, or serious damage to any ship, or loss of life has been caused by his wrongful act or default; or if it is shown, to the satisfaction of the said Minister, that such certificate was granted on false or erroneous information.

Minister may suspend or cancel certificate in certain cases of misconduct.

12. And every master or mate whose certificate is cancelled or suspended shall deliver it to the Minister of Marine and Fisheries, or as he directs, unless he has already delivered it to any court or tribunal before whom his conduct was called in question in the course of the investigation upon which it is cancelled or suspended, and in default shall, for each offence, incur a penalty not exceeding one hundred dollars; and the Minister of Marine and Fisheries may, at any subsequent time, grant to any person whose certificate has been cancelled, a new certificate of the same or of any lower grade.

Cancelled or suspended certificate to be delivered to Minister.

New certificate may be granted.

13. A record of all certificates of competency or service, granted under this Act, shall be kept in a bound book in the Department of Marine and Fisheries; and all documents purporting to be certificates granted by the Minister of Marine and Fisheries in pursuance of this Act, and to be signed by him,

Record of certificates.

Their effect as evidence.

Entry of cancellation.

As to copies certified by Minister or his deputy.

Applications of fees.

Copies of this Act, &c., to be kept at certain custom houses.

This Act not to affect 33 V., c. 17, or things done under it.

him, shall be received in evidence, and shall be deemed to be such certificates without further proof, unless the contrary be shown; and whenever notice of the cancelling, suspending, altering or otherwise affecting by competent authority, any such certificate, is received by the Department, there shall thereupon be made a corresponding entry in the record of certificates; and a copy of any such certificate purporting to be certified by the Minister of Marine and Fisheries or his Deputy, shall be *prima facie* evidence as aforesaid of such certificate; and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any such certificate shall be *prima facie* evidence of the entry and truth of the matter stated therein.

14. All fees received under this Act shall be paid over to the Receiver-General, and form part of the Consolidated Revenue Fund of Canada.

15. The Minister of Marine and Fisheries shall cause a copy of this Act to be lodged in all the principal custom houses in the Dominion, naming the various ports where boards of examiners have been appointed, together with a copy of the rules made by the Governor in Council for the guidance of such examiners, within sixty days after the passing of this Act.

16. Nothing contained in this Act shall be construed to affect the provisions of the Act passed in the thirty-third year of Her Majesty's reign, chapter seventeen, intituled "*An Act respecting certificates to Masters and Mates of Ships,*" or to make a certificate under this Act sufficient for the master or mate of any sea-going ship to which the said Act applies, on any voyage by sea to which the said Act extends.

CHAP. 29.

An Act further to amend "The General Inspection Act, 1874,"

[Assented to 25th May, 1883.]

Preamble.

37 V., c. 45.

WHEREAS it is expedient further to amend the Act thirty-seventh Victoria, chapter forty-five, intituled "*An Act to make better provision, extending to the whole Dominion of Canada, respecting the Inspection of certain Staple Articles of Canadian produce,*" as 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:—

Section 2 amended.

1. Section two of the Act above cited is hereby amended by inserting the word "Winnipeg" after the word "Ottawa," in the second line of the said section.

2. The paragraph of section thirty-six of the said Act contained in the twenty-eighth and twenty-ninth lines thereof, and which is as follows:—"Black Sea and Flinty Fife wheat shall in no case be inspected as higher than No. 2." is hereby repealed, and the following is substituted in lieu thereof:—

Section 36 amended.

"Black Sea wheat and, except when grown in the Province of Manitoba or in the North-West Territories, Flinty Fife wheat shall in no case be inspected as higher than No. 2."

As to Black Sea and flinty Fife wheat.

3. Section eighty-seven of the said Act is hereby amended by striking out the words "raw hides or" where they occur in the fifth, sixth and ninth lines of the said section respectively, and also by striking out the word "weights" where it occurs in the sixth and tenth lines of the said section respectively, and inserting the word "weight" in lieu thereof.

Section 37 amended as to raw hides.

CHAP. 30.

An Act respecting the sale of Intoxicating Liquors, and the issue of licenses therefor.

[Assented to 25th May, 1883.]

WHEREAS it is desirable to regulate the traffic in the sale of intoxicating liquors, and it is expedient that the law respecting the same should be uniform throughout the Dominion, and that provision should be made in regard thereto for the better preservation of peace and order: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. This Act may be cited as "*The Liquor License Act*, Short Title 1883."

2. In this Act the words and expressions following shall, unless such interpretation be repugnant to the subject or inconsistent with the context, be construed as follows:—

Definition of terms used.

1. "*Board*" means the Board of License Commissioners; Board,
2. "*District*" means a License District; District.
3. "*Electors*" means those who are entitled to vote at an election for a member of the House of Commons; Electors.
4. "*Inspector*" means an Inspector of licensed premises, and includes every person having the authority of such Inspector; Inspector.
5. "*Justice*" or "*Justices*" means Justice of the Peace, or Justices of the Peace, as the case may be; Justice.

- Hotel license.** 6. "*Hotel License*" means a license authorizing the holder thereof to sell and dispose of, under the provisions of this Act, any liquor in quantities not exceeding one quart, which may be drunk on the premises ;
- Licensee.** 7. "*Licensee*" means a person holding a license under this Act ;
- Licensed premises.** 8. "*Licensed premises*" mean the premises in respect of which a license under this Act has been granted and is in force, and shall be construed to mean and extend to every room, closet, cellar, yard, stable, outhouse, shed, or any other place whatsoever of, belonging, or in any manner appertaining to such house or place ;
- Liquor.** 9. "*Liquors*" or "*Liquor*" shall be construed to mean and comprehend all spirituous and malt liquors, and all combinations of liquors and drinks and drinkable liquids, which are intoxicating ;
- Magistrate.** 10. "*Magistrate*" means the Judge of the Sessions of the Peace, Police, Stipendiary or Sitting Magistrate, Recorder, Justice or Justices of the Peace, or Commissioner of a Parish Court who may have jurisdiction to entertain a complaint in respect of a contravention of the provisions of this Act ;
- Bar.** 11. "*Public Bar*," or "*Bar*" means and includes any room passage, or lobby in any licensed premises open immediately to any street, highway, public place or public thoroughfare, and into which the public may enter and purchase liquors ;
- Saloon license.** 12. "*Saloon License*" means a license authorizing the holder thereof to sell and dispose of any liquors, not exceeding one quart, on the premises therein specified, and which may be drunk on the premises.
3. Nothing in this Act shall apply,—
- Exception as to makers of native wines.** 1. To manufacturers of native wines from grapes grown and produced in Canada, and who sell such wines in quantities of not less than one gallon, or two bottles of not less than three half-pints each, at one time, at the place of manufacture ;
- Auctioneers.** 2. To any person who holds a license as auctioneer, selling liquor at public auction in quantities of not less than two gallons at any one time ;
- Refreshment rooms in Legislative buildings.** 3. To any person selling liquor in any refreshment room at the Senate or House of Commons, or the Legislative Council or House of Assembly of any of the Provinces, by the permission and under the control of the Senate, House of Commons, Legislative Council or House of Assembly respectively.

LICENSE DISTRICTS.

4 The Governor in Council shall, as soon as conveniently may be after the commencement of this Act, establish districts for the purposes of this Act, to be called "License Districts," and may, from time to time, alter and re-define the same; and the "License Districts," when so established and when altered, shall be announced by proclamation in the *Canada Gazette* ;

Establishment of license districts by O. C.

Such districts shall, as far as possible and convenient, be identical and co-terminous with existing and future—

Boundaries thereof.

- (1.) Counties,
- (2.) or Electoral Districts,
- (3.) or Cities.

LICENSE COMMISSIONERS.

5. There shall be a Board of License Commissioners, to be called "The Board," composed of three persons for each License District :

Board of Commissioners; of whom composed.

(a.) The first Commissioner shall be, in the Provinces of Ontario, Nova Scotia, New Brunswick, Manitoba and Prince Edward Island, a County Court Judge, or a Junior Judge of a County, as may be selected by the Governor in Council; in the Province of Quebec, the Judge of a Judicial District, a Judge of Sessions of the Peace, the Prothonotary or a Registrar of the County or registration division, as the Governor in Council may appoint; in the Province of British Columbia, such one of the Judges as the Governor in Council may appoint :

First Commissioner in the several Provinces.

(b.) The second Commissioner shall be the Warden of the county or Mayor of the city, when there is both a Warden and a Mayor, having jurisdiction within the License District, the former shall be second Commissioner: in the cities of Montreal and Quebec, in the Province of Quebec, the Recorder, and in the Counties of the Province of Prince Edward Island, the Sheriff of the County shall be the second Commissioner; but in the Province of Nova Scotia where the license district embraces two or more municipalities, then the Warden of such of the said municipalities as the Governor in Council may appoint shall be the second Commissioner :

Second Commissioner.

Proviso as to Nova Scotia

(c.) The third Commissioner shall be a person appointed by the Governor in Council, who shall hold office for one year, or for the portion of the year yet unexpired in which he is appointed, but he shall continue to hold office until his successor is appointed :

Third Commissioner.

2. In the Counties of Chicoutimi and Saguenay, Gaspé and Bonaventure, in the Province of Quebec, the Governor in Council

Commissioners in certain

Council

counties in
Quebec.

Council may appoint two Commissioners, who, with the Warden, shall form the Board; and in any unorganized district, the Governor in Council may appoint three Commissioners:

Chairman
and quorum.

3. The Judge shall be chairman of the Board, and two of the said Commissioners shall form a quorum. In the absence of the Judge, the Warden or Mayor, as the case may be, in the cities of Montreal and Quebec the Recorder, in the Province of Prince Edward Island the Sheriff, and in any unorganized district such one of the Commissioners as the Governor in Council shall designate, shall be the Chairman.

LICENSE INSPECTORS.

Chief Inspector
and inspectors for
each district.

6. A Chief Inspector of Licenses, and one or more Inspectors, shall be appointed by the Board of License Commissioners from time to time for each district, as the Board may see fit, and each License Inspector shall, before entering upon his duties, give such security as the Board may require for the due performance of his duties, and for the payment over of all sums of money received by him under the provisions of this Act; and the salary of the Inspectors shall be fixed by the Board, subject to the approval of the Governor in Council:

Security and
salaries.

Bond.

2. The security required by this section shall be by bond to Her Majesty:

Secretary-
Treasurer.

3. The Chief License Inspector shall be the Secretary-Treasurer of the Board, and all moneys payable to the Board shall be paid to him.

LICENSES.

Descriptions
and forms of
license.

7. The Governor in Council may direct the issue of licenses on stamped paper, written or printed, or partly written and partly printed, of the several kinds or descriptions following, that is to say:—

- (1.) Hotel licenses;
- (2.) Saloon licenses;
- (3.) Shop licenses;
- (4.) Vessel licenses;
- (5.) Wholesale licenses:

How signed,
and form and
duration of.

The said licenses shall be signed by the Minister of Inland Revenue, or by some officer appointed by him to sign such licenses, and shall be on such one of the forms in the first schedule

schedule of this Act, as shall be applicable, and, except when otherwise provided, shall be in force to the thirtieth day of April inclusive following the date thereof :

(a.) An "Hotel License" or "Saloon License" shall authorize the licensee to sell and dispose of any liquors in quantities not exceeding one quart, which may be drunk in the hotel or saloon in which the same is sold :

Hotel or saloon license.

(b.) A "Shop License" shall authorize the licensee to sell and dispose of any liquors not to be drunk in or upon the premises for which the license is granted, provided that not less in quantity than one pint shall be sold or disposed of at any one time to any one person :

Shop license.

(c.) A "Vessel License" shall authorize the master of the vessel, being a vessel by which passengers are conveyed from one place to another within or beyond the Dominion, to sell or dispose of liquor during the passage of the vessel between such places, to any passenger on board such vessel : Provided always, that it shall not permit the selling, or disposing of any liquor, except at the regular meals served on board such vessel, and then only to actual passengers : and provided further, that it shall not authorize the opening or keeping of a bar or place on board such vessel, where liquors are sold or drunk :

Vessel license.

Proviso.

Proviso.

(d.) A "Wholesale License" shall authorize the licensee to sell and dispose of liquors in his warehouse, store, shop, or place defined in the license, in quantities of not less than two gallons in each cask or vessel ; and in any case when such selling by wholesale is in respect of bottled ale, porter, beer, wine or other fermented or spirituous liquor, each such sale shall be in quantities not less than one dozen reputed quart bottles : liquors sold under a wholesale license are not to be consumed in, or upon, the house or premises in respect of which the license is granted :

Wholesale license.

As to sale in bottles.

Not to be consumed on the premises.

2. But hotel, saloon and shop licenses and such other of the licenses by this Act authorized to be issued, as to which a Provincial Legislature may impose a tax in order to the raising of a revenue, shall be subject to the payment of such duty as the Legislature of the Province, under the power conferred on it by the ninth enumerated class of subjects in section ninety-two of "The British North America Act, 1867," may impose for the purpose of raising or in order to raise a revenue for provincial, local or municipal purposes.

Duty imposed by Provincial Legislatures, under B.N.A. Act, s. 92, to be paid.

3. Every license shall be issued by the authority and under the direction of the Board of License Commissioners for the district in which the premises to which the license is to apply are situate, except in the case of licenses for vessels,

Under authority of what Board license shall issue.

vessels, which may be issued under the authority of the Board for any district to or from any port in which the vessel sails, or at any port in which she calls.

Regulations at meeting of Board in February, 1884, for certain purposes.

9. The Board shall hold a meeting during the month of February, one thousand eight hundred and eighty-four, and may there at pass a resolution or resolutions for regulating the matters following:—

Qualifications and conditions for licenses.

a. For defining the conditions and qualifications requisite to obtain hotel or saloon licenses for the retailing, within the district or any part thereof of liquors, and also shop licenses for the sale, by retail, within the district or any part thereof, of liquors in shops or places other than hotels, taverns, inns, ale-houses, beer-houses or places of public entertainment, not contrary to, or inconsistent with the provisions of this Act;

Number of licenses and times and localities for issuing.

b. For limiting the number of hotel, saloon and shop licenses respectively within the maximum prescribed by this Act, and for defining the respective times and localities within which and the persons to whom such limited number may be issued within the year, from the first day of May, of one year till the thirtieth day of April inclusive of the next year;

c. For declaring the number of saloon licenses that may be issued in any year;

d. For regulating the hotels, saloons and shops to be licensed;

e. For fixing and defining the duties, powers and privileges of the Inspectors of Licenses of their district.

Resolutions in subsequent years.

2. In subsequent years the Board may pass the resolution or resolutions hereinbefore prescribed at their meeting herein-after provided for, but the resolution or resolutions so adopted shall have effect only as respects the licenses of the succeeding year:

How promulgated.

3. Any resolution or resolutions adopted by the Board shall be promulgated within ten days thereafter, in such manner as they may determine.

Yearly meetings of Board. Notice.

10. The Board shall meet on some day in the month of March, of which notice shall be given as hereinafter mentioned, for the purpose of taking into consideration all applications for certificates for such licenses as by this Act are authorized to be granted:

Adjournment for want of a quorum.

2. If any cause shall prevent a quorum of the Board being present on the day fixed for the meeting, or at any adjournment of a meeting on the appointed day, the said meeting or adjourned meeting shall stand adjourned from day to day until a quorum shall be present to hold such meeting:

8. The Chief Inspector of any district in which an annual meeting is to be held shall, one calendar month at least before the holding of such meeting, cause a notice thereof to be fixed to the outer door of the Court House or other building where the meeting of the Board is to be held, and shall also cause an advertisement of the time and place of holding such meeting to be inserted at least thrice, in at least one newspaper published in the district, or if no newspaper be published therein, then in a newspaper published nearest to the said district.

Notice of meeting by Chief Inspector.

APPLICATIONS FOR LICENSES.

11. Every application for a license to sell liquors, by wholesale or retail, shall be by petition of the applicant to the Board of the district in which the license is to have effect, praying for the same.

How to be made.

12. Every petition for an hotel, saloon or shop license, shall be filed with the Chief Inspector for the district wherein the license is to have effect, on or before the first day of March next preceding the day when it is to come into force ;

And when.

2. Every petition for any other license authorized to be granted by this Act shall be filed with the Chief Inspector five days, at least, before the day upon which the meeting of the Board is to be held.

And filed with Chief Inspector.

13. In the case of an application for an hotel, saloon or shop license by a person who is not, at the time of the making of such application, a licensee under this Act or under any Act of a Provincial Legislature, or as to premises which are not then licensed, the petition must be accompanied by a certificate signed by one-third of the electors entitled to vote in the polling sub-division in which the premises sought to be licensed are situated. Such polling sub-division shall be that established by law for the purposes of an election for the House of Commons, or if none such be established, then, the polling sub-division used for the last election for the House of Commons. In unorganized districts the said certificate shall be signed by at least ten out of the twenty householders residing nearest to the premises in which the applicant proposes to carry on the business for which the license is required.

Certificate required with application in case applicant is not a licensee.

As to un-organized districts.

14. Such certificates shall be in the form in the second Schedule hereto, or to the like effect, in respect of the fitness of the applicant to have such license, and the premises in which it is proposed to carry on the business, and the desirability, on the ground of public convenience, of having a license granted therefor.

Form and requisites of certificate.

Notice by Chief Inspector as to applications for licenses.

15. The Chief Inspector shall cause to be published in some newspaper published in the district, or if no newspaper be there published, then in a newspaper published near thereto, the name of each applicant for a license, the description of license applied for, and the place (described with sufficient certainty) where such applicant proposes to sell, at least fourteen days before the meeting of the Board. He shall also cause a notice containing similar information to be fixed to the outer door of the Court House or other building where the meeting of the Board is to be held.

Posting up notice.

Deposit by applicant.

16. The applicant shall, with his application, deposit a fee of ten dollars to cover expenses of inspection and advertising.

Objections to applications for license.

17. It shall be the right and privilege of any ten or more electors of the said polling sub-division and in unorganized districts of any five or more out of the twenty householders residing nearest to the premises for which a license is required, to object by petition, or in any similar manner, to the granting of any license. The objections which may be taken to the granting of a license may be one or more of the following :—

As to character of applicant.

1. That the applicant is of bad fame and character, or of drunken habits, or has previously forfeited a license, or that the applicant has been convicted of selling liquor without a license within a period of three years ; or—

As to his premises.

2. That the premises in question are out of repair, or have not the accommodation hereby required, or reasonable accommodation if the premises be not subject to the said requirements ; or—

As to the neighborhood.

3. That the licensing thereof is not required in the neighbourhood, or that the premises are in the immediate vicinity of a place of public worship, hospital or school, or that the quiet of the place in which such premises are situate will be disturbed if a license is granted.

Particulars as to persons signing objections.

18. Every petition having reference to the granting of a license shall have, in addition to each signature thereon, a statement of the approximate distance from the premises to which such petition refers, of the residence or property of each person signing the same.

Time for filing.

19. Any petition against the granting of a license shall be lodged with the Chief Inspector, not less than four clear days before the day appointed for the meeting of the Board.

Posting list of petitions, &c.

20. The Chief Inspector shall keep a list posted in his office for three days previous to the meeting of the Board, of all

all certificates and petitions lodged with him as aforesaid, and every such petition or memorial shall be open for public inspection without fee.

21. The Board shall, on receiving any petition as aforesaid, erase therefrom all names in respect of which the particulars hereby required to be set forth are not appended. Examination of signatures.

22. Every application for a license, and all objections to every such application, shall be heard and determined at a meeting of the Board for the district wherein the premises in respect of which the license is sought, or to which it relates, are situate : Hearing and determining objections.

2. Every such hearing shall be open to the public, and every applicant for a license shall attend personally at such hearing, unless hindered by sickness or infirmity ; and the Board may summon and examine on oath such witnesses as they may think necessary, and as nearly as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of Justices in relation to summary convictions and orders : Proceedings at hearings.

8. Any license meeting may, at the discretion of the Board, be adjourned from time to time to the same or any other Court House or building within the district. Adjourning meetings.

23. On every application for a license the Inspector shall report in writing to the Board, and such report shall contain,— Report of inspector on applications.

1. A description of the house, premises and furniture ; As to premises.

2. And if the application be by a person who held a license for the same premises during the preceding year, a statement as to the manner in which the house has been conducted during the existence of the previous license, and the character of persons frequenting the house ; Conduct of applicant if previously licensed.

3. A statement of the number, position and distance from the house in respect of which a license is applied for of other licensed houses in the neighborhood ; As to licensed houses in the neighborhood.

4. A statement whether the applicant is a fit and proper person to have a license, and is known to be of good character and repute ; Fitness of applicant.

5. A statement whether the house or premises sought to be licensed is or is not, in his opinion required for public convenience ; Necessity of licensed house.

6. A statement whether the applicant is or is not the true owner of the business of the hotel, saloon or shop proposed to be licensed. Whether applicant owns the business.

Report of
Inspector to
be for infor-
mation of
Board.

24. The report of the Inspector shall be for the information of the Board, who shall, nevertheless, exercise their own discretion on each application.

ACCOMMODATION.

Accommoda-
tion required
in and at an
hotel.

25. Every hotel authorized to be licensed under the provisions of this Act shall contain, and during the continuance of the license shall continue to contain, in addition to what may be needed for the use of the family of the hotel-keeper, in cities and towns not less than six bed-rooms, and in other places not less than three bed-rooms, together with, in every case, a suitable complement of bedding and furniture; and (except in cities and incorporated towns) there shall also be attached to the said hotel, proper stabling for at least six horses besides his own :

Not to com-
municate
with a shop.

2. No hotel or saloon shall form a part of, or communicate by any entrance with any shop or store wherein any goods or merchandise are kept for sale :

Hotel or
saloon must
have sufficient
eating accom-
modation,
and for serv-
ing meals.

26. In addition to the accommodation required by the last preceding section, each hotel or saloon shall be shewn, to the satisfaction of the Board, to be a well-appointed and sufficient eating-house, with the appliances requisite for daily serving meals to travellers ; and the requirements of this section shall apply to all hotels or saloons, save as hereinafter excepted, and continuously for the whole period of the license :

Board may
dispense with
such accom-
modation in
certain cases.

2. The Board may, by resolution to be passed before the first day of May in any year, dispense, as to a certain number of saloons in any city or town, with the necessity of their having the accommodation in the last preceding section mentioned.

City or mu-
nicipal
council may
require addi-
tional accom-
modation.

27. The Council of any city, incorporated village, town, township or parish may, by by-law to be passed before the first day of March in any year, prescribe for the then ensuing license year beginning on the first day of May, any requirements in addition to those in the last two preceding sections mentioned, as to accommodation to be possessed by hotels and saloons, which the Council may see fit ; and the Board, upon receiving a copy of such by-law, shall be bound to observe the provisions thereof ; and such by-law shall continue in full force for such year and any future year until repealed.

Stabling to be
provided with
hay, etc.

28. Every hotel-keeper whose license is granted in respect of premises to be provided with stabling, shall, at all times, keep upon his licensed premises a sufficient supply of hay, corn, or other provender, for the accommodation of travellers.

DUTIES

DUTIES OF THE BOARD.

19. The Board shall ascertain that the requirements of this Act as to the petition of the applicant, the certificate of the electors when necessary, and the report of the Inspector have been complied with : To see that requirements are complied with.
2. If the said pre-requisites have been complied with, (but not otherwise) the Board shall entertain the application : Entertaining application or not.
3. Where the applicant for an hotel or shop license resides in a remote part of the district, or where for any other reason the Board see fit, they may dispense with the report of the Inspector, and act upon such information as may satisfy them in the premises. Applicants in remote parts.
4. The Board shall hear and determine all applications, and also all objections which may be made to such applications on such evidence as shall seem to them sufficient, whether the same be strictly legal evidence or not. Hearing and determining applications.
5. Any person who has signed a memorial against the granting of a license, may be heard in opposition thereto. Hearing objectors.
6. The Council of any city, town or incorporated village, or of any municipality or parish, may authorize any person to appear in a similar manner on behalf of the ratepayers of such city, town, incorporated village, municipality or parish as to the granting of a license, and such person so authorized shall have a right to be heard before the Board against the granting of such license. And those authorized by municipalities.
7. No objection in respect of the character of any applicant shall be entertained, unless three days' notice has been given to the applicant. As to objections to character.
8. No objection from an Inspector shall be entertained, unless the nature of the objection shall have been stated in the report furnished to the Board. Objections by Inspectors.
9. Notwithstanding anything in this Act contained, the Board may, of their own motion, take notice of any matter or thing which in their opinion would be an objection to the granting of a license, although no notice or objection has been given or made as by this Act provided : in any such case the Board shall notify the applicant, and shall adjourn their hearing of the application, if requested by him, for any period not exceeding fourteen days and not less than seven days, in order that any person affected by the objection may have an opportunity of answering the same. Board may notice matters not mentioned by objectors.
Notice to applicant in such case.
10. The decision of the Board, when once announced by the chairman, shall not be questioned or reconsidered. Decision of Board final.

Applicants refused as unfit disqualified for 2 years.

11. If any applicant for a license has, at any time or in any place, been refused on the ground that he is not a fit person to hold a license, no application by such applicant shall be entertained by any Board within a period of two years of the last of such refusals.

Certificates to applicants found entitled to license.

30. If it appears that the applicant is the true owner of the business of such hotel, saloon or shop, and has complied with the requirements of the law and with the regulations and requirements of the Board, the Board may grant such applicant a certificate under the hands of any two members of the Board, stating that he is entitled to a license for a certain time, and for a certain hotel, saloon or shop within the district.

Entrance to hotel separate from bar.

31. No hotel license shall be granted in respect of any house in any city, town or incorporated village, unless such house has a separate front entrance, in addition to the entrance to the bar or place where liquors are sold.

Two-thirds majority of electors may prevent license.

32. No license shall be granted if two-thirds of the electors in the sub-division petition against it, on the grounds hereinbefore set forth, or any of such grounds.

No license to person disqualified.

33. No license shall be granted to any person declared, in pursuance of this Act, to be a disqualified person, during the continuance of such disqualification: any license issued to a person so disqualified, shall be void.

Nor to a Commissioner or Inspector.

34. No license shall be granted under the provisions of this Act to or for the benefit of any person who is a License Commissioner or License Inspector; and any license so issued shall be void.

Nor if Commissioner or Inspector owns the premises.

35. An hotel, saloon or shop license shall not be issued under the provisions of this Act for premises within any district of which any of the License Commissioners or of the Inspectors for such district is the owner; and every License Commissioner who knowingly issues, and every License Inspector who knowingly recommends the issue of a license for any such premises, contrary to the provisions of this section, shall be guilty of a misdemeanor:

Provide: as to joint stock companies.

2. The provisions of this section shall not extend or apply to premises owned or occupied by a joint-stock company in which a License Commissioner is a shareholder, but in every such case such License Commissioner shall not vote upon any question affecting the granting of a license to such company, or for premises owned or occupied by it.

Licenses for vessels or for wholesale.

36. The Board may also direct to be issued licenses for vessels, or wholesale licenses which have been applied for within the time hereinbefore prescribed.

37. No wholesale license shall be granted to any person who does not carry on the business of selling by wholesale or in unbroken packages. Condition of wholesale license.

38. Wholesale licenses may be issued in the name of a partnership, when two or more persons are carrying on business as one, but a separate license shall be required in every district wherein the firm carries on its business. As to partnerships.

39. In any case where the Board of any district do not think fit, or are unable to grant a new license to any applicant who has been licensed during the preceding twelve months, or any part thereof, they may, nevertheless, by resolution, provide for extending the duration of the existing license for any specified period of the year, not exceeding three months, at their discretion; and such license, when a certificate of the extension aforesaid has been endorsed thereon, under the hand of the Chief Inspector for the district, shall remain valid for the period specified in the resolution of the Board, and no longer; but this provision shall not be construed to confer on the Board any authority to exceed the limit prescribed by this Act as to the number of licenses to be granted in any year. Extension of licenses in certain cases. Proviso.

40. Upon the obtaining by the applicant of the certificate authorizing the issuing of a license, the Chief Inspector shall, on the demand of the applicant so authorized, and upon the payment of a fee of five dollars, and upon his giving security by bond as hereinafter mentioned, when it is an hotel, saloon or shop license that has been directed to issue, issue to him the license to which he is entitled: Issue of license and fee.

2. Provided always, that in any Province in which, in order to the raising of a revenue for Provincial, local or municipal purposes, a duty has been imposed under the authority of "*The British North America Act, 1867*," on any license, before the license issues, the person entitled thereto shall establish, to the satisfaction of the Chief Inspector, that he has paid or tendered such duty. Proviso: Applicant must have paid or tendered any lawful provincial duty.

SECURITY TO BE GIVEN.

41. Before any hotel, saloon or shop license is granted, the person applying for the same shall enter into a bond to Her Majesty in the sum of five hundred dollars, with two good and sufficient sureties (to be approved of by the Chief Inspector), in the sum of one hundred and fifty dollars each, conditioned for the payment of all fines and penalties which such person may be condemned to pay in respect of any offence against any Act, by-law or provision in the nature of law, relative to hotels, taverns, inns or houses of public entertainment then and thereafter to be in force, and to do, Form, amount and conditions of bond.
perform

perform and observe all the requirements thereof, and to conform to all by-laws and regulations that may be established by competent authority in such behalf; and such bond shall be in the words or to the effect of the third schedule to this Act, and when executed shall be filed in the office of the Chief Inspector, to be by him transmitted to the Secretary of State.

NUMBER OF LICENSES.

Number limited.

42. The aggregate number of hotel and saloon licenses to be granted, except as hereinafter provided, in the respective municipalities or parishes, shall not, in each year, be in excess of the following limitations:—

In municipalities generally.

1. In cities, towns and incorporated villages respectively, according to the following scale, that is to say, one for each full two hundred and fifty of the first one thousand of the population, and one for each full five hundred over one thousand of the population: Provided, that two hotel licenses may be granted in any town or incorporated village wherein the population is less than five hundred;

Proviso.

In villages being county towns, and—

2. In incorporated villages, being county towns, five licenses may be granted, notwithstanding that according to the population that number could not be issued:

Niagara Falls.

3. In the Town of Niagara Falls, in the Province of Ontario, three hotels near the Falls of Niagara, which may be licensed, may be added to the number which would otherwise be the maximum limit under this Act.

Where there is no municipal organization.

4. In townships or parishes and in places where there is no municipal organization, the Board of the district shall, by resolution to be passed at their first meeting in each year, limit the number of licenses to be issued in each year:

Places of summer resort.

5. The Board may authorize the granting of two additional hotel licenses beyond the number limited by this Act in a locality largely resorted to in summer by visitors, but such licenses shall only be for a period of six months, commencing on the first day of May in each year; but this provision is not to apply to the Town of Niagara Falls:

Proviso.

No saloon licenses in certain places.

6. In incorporated villages, townships or parishes, no saloon licenses shall be granted.

Number of shop licenses.

43. The number of shop licenses to be granted in the respective municipalities shall not, in each year, be in excess of the following scale:—

One for each full four hundred up to twelve hundred of the population, and—

One

One for each full one thousand beyond twelve hundred of the population.

44. The council of any city, town or village may, by by-law to be passed before the first day of March in any year, reduce, within any limit by this Act provided, the number of hotel, saloon and shop licenses to be issued therein for the then ensuing year, or for any future license year until such by-law is altered or repealed : Municipal council may further limit the number of licenses.

2. The council shall cause a certified copy of such by-law to be sent immediately after the passing thereof to the Chief Inspector of the district in which the municipality is situate. Notice to Chief Inspector.

45. No provision in this Act contained shall affect the powers conferred on the Municipal Councils in the Province of Quebec of each county, city, town, village, parish and township by the laws in force in the said Province, on the first day of July, one thousand eight hundred and sixty-seven, to restrict or prohibit the sale of intoxicating liquors in the limits of their respective territorial jurisdiction ; and the said powers, and the by-laws now in force passed under the authority of the said laws are hereby preserved and confirmed. Certain powers of Municipal Councils in Quebec, at time of confederation, saved.

46. The number of the population which is to determine the number of licenses at any time under this Act shall be according to the then last preceding census, except where the Board are at any time of opinion that, owing to a large increase of population since such census, an increased number of licensed hotels is needed for the convenience and accommodation of travellers ; and in that case, if the Board so certify, and the council of the municipality memorialize the Governor for an increase of the number of hotels, the Governor in Council may authorize a new census to be taken at the expense of the municipality, and the limit for the number of licenses shall thereafter, upon each such new census, be one for each full two hundred and fifty of the population under one thousand, and one for each five hundred over one thousand of the population : How population shall be computed for purposes of this Act. New census in certain cases, under O.C.

2. In case of the alteration or formation of any municipality subsequent to the taking of any census, the population of such municipality, for the purposes of this Act, may be ascertained by the said Board by reference to the enumeration on which such census took place, or by a new census taken under the provisions of this section : Municipalities altered since census.

8. Where, since the general census, a census has been taken in any municipality under the authority of the council having jurisdiction, the limit may be the same as in the case of a census taken under this section for the purposes of this Act. The same.

No license in municipalities where three-fifths of the electors have so voted

47. No license shall be granted by the Board for the sale of liquors within the limits of a town, incorporated village, parish, township or other municipality (save and except counties and cities) when it shall have been made to appear to the Board in manner hereinafter provided, that a majority of three-fifths of the duly qualified electors therein, who have voted at a poll taken as hereinafter specified, have declared themselves to be in favor of a prohibition of the sale of intoxicating liquors in their locality, and against the issue of licenses therefor.

Requisition by one-fifth of electors to Commissioner that poll may be taken.

2. When a requisition is presented to any Commissioner from one-fifth of the electors of any town, incorporated village, township, parish, or other municipality (save and except counties and cities), requiring a vote to be taken as to whether or not such license shall issue or be granted therein, it shall be the duty of such Commissioner, upon the receipt of such requisition, to scrutinize the names of the electors attached to such requisition, and being satisfied that the said electors whose names are attached to the said requisition are duly qualified, and after the person or persons, who have witnessed the signatures to the said requisition, shall have sworn before a Justice of the Peace or a Notary Public, that he the said witness or they the said witnesses, were present and saw the said electors sign the said requisition, and that the signers constitute one-fifth of the electors of such town, incorporated village, parish, township or other municipality, to command the holding of a public meeting of the said electors, to ascertain whether or not such licenses shall be granted, and the taking of a poll to that effect,—the Commissioner to whom the requisition has been presented shall, by an order inserted in the Register: Firstly, appoint the Chief Inspector or other person to preside at such meeting and act as returning officer, and: Secondly, fix the place and day at and in which the poll shall be taken. The returning officer, in accordance with the order, shall give public notice of such meeting in some newspaper within the municipality or district, or if there be no newspaper within the municipality or district, then in some newspaper as near thereto as may be, the publication to be continued in at least one number of such paper each week for three successive weeks, and also by posting up such notices, or copies of the same, at the polling places within such municipality or district, fixed in the order, and also at two or more of the most public places in the municipality or district. Such meeting shall be held in the month of January or February next ensuing, on such day as shall be most convenient, and not less than four weeks, and not more than seven weeks, from the date of the first publication of such notice,—the said poll to be taken between the hours of nine A.M. and five P.M. of the day so appointed. Should any riot or disturbance take place so as to disturb the polling, such poll shall be continued on the next succeeding lawful day.

How to be attested and proved.

Duty of Commissioner as to the taking of such poll;

And of returning officer.

Notices to be given.

Day and hours for holding the poll.

Provision in case of disturbance.

3. On the day appointed for taking the poll the Chief Inspector, or person appointed as returning officer, shall preside over the meeting; and such officer shall have all the powers for the preservation of the peace which are, by law, vested in a returning officer at any election of a Member of the House of Commons of Canada, and shall have the powers of appointing and swearing constables. Duties and powers of returning officer.
Constables.
4. The returning officer and the clerks whom he shall employ, shall subscribe and take the oath for the due and proper performance of the duties of their respective offices according to the forms (*mutatis mutandis*) prescribed in the Schedule to "*The Dominion Elections Act, 1874*," before the nearest resident Justice of the Peace or a Commissioner for taking Affidavits, and shall be subject to the same penalties for the neglect or improper discharge of their respective duties as are imposed on similar officers in case of an election of a Member of the House of Commons. Oath of office of returning officer and clerks.
Penalties for neglect of duty.
5. The Clerk of the Municipality shall furnish the returning officer with a correct list of the electors within the municipality for which the poll is to be taken; and such returning officer shall, in case of doubt, have power to administer to the voters the oath as to qualification required in the case of the election of a Member of the House of Commons. List of electors to be furnished.
Oath of elector if required.
6. The vote of the electors shall be taken by ballot in the manner provided by "*The Canada Temperance Act, 1878*," and the several clauses thereof under the headings "The Poll," "Scrutiny," "Penalties," "Preservation of the Peace," "General Provisions," "Prevention of Corrupt Practices," and "Penalties and Punishments Generally," shall be read and construed as part of this Act, except where the same may be inconsistent with any of the provisions herein contained. Provisions of 41 V., c. 16, to apply.
7. If, at five o'clock in the afternoon of the first day of the poll, the votes of all the electors present have not been polled, the meeting shall be adjourned to the hour of nine in the forenoon of the following day, for the purpose of proceeding with the polling of such votes: Adjournment on first day if all votes not polled.
- The poll shall be closed at five o'clock in the afternoon of the second day: Closing on second day.
- If at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapses without any votes having been polled, the presiding officer shall close the election. Or on either day in default of voters.
8. At the close of the poll the returning officer shall count the "ayes" and "noes," and ascertain and certify on the face of Certificate of result by
of

returning officer to Board.

of the poll-book the number of votes given for or against the granting of licenses, respectively: the certificate shall also be signed by the poll clerk: the certificate, with the poll-book, shall be deposited in the office of the Board within two days after the close of the poll.

Objections to be heard and determined.

9. Objections to any act or proceeding under this section must be made in writing and filed in the office of the Board of License Commissioners, within eight days after the certificate is deposited in the said office: such objections shall be considered and adjudicated upon by the Board at their next regular meeting: the decision of the Board shall be final; and in the event of the objections being maintained, they shall have the power to cause another poll to be taken on the question whether or not licenses shall be granted.

Decision of Board to be final.

Want of form not to invalidate proceedings.

10. Nothing in this section shall be construed as permitting any of the proceedings had, or paper writings filed, or notices required therein, to be vitiated or set aside by reason of any mere want or defect of form, or any irregularity in the drawing up or execution of the same.

When the decision shall take effect, and for how long.

11. The decision of the three-fifths of the electors against the granting of licenses as declared at the poll, shall come into force in the then ensuing license year, beginning on the first day of May, and such prohibition shall continue in full force for such year and any future year until repealed; and each and all of the provisions of this section shall apply to the proceedings to be taken in reference to such repeal.

License to apply to person and premises.

48. Subject to the provisions of this Act as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named, and for the premises therein described, and shall remain valid only so long as such person continues to be the occupant of the said premises, and the true owner of the business there carried on.

TRANSFER OF LICENSES.

Conditions on which transfer shall be allowed and its effect.

49. In case any person having lawfully obtained a license under this Act dies before the expiration of his license, or sells, or by operation of law or otherwise assigns his business, or removes from the house or place in respect of which the said license applies, his said license shall, *ipso facto*, become forfeited, and be absolutely null and void to all intents and purposes whatsoever, — unless such person, his assigns or legal representatives, within one month after the death, assignment or removal of, or sale by the original holder of such license, or some other period in the discretion of the Board of the district in which the said license has effect, obtain its written consent or the consent

consent of the Chairman, countersigned by the Inspector, either for the continuance of the said business or the transfer of such license to some other person, and thereupon forthwith transfer the same to such other person, who, under such license, may exercise the rights granted by such license, subject to all the duties and obligations of the original holder thereof, until the expiration thereof, in the house or place for which such license was issued and to which it applies, but in no other house or place.

2. In every such case of transfer of an hotel license, the person in whose favor any such transfer is to be made shall first produce to the Board, or to the Chairman thereof, a report of the Inspector similar in effect to that mentioned in section twenty-three of this Act.

Report of Inspector required.

3. Except in case of the death of the licensee no transfer of any license shall be made, nor shall any application for leave to transfer be entertained until the expiration of three months from the time of the granting of such license.

When to be applied for.

50. Where a licensee has been legally ejected from any licensed premises, the Board or the Chairman may, notwithstanding the non-production of the license, on the application in writing of the owner of the premises and the proposed new tenant, grant a special certificate of transfer of such license to such new tenant, in such form as he or they shall think applicable, such certificate to be countersigned by the Chief Inspector.

Case of licensee ejected.

51. Any two members of the Board may, by order, authorize any person they may think entitled to the benefit of any license to carry on the business in the licensed premises for the remainder of the term for which the license was granted, in the same manner as if such license had been formally transferred to such person, in any of the following cases, that is to say :—

Authority to continue business for remainder of term in certain cases.

1. Whenever any person to whom a license has been granted deserts the licensed premises, or refuses or neglects to transfer the license when justly required so to do ; or—

Desertion of premises.

2. If, during the currency of any such license, the holder thereof ceases to occupy the premises in respect whereof the license is held, or his tenancy of such premises is determined by effluxion of time, or by notice to quit, or by any other means whatsoever.

Ceasing occupation.

52. Where any licensed person is convicted of any offence, and in consequence either becomes personally disqualified or has his license forfeited, any two members of the Board, upon the application by or on behalf of the owner of the premises

Case of licensee convicted of an offence disqualifying

in

him or entailing forfeiture of license. in respect of which the license was granted (where the owner is not the occupier), and upon being satisfied that such owner was not privy, nor a consenting party to the act of his tenant, and that he has legal power to eject the tenant of such premises, may, by order, authorize an agent to carry on the business specified in the license relating to such premises until the end of the period for which such license was granted, in the same manner as if such license had been formally transferred to such agent.

Case of marriage of female licensee. **53.** In case of the marriage of any female being a licensee the license held by her shall confer on her husband the same privileges, and shall impose on him the same duties, obligations and liabilities, as if such license had been granted to him originally: Provided that the Chairman of the Board, on the application of the husband of the licensed woman, has confirmed to him his wife's license for the remainder of the term of the duration thereof, and granted him a certificate to that effect, which must be countersigned by the Chief Inspector. Such confirmation shall be granted if the Chairman is satisfied that no objection can be made to the character of the husband, and that he has not forfeited a license within the next preceding three years.

Proviso.

REMOVAL OF LICENSEE.

Grant of leave to remove. **54.** Any Chief Inspector may, after resolution allowing the same by the Board, or permission in writing granted by the Chairman thereof, endorse on any hotel, saloon or shop license, permission to the holder thereof to remove from the house to which his said license applies, to another house to be described in the endorsement to be made by the said Inspector on the said license: Provided always, that the house to which the licensee proposes to remove has all the accommodation required by law.

Proviso.

Effect of leave to remove. 2. Such permission, when the approval of the said Inspector is endorsed on the said license, shall authorize the holder of the said license to sell the like liquors in the house mentioned in the endorsement, during the unexpired portion of the term for which the said license was granted, in the same manner, and upon the same terms and conditions as he might do in the premises to which the license originally applied: but no such permission shall be granted unless and until the person applying therefor has filed in the office of the Chief Inspector, a report of the Inspector containing the information required by law in case of application for a license; and any bond or security which such holder of a license may have given for any purpose in relation to such license shall apply to the house or place to which such removal is authorized; but such permission shall not entitle him to sell at any other than such one place.

Proviso: Report of inspector required.

Bonds to apply.

3. An application for the removal of any hotel, saloon, or shop license from the house to which it applies must be accompanied by a certificate, signed by one-third of the electors of the polling sub-division in the same manner as is required by section thirteen of this Act as to applications for a license. Certificate of electors required.

55. For each transfer of a license ; for each certificate permitting the continuance of the business ; for each certificate of confirmation of a license to the husband of a licensed woman ; and for each endorsement of permission to remove to other premises—there shall be paid a fee of ten dollars. Fees in cases of removal, &c.

LICENSE FUND.

56. All sums received on applications for and on the issue of licenses, or received by the Inspector for fines and penalties, shall form the License Fund of the District. How formed.

2. The License Fund shall be applied, under regulations of the Governor in Council, for the payment of the salary and expenses of the Commissioners and Inspectors, and for the expenses of the office of the Board, or otherwise incurred in carrying the provisions of the law into effect ; and the residue, on the thirtieth day of June in each year, and at such other times as may be prescribed by the regulations of the Governor in Council, shall be paid over to the Treasurer of the city, town, village, parish or township municipality in which the licensed premises are respectively situate, for the public uses of the municipality ; and in the Province of Prince Edward Island, except in the cities and towns thereof, to the Treasurer of that Province ; and in unorganized districts the residue shall be paid to the Receiver General. How to be applied. And in P.E. Island and unorganized districts.

3. Cheques upon the license fund account shall be drawn by the Chief Inspector, and countersigned by the Chairman, or any two of the License Commissioners, subject to the regulations made by the Governor in Council. Cheques upon the fund.

57. Two-thirds of any penalty in money recovered under this Act, in cases in which an Inspector is the prosecutor or complainant, shall be paid by the convicting magistrate to the Inspector, and paid in by him to the credit of the "License Fund Account." Application of pecuniary penalties.

2. In case the whole amount of the penalty and costs is not recovered, the amount recovered shall be applied, first, to the payment of the costs, and the balance shall be appropriated as herein provided. If not all recovered.

3. In any case where the Inspector has prosecuted and obtained a conviction, and has been unable to recover the amount Conviction but no recovery of costs.

amount of costs, the same shall be made good out of the License Fund.

Indemnity
of Inspector
in cases of
no conviction.

4. In any case where the Inspector has prosecuted and failed to obtain a conviction, he shall be indemnified against all costs out of the License Fund, if the magistrate before whom the complaint is made certifies that such officer had reasonable and probable cause for instituting such prosecution or preferring such complaint.

REVOCATION OF LICENSES IMPROPERLY OBTAINED.

Proceedings
for such
revocation
and powers of
Judge.

Hearing and
judgment,
and its effect.

58. The Judge of the County Court of the county or the Judge of the Superior Court having jurisdiction in the county in which a municipality is situate, in any part of which a license granted is intended to take effect, upon the complaint of any person that such license has been issued contrary to any of the provisions of this Act, or of any by-law in force in the said municipality, or that such license has been obtained by any fraud, shall summon the person to whom such license has been issued, to appear before him, and shall proceed to hear and determine the matter of the said complaint in a summary manner; and may, upon such hearing, or in default of appearance of the person summoned, determine and adjudge that such license, for any of the causes aforesaid, ought to be revoked, and thereupon shall order and adjudge that such license is and stands revoked and cancelled accordingly, and such license shall then be and become inoperative and of none effect; and the person to whom such license issued shall thereafter, during the full period of three years, be disqualified from obtaining any further or other license under this Act.

PERMITS TO SELL IN MUNICIPALITIES WHERE NO LICENSE IS GRANTED.

Permits to
sell for cer-
tain purposes
only.

59. In municipalities, parishes or townships in which "*The Canada Temperance Act, 1878*," is not in force, and where there is no person licensed under an hotel, saloon or shop license to retail liquors, the sale of such liquors is permitted, as hereinafter provided, for medicinal purposes only, or for use in divine worship, on the certificate of a physician or of a clergyman, residing in the municipality or parish, and not otherwise; or for *bond fide* use in some art, trade or manufacture, on the certificate of two justices:

Certificate by
and to whom
to be given.

2. Such certificate may be given by a resident physician, but only to a patient under his immediate care, or by a clergyman, but only to a person whose spiritual adviser he *bond fide* is, under a penalty of thirty dollars for each contravention of this provision:

3. Before the two justices shall grant a certificate to a person authorizing the sale to him of liquor for use in any art, trade or manufacture, they shall cause a declaration to be made before them by the applicant to the effect that the liquor is to be used only for the purpose set forth in the declaration, and they shall attach the said declaration to their certificate :

Conditions of issue of certificate.

4. In any case, not more than one pint shall, at any one time, be sold in virtue of such certificate, and no liquor so sold shall be allowed to be drunk on the premises, under a penalty of forty dollars for each contravention of this provision :

Limit of quantity to be sold.

5. The sale of liquor permitted by this section shall be made by such person only as may be appointed for that purpose by a resolution of the Board, and the Board may grant to such person a "permit to sell for medicinal purposes, or for use in divine worship only, or for use in any art, trade or manufacture :"

By whom to be sold.

6. The person so permitted to sell shall make a report, sworn to before a Justice of the Peace, on the first day of each month, to the Chief Inspector, showing the names of the persons to whom he has sold liquor during the previous month, the quantity sold in each case, and upon whose certificate the sale was made, and such certificates shall accompany the report: any violation of, or failure to comply with any of the provisions of this section, shall subject the offender to a penalty of twenty dollars, for each contravention.

Report by person so selling.

Penalty for default.

REGISTER OF LICENSES.

60. The Chief Inspector of each district shall keep, in such form as may be prescribed by the Board,—

Who shall keep.

a. A register, to be called "The Register of Licenses," containing the particulars of all licenses granted in the district, the premises in respect of which they are granted, the names of the licensees, and the names of the sureties to any bond given by such licensee in pursuance of the provisions of this Act; there shall also be entered on the register all forfeitures of licenses, disqualifications of licensees, records of convictions and other matters relating to the licenses then on the register ;

Particulars required.

Licenses.

Forfeitures, &c.

b. A record of all applications made to the Board, showing the names of the applicants, the nature of the applications, the premises in respect of which the applications were made, the date on which the applications were heard, and the

Applications to Board.

the manner in which the same were disposed of, including in cases of refusal, the cause thereof :

Furnishing extracts.

2. Every Chief Inspector shall, on request, forthwith transmit extracts from any such register of licenses or record of applications, to any other Inspector or to the clerk of any court.

Annual reports of Boards to Minister of Inland Revenue ; and what they must show.

61. The Board shall report annually to the Minister of Inland Revenue, and their report shall contain,—

a. A statement of the number and description of licenses and of the names of applicants to whom licenses were granted during the year ;

b. The names of those to whom licenses were not granted ;

c. Any other statement required to be entered in the Register of Licenses ;

d. The prosecutions for infractions of this Act, and the result of the same ;

e. General remarks as to the working of the law within the district ;

f. And also any other matters asked for by the Minister of Inland Revenue :

Moneys received and expended.

2. They shall also report as to and account for the moneys received and expended during the year.

REGULATIONS AND PROHIBITIONS.

Licenses to be kept exposed.

62. All licenses shall be constantly and conspicuously exposed in the warehouses and shops, in the bar-rooms of hotels, saloons or other places of public entertainment, and in the saloon or cabin of vessels, to which the licenses respectively relate, under a penalty of five dollars for every day's wilful or negligent omission so to expose them, to be recovered with costs from the licensee, or the master, captain or owner of the vessel so making the default.

Penalty for default.

Inscription over door of licensed premises.

63. Every person who keeps an hotel or saloon or any other licensed place in respect of which an hotel or saloon license has duly issued and is in force, shall exhibit over the door of such hotel, saloon or other licensed place in large letters, the words : "*Licensed to sell spirituous or fermented liquors,*" and in default thereof shall be liable to a penalty of five dollars, besides costs for each and every day on which such default continues.

64. Every hotel-keeper shall keep a lamp affixed over the door of his licensed premises, or within twenty feet thereof, lighted during the whole of every night, from sunset to sunrise, during the time of his holding such license :

Lamps
over doors.

2. Every person who acts in contravention of, or who fails to comply with any provision of this section, shall forfeit and pay for each such offence a penalty not exceeding five dollars :

Penalty for
default.

3. The Chief Inspector may, by endorsement on his license, exempt any hotel-keeper from compliance with this provision in cases where he thinks the street or particular place where the licensed premises are situate, is otherwise sufficiently lighted.

Exemption by
Inspector.

65. Not more than one bar shall be kept in any house or premises licensed under this Act.

One bar only.

66. As respects all places where intoxicating liquors are, or may be sold by wholesale or retail, no sale or other disposal of liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person or persons whomsoever, (save as hereinafter provided), from or after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter, nor from or after the hour of eleven o'clock at night until six o'clock the following morning on all the other nights of the week, save and except in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquor, whether sold or not, be permitted or allowed to be drunk in any such places during the time prohibited by this Act for the sale of the same: Provided always, that in hotels liquor may be sold on Sundays to the guests *bonâ fide* residing or boarding in such houses, during meals, between the hours of one and three, and five and seven in the afternoon, respectively, to be drunk or used at their meals at the table, but this provision shall not permit the furnishing of liquor at the bar, or place where liquor is usually sold in such houses:

Prohibition of
sales on cer-
tain days and
at certain
hours.

Proviso as to
guests in
hotels.

2. And no sale or other disposal of liquor shall take place in any licensed place within the limits of a polling sub-division, on any polling day for or at any Parliamentary election, or election of a member for a Legislative Assembly, or any municipal election, from or after the time of six o'clock in the morning of the said day, until the following lawful day at six o'clock in the morning.

No sales on
polling days
of Dominion
elections &c

67. Every hotel-keeper failing or refusing, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals or accommodation to travellers,

Penalty for
refusing
lodging, &c.

travellers, shall, for each offence, be liable, on conviction, to forfeit and pay any sum not exceeding twenty dollars.

As to mode of payment for liquor, &c.

Recovering pledges.

Payment in advance for-bidden.

68. If any hotel-keeper receives in payment, or as a pledge, for any liquor or entertainment supplied in or from his licensed premises, anything except current money, or the debtor's own cheque on a bank or banker, he shall for each such offence pay a penalty not exceeding twenty dollars: the person to whom anything given as a pledge, as aforesaid, belongs, shall have the same remedy for recovering such pledge, or the value thereof, as if it had never been pledged: no hotel-keeper shall receive payment in advance for any liquor to be supplied, and any payment so made in advance may be recovered, notwithstanding that any liquor may have been supplied subsequently to such payment.

Licensee not to purchase certain articles, or receive them in pledge.

Restitution may be ordered and enforced.

69. If any person holding a license purchases from any person any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods or furniture, either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is any intoxicating liquor or the price thereof, or receives from any person any goods in pawn, any Stipendiary or Police Magistrate, or any two Justices of the Peace, or any Parish Court Commissioner, on sufficient proof on oath being made before him of the facts, may issue his warrant for the restitution of all such property, and for the payment of costs; and in default thereof, the warrant shall contain directions for levying by sale of the offender's goods to the value of such property so pawned, sold or bartered, and costs, and the offender shall also be liable to a penalty not exceeding twenty dollars.

Penalty for permitting drunkenness, &c.

70. If any person licensed under this Act permits drunkenness, or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises, or sells or delivers intoxicating liquor to any drunken person, or permits and suffers any drunken person to consume any intoxicating liquor on his premises, or permits and suffers persons of notoriously bad character to assemble or meet on his premises, or suffers any gambling or any unlawful game to be carried on on his premises, he shall be liable to a penalty not exceeding fifty dollars.

Penalty for harboring constables when on duty.

71. If any licensed person knowingly harbors or knowingly suffers to remain on his premises, any constable during any part of the time appointed for such constable to be on duty, unless for the purpose of keeping or restoring order, or in the execution of his duty, or supplies any liquor or refreshment whatever by way of gift or sale, to any constable on duty, unless by authority of some superior officer of

of such constable, or bribes or attempts to bribe any constable, he shall be liable to a penalty not exceeding fifty dollars.

72. Any person licensed under this Act may refuse to admit to the premises in respect of which his license is granted, any person who is intoxicated, and may refuse to admit to and may turn out of the premises any person who is violent or quarrelsome, or disorderly, and any person whose presence on his premises would subject the licensee to a penalty under this Act; and any such person who, upon being requested in pursuance of this section, by such licensed person or his agent or servant, or any constable, to quit such premises, refuses or fails to do so, shall be liable to a penalty not exceeding twenty dollars; and all constables are required, on demand of such licensed person, his agent or servant, to expel or assist in expelling every such person from such premises, and may use such force as may be required for that purpose.

Power to refuse liquor to or to eject any intoxicated person.

Constables to aid.

73. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be liable to a penalty not exceeding fifty dollars for every day during which such communication remains open.

Penalty for using prohibited internal communications.

74. Any licensed person who allows to be supplied in his licensed premises, by purchase or otherwise, any description whatever of liquor to any person apparently under the age of sixteen years, of either sex, not being resident on the premises or a *bona fide* guest, lodger or traveller, shall, as well as the person who actually gives or supplies the liquor, be liable to pay a penalty not exceeding twenty dollars for every such offence.

Penalty for allowing liquors to be consumed on the premises by a minor.

75. No person having a shop license to sell by retail, shall allow any liquor sold by him or in his possession, and for the sale of which a license is required, to be consumed within his shop, or within any building of which such shop forms part, or which communicates by any entrance with such shop, either by the purchaser thereof, or by any other person not usually resident within such building, under a penalty not exceeding fifty dollars.

As to such offence by a shop licensee.

2. No shop license shall be granted to any person to sell liquors in any store, shop, place or premises where groceries or other merchandise are sold, or exposed for sale, or in any store, place or premises, connected by any internal communication, with such first mentioned store, shop, place or premises: Provided always, that this sub-section shall not apply

Conditions for obtaining a shop license.

Proviso. apply to any licensee in cities and towns, having a license at the time of the passing of this Act, prior to the first day of May in the year one thousand eight hundred and ninety, and elsewhere prior to the first day of May in the year one thousand eight hundred and eighty-seven.

Licensee not to treat any person on the premises. Penalty. 3. If any person having a shop license gives or treats any person to any liquor on the licensed premises, he shall, on conviction, incur a penalty of not exceeding fifty dollars.

Wholesale license not to allow liquor to be consumed on his premises. **76** No person having a license to sell by wholesale, shall allow any liquors sold by him or in his possession for sale, and for the sale or disposal of which such license is required, to be consumed within his warehouse or shop, or within any building which forms part of or is appurtenant to, or which communicates by any entrance with any warehouse, shop or other premises wherein any article to be sold or disposed of under such license is sold by retail, or wherein there are kept any broken packages of such articles.

Punishment for allowing liquor to be unlawfully consumed on premises. **77.** If any person having a license to sell liquors not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed or other building of any kind whatever, belonging to such licensed person, or hired, used or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchaser thereof, on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly, in manner provided by this Act:

What proof of offence sufficient. 2. In any proceeding under this section it shall not be necessary to prove that the premises, or place or places to which such liquor is taken to be drunk belonged to or were hired, used or occupied by the seller, if proof be given to the satisfaction of the court hearing the case, that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license.

Vessel licensee not to sell in port, &c. **78.** Where a vessel license is issued under this Act, no sale or other disposal of liquor shall take place thereon or therefrom, to be consumed by any person other than a passenger on the said vessel, whilst such vessel is at any port, pier, wharf, dock, mooring place or station:

Penalty for contravention. 2. In case any such sale or other disposal of liquor takes place, the said license shall *ipso facto* be and become forfeited and absolutely void, and the captain or master in charge of such

such vessel, and the owner or person navigating the same, as well as the person actually selling or disposing of liquor contrary to this section, shall be severally and respectively liable to a penalty of one hundred dollars; and any person who sells or disposes of any liquor contrary to the provisions of this section shall also be liable to the same penalty and punishment therefor as is hereinafter prescribed in the eighty-eighth section of this Act.

ADULTERATION.

79. Every person who sells or offers for sale, any liquor with which is mixed any ingredient or material injurious to health, or whereby such liquor is rendered injurious to the health of persons drinking the same, and every person who sells as unadulterated any liquor which is adulterated, shall, on conviction, be liable for every such offence to a penalty not exceeding fifty dollars :

Penalty for selling, &c., adulterated liquor.

2. Where a licensed person is convicted of any offence for adulteration of drink, and his license is not forfeited for such offence, the Chief Inspector or Inspector, or any constable of the district, shall cause a placard, stating such conviction, to be affixed to the premises; such placard shall be of such size and form, and shall be printed with such letters, and shall contain such particulars, and shall be affixed to such part of the licensed premises, as the convicting justices may think fit, and such licensed person shall keep the same affixed during two weeks after the same is first affixed; and, if he fails to comply with the provisions of this section with respect to keeping such placard affixed, or defaces or allows such placard to be defaced, or if the same is defaced and he fails forthwith to renew the same, he shall be liable to a penalty not exceeding fifty dollars for every day on which the same remains so defaced and unrenewed; and any Inspector or any constable may affix or re-affix such placard during the said two weeks, or such further time as may be directed by a court of summary jurisdiction.

Duty of Inspector in case of conviction when license not forfeited.

Notice to be affixed on premises.

Penalty for contravention of this section, &c.

80. In order to obtain an analysis of any liquor, substance or thing, it shall be lawful for any justice, on information on oath made to him that there is reason to believe that any such liquor is adulterated, or contains any deleterious ingredient as aforesaid, or that any such substance, matter or thing of a deleterious character is to be found upon any licensed premises, to authorize the seizure of such suspected liquor, substance, matter or thing, and to cause the same, or a sample thereof, to be analyzed by some competent person, and to order the forfeiture of the whole of the kind of liquor analysed and found to be adulterated or to contain any deleterious ingredient, and also of any substance, matter or thing of a deleterious character found in the possession or on the premises

Proceedings for obtaining analysis of liquor suspected to be adulterated.

Expenses.

premises of the person offending; and the expense of such analysis and forfeiture shall be a portion of the costs which such justice shall have power to order to be paid by any person convicted: and in every proceeding under this section, proof of the fact that any liquor was adulterated or contained any deleterious ingredient, or that any substance, matter or thing of a deleterious character was found upon the premises shall be *prima facie* evidence that the person in whose possession the same was found, did knowingly sell, or offer, or expose or have for sale such liquor, or that such substance, matter or thing of a deleterious character was kept for adulterating or mixing with the liquor sold: Provided always, that any person charged with any offence against this section may give evidence on his own behalf to prove that such liquor was when seized in the same condition as it was when it came into his possession by a *bona fide* purchase, and was not adulterated or mixed with any deleterious ingredient by him or any person acting under his authority, and that such substance, matter or thing was not kept for adulterating or mixing with the liquor sold.

What evidence shall be sufficient for conviction of person found in possession.

Proviso:

What defendant may prove in defence.

Power of Inspector to search for and take samples of liquors.

2. Any Inspector may, at all times during business hours, and after such hours for reasonable cause, enter on any licensed premises; he may also examine every room and every part of such premises and take an account of all liquor therein, and may demand, select and obtain any samples of liquor which may be in such house or premises, —such samples to be sealed by the Inspector in the presence of the licensee or other person in charge of the house or premises, and, if such licensee or other person so desires, with the seal of such licensee or other person; and, on payment or tender of payment for such samples of liquor, the Inspector may remove the same for the purpose of analysis or otherwise.

POWERS OF INSPECTORS AND OTHER OFFICERS.

Power to enter and search premises.

§ 81. Any officer, policeman or constable, or Inspector of Licenses may, for the purpose of preventing or detecting the violation of any of the provisions of this Act which it is his duty to enforce, at any time enter into any and every part of any hotel, tavern, or other house or place of public entertainment, shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not, and may make searches in every part thereof, and of the premises connected therewith, as he may think necessary for the purpose aforesaid:

Penalty on persons obstructing search.

2. Every person being therein, or having charge thereof, who refuses or fails to admit such officer, policeman, or constable or Inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts

tempts to obstruct the entry of such officer, policeman, constable or Inspector, or any such searches as aforesaid, shall be liable to a fine not exceeding fifty dollars.

82. Any magistrate, if satisfied by information on the oath of any such officer, policeman, constable or Inspector, that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale or disposal contrary to the provisions of this Act in any unlicensed house or place within the jurisdiction of the magistrate, may, in his discretion, grant a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant at any time or times within ten days from the date thereof to enter, and, if need be, by force, the place named in the warrant, and every part thereof, or of the premises connected therewith, and to examine the same and search for liquor therein; and for such purpose such person may, with such assistance as he deems expedient, break open any door, lock or fastenings of such premises, or any part thereof, or of any closet, cupboard, box or other article likely to contain any such liquor; and in the event of any liquor being so found unlawfully kept on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale contrary to the provisions of section eighty-three of this Act.

Search warrant and powers and proceedings under it.

Forcing doors &c.

Presumption if liquor is found.

2. When any Inspector, policeman, constable or officer, in making or attempting to make any search under or in pursuance of the authority conferred by section eighty-one of this Act or under the warrant mentioned in this section, finds in an unlicensed house or place any liquor which in his opinion is unlawfully kept for sale or disposal contrary to this Act, he may forthwith seize and remove the same, and the vessels in which the same is kept, and upon the conviction of the occupant of such house or place or of any other person, for keeping liquor for sale in such house or place without license, the magistrate making such conviction, may in and by the said conviction, or by a separate or subsequent order, declare the said liquor and vessels, or any part thereof, to be forfeited to Her Majesty, and may order and direct that the said Inspector, policeman, constable or officer, shall destroy the same or any part thereof, and the Inspector or other person as aforesaid shall thereupon forthwith destroy the same or part thereof as directed by such conviction or order.

Duty of officer finding liquor unlawfully kept.

Convicting magistrate may declare liquor forfeited, and order it to be destroyed.

NO LIQUOR TO BE SOLD WITHOUT LICENSE.

83. No person shall sell by wholesale or by retail any liquors without having first obtained a license under this Act authorizing him so to do.

License required.

2. No person, unless duly licensed, shall by any sign or notice give the public cause to believe that he is so licensed; and

False signs or notices prohibited.

and the use of any sign or notice for such purpose is hereby prohibited.

Having
liquors in pos-
session with-
out license.

84. No person shall keep or have in any house, building, shop, eating-house, saloon or house of public entertainment, or in any room or place whatsoever, any liquors for the purpose of selling, bartering, or trading therein, unless duly licensed thereto under the provisions of this Act.

Provision as
to licensed
manufac-
turers of
liquors.

85. Sections eighty-three and eighty-four shall not prevent any brewer, distiller or other person duly licensed by the Government of Canada under the laws respecting Inland Revenue, to manufacture fermented, spirituous or other liquors, from keeping, having or selling any liquor manufactured by him in any building wherein such manufacture is carried on, provided such building forms no part of and does not communicate by any entrance with any shop or premises wherein any article authorized to be manufactured under such license is sold by retail, or wherein any broken package of such article is kept.

Proviso as to
duly licensed
druggists in
Ontario.

86. The said sections numbered eighty-three and eighty-four of this Act shall not prevent any chemist or druggist duly registered as such under and by virtue of "The Pharmacy Act" of the Province of Ontario, or any similar Act in force in any of the other Provinces, from keeping, having or selling liquors for strictly medicinal purposes; but no such sale shall be made in packages of more than six ounces at any one time, except under certificate from a registered medical practitioner: and it shall be the duty of every such chemist or druggist to record in a book, to be open to the inspection of the Commissioners or Inspector, every sale or other disposal by him of liquor; and such record shall show, as to every such sale or disposal, the time when, the person to whom, and the quantity sold, and the certificate of the medical practitioner, if any; and in default of such sale or disposal being so placed on record, every such sale or disposal shall, *prima facie*, be held to be in contravention of the provisions contained in the said eighty-third and eighty-fourth sections of this Act:

Obligations
of such per-
sons; record
to be kept by
them.

Penalty for
default.

Further con-
dition.

Provided always, that no person authorized to sell liquors, as provided by this section, shall allow any liquors sold by him or on his premises, to be consumed within his shop or the premises of which such shop forms part.

Inspectors to
visit and in-
spect licensed
premises once
in 3 months,
at least.

87. It shall be the duty of the Chief, or one of the Inspectors, at least once in every three months, to visit and inspect every licensed place within the district, and to report forthwith to the Board or Chairman of the Board, every case of infraction of the provisions of this Act; and every Inspector shall at once, and in conformity with the provisions herein contained,

contained, prosecute any person so offending, and shall suffer no unnecessary delay to intervene between his obtaining the information and the prosecution.

2. It shall be the duty of the Inspector, to institute prosecutions whenever he has reason to believe that this Act has been violated, and that such prosecutions can be successfully maintained, or that, at all events, the costs can be recovered : And prosecute offences,

3. Whenever he is called upon to institute a prosecution he may, if he has reason to fear that the costs cannot be recovered from the defendant, exact from the person asking for the institution of such prosecution, the deposit of a reasonable amount to cover the same. As to costs.

88. For the punishment of offences against section sixty-six of this Act, a penalty for the first offence against the provisions thereof, of not less than twenty dollars with costs, in case of conviction, shall be recoverable from, and leviable against the goods and chattels of the person or persons who are the proprietors in occupancy, or the tenants or agents in occupancy of the licensed premises and who are found by himself, herself or themselves, or his, her or their servants or agents, to have contravened the enactments in the said section contained or any part thereof ; for the second offence, a penalty shall be recoverable and leviable against the offender of not less than fifty dollars with costs ; and in default of the payment of the penalties in this section before set forth, the offender shall be liable on conviction, to imprisonment in the common gaol of the county or place within which the offence was committed, or the conviction takes place for the following terms, that is to say :—in the case of a first conviction, fifteen days of imprisonment with hard labor ; in the case of a second conviction, one month's imprisonment with hard labor. Punishment for offences against section 66.

For second offence.

Imprisonment in default of payment.

89. If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks, or causes or permits any other person to drink such liquor on the premises where the same is sold, the seller of such liquor shall, if it appears that such drinking was with his privity or consent, be subject to the following penalties, that is to say :— Case of purchaser drinking liquor on premises where bought &c.

For the first offence he shall be liable to a penalty not exceeding twenty dollars : First offence.

For a second and any subsequent offence he shall be liable to a penalty not exceeding fifty dollars ; Second or subsequent.

For the purpose of this section the expression " premises where the same is sold " shall include any premises adjoining Interpretation.
or

or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission.

Penalty on purchaser in certain cases.

2. Any purchaser of liquors in a house or premises, to which a shop or wholesale license applies, who drinks or causes any one to drink, or allows liquor to be drunk in the shop or premises where the same has been purchased, shall be liable to a penalty not exceeding twenty dollars.

Penalty on hotel or saloon licensee keeping a disorderly house.

Information and investigation.

Conviction to forfeit license and entail ineligibility as licensee for 2 years.

Punishment for selling liquor without a license.

Power of Justices to forbid sale of liquor to habitual drunkards.

90. The Mayor or Police Magistrate of a town or city, the Recorder or Judge of the Sessions of the Peace having jurisdiction therein, the Stipendiary Magistrate, or the Reeve of a township with any one justice, or any two justices having jurisdiction in the township or village, or the Commissioner of a Parish Court within his jurisdiction with any one Justice of the Peace, or any two Justices of the Peace having jurisdiction in the township, parish or village, upon information to them, or one of them respectively, that any keeper of any hotel, saloon, or other house of public entertainment, situate within their jurisdiction, sanctions or allows gambling or riotous or disorderly conduct in his house or premises, may summon the keeper of such hotel or saloon to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or convict the keeper of having an improper or a riotous or disorderly house, as the case may be, and such conviction shall, *ipso facto*, operate as a forfeiture of his license, with or without costs, as in the discretion of the convicting authority may seem just; and in case the keeper of any such hotel, saloon or place of public entertainment is convicted under this section and his license annulled, he shall not be eligible to obtain a license for the period of two years thereafter.

91. Any person who sells or barter liquors of any kind, without the license therefor by law required, shall, for the first offence, on conviction thereof, incur a penalty of not less than twenty dollars and costs, and not more than fifty dollars and costs; and for a second or any subsequent offence, on conviction thereof, such person shall be imprisoned in the common gaol of the county or place in which the offence was committed, to be kept at hard labor for a period not exceeding three calendar months.

92. When it shall be made to appear in open court that any person, by excessive drinking of liquor, misspends, wastes or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the justices holding such court shall, by writing under the hands of two of such justices, forbid any licensed person to sell to him or her any liquor for

for the space of one year, and such justices, or any other two justices, may, at the same or any other time, in like manner forbid the selling of any such liquor to the said drunkard by any such licensed person of any other city, town or district to which the drunkard resorts or may be likely to resort for the same.

2. Whenever the sale of liquor to any such drunkard shall have been so prohibited, if any other person, with a knowledge of such prohibition, gives, sells, purchases or procures for or on behalf of such prohibited person, or for his or her use, any liquor, such other person shall, upon conviction, incur for every such offence, a penalty not exceeding twenty dollars.

Effect of such prohibition.

93. a. Any husband or wife, whose wife or husband has contracted the habit of drinking intoxicating liquor to excess,—

Certain parties may require Inspector to forbid sale of liquor to habitual drunkards.

b. The father, mother, curator, tutor or employer of any person under the age of twenty-one years, who has contracted the habit of drinking intoxicating liquor to excess,—

c. The manager or person in charge of any asylum or hospital, or other charitable institution, in which any person so addicted resides or is kept,—

d. The curator or committee of any interdicted person or lunatic, or—

e. The father, mother, brother or sister, of the husband or wife of such person,—

May require the Chief Inspector to give notice in writing, signed by him, to any person licensed to sell liquors, that he is not to sell or deliver the same to the person addicted to such habit or to such interdicted person or lunatic :

2. If in the course of one year from the date of such notification, the person so notified, either personally or by his clerk, servant or agent, sells or delivers such liquors otherwise than on a certificate, for medicinal purposes, signed by a medical practitioner, to the person addicted to such habit, or to such lunatic or interdicted person, he shall incur upon conviction for any such offence, a penalty not exceeding fifty dollars.

Penalty for selling in contravention of such prohibition.

94. Every person who, by falsely representing himself to be a lodger, buys or obtains, or attempts to buy or obtain, at any premises, any liquor during the period when such premises are required to be closed as to the sale thereof, in pursuance of this Act, shall be liable to a penalty not exceeding twenty dollars.

Penalty for obtaining liquor on false pretences.

Punishment of License Commissioners or Inspectors taking bribes.

95. It shall not be lawful for the Chief Inspector or any Inspector of any License District, either directly or indirectly, to receive, take, or have any money whatsoever, for any license, report, matter or thing connected with or relating to any grant of any license, other than the sum to be paid therefor as the duty under the provisions of this Act, or to receive, take or have any note, security or promise for the payment of any such money, or any part thereof, from any person or persons whatsoever; and any person or persons guilty of, or concerned in, or party to any act, matter or thing contrary to the provisions of this section, or of sections thirty-four and thirty-five, shall be guilty of a misdemeanor, and upon conviction thereof may be punished by a penalty not exceeding two hundred dollars, and by imprisonment not exceeding twelve calendar months.

Penalty for illegally issuing license.

96. Any Inspector, officer or other person who, contrary to the provisions of this Act, knowingly issues, or causes or procures to be issued, an hotel, saloon or shop license, or a certificate therefor, shall, upon conviction thereof, for each offence pay a penalty of not less than fifty dollars, nor more than one hundred dollars; and in default of payment of such penalty the offender or offenders may be imprisoned in the common gaol of the county or place in which the conviction takes place for a period not exceeding three calendar months.

Punishment for compounding offences against this Act.

97. Any person who, having violated any of the provisions of this Act, compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or—if a complaint has been made—with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, shall, on conviction thereof, incur a penalty not exceeding fifty dollars.

Punishment of parties to such offence.

98. Every person who is concerned in, or is a party to the compromise, composition or settlement mentioned in the next preceding section, shall be guilty of a misdemeanor and, on conviction thereof, shall incur a penalty not exceeding fifty dollars.

Penalty for preventing lawful arrest.

99. Any one knowing, or having reason to believe, that an order to commit to gaol has been issued against any person under this Act, who prevents the arrest of the defendant, or procures or facilitates by any act or counsel, or in any other manner whatsoever, his avoidance of arrest, or who provides the defendant with the means of avoiding arrest, shall incur a penalty of fifty dollars.

Penalty for tampering

100. Any person who, on any prosecution under this Act, tampers with a witness, either before or after he is summoned or

or appears as such witness on any trial or proceeding under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself, or to swear falsely, shall be guilty of a misdemeanor. with witnesses.

101 Every second conviction for any offence against the provisions of sections sixty-six, seventy-one, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, ninety-two or ninety-three, and every conviction for an offence against the provisions of any one of the said sections when there has been a previous conviction for an offence against the provisions of any other of them, and every third conviction for an offence against the provisions of this Act, or any of them, shall operate a forfeiture of the license of the offender. Punishment for second offences against certain sections of this Act
Forfeiture for third offence.

102. Every person who shall violate any of the provisions of this Act, for which violation no penalty is herein specially provided, shall incur and pay a penalty not exceeding twenty dollars. Penalty in cases not specially provided for.

PENALTIES NOT TO BE REMITTED.

103. No Magistrate, License Commissioner or Inspector, or Municipal Council or Municipal officer, shall have any power or authority to remit, suspend or compromise any penalty or punishment inflicted under this Act. No power to remit.

PROSECUTIONS.

104. All informations or complaints for the prosecution of any offence against any of the provisions of this Act shall be laid or made, in writing, within thirty days after the commission of the offence. Limitation of time for prosecutions,

105. Such prosecution may be brought— Prosecutions, how brought.

a. In the Province of Quebec, if the offence was committed in the City of Montreal or in the City of Quebec, then before the Recorder or Judge of the Sessions of the Peace at Montreal or Quebec, as the case may be, or, if the offence was committed in any other part of the Province, then before a Stipendiary Magistrate, or before any two other Justices of the Peace for the district wherein the offence was committed; or, if the district is other than that of Quebec, or that of Montreal, before the Sheriff of such district; In Quebec.

b. In the Province of Ontario before any Stipendiary Magistrate or before any two other Justices of the Peace for the county city or district wherein the offence was committed; or, if the offence was committed in any county, city or town having In Ontario.

having a Police Magistrate, then before such Police Magistrate, or, in his absence, before the Mayor or any two Justices of the Peace—or if the offence was committed in any city or town not having a Police Magistrate, then before the Mayor thereof, or before any two Justices of the Peace ;

In Nova Scotia.

c. In the Province of Nova Scotia before a Stipendiary Magistrate or before any two other Justices of the Peace of the county in which the offence was committed ;

In New Brunswick.

d. In the Province of New Brunswick before any Police Stipendiary or Sitting Magistrate or Commissioner of a Parish Court, or before any two other Justices of the Peace in and for the county in which the offence was committed ;

In Manitoba.

e. In the Province of Manitoba before the Police Magistrate within whose territorial jurisdiction the offence was committed, or before any two Justices of the Peace in and for the county in which the offence was committed ;

In British Columbia.

f. In the Province of British Columbia before any Stipendiary Magistrate or before any two other Justices of the Peace for the territorial division or jurisdiction within the limits of which the offence was committed ;

In Prince Edward Island.

g. In the Province of Prince Edward Island before the Stipendiary Magistrate for the city or town, or before any two other Justices of the Peace of or for the county in which the offence was committed.

Who may not sit in such case.

106. If such prosecution is brought before any such Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff, Police Magistrate, Sitting Magistrate, Commissioner or Mayor, no other magistrate shall sit or take part therein.

If prosecution is before Justices.

107. If such prosecution is brought before any two other Justices of the Peace, the summons shall be signed by one of them ; and no other justice than one of them shall sit or take part therein, unless by reason of their absence, or the absence of one of them, nor yet in the latter case, unless with the assent of the other of them.

What description of the offence sufficient ; and provision as to exemptions, &c.

108. The description of any offence under this Act in the words of this Act or in words of like effect shall be sufficient in law, and any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information ; but if it be so specified or negatived, no proof in relation

relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

109. Several cases of contravention of this Act, committed by the same person, may be included in one and the same information or complaint, provided that such information or complaint, and the summons issued thereon, contains specifically the time and place of each contravention.

Several cases may be included in one complaint.

FORM OF INFORMATIONS AND OTHER PROCEEDINGS.

110. In describing offences respecting the sale or other disposal of liquor, or the keeping, or the consumption of liquor, in any information, summons, conviction, warrant, or proceeding under this Act, it shall be sufficient to state the sale, disposal, keeping or consumption of liquor simply, without stating the name or kind of such liquor, or the price thereof, or the name of any person to whom it was sold or disposed of, or by whom it was consumed; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity, as the case may require.

What shall be sufficient statement in the information, &c.

111. In the event of any variance between the information and the evidence adduced in support thereof, the magistrate may amend or alter such information, and may substitute for the offence charged therein, any other offence against the provisions of this Act; but if it appears that the defendant has been materially misled by such variance, the said magistrate shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

Amendment of variances.

Adjournment if necessary.

112. The forms set forth in the fourth and subsequent schedules to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for; and when no forms are prescribed by the said fourth and subsequent schedules, new ones may be framed in accordance with those appended to the Act intituled "*An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to Summary Convictions and Orders.*"

Forms in schedule sufficient.

Or if framed on 32, 33 V. c. 31.

PROCEDURE IN CASES WHERE PREVIOUS CONVICTION IS CHARGED.

113. The proceedings upon any information for committing an offence against any of the provisions of this Act, in a case where a previous conviction or convictions are charged, shall be as follows:—

Proceedings in case of previous conviction.

Last offence to be first tried.

As to alleged previous convictions.

Proof thereof.

Case of second or subsequent conviction being set aside, provided for.

Provision in case of convictions under several sections of this Act.

Conviction as for first offence non obstante.

Several offences on one day.

Proviso.

1. The magistrate shall, in the first instance, inquire concerning such subsequent offence only, and if the accused be found guilty thereof, he shall then, and not before, be asked whether he was so previously convicted, as alleged in the information, and if he answers that he was so previously convicted, he may be sentenced accordingly; but if he denies that he was so previously convicted, or stands mute of malice, or does not answer directly to such question, the magistrate shall then inquire concerning such previous conviction or convictions:

2. The number of such previous convictions shall be provable by the production of a certificate purporting to be under the hand of the convicting magistrate, or of the Clerk of the Peace, without proof of his signature or official character, or by other satisfactory evidence:

3. In the event of any conviction for any second or subsequent offence becoming void or defective, after the making thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the justices or other authority by whom such second or subsequent conviction was made, may, by warrant under their or his hand, summon the person convicted to appear at a time and place to be named in such warrant, and may thereupon, upon proof of the due service of such warrant if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes, as if it had been made in the first instance:

4. In case any person who has been convicted of a contravention of any provision of any of the sections of this Act, mentioned in section one hundred and one is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence, within the meaning of the said section, and may be dealt with and punished accordingly, although the two convictions may have been under different sections.

114. A conviction may in any case be had as for a first offence notwithstanding that there may have been a prior conviction or convictions for the same or any other offence.

115. Convictions for several offences may be made under this Act, although such offences may have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days, and after information laid for a first offence.

116. No conviction or warrant for enforcing the same or any other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information and the conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding, that the same was made for an offence against some provision of this Act, within the jurisdiction of the justice, justices or magistrate who made or signed the same, and provided there is evidence to prove such offence, and that it can be understood from such conviction, warrant, or process, that the appropriate penalty or punishment for such offence was intended to be thereby adjudged.

Convictions &c., not void for defects, in certain cases.

2. Upon any application to quash any such conviction, or the warrant for enforcing the same, or other process or proceeding, whether in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the court or judge to which such appeal is made or to which such application has been made upon *habeas corpus* or by way of *certiorari*, or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid; and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed (as the case may be); and such court or judge may, in any case, amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

Proceedings on application to quash conviction on ground of variance, &c.

117. Any person may be prosecutor or complainant under this Act.

Who may prosecute.

118. No License Commissioner or Inspector of Licenses who is a justice, shall try or adjudicate upon any complaint for an infraction of any of the provisions of this Act committed within the limits of the License District for which he is a Commissioner or Inspector; except that this section shall not be construed to apply to a Judge, or Junior Judge or Deputy Judge of a county, a Judge of Sessions, or a Recorder.

Who shall not try a complaint under this Act.

119. All the provisions of the Act intituled "*An Act respecting the duties of Justices of the Peace; out of Sessions, in relation to Summary Convictions and Orders,*" and the Acts already passed, or which may be hereafter passed, amending the same, shall apply to all prosecutions and proceedings under this Act, so far as the same are consistent with this Act:

32, 33 V., c. 31 to apply to proceedings under this Act.

Evidence to be reduced to writing.

2. The magistrate shall, in all cases, reduce to writing the evidence of the witnesses examined before him, and shall read the same over to such witnesses, who shall sign the same.

Endorsement of conviction on license, and its effect.

120. Whenever a licensee is convicted of any offence against the provisions of this Act, a record thereof shall be endorsed on the license of the person convicted, and the following provisions shall have effect, that is to say:—

Production of license.

1. The magistrate before whom any licensed person is accused, shall require such person to produce and deliver to him the license under which such person carries on business, and the summons shall state that such production will be required:

Conviction; and penalty imposed to be endorsed.

2. If such person is convicted, the court shall cause the short particulars of such conviction and the penalty imposed, to be endorsed on his license before it is returned to the offender:

Entry in register of licenses.

3. The Chief Inspector shall enter the particulars respecting such conviction, or such of them as the case may require, in the register of licenses kept by him under this Act:

In case of conviction disqualifying licensee.

4. Where the conviction of any such person has the effect of causing the forfeiture of the license or of disqualifying any person for the purposes of this Act, the license shall be retained by the magistrate, and notice of such forfeiture or disqualification shall be sent to the Chief Inspector of the proper district.

Certificate of conviction to be sent to Inspector.

121. The magistrate on any conviction against a licensed person, for an offence against this Act, shall send forthwith to the Chief Inspector of the proper district, a certificate of such conviction.

Allowance to Magistrate.

122. For the additional duties imposed by the two next preceding sections, the magistrate shall be entitled to charge as costs in the proceedings the following sums:—

For making out and forwarding certificate of conviction to the Chief Inspector the sum of fifty cents; for recording the conviction on the license, the sum of fifty cents.

APPEALS.

In cases under Section 91.

No appeal allowed in cases

123. In all cases of prosecution for any offence against any of the provisions of this Act, for which any penalty or punishment

punishment is prescribed by the ninety-first section of this Act, the conviction or order of the justices or magistrate, as the case may be, shall, except as hereinafter mentioned, be final and conclusive, and, except as hereinafter mentioned there shall be no appeal against such conviction or order to the Court of General Sessions of the Peace, or to any other court.

under section 91.

Exception.

2. An appeal shall lie from a conviction for any offence for which a penalty or punishment is prescribed by the ninety-first section of this Act, in Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia and Prince Edward Island, to the Judge of the County Court of the county in which the conviction is had, or to the judge of a superior court, sitting in Chambers without a jury, and in the Province of Quebec, to a Judge of the Superior Court of the judicial district in which the conviction is had, provided a notice in writing of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction, subject to the following provisions :—

Appeal under section 91.

In certain Provinces.

In Quebec.

Conditions.

3. The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the said judge, or (where the penalty of imprisonment with or without hard labor is adjudged) shall enter into a recognizance with two sufficient sureties, in the sum of two hundred dollars each, before the convicting magistrate, conditioned personally to appear before the said judge, and to try such appeal and abide his judgment thereupon, and to pay such costs as he may order; and in case the appeal is against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may, (although the order directs imprisonment in default of payment) instead of remaining in custody as aforesaid, give such recognizance as aforesaid, or may deposit with the magistrate convicting, the amount of the penalty and costs, and a further sum of twenty-five dollars to answer the respondent's costs of appeal:

Offender to remain in custody or give security.

Provision for recognizance or deposit in certain cases.

4. Upon such recognizance being given or deposit made, the magistrate shall liberate such person if in custody, and shall forthwith deliver or transmit by registered letter, post-paid, the depositions and papers in the case, with the recognizance or deposit as the case may be, to the clerk of the court of which the judge to whom the appeal is made is the judge or a member.

Liberation of prisoner on recognizance or deposit.

124. The practice and procedure upon such appeal, and the proceedings thereon shall, as nearly as possible, be as follows :—

Procedure on appeal.

1. Within ten days after the date of the conviction, but not afterwards, unless it is made to appear to the judge that

Summons for cause to be shown.

the

the delay arose wholly from the default of the convicting magistrate, the judge, if he is of opinion from the evidence that the conviction may be erroneous, may grant a summons calling upon the County Crown Attorney, in any Province in which there is a County Crown Attorney, and the prosecutor, to show cause why the conviction should not be quashed :

Time limited.

2. Such summons shall not be granted in any case after the expiration of one month from the date of the conviction :

Proceedings on return of summons.

3. Upon the return of the summons the judge, upon hearing the parties, may either affirm or quash the conviction, or, if he thinks fit, may hear the evidence of such other witness or witnesses as may be produced before him, or the further evidence of any witness already examined, and may then make an order affirming or amending and affirming or quashing the conviction as he may think just, and may order the payment of costs, and may fix the amount thereof :

Effect of Judge's order.

4. Upon the production of the judge's order affirming or amending and affirming the conviction, the magistrate who has made the conviction shall, if the case is one in which a recognizance has not been given, issue his warrant for payment of such further sum for costs as the sum deposited with him is insufficient to pay ; if the conviction is quashed the judge shall order a return of the money deposited, and shall have authority to order payment of such sum for costs, as he may tax and allow ; and unless the sum is paid by the complainant, the magistrate shall issue his warrant to levy the costs :

Proceeding when imprisonment is awarded and conviction affirmed.

5. If by the conviction it is adjudged that the person convicted should be imprisoned and the conviction is affirmed, or amended and affirmed, or if the person convicted fails duly to prosecute the appeal, the judge shall issue his warrant for the commitment to the proper gaol or other place of imprisonment of the person convicted ; and unless such person, within one week thereafter surrenders himself into the custody of the constable or other officer entrusted with the execution of the warrant, the condition of the recognizance shall be deemed broken and the recognizance forfeited, and upon proof of the default being made, by affidavit of the officer or otherwise, the judge may certify the default on the back of the recognizance, and shall thereupon transmit the recognizance to the Clerk of the Peace or to the proper officer in that behalf according to the practice of the court of which the judge is a member :

Escheat of recognizance and effect thereof.

6. Such recognizance shall be thereafter proceeded upon at the General Sessions of the Peace in the same manner as a recognizance taken upon an appeal to the sessions from a summary conviction may be proceeded upon ; and the said certificate

certificate shall be deemed *prima facie* evidence of the default of the defendant; but such proceedings shall not relieve the person convicted from undergoing the term of imprisonment to which he was sentenced; and the warrant of the judge issued in that behalf, or any new warrant issued by him, may be executed in any part of the Province in which the conviction was had, in the same manner and subject to the like conditions as a warrant of a justice for the apprehension of an offender:

7. If by the conviction only a money penalty is imposed, the judge, upon being satisfied by affidavit or otherwise, that default has been made upon a recognizance given on an appeal in such a case, shall certify in like manner as is provided in sub-section five of this section, and similar proceedings shall thereupon be had in respect of such recognizance:

Proceeding when money penalty only is imposed.

8. In case it is proved to the satisfaction of the judge that the person convicted had previously served a portion of his term, the judge shall only issue his warrant for the commitment of the defendant for the residue of the term of imprisonment to which he was sentenced: the judge may, if he thinks fit, transmit his said warrant to the convicting magistrate in order that he may place the same in the hands of a constable for execution.

Term of imprisonment.

9. Any warrant issued under this section may be directed in the same manner, and executed by the like officers, as a warrant of commitment upon a summary conviction under any Act of the Parliament of Canada heretofore passed.

Execution of warrant.

10. In all cases of appeal to a judge from any conviction under this Act had before a magistrate, the judge to whom such appeal is made shall hear and determine the charge or complaint on which such conviction has been had, upon the merits, notwithstanding any defect of form or otherwise in such conviction; and if the person charged or complained against is found to have been guilty, the conviction shall be affirmed and the judge shall amend the same if necessary.

Appeal to be heard on the merits.

11. The magistrate shall retain any moneys deposited with him as aforesaid for the period of six months, unless judgment is sooner given, and upon the judgment in appeal being given, or upon the expiration of six months from the day of the date of the conviction, the magistrate shall pay over such moneys to the person or persons entitled thereto, in accordance with the judgment; and if the judgment in appeal is not delivered within six months from the day of the date of the conviction, the conviction shall stand, but the respondent shall not be entitled to any costs of appeal; and

Disposal of moneys deposited.

Effect of delay of judgment.

in case imprisonment was adjudged by the conviction, the convicting magistrate shall, or any other magistrate may, issue his warrant for the commitment of the person convicted for any portion of the term which he has not served, and no further proceedings shall be taken on the appeal.

No removal
by *certiorari*,
&c.

12. No conviction affirmed or amended and affirmed on appeal by the judge shall be quashed for want of form, or be removed by *certiorari* into any of Her Majesty's superior courts of record; and no warrant or commitment shall be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted and there is a good and valid conviction to sustain the same.

Powers of the
Judge.

13. In every process and in all proceedings before a judge under this section, the judge shall, with reference to the matters herein contained, have all the powers which belong to or might be exercised by him in the court of which he is a member; and all necessary process may be issued from the office of the clerk of the court.

Forfeiture of
license on
third conviction.

125. When not otherwise provided, a third conviction of a licensed person under this Act for any violation or contravention of the provisions of this Act shall *ipso facto* operate as a forfeiture of his license, and disqualify the person convicted from obtaining a license for three years thereafter.

Penalties how
disposed of.

126. The penalties in money under this Act or any portion of them which may be recovered, shall be paid to the convicting magistrate, and two-thirds thereof shall, by him, in case an Inspector is the prosecutor or complainant, be paid to the Chief Inspector; and in case such Inspector is not the prosecutor or complainant, then two-thirds thereof shall be paid to the treasurer of the municipality wherein the offence was committed, and the remaining one-third shall be paid to the prosecutor or complainant.

EVIDENCE, &C.

Inspector's
certificate to
be evidence.

127. In any prosecution or proceeding under this Act, in which proof is required respecting any license, a certificate purporting to be under the hand of the Chief Inspector of the district shall be *prima facie* proof of the existence of a license, and of the identity of the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated and of the authority of the Chief Inspector, without any proof of his appointment or signature.

Resolution of
Board, how
authenticated.

128. Any resolution of a Board passed under the ninth or twenty-sixth sections of this Act, shall be sufficiently authenticated by being signed by the Chairman of the Board which passed

passed the same; and a copy of any such resolution written or printed, and certified to be a true copy by any member of such Board, shall be deemed authentic, and be received in evidence in any court of justice without proof of any such signature, unless it is specially pleaded or alleged that the signature to any such original resolution has been forged.

As to copies thereof.

129. Any house, shop, room or other place in which it is proved that there exist a bar, counter, beer pumps, kegs, jars, decanters, tumblers, glasses or any other appliances or preparations similar to those usually found in taverns and shops where liquors are accustomed to be sold or trafficked in, shall be deemed to be a place in which liquors are kept or had for the purpose of being sold, bartered or traded in, in contravention of the eighty-third section of this Act, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who has, or keeps therein, such liquors for sale, barter or traffic therein.

What shall be deemed a place where liquor is sold.

130. In proving the sale or disposal, gratuitous or otherwise, or consumption of liquor, for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed, or any liquor was actually consumed, if the magistrate hearing the case is satisfied that a transaction in the nature of a sale or other disposal actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises under license, or in respect to which a license is required under this Act, by some person other than the occupier of the premises, shall be evidence that such liquor was sold to the person consuming, or being about to consume, or carrying away the same, as against the holder of the license or the occupant of the said premises.

What shall be evidence of sale or disposal.

131. In cities, towns and incorporated villages, in all cases where any person or persons other than members of the family or household of the keeper of a licensed hotel or saloon, is or are found frequenting or present, or where gas or other light is seen burning in the bar-room of such hotel or saloon where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of this Act, any such fact, when proved, shall be deemed and taken as *prima facie* evidence that a sale or other disposal of liquors by the keeper of such licensed place has taken place contrary to the provisions of the sixty-sixth section of this Act; and such keeper may thereupon be convicted of an offence against the said section, and shall, upon conviction, be subject to the punishment prescribed in and by the eighty-eighth section of this Act.

Evidence of sale during prohibited hours.

Responsibility of occupant of place where such sale is made.

132. The occupant of any house, shop, room or other place in which any sale, barter or traffic of liquors, or any matter, act or thing in contravention of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishment prescribed in the eighty-eighth and eighty-ninth sections of this Act, as the case may be, notwithstanding such sale, barter or traffic be made by some other person, who cannot be proved to have so acted under or by the directions of such occupant; and proof of the fact of such sale, barter or traffic, or other act, matter or thing, by any person in the employ of such occupant, or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be conclusive evidence that such sale, barter or traffic, or other act, matter or thing, took place with the authority and by the direction of such occupant.

What particulars need not be deposed to.

133. In any prosecution under this Act for the sale or other disposal of liquor without the license required by law, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal and certain knowledge; but the justices or magistrate trying the case, so soon as it appears to them or him that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly.

Proof of defendant's licence to be given.

134. In any prosecution under this Act, whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed, and that he did the said act lawfully.

What shall be deemed evidence of unlawful sale.

135. The fact of any person, not being a licensed person, keeping up any sign, writing, painting or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person.

Effect of production of license.

136. The production of a license which on its face purports to be duly issued, and which were it duly issued, would be a lawful authority to the defendant for such act or omission, shall be *prima facie* evidence that the defendant is so authorized;

ized; and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine.

WITNESSES.

137 In any prosecution under this Act the magistrate trying the case may summon any person represented to him as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the magistrate may issue his warrant for the arrest of such person; and he shall thereupon be brought before the magistrate, and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the county or place or to a lock-up, there to remain until he consents to be sworn or to affirm and to answer.

Summoning and attendance of witnesses.

138. Any person summoned as a party to, or as a witness in any proceeding under this Act, may, by the summons, be required to produce, at the time and place appointed for his attendance, all books and papers, accounts, deeds and other documents in his possession, custody or control, relating to any matter connected with the said proceeding, saving all just exceptions to such production; and shall be liable to the same penalties for non-production of such books, papers or documents, as he would incur by refusal or neglect to attend, pursuant to such summons, or to be sworn or to answer any question touching the case.

Party or witness may be required to produce books &c.

Penalty for non-production.

139. Every person, other than the defendant, summoned or examined as a witness in any prosecution brought under this Act, is bound to answer all questions put to him, and which are pertinent to the issue, notwithstanding that his answers may disclose facts tending to subject him to any penalty imposed by this Act; but such evidence shall not be used against him in any prosecution.

All questions pertinent to the issue must be answered.

140. On the trial of any information or complaint under the provisions of this Act the person charged, or husband of such person, shall be competent and compellable to give evidence as a witness in the said matter.

Certain parties may be examined as witnesses.

MUNICIPALITIES UNDER THE TEMPERANCE ACT.

141. Nothing in the foregoing provisions of this Act shall be construed to affect or impair any of the provisions of "The Canada Temperance Act, 1878;" and no hotel, saloon or shop license shall be issued or take effect within any county, city, town, incorporated village or township in Canada within which the second part of the said Act has been brought into force as by the said Act provided, or within which

Provisions of 41 V., c. 16, not impaired.

which any by-law for prohibiting the sale of liquor under "The Temperance Act of 1864," or any other Act is in force.

But Commissioners and Inspectors may be appointed under this Act.

142. A Board of Commissioners may, notwithstanding that such Act or any such by-law affects the whole of any county, be nominated therefor; and the said Board and the Inspectors shall have, discharge and exercise all such powers and duties respectively for preventing the sale or disposal of, or traffic in liquor contrary to the said Acts or this Act as they respectively have or should exercise or perform under this Act.

Their duties as to the Temperance Act.

143. The Board and the Inspectors shall exercise and discharge all their respective powers and duties for the enforcement of the provisions of "The Canada Temperance Act, 1878," and "The Temperance Act of 1864," as well as of this Act, so far as the same apply, within the limits of any county, city, incorporated village or township or parish, in which the first mentioned Act or any by-law under the secondly mentioned Act is in force.

As to wholesale license.

144. A wholesale license to be obtained under and subject to the provisions of this Act, shall be necessary, in order to authorize or make lawful any sale of liquor in the quantities allowed under the provisions of "The Canada Temperance Act, 1878."

Sale without license a contravention of this Act, notwithstanding Temperance Act.

145. The sale of liquor without license in any municipality, where "The Canada Temperance Act, 1878," is in force, shall nevertheless be a contravention of sections eighty-three and eighty-four of this Act; and the several provisions of this Act shall have full force and effect in every such municipality, except in so far as such provisions relate to granting licenses for the sale of liquor by retail.

Certain Provincial Acts to be valid until 1st May, 1884.

146. Until the first day of May, in the year one thousand eight hundred and eighty-four, all the laws of Provincial Legislatures of the Dominion passed for regulating or restraining the traffic in liquors shall be and they are hereby made as valid and effective to all intents and purposes as if enacted by the Parliament of Canada.

When this Act shall come into force.

147. Subject to the provisions in the next preceding section contained, this Act shall come into force on the first day of January, in the year one thousand eight hundred and eighty-four, but the licenses to be issued thereunder shall not be operative until the first day of May following.

THE FIRST SCHEDULE.

HOTEL (OR SALOON) LICENSE.

Whereas the Board of License Commissioners for the District have, by their certificate dated the day of authorized the issue to of of an Hotel (or Saloon) License, for the house to be known as situate ; and whereas the said hath entered into the bond, with sureties, required by " *The Liquor License Act, 1883,*" and paid the sum of five dollars as the fee on such license.

Now I do hereby declare that the said is licensed to sell and dispose of liquors in quantities not exceeding one quart, which may be drunk on such premises between the hours of six of the clock in the morning and seven of the clock in the evening, on Saturday; between six of the clock in the morning and eleven of the clock at night, on other week days, (except on days on which polling may be had respecting the polling sub-division in which the said premises are situate, at a Parliamentary Election, or at an election for the House of Assembly, or a Municipal Election); and between 1 p. m., and 3 p. m., and 5 p. m. and 7 p. m., on Sunday, to guests *bonâ fide* residing or boarding in the said premises, to be drunk only at meals at the table.

And this license shall commence upon the day of and continue until midnight on the day of next ensuing.

Given under my hand this day of one thousand eight hundred and

Minister of Inland Revenue.

Chief Inspector.

SHOP LICENSE.

Whereas the Board of License Commissioners for the District of have, by their certificate dated the day of authorized the issue to of of a Shop License for the house to be known as situate ; and whereas the said hath entered into the bond, with sureties, required by " *The Liquor License Act, 1883,*" and paid the sum of five dollars as the fee on such license.

Now

Now I do hereby declare that the said _____ is licensed to sell and dispose of liquors, not to be drunk in or upon the premises for which the license is granted, in quantities not less than one imperial pint, at any one time to any one person, between the hours of six of the clock in the morning and seven of the clock in the evening on Saturday; between six of the clock in the morning and eleven of the clock at night, on other week days, except on days on which polling may be had, respecting the polling sub-division in which the said premises are situate, at a Parliamentary Election, or at an election for the House of Assembly, or a Municipal election.

This license shall commence on the _____ day of _____ and continue until midnight on the _____ day of _____ next ensuing.

Given under my hand this _____ day _____ one thousand eight hundred and _____

Minister of Inland Revenue.

Chief Inspector.

VESSEL LICENSE.

Whereas the Board of License Commissioners for the _____ District have, by their certificate dated the _____ day of _____, authorized the issue to _____, Master of the _____ called the _____, of a Vessel License; and whereas the said _____ hath paid the sum of five dollars as the fee on such license.

Now I do hereby declare that the said _____ is licensed to sell and dispose of liquor during the passage of the said vessel between _____ and _____ to any passenger at the regular meals served on board the said vessel.

And this license shall commence at noon on the _____ day of _____ and continue until midnight on the _____ day of _____ next ensuing.

Given under my hand this _____ day _____ one thousand eight hundred and _____

Minister of Inland Revenue.

Chief Inspector.

WHOLESALE

WHOLESALE LICENSE.

Whereas the Board of License Commissioners for the District, have by their certificate dated the _____ day of _____, authorized the issue to _____ of a Wholesale License for the house or premises to be known as _____, situate _____; and whereas the said _____ hath paid the sum of five dollars as the fee on such license.

Now I do hereby declare that the said _____ is licensed to sell liquor, not to be consumed in or upon the premises to which this license applies, in quantities not less than two gallons in each cask or vessel at any one time, or, if bottled, in quantities not less than one dozen reputed quart bottles.

And this license shall commence at noon on the _____ of _____ and continue until midnight on the _____ day of _____ next ensuing.

Given under my hand this _____ day of _____ one thousand eight hundred and _____

Minister of Inland Revenue.

Chief Inspector.

 THE SECOND SCHEDULE.

To the Board of License Commissioners of the License District of _____

We, the undersigned Electors of polling sub-division number _____ of the _____ wherein _____ are situate the premises in respect of which X.Y. is applying for a _____ license for the ensuing license year, do hereby certify that X.Y., the applicant for the said license, is a fit and proper person to be licensed to sell liquor and to keep a _____; and that the premises in which the said X.Y. proposes to carry on the business for which he seeks a license, are, in our opinion, suitable therefor, and that the same are situate in a place where the carrying on of the said business will not be an annoyance to the public generally.

And we have hereunto appended our names, and the distances approximately, at which we respectively reside, or _____ own

own property, from the said premises for which the license is sought.

<i>Signatures,</i>	Distance of premises respectively from premises sought to be licensed.
--------------------	--

CERTIFICATE OF THE BOARD OF LICENSE COMMISSIONERS TO BE GRANTED TO THE APPLICANT FOR A LICENSE.

We, the undersigned, being the License Commissioners (or the majority of the Board of License Commissioners) for the License District of , certify that X.Y. has complied with the requirements of the law, and with the regulations and requirements of the Board, and, in the opinion of the undersigned, is entitled to a license for the house to be known as situate

Given under our hands this day of one thousand eight hundred and

(Signatures.)

THE THIRD SCHEDULE.

FORM OF BOND BY APPLICANT FOR A HOTEL, SALOON, OR SHOP LICENSE.

Know all men by these presents, that we, T.U., of V.W., of , and X.Y., of , are held and firmly bound unto Her Majesty Queen Victoria, Her Heirs and Successors, in the sum of eight hundred dollars of good and lawful money of Canada—that is to say, the said T.U., in the sum of five hundred dollars, the said V.W., in the sum of one hundred and fifty dollars, and the said X.Y., in the sum of one hundred and fifty dollars of like good and lawful money, for payment of which well and truly to be made, we bind ourselves and each of us, our heirs, executors, and administrators firmly by these presents.

Whereas the above bounden T. U. is about to obtain a license to keep an hotel (or saloon, or shop for the sale of liquor, as the case may be) in the of ; the condition of this obligation is such, that if the said T.U. pays all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having

the force of law, now or hereafter to be in force, relative to any hotel (or saloon, or shop for the sale of liquor, as the case may be), and does, performs and observes all the requirement thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf,—then this obligation shall be null and void, otherwise it shall remain in full force, virtue and effect.

In witness whereof, we have signed these presents with our hands, and sealed them with our seals, this day of _____, A.D., one thousand eight hundred and _____

T. U. [L.S.]
V. W. [L.S.]
X. Y. [L.S.]

Signed, sealed, and delivered }
in the presence of us }

THE FOURTH SCHEDULE.

FORMS FOR DESCRIBING OFFENCES.

1. *Neglecting to keep license exposed.*

“That X.Y., having a license for sale by wholesale [or a shop, or an hotel, or a saloon, or a vessel license] on _____ at _____ unlawfully and wilfully (or negligently) omitted to expose the said license in his warehouse [or shop, or in the bar-room of his hotel or saloon, or in the saloon, or cabin of his vessel,” as the case may be.]

2. *Neglecting to exhibit notice of license.*

“That X. Y. being the keeper of an hotel [or saloon, or shop] in respect of which a license has duly issued and is in force, on _____ at _____ unlawfully failed to exhibit over the door of such hotel, (or saloon or shop), in large letters the words ‘Licensed to sell spirituous or fermented liquors,’ as required by ‘The Liquor License Act, 1883.’”

3. *Sale without license.*

“That X.Y., on the _____ day _____ in the year _____ of our Lord one thousand eight hundred and _____ at _____ in the _____ of _____ unlawfully did sell liquor without the license therefor by law required.”

4. *Keeping liquor without license.*

"That X.Y. on _____ at _____ unlawfully did keep liquor for the purpose of sale, barter and traffic therein, without the license therefor by law required."

5. *Sale of liquor on licensed premises during prohibited hours.*

"That X.Y., on _____ at _____ in his premises [or on, or out of, or from his premises] being a place where liquor may be sold, unlawfully did sell [or dispose of] liquor during the time prohibited by 'The Liquor License Act, 1883,' for the sale of the same, without any requisition for medical purposes as required by the said Act being produced by the vendee or his agent."

6. *Allowing liquor to be drunk on licensed premises during prohibited hours.*

"That X.Y., on _____ at _____ in his premises, being a place where liquor may be [or is] sold, by retail [or wholesale] unlawfully did allow [or permit] liquor to be drunk in such place during the time prohibited by 'The Liquor License Act, 1883,' for the sale of the same, by a person other than the licensee, or some member of his family, or a lodger in his house.

7. *Sale of less than one pint under shop license.*

"That X.Y., having a shop license, on _____ at _____ unlawfully did sell liquor in less quantity than one pint."

8. *Sale under wholesale license in less than wholesale quantities.*

"That X.Y., having a license to sell by wholesale, on _____ at _____ unlawfully did sell liquor in less quantity than two gallons [or, than one dozen reputed quart bottles.]"

9. *Allowing liquor to be consumed in shop.*

"That X.Y., having a shop license, on _____ at _____ unlawfully did allow liquor sold by him (or in his possession), and for the sale of which a license is required, to be consumed within his shop [or within the building of which his shop forms part, or within a building which communicates by an entrance with his shop], by a purchaser of such liquor [or, by a person not usually resident within the building of which such shop forms a part.]"

10. *Allowing liquor to be consumed on premises under wholesale license.*

"That X.Y., having a license to sell liquor by wholesale, on at unlawfully did allow liquor sold by him [or in his possession for sale] and for the sale of which such license is required, to be consumed within his warehouse [or shop, or within a building which forms part of (or is appurtenant to or which communicates by an entrance with) a warehouse or shop, or premises wherein an article to be sold (or disposed of) under such license, is sold by retail (or wherein there is kept a broken package of an article for sale under such license)]."

11. *Illegal sale by druggists.*

"That X.Y., being a chemist [or druggist] on at did unlawfully sell liquor for other than strictly medicinal purposes [or sell liquor in packages of more than six ounces at one time without a certificate from any registered medical practitioner, or sell liquor without recording the same], as required by 'The Liquor License Act, 1883.'"

12. *Illegal sale under vessel license.*

"That X.Y., being authorized to sell liquor on board a vessel called the on at unlawfully did sell [or dispose of] liquor to be consumed by a person other than a passenger [or otherwise than as permitted by 'The Liquor License Act, 1883']."

13 *Keeping a disorderly house.*

"That X.Y., being the keeper of an hotel [or saloon, or house of public entertainment], situate in the City [or Town, or Village, or Township], of in the County of on in the said hotel [or saloon or house] unlawfully did sanction [or allow] gambling, [or riotous, or disorderly conduct] in the said hotel [or saloon or house]."

14. *Harboring constables on duty.*

"That X.Y. being licensed to sell liquor, at on unlawfully and knowingly did harbor [or entertain or suffer to abide and remain on his premises] O.P, a constable belonging to a police force, during a part of the time appointed for his being on duty, and not for the purpose of quelling a disturbance or restoring order, or executing his duty."

15. *Compromising or compounding a prosecution.*

"That X.Y., having violated a provision of 'The Liquor License Act, 1883,' on _____ at _____ unlawfully did compromise [or compound, or settle, or suffer, or attempt to compromise, compound or settle], the offence with A.B. with the view of preventing any complaint being made in respect thereof [or with the view of getting rid of or of stopping, or of having the complaint made in respect thereof dismissed, as the case may be]."

16. *Being concerned in compromising a prosecution.*

"That X.Y., on _____ at _____ unlawfully was concerned in [or a party to] a compromise [or a composition, or a settlement] of an offence committed by O.P., against a provision of 'The Liquor License Act, 1883.'"

17. *Tampering with a witness.*

"That X.Y., on a certain prosecution under 'The Liquor License Act, 1883,' on _____ at _____ unlawfully did tamper with O.P., a witness in such prosecution before [or after] he was summoned [or appeared] as such witness on a trial [or proceeding] under the said Act [or unlawfully did induce, or attempt to induce O.P., a witness in such prosecution, to absent himself, or to swear falsely]."

18. *Refusing to admit policeman.*

"That X.Y., on _____ at _____ being in (or having charge of) the premises of O.P., being a place where liquor is sold [or reputed to be sold], unlawfully did refuse [or fail] to admit [or did obstruct or attempt to obstruct] E.F., an officer demanding to enter in the execution of his duty [or did obstruct or attempt to obstruct E.F., an officer making searches in the said premises, and in the premises connected with such place]."

19. *Officer refusing to prosecute.*

"That X.Y., being a police officer [or constable, or Inspector of Licenses] in and for the Township of _____ in the County of _____ knowing that O.P. had, on _____ at _____ committed an offence against a provision of 'The Liquor License Act, 1883,' unlawfully and wilfully did and still does neglect to prosecute the said O.P., for his said offence."

20. *Refusing or failing to supply lodging, meals or accommodation to travellers.*

"That F.X., being the keeper of an hotel, in respect of which an hotel license has duly issued, and is in force, on _____ at _____"

at unlawfully failed or refused personally (or through some one acting on his behalf), to supply lodging, meals or accommodation to a traveller as required by 'The Liquor License Act, 1883''

21. *Selling liquor to any one under sixteen years of age.*

"That X.Y., on unlawfully did sanction (or allow) to be supplied, in his licensed premises, by purchase (or otherwise) liquor to a person apparently under the age of sixteen years, not being a resident on the premises, or a *bonâ fide* guest, lodger, or traveller."

22. *Allowing internal communication between licensed and unlicensed premises.*

"That X.Y., on unlawfully did sanction (or allow) to be made or used, an internal communication between his licensed premises and unlicensed premises which are used for public entertainments and resort (or as a refreshment house)."

23. *Selling adulterated liquor.*

"That X.Y., on unlawfully did sell (or offer for sale) liquor with which were mixed ingredients or materials injurious to the health of persons drinking the same."

24. *Obtaining liquor by false representations.*

"That X.Y., on unlawfully did, by falsely representing himself to be a lodger, buy or obtain (or attempt to buy or obtain) at liquor during the period during which such premises are required to be closed in pursuance of 'The Liquor License Act, 1883.'"

GENERAL FORM OF INFORMATION.

CANADA, } THE INFORMATION of A.B., of the
of } of in the of License
To Wit: } Inspector, laid before me, C.D., Police
Magistrate (or as the case may be) in and for the city of
[or one of Her Majesty's Justices of the Peace, in and for the
of], the day of , in the year of our
Lord one thousand eight hundred and

The said informant says he is informed and believes that
X.Y., on the day of , in the year of our
Lord one thousand eight hundred and , at the
, in

, in the of , unlawfully did sell liquor without the license therefor by law required (or as the case may be).

A. B.

Laid and signed before me the }
 day and year, and at the place }
 first above mentioned. }
 C. D., }
 P.M. or J.P. }

THE FIFTH SCHEDULE.

FORM OF INFORMATION FOR SECOND, THIRD, OR FOURTH OFFENCE.

CANADA. } THE INFORMATION of A.B. of &c., License
 of , } Inspector, laid before me, C.D., Police
 To Wit : } Magistrate in and for the of
 [or one of Her Majesty's Justices of the Peace in and for the
 of], the day of , in the
 year of our Lord one thousand eight hundred and

The said informant says he is informed and believes that X.Y. on , at [describe last offence.]

And further that the said X.Y. was previously, to wit: on the day of , A.D. 18 , at the City of , before C.D., Police Magistrate in and for the City of , [or at the of , in the of , before E.F. and G.H., two of Her Majesty's Justices of the Peace for the of] duly convicted of having on the day of 18 , at the of in the of , unlawfully sold liquor without the license therefor required by law [or as the case may be].

And further that the said X.Y. was previously, to wit: on the day of , A.D. 18 . at the of in the of , before, &c. [as in preceding paragraph], again duly convicted of having, on the day of , A.D. 18 , at the of , in the of having a shop license, unlawfully allowed liquor to be consumed, within a building which communicates by an entrance with his shop, by a person not usually resident within the building of which such shop forms a part [or as the case may be].

And further that the said X.Y. was previously, to wit: on the day of , A.D. 18 , at the of in

in the _____ of _____, before, &c. (see above) again duly convicted of having, on the _____ day of _____, A.D. 18____, at the _____ of _____, in the _____ of _____ (being in charge of the premises of O.P., a place where liquor was reputed to be sold), unlawfully failed to admit E.F., an officer demanding to enter in the execution of his duty (or as the case may be).

And the Informant says the offence hereinbefore firstly charged against the said X.Y., is his *fourth* offence against "The Liquor License Act, 1883."

A. B.

Laid and signed before me the day _____ and year, and at the place first above mentioned. }
 C.D., _____ }
 J.P. _____ }

THE SIXTH SCHEDULE.

SUMMONS TO WITNESS.

CANADA. }
 of _____, } To J.K., of the _____ of _____, in the _____ of _____
 To Wit: }

Whereas, information has been laid before me, C.D., one of Her Majesty's Justices of the Peace in and for the _____ of _____, [or Police Magistrate for the City of _____] that X.Y., being a druggist, on the _____ of _____, A.D., 18____, at the _____ of _____, in the _____ of _____, unlawfully did sell liquor for other than strictly medicinal purposes, (or as the case may be) and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecution in this matter.

These are to require you, under pain of imprisonment in the Common Gaol, personally to be and appear on _____, the day of _____ A.D., 18____, at ten o'clock in the forenoon, at the _____, in the _____ of _____, before me or such Justice or Justices of the Peace as may then be there, to testify what you shall know in the premises [and also to bring with you and there and then to produce all and every invoices, day books, cash books or ledgers, and receipts, promissory notes and other security relating to the purchase or sale of liquor by the said X.Y., and all other books and papers, accounts, deeds and other documents in your possession, _____ custody

custody or control, relating to any matter connected with the said prosecution.

Given under my hand and seal this day of
A.D., 188 , at the of , in the of

C.D.
J P. (L.S.)

THE SEVENTH SCHEDULE.

FORM OF CONVICTION FOR FIRST OFFENCE.

CANADA. } BE IT REMEMBERED that on the
of , } day of , in the year of our Lord
To Wit: } one thousand eight hundred and
at the of , in the of X.Y. is
convicted before me, C.D., Police Magistrate in and for the City
of (or before us, E.F. and G.H., two of Her Majesty's
Justices of the Peace, in and for the), for that he the
said X.Y., on the day of , in the year of our
Lord one thousand eight hundred and , at the
of , in the , in his premises, being a place
where liquor may be sold, unlawfully did sell liquor during
the time prohibited by "*The Liquor License Act, 1883*," for
the sale of the same, without any requisition for medicinal
purposes as required by the said Act, being produced by the
vendee or his agent (or as the case may be), A.B. being the in-
formant, and I (or we) adjudge the said X.Y., for his said
offence to forfeit and pay the sum of *twenty* dollars, to be paid
and applied according to law, and also to pay to the said A.
B. the sum of *six* dollars for his costs in this behalf, and if
the said several sums be not paid forthwith, then* I (or we)
order the said sums to be levied by distress and sale of the
goods and chattels of the said X.Y., and in default of suffi-
cient distress in that behalf* [or where the issuing of a distress
warrant would be ruinous to the defendant and his family, or if
appears that he has no goods whereon to levy a distress, then
instead of the words between the asterisks** say "inasmuch
as it has now been made to appear to me (or us) that the
issuing of a warrant of distress in this behalf would be
ruinous to the said X.Y. and his family," or "that the said
X.Y. has no goods or chattels whereon to levy the said several
sums by distress," I (or we) adjudge the said X.Y. to be im-
prisoned in the Common Gaol for the of , at
 , in the said , and there to be kept for the
space of (*fifteen*) days, unless the said sums and the costs and
charges of conveying the said X.Y. to the said Common Gaol,
shall be sooner paid.

Given

Given under my hand and seal [or our hands and seals] the day and year first above mentioned, at the of in the aforesaid.

C.D., (L.S.)
Police Magistrate,

or E.F., (L.S.)
J.P.,

G.H., (L.S.)
J.P.,

FORM OF CONVICTION FOR A THIRD OFFENCE.

CANADA. } BE IT REMEMBERED that on the
of , } day of in the year of our Lord
To Wit: } one thousand eight hundred and ,
in the of in the , X.Y. is convicted
before the undersigned C.D., Police Magistrate in and for the
City of , in the said [or C.D. and E.F., two
of Her Majesty's Justices of the Peace in and for the said
], for that he, the said X.Y., on the day of
, in the year of our Lord one thousand eight hun-
dred and at the City of [or of]
in the said (as the case may be) having violated a
provision of "The Liquor License Act, 1883," unlawfully did
attempt to settle the offence with A.B., with the view of hav-
ing the complaint made in respect thereof dismissed. And
it appearing to me, [or us] that the said X.Y. was previously,
to wit: on the day of A.D., 18 , at the
of , before, &c., duly convicted of having on the
day A.D., 18 , at the of
unlawfully sold liquor without the license therefor by law
required. And it also appearing to me [or us] that the said
X.Y. was previously, to wit: on the day of
A.D., 18 , at the of , before, &c., (see above)
again duly convicted of having, on the day of ,
A.D., 18 , at the of (being the keeper of a
saloon, situate in the said of), unlawfully
allowed gambling in the said saloon (or as the case may be.)

I [or we], adjudged the offence of the said X.Y. hereinbe-
fore firstly mentioned, to be his third offence against "The
Liquor License Act, 1883," (A.B. being the informant) and I
[or we], adjudged the said X.Y. for his said third offence to
be imprisoned in the Common Gaol of the said of
at , in the said of , there
to be kept at hard labor for the space of three calendar
months (or as the case may be.)

Given under my hand and seal [or our hands and seals] the day and year first above mentioned, at _____, in the _____ of _____

C.D. (L.S.)
or C.D. (L.S.)
E.F. (L.S.)

THE EIGHTH SCHEDULE.

WARRANT OF COMMITMENT FOR FIRST OFFENCE WHERE A PENALTY IS IMPOSED.

CANADA. } To ALL or any of the Constables and
of } other Peace Officers in the _____ of
To Wit: } _____, and to the Keeper of the Com-
mon Gaol of the said _____ at _____, in the
of _____

Whereas, X.Y., late of the _____ of _____, in the said _____ was on this day convicted before the undersigned, C.D., Police Magistrate in and for the City of _____, [or C.D. and E.F., two of Her Majesty's Justices of the Peace in and for the _____ of _____, or _____ of _____, as the case may be], for that he, the said X.Y., on _____ at _____ unlawfully did sell liquor without the license therefor by law required (state offence as in the conviction), (A.B. being the informant), and it was thereby adjudged that the said X.Y., for his said offence, should forfeit and pay the sum of _____ (as in conviction), and should pay to the said A.B. the sum of _____ for his costs in that behalf;

And it was thereby further adjudged that if the said several sums should not be paid forthwith, the said X.Y. should be imprisoned in the Common Gaol of the said _____ at _____, in the said _____ of _____, there to be kept at hard labor for the space of _____, unless the said several sums and the costs and charges of conveying the said X.Y. to the said Common Gaol should be sooner paid;

And whereas the said X.Y. has not paid the said several sums, or any part thereof, although the time for payment thereof has elapsed.

[If a distress warrant issued and was returned no goods, or not sufficient goods, say] "And whereas, afterwards on the _____ day of _____ A.D., 18 _____, I, the said Police Magistrate (or we, the said Justices) issued a warrant to the said Constables or Peace Officers, or any of them, to levy the said several sums of _____ and _____ by distress and sale of the goods and chattels of the said X.Y.;

And

And whereas it appears to me (or us) as well, by the return of the said warrant of distress by the Constable who had the execution of the same as otherwise, that the said Constable has made diligent search for the goods and chattels of the said X.Y., but that no sufficient distress whereon to levy the said sums could be found ;”]

[Or where the issuing of a distress warrant would be ruinous to the defendant and his family, or if it appears that he has no goods whereon to levy a distress, then instead of the foregoing recitals of the issue and return of the distress warrant, &c., say :

“ And whereas it has been made to appear to me (or us), that the issuing of a warrant by distress in this behalf would be ruinous to the said X.Y. and his family,” or “ that the said X.Y. has no goods or chattels whereon to levy the said sums by distress” (as the case may be) ;

“ These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said X.Y., and him safely convey to the Common Gaol aforesaid at _____, in the _____ of _____, and there deliver him to the said Keeper thereof, together with this precept.

And I (or we) do hereby command you the said Keeper of the said Common Gaol to receive the said X.Y. into your custody in the said Common Gaol, there to imprison him and keep him for the space of _____, unless the said several sums and all the costs and charges of the said distress, amounting to the sum of _____, and of the commitment and conveyance of the said X.Y. to the said Common Gaol, amounting to the further sum of _____ shall be sooner paid unto you, the said Keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (or our hands and seals), this _____ day of _____ A.D., 18 _____, in the said _____ of _____

C.D. (L.S.)
or C.D. (L.S.)
E.F. (L.S.)

WARRANT OF COMMITMENT FOR SECOND (or THIRD) OFFENCE, WHERE PUNISHMENT IS BY IMPRISONMENT ONLY.

CANADA. }
of } To ALL or any of the Constables and other
To Wit : } Peace Officers in the _____ of _____,
of the said } and to the Keeper of the Common Gaol
at _____ in the _____ of _____

Whereas

Whereas X.Y., late of the _____ of _____ in the said _____ was on this day convicted before the undersigned C.D., &c., (or C.D. and E.F., &c., as in preceding form) for that he, the said X.Y., on _____ at _____ (state offence with previous convictions as set forth in the conviction for the second or third offence, or as the case may be, and then proceed thus): "and it was thereby adjudged that the offence of the said X.Y., hereinbefore firstly mentioned, was his second (or third) offence against 'The Liquor License Act, 1863,' (A.B. being the informant.) And it was thereby further adjudged that the said X.Y., for his said second (or third) offence, should be imprisoned in the Common Gaol of the said _____ of _____, at _____, in the said _____ of _____, and there be kept at hard labor for the space of (three) calendar months.

These are therefore to command you, the said Constables, or any one of you, to take the said X.Y., and him safely convey to the said Common Gaol at _____ aforesaid, and there deliver him to the Keeper thereof, with this precept. And I (or we) do hereby command you, the said Keeper of the said Common Gaol, to receive the said X.Y. into your custody in the said Common Gaol, there to imprison him and to keep him at hard labor for the space of three calendar months.

Given under my hand and seal (or our hands and seals),
this _____ day of _____ A.D., 18 _____, at _____, in the
said _____ of _____

C.D. (L.S.)
or C.D. (L.S.)
E.F. (L.S.)

THE NINTH SCHEDULE.

FORM OF DECLARATION OF FORFEITURE AND OF ORDER TO DESTROY LIQUOR SEIZED.

If on conviction, after adjudging penalty or imprisonment, proceed thus:—

And I [or we] declare the said liquor and vessels in which the same is kept, to wit: two barrels containing beer, three jars containing whisky, two bottles containing gin, four kegs containing lager-beer, and five bottles containing native wine, [or as the case may be], to be forfeited to Her Majesty, and I [or we] do hereby order and direct that T.D., Licensed Inspector of the _____ of _____, [or J.P.W., Licensed Inspector of the _____ of _____] do forthwith destroy the said liquor and vessels.

Given under my hand and seal the day and [year first above mentioned, at, &c.]

If

If by separate or subsequent Order :

CANADA. } We, E.F. and G.H., two of Her Majesty's
of , } Justices of the Peace for the
To Wit : , } of [or C.D., Police Magistrate,
of the City of , } having on the day of
 , one thousand eight hundred and , at the
 of in the said County, duly convicted X.Y.
do hereby declare the said liquor and vessels in which the
same is kept, to wit :—[describe the same as above], to be for-
feited to Her Majesty, and we [or I] do hereby order and
direct that J.P.W., License Inspector of the of the
said , do forthwith destroy the said liquor and vessel.

Given under our [or my] hands and seals, this day of
, at the of in the said

E.F. (L.S.)
G.H. (L.S.)
 or
C.D. (L.S.)

CHAP. 31.

An Act to legalize proceedings taken for the naturaliza-
tion of certain aliens in the Province of Manitoba.

[Assented to 25th May, 1883.]

WHEREAS in a number of cases, in the Province of Preamble.
Manitoba, proceedings for the naturalization of aliens
have been taken under the "*Naturalization Act, Canada, 1881*,"
under a misapprehension that the said Act was in force, and
whereas the procedure and requirements of that Act are in
substantial conformity with the laws of naturalization now
in force in Canada, and it is proper to legalize and confirm
the said proceedings: Therefore Her Majesty, by and with
the advice and consent of the Senate and House of Commons
of Canada, enacts as follows:—

1. All proceedings for the naturalization of aliens hereto-
fore taken or had in the Province of Manitoba under the
"*Naturalization Act, Canada, 1881*," upon which certificates of
naturalization have been issued, and also all certificates
issued upon such proceedings shall be held to have been and
to be as valid and effectual as though the said Act had been
and was now in force.

Certain nat-
uralization
proceedings
in Manitoba
ratified.

CHAP. 32.

An Act for the better prevention of fraud in relation to contracts involving the expenditure of public moneys.

[Assented to 25th May, 1883.]

Preamble.

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

Giving or offering money, &c., for influence respecting a Government contract, to be a misdemeanor.

Punishment for such offence.

Receivers punishable in like manner.

Giving or offering money, &c., to any one having made a tender or other person with a view to obtain such contract to be a misdemeanor.

Punishment for such offence.

1. In the case of every contract proposed, entered into, or in course of execution, to which the Government of Canada or of any Province of Canada is a party, the making of any offer, proposal, gift, loan, promise, agreement, compensation or consideration whatsoever, by any person whomsoever, directly or indirectly, to any officer or person in the employment of the said Government, with intent to secure the influence of such officer or person to promote either the obtaining or the execution of such contract or the payment of the consideration moneys therefor, is a misdemeanor, and any person convicted thereof shall be liable to a penalty of not less than one hundred dollars and not more than one thousand dollars, together with imprisonment for a term not less than one month and not more than twelve months;—and in default of payment of the penalty so incurred, the offender shall be imprisoned for a further term of six months, unless such penalty be sooner paid; and if any officer or person in the employment of the said Government accepts or agrees to accept any such offer, proposal, gift, loan, promise, agreement, compensation or consideration whatsoever, he shall be deemed an accessory, and shall be liable, on conviction, to the same punishment as the principal offender.

2. Whosoever, in the case of tenders being called for by or on behalf of the Government of Canada, or of any Province of Canada, for any contract, directly or indirectly, by himself or by the agency of any other person on his behalf, with intent to obtain such contract either for himself, or for any other person, proposes or makes any gift, loan, offer, promise or agreement, or offers or gives any consideration or compensation whatsoever, to any person tendering for such contract, or to any officer or person in the employment of the said Government, is guilty of a misdemeanor, and shall on conviction thereof, be liable to a penalty of not less than one hundred dollars, nor more than one thousand dollars, together with imprisonment for a term not less than one month and not more than twelve months; and in default of payment of the penalty so incurred the offender shall be imprisoned for a further term of six months, unless such penalty be sooner paid; and if any person so tendering, or any officer or

or person in the employment of the said Government accepts or agrees to accept any such gift, loan, offer, promise, agreement, consideration or compensation whatsoever, he shall be deemed an accessory, and shall be liable, on conviction, to the same punishment as the principal offender.

Receiver punishable in like manner.

3. Whosoever, being a public officer or paid employée of the Government of Canada, or of any Province of Canada, receives directly, or indirectly, any promise, offer, gift, loan, compensation or consideration whatsoever, either in money or otherwise, from any person whomsoever, for fraudulently assisting or favoring any individual in the transaction of any business whatsoever connected with the said Government, or for doing so contrary to the duties of his special position as an officer or employee of the Government, is guilty of a misdemeanor and shall, on conviction thereof, be liable to a penalty not exceeding two thousand dollars, and shall be incapable, for the term of five years, of holding any public office; and any person participating in the said offence by making such offer shall be deemed guilty thereof, and shall be liable to the same penalty.

Public officers receiving money, &c., assisting individuals in transaction of business with Government, guilty of misdemeanor.

Punishment of such offence.

4. Any person convicted of any offence under the provisions of this Act, shall be incapacitated from contracting with or holding any contract under any of the said Governments.

Further effect of conviction.

5. No prosecution under this Act shall be commenced after two years from the time of committing the offence alleged.

Time for prosecution.

CHAP. 33.

An Act to continue for a limited time the Acts therein mentioned.

[Assented to 25th May, 1883.]

WHEREAS it is expedient to continue for a limited time the Acts hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Act passed in the forty-first year of Her Majesty's reign, chapter seventeen, and intituled "*An Act for the better prevention of crimes of violence in certain parts of Canada until the end of the next session of Parliament,*" which was continued by the Act passed in the forty-fifth year of Her Majesty's

Act 41 V., c. 17, further continued.

Majesty's reign, chapter thirty-eight, shall further continue in force until the end of the now next ensuing Session of Parliament; and any proclamation heretofore issued thereunder shall continue in force until such proclamation is revoked by proclamation in the manner provided by the said Act, or until the expiration of the said Act, whichever shall first happen.

Act 43 V., c. 36 and amendment further continued.

2. The Act passed in the forty-third year of Her Majesty's reign, chapter thirty-six, and intituled "*An Act respecting the Administration of Criminal Justice in the Territory in dispute between the Governments of the Province of Ontario and of the Dominion of Canada,*" which was amended and continued by the Act passed in the forty-fifth year of Her Majesty's reign, chapter thirty-one, shall further continue in force, as so amended, until the end of the now next ensuing Session of Parliament.

Saving the effect of any other Act of this Session.

3. Nothing herein contained shall prevent the effect of any Act passed during the present session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, either of the Acts hereinbefore mentioned and continued, nor shall continue any provision or part of either of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present session or in any previous session.

CHAP. 34.

An Act to amend the Acts respecting procedure in Criminal cases, and other matters relating to Criminal Law.

[Assented to 25th May, 1883.]

Preamble.

WHEREAS the mode of proceeding to compel corporations aggregate to appear and plead to bills of indictment found against them is attended with delay and expense: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporations aggregate indicted for misdemeanor must appear and plead by attorney.

1. Whenever a bill of indictment for a misdemeanor shall be found against a corporation aggregate at any Court of Oyer and Terminer and General Gaol Delivery, Circuit Court, County Court or other court having criminal jurisdiction, it shall be the duty of such corporation to appear by their attorney in the court in which such indictment has been found, and

and to plead or demur thereto, in like manner as in the case of such an indictment found against a natural person.

2. No writ of *certiorari* shall be necessary to remove any such indictment into the Court of Queen's Bench, or other Supreme or Superior Court of any Province in the Dominion, with the view of proceeding to compel the defendant to plead thereto; nor shall it be necessary to issue any writ of *distringas*, or other process, to compel the defendant to appear and plead to such indictment.

Certiorari not required to remove the case to a Superior Court. No *distringas* need issue.

3. It shall be lawful for the prosecutor, when any such indictment has been found against a corporation aggregate, or for the clerk of the court when such indictment is founded on a presentment of the grand jury, to cause a notice thereof to be served on the mayor or chief officer of such corporation, or upon the clerk or secretary thereof, stating the nature and purport of such indictment, and that unless such corporation appears and pleads thereto in two days after the service of such notice, a plea of not guilty will be entered thereto for the defendants by the court, and that the trial thereof will be proceeded with in like manner as if the said corporation had appeared and pleaded thereto.

Notice to the corporation indicted to appear and plead; or that in default a plea of not guilty will be entered and trial proceeded with.

4. In case the said corporation does not appear in the court in which the indictment has been found, and plead or demur thereto within the time specified in the said notice, it shall be lawful for the judge presiding at such court, on proof to him by affidavit of the due service of such notice, to order the clerk or proper officer of the court, to enter a plea of "not guilty" on behalf of the said corporation; and such plea shall have the same force and effect as if the said corporation had appeared by their attorney and pleaded the same.

On default judge may order such plea to be entered.

Effect thereof.

5. In either case,—whether such corporation appear and plead to the indictment, or, whether a plea of "not guilty" be entered by order of the court,—it shall be lawful for the court to proceed with the trial of the indictment in the absence of the defendants, in like manner as if they had appeared at the trial and defended the same; and, in case of conviction, to award such judgment and take such other and subsequent proceedings to enforce the same as may be applicable to convictions against corporations.

Court may proceed with the trial in absence of defendant.

CHAP. 35.

An Act to make provision for the taking of evidence in relation to Criminal matters pending in Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals.

[Assented to 25th May, 1893]

Preamble.

WHEREAS since the twenty-fourth section of the Act of the Imperial Parliament thirty-third and thirty-fourth Victoria, chapter fifty-two, intituled "*An Act for amending the law relating to the extradition of Criminals*," ceased to be in force in Canada, there is no provision for obtaining the testimony of witnesses in relation to any criminal matter pending in any court or tribunal in a Foreign State in like manner as it may be obtained in relation to any civil matter: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Provisions of 31 V., c. 76 to apply to criminal matters.

1. The testimony of any witness may be obtained in relation to any criminal matter pending in any court in any other of Her Majesty's Dominions or before any Foreign Tribunal in like manner as it may be obtained in relation to any civil matter under the Act thirty-first Victoria, chapter seventy-six, intituled "*An Act to provide for taking evidence in Canada in relation to Civil and Commercial matters pending before Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals*;" and all the provisions of that Act shall be construed as if the term civil matter included a criminal matter and the term cause included a proceeding against a criminal: Provided that nothing in this Act shall apply in the case of any criminal matter of a political character.

How this Act shall be construed for that purpose. Proviso. Crimes of political character excepted.

CHAP. 36.

An Act to amend the law respecting Lotteries.

[Assented to 25th May, 1888.]

Preamble.

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

It shall not be unlawful

1. Nothing contained in any Statute, relating to lotteries, now in force in Canada, or in any Province thereof, shall be read or construed as making it an offence,—

(a.)

(a.) For any incorporated society, established for the encouragement of art, or for any officer or agent thereof, to distribute by lot among its members or ticket-holders, any paintings, drawings or other works of art, produced by the labor of the members of, or published by or under the direction of such incorporated society ; or—

for an incorporated society to distribute works of art by lot, or—

(b.) For such member or ticket-holder to share in such distribution.

For members to receive them.

CHAP. 37.

An Act to amend and consolidate the Laws relating to Penitentiaries.

[Assented to 25th May, 1888.]

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

Preamble.

1. All the penitentiaries in Canada and such other prisons, hospitals, asylums and other public institutions as may, from time to time, be designated for that purpose by the Governor in Council, by proclamation in the *Canada Gazette*, and all prisoners and other persons confined therein and inmates thereof, shall be under the control of the Minister of Justice, who shall exercise over them complete administrative power.

Penitentiaries, prisons &c. to be under control of Minister of Justice.

2. The Minister of Justice shall submit to the Governor an annual report upon all the penitentiaries, prisons, and other institutions under his control, to be laid before both Houses of Parliament within twenty-one days from the commencement of each session, showing the state of each penitentiary, prison or other institution, and the amounts received and expended in respect thereof, with such further information as may be requisite.

Annual report thereon by Minister.

2. The penitentiary situate near the City of Kingston, in the Province of Ontario, to be known as the Kingston Penitentiary ; the penitentiary situate at St. Vincent de Paul, in the Province of Quebec, to be known as the St. Vincent de Paul Penitentiary ; the penitentiary situate at Dorchester, in the Province of New Brunswick, to be known as the Dorchester Penitentiary ; the penitentiary situate in the County of Lisgar, in the Province of Manitoba, to be known as the Manitoba Penitentiary ; and the penitentiary situate in the District of New Westminister, in the Province of British Columbia,

Penitentiaries enumerated and described.

to

to be known as the British Columbia Penitentiary, together with all the land appertaining to the same respectively, according to the respective metes and bounds thereof as now known and defined, and all the buildings and property thereon belonging to the same, are, all and each of them, hereby declared to be penitentiaries of Canada.

Penitentiary for Lower Provinces to be that at Dorchester, N.B.

3. The Dorchester Penitentiary shall be the penitentiary for the Provinces of New Brunswick, Nova Scotia and Prince Edward Island, for the confinement and reformation of persons, male and female, lawfully convicted of crime before any court of criminal jurisdiction in any of the said Provinces, and sentenced to confinement for life, or for a term not less than two years; and such persons shall be imprisoned therein accordingly.

What convicts to be imprisoned at Dorchester, N.B.

4. No person sentenced to imprisonment for less than two years shall be sentenced to the Dorchester Penitentiary; but this shall not prevent the reception and imprisonment therein of any prisoners lawfully sentenced for any period of time, and liable to imprisonment therein, by any military, naval, or militia court-martial, under any Act of Her Majesty's Imperial Parliament, or of the Parliament of Canada.

Governor in Council may establish tracts of land as penitentiaries, and declare any lands established as penitentiaries not to be so.

5. It shall be lawful for the Governor in Council, at any time hereafter, if he sees fit, to declare by proclamation, to be published in the *Canada Gazette*, that any tract of land within the Dominion, of which the boundaries shall be particularly defined in the proclamation, is a penitentiary, and is to be so held within the meaning of this Act; and it shall be lawful for the Governor in Council, by any proclamation published as aforesaid, to declare that any tract of land established as a penitentiary by the second section of this Act or by any other law, or by proclamation under this section, shall, from and after a certain day to be named in such proclamation, cease to be a penitentiary; and such tract of land shall cease to be a penitentiary accordingly.

What shall be included as part of a penitentiary.

6. Every penitentiary now established, and every penitentiary hereafter to be established by virtue of this Act, shall be held to include all carriages, wagons, sleighs or other vehicles for land carriage, and all boats, scows or other vessels for water carriage, being property belonging to such penitentiary, or employed by hire or otherwise in its service; and likewise any wharf at or near the said penitentiary, although not within the limits mentioned in the proclamation establishing the same, but used for the accommodation of such craft when so employed in or about any work or labor connected with such penitentiary.

Streets, roads, &c., when to

7. Every street, highway, or public thoroughfare of any kind, along or across which it may be necessary that convicts should

should pass in going to and returning from their work, shall, while so used, be considered as a portion of the tract of land forming the penitentiary; and any escape or attempt at escape, and any rescue or aid in rescue, shall be held as if such escape or attempt at escape, and such rescue or aid in rescue had taken place within the prison walls or penitentiary limits.

be part of a penitentiary.

Escapes.

8. It shall be lawful for the Inspector, with the approval of the Minister of Justice, to authorize the Warden of any penitentiary, to construct rail or tram roads to communicate between any part of the penitentiary and another, and to carry the same across, upon or along any public road or street intervening, in such manner, however, as to cause the least possible inconvenience to passengers or carriages using such road or street: but it shall not be lawful for the Warden of such penitentiary to break ground upon any public road or street for the purpose of constructing such rail or tram roads, in virtue of such order by the Inspector, until after the lapse of one month after a copy of such order, certified by the said Warden, shall have been served upon the officer or person charged with the care or supervision of such public road, together with a plan showing the line which such rail or tram roads are to occupy.

Inspector, with Minister's approval, may make tram-roads.

Notice to municipality.

9. From the time this Act takes effect the construction and repairs of buildings and other works in the penitentiaries shall take place under the control of the Department of Public Works.

Construction and repair of buildings to be under Public Works Dept.

INSPECTOR.

10. It shall be lawful for the Governor in Council to appoint some fit and proper person to be Inspector of all penitentiaries and of such other prisons, hospitals, asylums and other public institutions as may, from time to time, be designated by the Governor in Council: the Inspector, who shall hold office during pleasure, shall be an officer of the Department of Justice, and as such Inspector shall act as the representative of the Minister of Justice.

Governor in Council to appoint Inspector, who shall represent the Minister of Justice.

11. The said Inspector shall, under direction from the Minister of Justice, visit, examine and report to him upon the state and management of all the penitentiaries, and all suggestions which the Wardens thereof may have made for their improvement.

Inspector to visit penitentiaries and report to Minister.

12. The said Inspector shall keep an exact record of all minutes of inspection made by him in the inspection books of the various institutions, together with all his proceedings in connection therewith, and shall transmit, after each visit of inspection, a copy thereof under his hand to the Minister of Justice.

To keep minutes of his proceedings and transmit copy to Minister.

To be a Justice of the Peace.

13. The said Inspector shall, by virtue of his office, without any property qualification, be a Justice of the Peace for any and every district, county, city or town of Canada, but shall have power to act in matters connected with the criminal law of Canada only.

To make rules and regulations, &c., subject to approval of the Governor in Council.

14. The Inspector shall have power, and it shall be his duty to make rules and regulations for the management, discipline and police of the penitentiaries, and for the duties and conduct of the Wardens thereof, and of every other officer or class of officers or servants employed therein, and for the diet, clothing, maintenance, employment, instruction, discipline, correction, punishment and reward of convicts imprisoned therein, and to annul, alter or amend the same from time to time, subject to the approval of the Governor in Council,—which rules and regulations so approved, the Wardens of the penitentiaries, and every other officer and servant employed in or about the same, shall be bound to obey: Provided always, that until such rules and regulations are made as aforesaid, the rules and regulations existing in each penitentiary at the passing of this Act shall remain in force.

Proviso: as to existing rules.

To make an annual report to Minister, to be laid before Parliament.

What the report shall contain.

15. It shall be the duty of the Inspector to make to the Minister of Justice an annual report on or before the first day of December in each year, which report shall contain a full and accurate report on the state, condition and management of the penitentiaries under his control and supervision, and inspected during the preceding fiscal year, together with such suggestions for the improvement of the same as he may deem necessary and expedient, and accompanied by copies of the annual reports of the officers of the penitentiaries, and by such financial and statistical statements and tables as the books kept by them may supply,—and which report shall also comprise and embrace the following particulars, viz.:—

Statistics, facts and suggestions.

1. Such statistical information in respect to each penitentiary, and the whole in condensed form, as is embraced in the registers of such penitentiaries, together with any facts which may have come to his knowledge with respect to the working of the criminal laws and penal system of the Dominion, or any injustice or hardship which, in his opinion has arisen therefrom, and such suggestions for the improvement or amendment of the same, and for the prevention of crime or the reformation of criminals, as he may deem expedient;

Inventory and valuation of property.

2. An inventory and valuation of all the property belonging to the penitentiaries respectively, movable and immovable,—distinguishing the estimated value of the several descriptions of property;

3. A detailed statement showing the money receipts of the penitentiaries, and the sources from which they have been derived ; also the expenditures, together with a statement of all debts due by the penitentiaries, showing the names of the parties to whom each is due, and showing also the debts, if any, due to the institution, with the amount and nature of each debt ;

Receipts, expenditure and statement of debts

4. An estimate of the expense of the penitentiaries for the ensuing year,—distinguishing the ordinary from the extraordinary.

Estimates for ensuing year.

5. The Wardens and other officers shall furnish to the Inspector all information necessary for the preparation of his Report on or before the first day of October in each year.

Officers to furnish information by 1st October, annually.

16. In case the Inspector finds at any time that any penitentiary is out of repair, or does not possess the proper and requisite sanative arrangements, or has become unsafe or unfit for the confinement of prisoners, or that the same does not afford sufficient space or room for the number of prisoners confined therein, or the requisite amount of shop and yard space for the proper industrial employment of the prisoners, he shall forthwith report the fact to the Minister of Justice, and shall at the same time furnish a copy of such report for the Minister of Public Works.

Special reports as to improvements and repairs.

Copy to Minister of Public Works.

EXAMINATIONS AND INVESTIGATIONS.

17. For the better enabling the Inspector efficiently to discharge the duties herein set forth, or at any time assigned to him by the Minister of Justice, he shall have power—

Special powers of Inspector.

1. At all times to enter into, and remain within any penitentiary or other public institution placed under his control as aforesaid, and have access to every part and portion of the same, and to examine all papers, documents, vouchers, records and books of every kind belonging thereto ;

Entry and examination of papers, &c.

2. To investigate the conduct of any officer or servant employed in or about any penitentiary, or other such public institution as aforesaid, or of any person found within the precincts thereof : and for that purpose the Inspector shall have power to summon before him any person by *subpœna* issued by him, and to examine such person upon oath,—which oath the said Inspector shall have power to administer, whether the fact relate to a breach of the law of the land or of the rules of the prison, or to any matter affecting the interests of the institution—and to compel the production of papers and writings before him ; and if any person duly summoned neglects or refuses to appear at the time and place specified in the *subpœna* upon him legally served,

Inquiries into conduct of officers, &c.

Summoning by inspector and administering oaths.

Compelling attendance of witnesses.

or refuses to give evidence or to produce the papers demanded of him, the Inspector may cause the said person by warrant under his hand, to be taken into custody and to be imprisoned in the common gaol of the locality, as for contempt of court, for a period not exceeding fourteen days.

Minister of Justice may cause special reports to be made by others than Inspector.

18. It shall be lawful for the Minister of Justice to appoint, at any time when he may deem it necessary, a person or persons to make a special report on the state and management of any penitentiary; and in such case the person or persons so appointed shall have, in order to enable him or them to make such special report, the powers given to the Inspector by the next preceding section.

ACCOUNTANT OF PENITENTIARIES.

Accountant of penitentiaries to be officer of Dept. of Justice. His duties.

19. The Governor in Council may appoint a fit and proper person to be the Accountant of Penitentiaries, who shall be an officer of the Department of Justice. He shall be charged generally with the direction, inspection and audit of the books, accounts, money transactions and financial affairs of the penitentiaries, and shall have such other powers as may be assigned to him by the order of the Governor in Council, and he shall perform such other duties as shall be required of him by the Minister of Justice.

To audit accounts and certify them to Minister, and to enquire into money matters.

2. He shall audit the accounts of the penitentiaries and transmit the same duly certified as to correctness to the Minister of Justice. It shall also be his duty to inquire into the money transactions and financial affairs of the penitentiaries, prisons, hospitals, asylums or other public institutions supported wholly or in part by the Dominion.

To have powers of Inspector under sect. 17.

3. He shall have all the power given to the Inspector by section seventeen of this Act.

WARDENS AND OTHER OFFICERS.

What officers the Governor in Council may appoint for each penitentiary.

20. It shall be lawful for the Governor in Council to appoint for any penitentiary a Warden, a Deputy Warden (who in the absence or incapacity of the Warden shall exercise all the functions of the Warden), a Protestant Chaplain, an Assistant Protestant Chaplain when required, a Roman Catholic Chaplain, an Assistant Roman Catholic Chaplain when required, a Surgeon, and an Accountant, all of whom shall hold their offices during pleasure; but the Inspector shall have power summarily to suspend any of the above named officers for misconduct, until the circumstances of the case, of which the Minister of Justice shall be at once notified, have been decided upon by him; and the Inspector may, until such decision has been so intimated, cause any officer so suspended to be removed beyond the precincts of the

Power of Inspector to suspend any officer.

the prison; and generally, the Inspector shall have power, and it shall be his duty, to recommend the removal of any of the above named officers whom he may deem incapable, inefficient or negligent in the execution of his duty, or whose presence in the penitentiary he considers detrimental to the interests thereof.

General powers of Inspector as to officers.

21. It shall be lawful for the Minister of Justice to appoint for any penitentiary, a Schoolmaster, a Schoolmistress, a Storekeeper, a Steward, a Chief Keeper (who in the absence or incapacity of the Deputy Warden, shall exercise all the functions of such Deputy Warden), an Engineer, a Matron, a Deputy Matron, and such and so many trade instructors as may, from time to time, be required, to hold their offices during pleasure; but the Warden shall have power summarily to suspend for misconduct any of the officers named in this section, until the next visit of the Inspector, when he shall submit to him a report of the circumstances of the case, to be dealt with as to him may seem meet.

Minister of Justice to appoint certain officers.

Power of warden to suspend any of them.

22. It shall be lawful for the Warden to appoint for any penitentiary, an Assistant Deputy Matron and a Clerk, and such and so many keepers and guards and other servants as by order of the Inspector may be authorized, for the proper protection and care of the institution, and to suspend any of them for neglect of duty, for such time as he shall see fit, or dismiss them, without further charge than that of inefficiency in his opinion, but such suspension or dismissal shall be reported forthwith to the Inspector.

Warden may appoint certain officers, guards, &c. and suspend or dismiss them.

Report to inspector.

23. The pay of every officer so suspended by the Inspector or by the Warden, shall cease during the period of his suspension; but the Minister of Justice shall nevertheless have power to direct payment of the same, if he sees fit.

As to pay in case of suspension.

24. It shall be lawful for the Warden to impose a fine payable in money, upon any officer or servant appointed by him or the Minister of Justice, for any act of negligence or carelessness by him committed, of such reasonable amount, not exceeding one month's pay, as the said Warden under the circumstances of the case may think fit; and the Minister of Justice may, under like circumstances, impose a like fine on the Deputy Warden and Accountant.

Warden may impose fines for neglect of duty.

25. The Warden of a penitentiary shall be the chief executive officer of the same; and as such shall have the entire executive control and management of all its concerns, subject to the rules and regulations duly established, and the written instructions of the Inspector authorized by the Minister of Justice; and in all cases not provided for, and where the said Inspector cannot readily be consulted, the Warden shall act in such manner as he shall deem most advantageous

Warden to be chief executive officer.

His power and responsibility as such

advantageous for the penitentiary; and he shall be held responsible for the faithful and efficient administration of the affairs of every department of the institution: he shall reside in the penitentiary; and shall receive such allowance of fuel and light as the Governor in Council may see fit to make.

To reside in penitentiary.
Allowance of fuel and light.
Warden and permanent officers &c. to be exempt from militia service.

26. The Warden and every officer and servant employed permanently in a penitentiary shall, during his continuance in office, be exempt from serving as a militiaman, except within the bounds of the penitentiary.

What officers to give bonds and sureties of office.

27. Every Warden, Accountant, Storekeeper, Steward, and every such other officer as may, from time to time, be designated by order of the Governor in Council, shall give and enter into a bond or bonds in such sum, and with sufficient surety or sureties, as may be approved of by the Governor in Council or by the Minister of Justice, for the faithful performance of the duties of his office according to law, which bonds shall be filed in the office of the Secretary of State of Canada.

Oaths of allegiance and office.

28. Every Warden, and every other officer and servant employed permanently in a penitentiary, shall severally take and subscribe in a book to be kept for that purpose by the Accountant in his office, the oath of allegiance to Her Majesty, and the following oath of office, viz :—

Form of oath of office.

“ I (A. B.) do promise and swear that I will faithfully, diligently and justly serve and perform the office and duties of _____ in the _____ Penitentiary, to the best of my abilities; and that I will carefully observe and carry out all the regulations of the prison. So help me God :”

Before whom.

Which oaths the Inspector or Warden is hereby authorized to administer.

Inspector, warden, &c. not to be contractors.

29. No Inspector, Warden or other officer or servant employed in a penitentiary, shall, either in his own name or in the name of, or in connection with any other person, provide, furnish or supply any materials, goods or provisions for the use of any penitentiary, nor shall be concerned directly or indirectly in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting the sum of five hundred dollars, with full costs of suit, to any person who may sue for the same in any of Her Majesty's Courts in the Province in which such penitentiary is situated.

Penalty for contravention.

Warden, &c. not to exercise any other calling.

30. No Warden, officer or servant, except the Surgeon and Chaplain, shall be allowed to carry on any trade or calling of profit or emolument other than his office in the penitentiary; nor

nor shall any officer buy from or sell to or for any convict (except under section sixty-six) anything whatever; or take or receive for his or her own use, or for that of any other person, any fee or gratuity or emolument from any convict or visitor or any other person; nor shall he, without the consent of the Minister, employ any convict in working for him.

Nor to buy or sell from or to convicts, &c., &c.

31. It shall be lawful for the Governor in Council, from time to time, to fix the sums to be annually paid to the Warden and the other officers and servants of any penitentiary established under the provisions of this Act,—regard being had to the number of convicts confined therein, and the consequent responsibility attaching to their offices respectively, and to the length of service and amount of labor devolved upon them; but such salaries shall not exceed the sum specified in Schedule A.

Governor in Council to fix pay of warden and officers. Proviso.

32. The Warden shall be a corporation sole known by the name of the "Warden of the Penitentiary," (designating the place as named in this Act, or named in any proclamation establishing it as a penitentiary), and by that name he and his successors shall have perpetual succession, and may sue and be sued, may plead and be pleaded unto in any of Her Majesty's courts.

Warden to be a corporation sole, &c.

33. All dealings and transactions on account of any penitentiary, and all contracts for goods, wares or merchandise necessary for maintaining and carrying on the institution, or for the sale of goods prepared or manufactured in or by the institution, shall be entered into and carried out in the corporate name of the Warden; and all personal property belonging to the same shall be held in the corporate name of the Warden for behoof of Her Majesty.

Contracts, dealings, personal property, &c. to be in his name.

34. The real property of every penitentiary, as well as all the other property thereto belonging, shall remain vested in Her Majesty, but the Warden and his successors in office shall have the custody and care thereof under the provisions of this Act; and all such property, real and personal, shall be exempt from all taxes.

Real property, how vested and managed.

35. Whenever any difference may arise between the Warden, and any person having dealings with him on account of the penitentiary, such difference may, by order of the Inspector and the consent of the party in difference, be referred either to one arbitrator, selected by the Warden and the party in difference, whose decision shall be final; or to three arbitrators, one of whom shall be named by the Warden, and another by such other person, and a third by the two so named as aforesaid; and the award of any two of them shall be final.

Arbitration in case of difference between warden and contractors, &c.

Warden to collect debts to penitentiary.

As to acceptance of security.

36. The Warden of a penitentiary shall exercise due diligence in enforcing the payment of debts due to the penitentiary, and with as little expense as possible to the institution; but he may, on the report of the Inspector, sanctioned by the Governor in Council, accept of such security from any debtor on granting time, or such composition in full settlement, as may be thought conducive to the interests of the institution.

Books, documents, &c., to be property of Penitentiary.

Copies of reports to be kept.

By whom to be furnished.

37. All books of account and other books, bills, registers, returns, receipts, bills of parcels and vouchers, and all other papers and documents of every kind relating to the affairs of the penitentiary, shall be considered the property of the institution, and shall remain therein; and the Warden shall preserve therein at least one set of copies of all official reports made to the Parliament respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions abroad, he shall be furnished by the Clerk of the House of Commons with fifty copies of such reports as are printed by order of the House, and so soon as they are printed.

Warden and Accountant to transmit monthly state of accounts under oath.

38. The Warden and Accountant shall transmit monthly to the Accountant of Penitentiaries a statement of the receipts and expenditures for the preceding month verified under oath in the manner following:—

Form of oath.

I, _____ Warden, and I, _____ Accountant, of the Penitentiary, make oath and say, that the foregoing statement of receipts and expenditures on account of the said penitentiary for the month of _____ 18 . is true and correct.

Sworn before me at _____ the _____ day of _____ A.D., 18 .

Inspector, or as the case may be.

Storekeeper's oath.

I, _____ Storekeeper of the Penitentiary, make oath and say that the articles mentioned in the foregoing statement as purchased for the said penitentiary for the month of _____ 18 . were duly received.

Sworn before me at _____ the _____ day of _____ A.D. 18

Inspector or as the case may be.

re whom. which oath may be administered by the Inspector or the Accountant of Penitentiaries, or by any Justice of the Peace, Notary Public, or Commissioner for taking affidavits.

PRIVILEGED

PRIVILEGED VISITORS.

39. The following persons, other than the Inspector or person or persons specially appointed by the Minister of Justice may visit any penitentiary at pleasure, namely,—the Governor General of Canada, the Lieutenant-Governor of any of the Provinces composing the Dominion of Canada, any Member of the Privy Council of Canada, any Member of the Executive Council of any of the said Provinces, any Member of the Parliament of Canada or of any of the local Legislatures, any Judge of any Court of Record in Canada or in any of the said Provinces, and any Queen's Counsel; but no other person shall be permitted to enter within the walls wherein the prisoners are confined, except by the special permission of the Warden, and under such regulations as the Inspector may prescribe.

Who shall have the right of visiting.

And these only.

CONVEYANCE, RECEIPT AND REMOVAL OF CONVICTS

40. The sheriff or deputy sheriff of any county or district, or any bailiff, constable or other officer, or other person by his direction or by the direction of a court, or any officer appointed by Government and attached to the staff of a penitentiary for that purpose, may convey to the penitentiary named in the sentence, any convict sentenced or liable to be imprisoned therein, and shall deliver him to the Warden thereof, without any further warrant than a copy of the sentence taken from the minutes of the court before which the convict has been tried, and certified by a judge or by the clerk or acting clerk of such court.

What shall be sufficient authority for conveying convicts to penitentiary.

41. In all cases where a prisoner is ordered by competent authority to be conveyed to any penitentiary from any other penitentiary, or from a reformatory prison, or from a common gaol, there shall be delivered to the Warden of the penitentiary receiving such prisoner, along with all other necessary documents, a certificate signed by the medical officer of the institution from which such prisoner has been taken, and countersigned by the Warden, if the prisoner has been taken from a penitentiary or a reformatory prison, or by the sheriff or his deputy if from a common gaol, declaring that such prisoner is free from any putrid, infectious or cutaneous disease, and that he is fit to be removed.

When brought from any other penitentiary or gaol.

42. The Warden shall receive into the penitentiary every convict legally certified to him as sentenced to imprisonment therein, and shall there detain him, together with those already lawfully confined therein, subject to all the rules, regulations and discipline thereof, until the term for which he has been sentenced be completed, or until he is otherwise discharged in due course of law.

Duty of warden as to receiving and detaining convicts.

Governor may authorize removal from or to any penitentiary.

Proceeding in such case.

43. It shall be lawful for the Governor, by warrant signed by the Secretary of State of Canada, or by such other officer as may be, from time to time, authorized by the Governor in Council, to direct the removal of any convict from any one penitentiary to another; and the Warden of the penitentiary having the custody of any convict so ordered to be removed, shall, when required so to do, deliver up the said convict to the constable or other officer or person who shall produce the said warrant, together with a copy, attested by the said Warden, of the sentence and date of conviction of such convict as given to him on reception of such convict into his custody; and the constable or other officer or person shall give a receipt to the Warden for the convict, and shall thereupon, with all convenient dispatch, convey and deliver up such convict, with the said attested copy, into the custody of the Warden of the penitentiary mentioned in the warrant, who shall give a receipt in writing for every convict so received into his custody, to such constable or other officer or person, as his discharge; and the convict shall be kept in custody in the penitentiary to which he has been so removed, until his removal to another penitentiary, or until the termination of his sentence, or until his pardon or release, or discharge by law.

Powers of Sheriff or officer conveying convicts to a penitentiary.

44. The sheriff or other officer or other person employed by competent authority, to convey any convict to any penitentiary to which such convict is ordered to be taken, either by sentence of a court or by order of the Secretary of State, or other officer, as in the next preceding section mentioned, may secure and convey him through any county or district through which he may have to pass in any of the Provinces of Canada; and until the convict has been delivered to the Warden of such penitentiary, such sheriff, officer or person shall have, in all territorial divisions or parts of Canada through which it may be necessary to convey such convict, the same authority and power over and with regard to such convict, and to command the assistance of any person in preventing his escape, or in recapturing him in case of an escape, as the sheriff of the territorial division, in which he was convicted, would himself have in conveying him from one part to another of that locality.

Assistance in case of escape.

Power to convey a convict whose sentence of death has been commuted, and effect of commutation.

45. In any case, in which sentence of death has been passed upon any convict, by any court in Canada, and the Governor, on behalf of Her Majesty, has been pleased to commute such sentence to imprisonment for life, or for any term of years, such commutation shall have the same effect as the judgment of a competent court legally sentencing such convict to such imprisonment for life or other term, would have, and the sheriff, or other officer, or other person having such convict in custody, on receipt of a letter from the Secretary of State, or such other officer as aforesaid, notifying

notifying him of the fact of such commutation, and directing him to convey such convict to a penitentiary therein named, shall forthwith convey such convict thereto, and shall have the same rights and powers in conveying such convict to such penitentiary, as if the conveyance took place by virtue of the sentence of a competent court.

46. In order to commute any sentence of death as aforesaid to imprisonment for life, or for a term of years, it shall not be held to be necessary, nor to have been at any time necessary, for the purpose of commuting such sentence, or of authorizing the conveyance of a prisoner to any penitentiary, or for his reception and detention therein for the commuted period, that a copy of any pardon should be or should have been in the possession of the Warden of such penitentiary; a letter, signed by the Secretary of State, or such other officer as aforesaid, notifying the Warden of the fact of such commutation, and of the term of years or life term to which the sentence has been commuted, shall be and shall have been sufficient authority for the Warden to receive such convict into the penitentiary, and to deal with him as if he had been sentenced by a competent court to confinement therein for the period or life term in the said letter mentioned.

What shall be sufficient authority to the warden in such case.

TRANSFER OF JUVENILE OFFENDERS FROM AND TO REFORMATORY PRISONS.

47. In any case where a juvenile offender has been ordered by competent authority to be imprisoned in any reformatory prison, and after his being imprisoned therein has become incorrigible, and is so certified by the Warden and one of the Chaplains, it shall be lawful for the Lieutenant-Governor of the Province in which the reformatory prison is situate, by a warrant under his hand, addressed to the Warden of such reformatory prison, setting forth the sentence or order by which the juvenile offender was imprisoned therein, and the fact that he is incorrigible, to direct that such juvenile offender be removed to any penitentiary named in the said warrant: and the said Warden, or any other officer of the prison, or any other person authorized by him, shall have the same powers in conveying such juvenile offender to such penitentiary as are hereinbefore given to a sheriff or other person in like cases:

Juvenile offenders found incorrigible may be removed from reformatory to penitentiary.

And it shall be lawful for the Warden of the penitentiary therein named, to receive such juvenile offender and deal with him for the unexpired term of the sentence or order by which he was ordered to be imprisoned in such reformatory prison, as if he had been sentenced to such penitentiary by a competent court: Provided that along with the said offender there be delivered to the Warden of the penitentiary a copy of

And dealt with as if sentenced to the penitentiary.

of the said sentence or order, attested by the Warden of the reformatory prison, and also an order from the Lieutenant-Governor aforesaid, directing the Warden of such penitentiary to receive such juvenile offender.

Juvenile offenders in penitentiary may be transferred to reformatory prison.

48. The Governor, may, at any time, in his discretion, by warrant under his hand, cause any convict in a penitentiary, whose sentence is for not less than two years, and who may appear to the Inspector to be under sixteen years of age, and susceptible of reformation, to be transferred to the reformatory prison, if any there be, of the Province where such convict was sentenced, for the remainder of his term of imprisonment.

TREATMENT OF CONVICTS.

General rules 49. In the treatment of convicts in a penitentiary, the following general rules shall be observed:—

Clothing. 1. Every convict shall, during the term of his confinement, be clothed at the expense of the penitentiary in suitable prison garments;

Food. 2. He shall be fed on a sufficient quantity of wholesome food;

Bedding. 3. He shall be provided with a bed and pillow with sufficient covering, varied according to the season;

Solitary confinement when not employed or sick. 4. Every convict shall be kept in a cell by himself at night and during the day when not employed, except in case of sickness.

Kinds of convict labour. 50. Convict labour may be of two categories:—

Obligatory. 1. Obligatory, viz: Every convict, except during sickness or other incapacity, shall be kept constantly at hard labor, the kind of which shall be determined by the Warden, every day not exceeding ten hours, exclusive of hours for meals or school, except Sunday, Good Friday, Christmas Day, and such other days as the Governor may set apart for days of fasting or thanksgiving, and such days as may be designated in the rules made by the Inspector in that behalf: Provided that no Roman Catholic convict shall be compelled to labor on any of the obligatory holidays of his Church; that is to say, Circumcision, Epiphany, Annunciation, Corpus Christi, Saint Peter and Saint Paul, All Saints, Conception and Ascension, or other festival days of obligation:

Voluntary. 2. Voluntary, viz: A convict of exemplary conduct may Over hours, and payment thereof. be allowed by the Warden, if he sees fit, to work over hours at such work as can be conveniently done in the institution, and

and at such rates as shall be fixed by the Inspector, the value of which overwork, at such rates, may either be paid to the convict's family during his imprisonment, should he so desire it, or be credited to him in the books of the Institution to be paid him on his discharge, subject, however, to any general rules which the Inspector may make upon the subject :

The convicts may be employed either in labor or at trades under the control of the Government, but no labor shall hereafter be let out to any company or private person: Letting out labor of convicts.
 Provided always that this sub-section shall not affect any existing contract. Provido :

FEMALE PRISON AND PRISONERS.

51. The female convicts shall be kept distinct and secluded from the male convicts, and shall be under the charge of a matron, with such and so many female officers as the Inspector may, from time to time, see fit to order to be employed, —reference being had to the number of such convicts, and the kinds of work in which they may be engaged. Female convicts to be separated from males and to be under female officers.

PENAL CELLS.

52. Whereas no system of discipline in a penitentiary can be effectual for punishment, or for reformation of the criminal, unless it be combined with strict separate confinement during some period of the time for which the court has sentenced him to be imprisoned, and it is therefore expedient that provision should be made in all the penitentiaries named in this Act, and in all others hereafter to be established by virtue of this Act, for the separate confinement of every convict for a certain period of the time mentioned in the sentence of the court by which he has been tried; therefore— Recital.

It shall be lawful for the Governor, whenever he shall deem it expedient, to order that such and so many penal cells shall be constructed from time to time at any penitentiary, as he may see fit. Separate confinement.
Penal cells may be constructed.

SHORTENING OF SENTENCE.

53. In order to encourage convicts to good behaviour diligence and industry, and to reward them for the same, it shall and may be lawful for the Inspector of penitentiaries to make rules and regulations, under which a correct record may be kept of the daily conduct of every convict in any penitentiary, noting his industry, diligence and faithfulness in the performance of his work, and the strictness with which he observes the prison rules—with a view to permit such As to rewards for good conduct and diligence.
Inspector to make rules.
Record to be kept.

Remission of time, not more than five days per month of good conduct.

Provision for increased rates of remission.

such convict, under the prison rules, to earn a remission of a portion of the time for which he is sentenced to be confined, not exceeding five days for every month during which he shall have been exemplary in industry, diligence and faithfulness in his work, and shall not have violated any of the prison rules: Provided always that when any convict shall have earned and have at his credit any of the several numbers of days of remission hereinafter respectively mentioned, it shall be lawful to allow him for every subsequent month during which his industry, diligence, faithfulness in his work and observance of the prison rules, shall continue satisfactory, the following increased rates of remission, that is to say:—

a. When he shall have thirty days' remission at his credit, seven days and one-half day's remission may be allowed him for every month thereafter :

b. When he shall have one hundred and twenty days' remission at his credit, ten days' remission may be allowed him for every month thereafter.

Remission in case of sickness.

If any convict be prevented from labor by sickness or any other infirmity, not intentionally produced by himself, he shall be entitled, by good conduct, to one-half the remission from his sentence every month to which he would otherwise be entitled.

OFFENCES AND PUNISHMENTS.

Escape during conveyance to be felony.

Punishment. Breaking Prison.

Escape at work, &c., to be felony.

Punishment.

54. Every prisoner who, being ordered to be detained in any penitentiary, escapes from the person or persons having the lawful custody of such prisoner, when being conveyed thereto, or when being conveyed from one penitentiary to another, shall be guilty of felony, and being convicted thereof, shall have not less than two years added to the original term of his imprisonment; and any prisoner who at any time breaks prison or escapes, or attempts to escape from the custody of any officer, guard or other servant of the penitentiary while at work, or passing to or from work, either within or beyond the prison walls or penitentiary limits, shall be guilty of felony and on conviction thereof shall be punished by an addition not exceeding three years to the term of his imprisonment, besides forfeiting the whole of the period of remission of sentence herein mentioned, which he may have earned; and he may also be again confined in the penal prison or solitary cells, if any, attached to such penitentiary as in the prison rules may be prescribed.

Attempt to break out of prison or cell to be felony.

55. Every prisoner in any penitentiary who, at any time, attempts to break prison, or who forcibly breaks out of his cell, or makes any breach therein with intent to escape therefrom,

therefrom, whether successful or not, shall be guilty of a felony and on conviction thereof, be punished by an addition not exceeding one year, to the term of his imprisonment, besides forfeiting the whole of the period of remission of sentence earned by him, and being again confined as in the next preceding section mentioned. Punishment.

56. If any convict, confined in any penitentiary, assaults any officer or servant employed therein, he shall be guilty of at least an aggravated assault, and shall also forfeit the whole of the period of remission of sentence which he may have previously earned, and shall be again confined, as in the fifty-fourth section mentioned. Assaulting officers, &c. to be felony.
Punishment.

57. Every person who rescues or attempts to rescue any prisoner, while being conveyed to any penitentiary, or while being imprisoned therein, or while being conveyed from one penitentiary to another, or while passing to or from work at or near any penitentiary, and every person who, by supplying arms, tools or instruments of disguise or otherwise in any manner aids any such prisoner in any escape or attempt at escape, shall be guilty of felony, and shall be liable to be imprisoned in a penitentiary for any term not exceeding five years and not less than two years or to be imprisoned in any gaol or place of confinement for any term less than two years with or without hard labor, and with or without solitary confinement Rescue or attempt to rescue to be felony.
Supplying tools, disguises, &c., to be felony.
Punishment.

58. Every person having the custody of any such prisoner as aforesaid, or being employed by the person having such custody, as a keeper, turnkey, guard or assistant, who carelessly allows any such convict to escape, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to fine or imprisonment or to both, at the discretion of the court; and every such person as aforesaid, who knowingly or wilfully allows any such convict to escape, shall be guilty of felony, and shall be liable to be imprisoned in a penitentiary for any term not exceeding five years and not less than two years or to be imprisoned in any gaol or place of confinement for any term less than two years with or without hard labor, and with or without solitary confinement. Keepers, &c. allowing prisoners to escape.
Punishment.
Wilfully allowing escape to be felony.
Punishment.

59. Every officer, guard or servant of any penitentiary, or any other person who brings in or carries out, or endeavours to bring in or carry out, or knowingly allows to be brought in or carried out to or from any convict, or carries to any convict while employed outside the prison walls, any money, clothing, provisions, tobacco, spirits, letters, papers or other articles whatsoever not allowed by the rules of the said prison, shall, if an officer or servant of the prison, be guilty of a misdemeanor, and may, if thought fit by the Warden or Deputy Warden, be apprehended and carried before a Justice Allowing money, spirits tobacco, letters, &c. to be brought into the penitentiary, &c.
Misdemeanor.

Punishment. Justice of the Peace—who is hereby empowered to hear and determine any such offence in a summary way; and every such officer, guard or servant or other person, upon conviction of such offence before a Justice of the Peace, shall be liable to pay a penalty not exceeding one hundred dollars, or, in the discretion of the justice, to be imprisoned in the common gaol, there to be kept at hard labor for any term not exceeding three months.

Prison Offences.

60. The Inspector shall draw up a list of prison offences, by way of general warning to the convicts as to their conduct in the prison, among which it shall specially be declared that no convict shall be permitted to speak to another convict upon any pretence whatever, nor to any officer or guard, or other servant of the institution, except with respect to the work at which he is employed, and then only in the fewest words and in a respectful manner: such list of offences shall be printed, and a copy of the same placed in every cell of the penitentiary.

Inspector to make list of prison offences.
No talking allowed.

Posting up list.

61. It shall be lawful for the Inspector, subject to the approval of the Minister of Justice, to make and, from time to time, to alter rules for the discipline and correction of convicts confined in any penitentiary as hereinbefore provided; but in case any convict is accused of having committed any offence which, if proved, would be followed by the infliction of corporal punishment or a remand to the penal prison, where such penal prison is established, it shall be the duty of the Warden to make investigation upon oath into the facts of the case, before awarding such punishment or remand, and to make a minute of the evidence taken by him, to be forwarded forthwith to the Inspector: Provided also that the Surgeon of the penitentiary shall have certified that the prisoner is in a physical condition to bear such punishment, and that the Surgeon shall be present during its infliction; and that no more than sixty lashes shall be inflicted upon any prisoner for any such offence.

Inspector, with approval, to make rules for discipline and correction.

Corporal punishment.

Investigation.

Surgical certificate, &c.

Limited to 60 lashes.

Trespasses.

62. Any person who is found trespassing upon any grounds, buildings, yards, offices or other premises whatsoever belonging or pertaining to any penitentiary, or who enters the same, not being an officer or servant of the said prison, or authorized by leave of the Warden, shall, upon conviction thereof before a Justice of the Peace for the city, county or district in which such penitentiary may be situate, be adjudged to pay a fine not exceeding, for the first offence, ten dollars,—to be recovered in the usual way; or in default of payment, the offender may be sent to the common gaol, with

Punishment of persons trespassing on penitentiary grounds.

with or without hard labor, for any period not exceeding one month; and for a second or subsequent offence, the offender may be fined in any sum not exceeding fifty dollars, to be recovered in the same usual way, or in default shall be liable to imprisonment, with or without hard labor, for a period not exceeding three calendar months.

Second or subsequent offence.

63. No raft, boat, vessel or craft of any kind, shall moor or anchor within three hundred feet of the shore or wharf bounding the lands of any penitentiary towards any lake, arm of the sea, bay or river, without the permission of the Warden thereof being first had and obtained; and any person violating the provisions of this section shall, upon conviction thereof before a Justice of the Peace, be subject to a penalty of twenty dollars, to be levied in the usual manner upon such raft, boat, vessel or craft, in whomsoever the property thereof may be, as well as on the offender's own goods and chattels; and in default of payment of the same with the costs of suit, he shall be imprisoned at hard labor for a period not exceeding two months.

Penalty on vessels mooring, &c. within 300 feet of shore or wharf bounding penitentiary.

Liquors.

64. No spirituous or fermented liquors shall, on any pretence whatever, be brought into the penitentiary for the use of any officer or person in the institution (except the Warden or Deputy Warden if the latter shall be resident therein) or for the use of any convict confined therein, except under the rules of the institution; and any person giving any spirituous or fermented liquor or tobacco or snuff or cigars to any convict, except under the rules of the institution, or conveying the same to any convict, shall forfeit and pay the sum of forty dollars to the Warden to be, by him, recovered in any court of competent jurisdiction, and placed to the credit of the Receiver General.

No spirits allowed in penitentiary except for warden or deputy.

Giving liquor or tobacco, &c. to convicts.

Penalty.

DISCHARGE OF CONVICTS.

65. No convict shall be discharged from a penitentiary on the termination of his sentence, or otherwise, if laboring under any contagious or infectious disease; nor, unless at his own request, during the months of November, December, January, February or March, nor if laboring under any acute or dangerous disease; but he shall be permitted to remain in the penitentiary until he recovers from such disease, or until the first day of April following the termination of his sentence: Provided always that a convict remaining from any cause in a penitentiary after the termination of his sentence, shall be under the same discipline and control as if his sentence were still unexpired:

Convicts not to be discharged at certain times, nor under certain circumstances, except at their own request.

PROVISO.

2. On the first day of April a list shall be made of all the prisoners whose sentences have expired during the five preceding

Order of discharge of convicts in April.

ceding months, and who may be still in prison, according to the dates when their sentences expired; and according to such order they shall be discharged, one convict on the said first day of April, and one on every day thereafter, until the whole shall have been discharged:

Sentence expiring on Sunday.

3. Whenever the term of any prisoner's sentence expires on a Sunday, he shall be discharged on the Saturday preceding, unless he desire to remain until the Monday following;

Clothing and money to convicts discharged.

4. Every convict under sentence for life or for not less than two years, upon his discharge, either by expiration of sentence, or otherwise, shall be furnished at the expense of the penitentiary with a suit of clothing other than prison clothing, and with such sum of money as shall be sufficient to pay his travelling expenses to the place at which he received his sentence, and such other sum in addition, not exceeding twenty dollars, as the Warden may deem proper: should any sum remain at his credit for earnings for overwork, such sum shall be paid to him at such times, and in such amounts as the prison rules may direct: Provided that, should the Warden be of opinion that a convict, on being discharged, does not intend *bonâ fide* to return to the place at which he received his sentence, but intends to go to some other place, nearer the penitentiary, then such convict shall be furnished with such less sum of money as shall, in the Warden's opinion, be sufficient to pay his travelling expenses to such nearer place.

Money for over work.

Proviso: as to convict not returning to place of conviction.

PRISONERS' EFFECTS.

Articles found on convict on entry to be kept for him.

66. Every article found upon the person of a convict at the time of his reception into the penitentiary, which may be considered worthy of preservation, shall be taken from him and a description thereof entered in a book to be kept for that purpose: and if the convict does not see fit otherwise to dispose of it at the time, it shall be carefully put away until the day of his discharge, when it shall be delivered up to him again in the state in which it may then be; but the Warden shall not be liable for any deterioration which may have taken place in such article in the interval. If at the time of his reception the convict desires to dispose of any such article and it is so disposed of, a memorandum of the fact shall be noted in the said book, and signed by the proper officer having charge of the said book, and also by the convict; and any money received therefor shall be placed to his credit.

May be sold if he desires to dispose of any.

CORONER'S INQUESTS.

Who to summon coroner and when.

67. Whenever a convict dies in a penitentiary, and the Inspector, or the Warden, or the Surgeon, or a Chaplain, have or

or any one of them has reason to believe, that the death of such convict arose from any other than ordinary causes, it shall be their duty or his duty to call upon a coroner having jurisdiction, to hold an inquest upon the body of such deceased convict; and upon such requisition by one or more of the officers above named, the said coroner shall hold such inquest, and, for that end, he and the jury and all other persons necessarily attending such inquest, shall have admittance to the prison for that purpose.

Admittance
of coroner
and jury.

DECEASED CONVICTS.

68. The body of every convict who dies in a penitentiary shall, if claimed by the relatives of the deceased, be given up to and shall be taken away by them; but if not so claimed, the body may be delivered up to an Inspector of Anatomy, duly appointed under any Act authorizing such appointment, or to the Professor of Anatomy in any college wherein medical science is taught; or if not so delivered shall be decently interred at the expense of the institution.

How the body
of convict to
be disposed
of.

INSANE CONVICTS.

69. The Governor in Council may, at any time, and from time to time, in his discretion, direct the Warden of the Kingston Penitentiary to set apart a portion thereof for the reception, confinement and treatment of insane convicts; and the portion so set apart shall be used for such purposes accordingly, and shall be known as the Insane Ward of the penitentiary.

Portion of
Kingston pe-
nitentiary to
be known
as the
insane ward.

70. Should it, at any time, appear to a Surgeon of a penitentiary that any convict confined therein is insane and ought to be removed to the insane ward, he shall report the same in writing to the Warden, and on such report the Warden shall forthwith remove such convict to the insane ward.

Surgeons to
report cases
of insanity
among con-
victs.

71. If at any time before the termination of the sentence of such convict it be certified to the Warden by the Surgeon that such convict has recovered his reason, and is in a fit state to be removed from the insane ward, the Warden shall remove such convict from the insane ward.

If insane con-
vict becomes
sane.

72. If the term of imprisonment of any convict expires while detained in the insane ward as insane, he may nevertheless continue to be detained therein pending the proceedings authorized by this Act.

If insane
when his
term expires.

73. In such case the Surgeon shall forthwith certify to the Warden whether the person is sane or insane.

Surgeon to
certify in such
case.

74. If the Surgeon certifies that the person is sane, he shall be forthwith discharged.

If sane,
convict to be
discharged.

Report in order to removal of insane convict.

75. If the Surgeon certifies that the person is insane, the Warden shall report the fact to the Inspector ; and the Secretary of State shall, thereupon communicate the fact to the Lieutenant-Governor of the Province within which the person was sentenced, in order to his removal to a place of safe keeping.

Lt. Governor may order removal.

76. The Lieutenant-Governor may, thereupon, order the removal of the person to a place of safe keeping within the Province, and he shall, upon such order, be delivered to the person or persons therein designated, for transport to such place, and he shall remain and be detained there or in such other place of safe-keeping as the Lieutenant-Governor may, from time to time, order, until it appears to the Lieutenant-Governor that he has become of sound mind,—when the Lieutenant-Governor may order him to be discharged ; but if, at any time after his removal to such place of safe-keeping, and before his complete recovery, the Lieutenant-Governor thinks fit to order that he shall be given up to any person by him named, he shall be given up accordingly.

Further power of Lieutenant Governor.

Provision if arrangements have been made for safe keeping of convict in Ontario.

77. In case the Lieutenant-Governor of the Province within which any such person was sentenced, shall have made arrangements with the Lieutenant-Governor of Ontario for the safe keeping of any such person in Ontario, and such arrangements shall have been communicated to the Secretary of State by the Lieutenant-Governors of the Provinces concerned, the Secretary of State shall, in the case of any such person, communicate under the seventy-fifth section of this Act, with the Lieutenant-Governor of Ontario, who shall in such cases have all the powers given by the seventy-sixth section.

Provision if Lt. Governor does not provide for removal under s. 76.

78. In case the Lieutenant-Governor shall not, within two months after the Secretary of State shall have communicated, as provided by the seventy-fifth section, cause the person to be removed, under the seventy-sixth section, the Secretary of State may, on the recommendation of the Minister of Justice, direct him to be removed for safe keeping to the gaol in which he was last confined previous to his transfer to the penitentiary, or to any other gaol in the Province within which he was sentenced ; and, after such removal, all the provisions of the seventy-sixth section shall apply to his case.

Question of sanity, how decided.

79. In case any question shall arise as to the sanity of any convict, the Minister of Justice may order an enquiry and report to be made by one or more medical men, in conjunction with the Surgeon, and may, upon such report, direct such action as may be necessary in order to the execution of this Act.

80. The Acts and parts of Acts mentioned in Schedule B. Repeal. are hereby repealed, or shall remain repealed, as the case may be.

81. This Act may be cited as "The Penitentiary Act, 1888." Short title.

SCHEDULE A.

Warden, not exceeding.....	\$3,000
and not less than.....	\$1,000
Deputy Warden, not exceeding.....	1,400
and not less than.....	600
Chief Keeper, not exceeding.....	900
and not less than.....	500
Chaplain, not exceeding.....	1,200
and not less than.....	400
Assistant Chaplain, not exceeding.....	500
and not less than.....	300
Surgeon, not exceeding.....	1,800
and not less than.....	400
Accountant, not exceeding.....	1,000
and not exceeding.....	500
Schoolmaster, not exceeding.....	600
and not less than.....	250
Storekeeper, not exceeding.....	900
and not less than.....	400
Steward, not exceeding.....	700
and not less than.....	400
(If the above two offices be combined, the salary may be that of the Storekeeper.)	
Chief Trade Instructor, not exceeding.....	1,100
and not less than.....	700
Trade Instructor, not exceeding.....	750
and not less than.....	500
Hospital Keeper, not exceeding.....	750
and not less than.....	500
Engineer, not exceeding.....	900
and not less than.....	500
Farmer and Gardener, not exceeding.....	650
and not less than.....	500
Keeper, not exceeding.....	600
and not less than.....	400
Guard, not exceeding.....	600
and not less than.....	350
Messenger, not exceeding.....	600
and not less than.....	400
Teamster, not exceeding.....	400
and not less than.....	300
Other Male Servants, not exceeding per day.....	1
Matron, not exceeding.....	550
and not less than.....	250
Deputy Matron, not exceeding.....	350
and not less than.....	200

Assistant

Assistant Deputy Matron, not exceeding.....	250
and not less than.....	175
Schoolmistress, not exceeding.....	250
and not less than.....	120

SCHEDULE B.

Reference to Act.	Title of Act.	Extent of Repeal.
	<i>Consolidated Statutes of the late Province of Canada.</i>	
C. 110.....	An Act respecting Inspectors of Public Asylums, Hospitals, the Provincial Penitentiary of Canada, and of all common gaols and other prisons.....	The whole
C. 111.....	An Act respecting the Provincial Penitentiary of Canada.....	The whole
	<i>Revised Statutes of Nova Scotia, Third Series.</i>	
Part 1, Title 5, c. 22	Of the Penitentiary.....	The whole.
	<i>Revised Statutes of New Brunswick.</i>	
Part 1, Title 16, c. 91.	Of the Provincial Penitentiary.....	The whole.
	<i>Acts of the Parliament of Canada.</i>	
31 V., c. 75.	An Act respecting Penitentiaries, and the Directors thereof, and for other purposes.....	The whole.
33 V., c. 30.....	An Act to amend the Penitentiary Act of 1868.....	The whole.
36 V., c. 52.....	An Act to extend the Act passed in the thirty-third year of Her Majesty's Reign, intituled: "An Act to amend the Penitentiary Act of 1868.".....	The whole.
38 V., c. 44.....	An Act respecting Penitentiaries and the inspection thereof, and for other purposes.....	The whole.
39 V., c. 24.....	An Act to provide for the appointment of Assistant Inspectors of Penitentiaries in Manitoba and British Columbia.....	The whole.
40 V., c. 38.....	An Act respecting the transfer of Rockwood Asylum to the Province of Ontario, and to amend the "Penitentiary Act of 1875.".....	The whole except Sections 1, 14 and 15.
41 V., c. 20.....	An Act to amend section sixty-eight of "The Penitentiary Act of 1875.".....	The whole.
42 V., c. 42.....	An Act to amend "The Penitentiary Act of 1875.".....	The whole except Section 3.
43 V., c. 6	An Act respecting Dorchester Penitentiary.....	The whole.

CHAP. 38.

An Act to make further provision for deepening the ship channel of the River St. Lawrence between Montreal and Quebec.

[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 :—

Preamble.

I. It shall be lawful for the Governor in Council to raise by the issue of debentures, in the manner prescribed by the Act thirty-sixth Victoria, chapter sixty, (except as to the rate of interest which shall not exceed four per cent. per annum), a further sum not exceeding nine hundred thousand dollars, to be advanced to and applied by the Montreal Harbor Commissioners from time to time, in meeting the expenses to be incurred by them in completing the dredging and deepening of the ship channel of the River St. Lawrence, between Montreal and Quebec, to the depth of twenty-seven feet and a half, at low water ; subject to the payment by the said Commissioners to the Receiver-General, of interest on the sums so raised and advanced, at the rate of four per cent. per annum : Provided, that the said Commissioners shall not commence the said work unless nor until the Governor in Council shall be satisfied by such examination and report as shall be deemed sufficient, that the said work can be completed for a sum not exceeding that above mentioned.

Issue of debentures and loan of \$900,000 authorized.

How to be applied

Rate of interest.

Proviso : Report to precede commencement of work.

CHAP. 39.

An Act to amend the Act thirty-sixth Victoria, chapter sixty-two, and the Act forty-third Victoria, chapter seventeen, respecting the Quebec Harbor Commissioners.

[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 :—

Preamble.

I. In order to assist the Quebec Harbor Commissioners in the improvement of the Harbor of Quebec, the Act thirty-sixth Victoria, chapter sixty-two, intituled "*An Act further to amend the Acts to provide for the management and improvement*

Acts 36 V., c. 62, and 43 V., c. 17, and rate of interest payable under

them by the
Commissioners
reduced.

provement of the Harbor of Quebec," and the Act forty-third Victoria, chapter seventeen, intituled "*An Act to authorize the raising of a further sum to enable the Quebec Harbor Commissioners to complete their Tidal Dock,"* are hereby so amended that the rate of interest payable by the said Harbor Commissioners to the Receiver General upon the sums raised under the said recited Acts, shall be four per centum per annum, from and after the passing of this Act, instead of five as therein specified.

CHAP. 40.

An Act to amend the Act thirty-eighth Victoria, chapter fifty-six, intituled "*An Act respecting the Graving Dock in the Harbor of Quebec, and authorizing the raising of a loan in respect thereof.*"

[Assented to 25th May, 1883.]

Preamble.

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

Additional
advance in re-
spect of Grav-
ing Dock
authorized.

1. In addition to the sum authorized by the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered fifty-six, and intituled "*An Act respecting the Graving Dock in the Harbor of Quebec, and authorizing the raising of a loan in respect thereof,*" it shall be lawful for the Governor in Council to advance, from time to time, to the corporation of the Quebec Harbor Commissioners, in order to enable them to complete the Graving Dock now in course of construction in the Harbor of Quebec, such sum or sums of money as may be required for the purpose, the amount of such additional sums so advanced by virtue hereof not, however, to exceed in the whole the sum of one hundred thousand dollars.

Amount
limited.

Provisions of
38 V., c. 56,
to apply to
such advance.

2. Subject to the provision hereinafter contained as to rate of interest, all the provisions of the said cited Act relating to the payment of interest and the application of the net income received from tolls, rates, duties and dues, imposed and received as therein stated, and for the formation of a sinking fund for repayment of sums advanced, shall apply to the sum or sums of money advanced under and by virtue hereof, in like manner and to the same extent as the same apply to any sum or sums advanced under the said cited Act

3. The rate of interest payable by the said Quebec Harbor Commissioners to the Government on the additional sum or sums of money advanced to them by the Government under and by virtue of this Act, shall be four per centum per annum

Interest on
advance to be
4 per cent.

CHAP. 41.

An Act respecting the Harbor Master of the Harbor of Three Rivers.

[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:—

Preamble.

1. The appointment by the Harbor Commissioners of Three Rivers of a Harbor Master who had held that office by appointment by virtue of an Order of the Governor in Council, under the Act thirty-seventh Victoria, chapter thirty-four, as amended by the Act thirty-eighth Victoria, chapter thirty, is hereby confirmed; and the said officer shall exercise the powers and perform the duties assigned to Harbor Masters by the Acts last cited, at and with respect to the Harbor of Three Rivers, under the superintendence and control of the said Commissioners and their successors in office—who shall hereafter, as regards the appointment, removal and salary of the Harbor Master for the said Harbor, have the powers heretofore vested in the Governor in Council by the said Acts, and by whom the salary of the Harbor Master shall hereafter be fixed from time to time, and paid out of the tolls levied by them under the Act forty-fifth Victoria, chapter fifty-two: and such salary shall be in lieu of the fees mentioned in the said Act thirty-eighth Victoria, chapter thirty, which shall not be payable to or for the said Harbor Master: Provided always, that nothing in this Act shall impair or affect the powers of the Governor in Council as to the appointment and removal of the said Commissioners or their successors in office or otherwise, or their obligation to account to him yearly for moneys borrowed, received or expended by them, or to derogate from any power now vested in the Minister of Marine and Fisheries or the Minister of Public Works, with respect to the said harbor.

Appointment
by the Com-
missioners
confirmed and
power of ap-
pointment,
&c., trans-
ferred to
them.

Salary to be
paid out of
votes and to
be in lieu of
fees.

Proviso:
powers of
Governor in
Council and
Ministers not
affected.

CHAP. 42.

An Act further to amend the Act respecting the Harbor of Pictou.

[Assented to 25th May, 1883.]

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

Partial exemption of certain ships from harbour dues. **1.** The harbor dues imposed by the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act respecting the Harbor of Pictou in Nova Scotia*," shall not be payable on any ship exceeding forty tons and not exceeding eighty tons register, more than twice in any calendar year beginning on the first day of January and ending on the thirty-first day of December, whatever may be the number of times she enters the said harbor during the year.

Governor may increase and again decrease the number of Commissioners for the said Harbour. **2.** The Governor may, if he sees fit, at any time and from time to time, increase the number of Commissioners for the superintendence of the said Harbor and of the Harbor Master at the Port of Pictou, under the said Act, from three to five, and may, at any time and from time to time, reduce their number from five to three; and the five or three Commissioners, for the time being, shall have the powers and duties assigned to Commissioners by the said Act, and the Acts in amendment thereof.

Prosecution for violation of rules. **3.** The said Commissioners shall have power to prosecute any person violating any rule or regulation made under the said Act and the Acts in amendment thereof.

 CHAP. 43.

An Act respecting booms and other works constructed in navigable waters whether under the authority of Provincial Acts or otherwise.

[Assented to 25th May, 1883.]

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

1. No boom, dam or aboiteau shall be constructed whether under the authority of an Act of a Legislature of a Province of Canada, or under the authority of an Ordinance of the North-West Territories or of the District of Keewatin or otherwise, so as to interfere with navigation, unless the site thereof has been approved, and unless the boom, dam or aboiteau has been built and is maintained in accordance with plans approved by the Governor General in Council.

Certain structures not to be built hereafter in navigable waters unless authorized by Order in Council.

2. No boom, dam or aboiteau heretofore or hereafter constructed, whether under the authority of an Act of a Legislature of a Province of Canada, or under the authority of an Ordinance of the North-West Territories or of the District of Keewatin or otherwise, shall, so far as the same may interfere with navigation, be a lawful boom, dam or aboiteau, unless the site thereof has been approved, and unless the boom, dam or aboiteau has been built and is maintained in accordance with plans approved by the Governor General in Council.

In what cases only existing structures of like kind shall be lawful.

3. The local authority, company or person proposing to construct the boom, dam or aboiteau shall deposit the plans thereof and a description of the proposed site with the Minister of Marine and Fisheries, and may apply to the Governor General in Council for approval thereof, and shall give one month's notice of the said deposit of plans and application by advertisement in the *Canada Gazette*, and in two newspapers published in or nearest to the locality where said boom, dam or aboiteau, is situated.

Plans with description of site, to be deposited and notice given.

4. The Governor General in Council may, from time to time, make and alter such regulations as may be deemed expedient, respecting the opening of any swing or draw within the purview of this Act; and the local authority, company or person constructing or owning, or in possession of the boom, as the case may be, shall be subject to such regulations.

Regulations to be made by Order in Council as to swing or draw bridges.

5. Parliament may, at any time, annul or vary any order or approval of the Governor General in Council made under this Act; and any action of Parliament in that behalf shall not be deemed an infringement of the rights of the local authority, company or person concerned.

Powers of Parliament reserved.

6. Each boom, dam and aboiteau heretofore constructed, whether under the authority of an Act of a Legislature of a Province of Canada, passed since the first day of July, one thousand eight hundred and six-seven, or under the authority of an Ordinance of the North-West Territories or of the District of Keewatin or otherwise, shall, so far as the same may interfere with navigation, be a lawful boom, dam or aboiteau for and during twelve months from the passing of this Act.

Structures built under Provincial authority to be lawful for twelve months.

But no longer if site and plan be not then approved under section 3.

2. Nothing herein shall be construed to make any such boom, dam or aboiteau, so far as it interferes with navigation, a lawful boom, dam or aboiteau after the expiry of the said twelve months, unless the site and plan have been approved as herein provided during the said twelve months, and after notice and deposit of plans and description of site and advertisement as in the third section mentioned.

Saving as to pending cases.

3. Any boom, dam or aboiteau now the subject of litigation on the ground that it is an interference with navigation, is excepted from the operation of this section, and nothing herein shall prejudicially affect the rights of any parties in regard to such litigation; provided that if the site and plans of a boom, dam or aboiteau now the subject of litigation, on the ground that it is an interference with navigation, are subsequently, and within twelve months after this Act comes into force, approved under the second section hereof, such approval shall render such boom, dam or aboiteau, so far as it interferes with navigation, a lawful boom, dam or aboiteau from the day on which this Act comes into force.

Proviso: in case of approval under section 2.

Meaning of words "Boom," "Dam and Aboiteau" declared.

7. The word "boom" includes works necessary and appurtenant thereto; the word "dam" includes the works necessary and appurtenant thereto; and the word "aboiteau" includes dykes and other works of a similar character.

CHAP. 44.

An Act to amend an Act of the present Session respecting booms and other works constructed in navigable waters, whether under the authority of Provincial Acts or otherwise.

[Assented to 25th May, 1883.]

Preamble.

IN amendment of the Act of the present Session intituled "*An Act respecting booms and other works constructed in navigable waters, whether under the authority of Provincial Acts or otherwise*"; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section seven amended.

1. Section seven of the Act cited in the preamble is hereby amended by adding at the end thereof the words "constructed thereon."

2. The following is hereby added to the said Act and shall be read and construed as section eight thereof ;—

Section added.

“ 8. Nothing herein contained shall apply to any boom, dam or aboiteau constructed under the authority of any Act of the Parliament of Canada, or of the legislature of the late Province of Canada, or of the Legislature of any Province now forming part of the Dominion of Canada, passed before such Province became a part thereof.”

Exception as to works constructed under certain Acts.

CHAP. 45.

An Act further to amend the Act respecting the incorporation of a Company to establish a Marine Telegraph between the Pacific coast of Canada and Asia.

[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 :—

Preamble.

1. The period mentioned in the second section of chapter thirty-three of the Statutes of the forty-fourth Victoria, as amended by chapter fifty-four of the Statutes of the forty-fifth Victoria, as that within which letters patent may issue for incorporating a Company for the purpose of establishing a marine telegraph between the Pacific coast of Canada and Asia, is hereby extended to three years from the passing of this Act.

Period limited by 44 V., c. 33 further extended.

O T T A W A :
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1883.

TABLE OF CONTENTS.

ACTS OF CANADA.

FIRST SESSION, FIFTH PARLIAMENT, 46 VICTORIA, 1883.

PUBLIC GENERAL ACTS.

CHAP.	PAGE
1. An Act further to amend the Interpretation Act.....	8
2. An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service for the financial years ending respectively the 30th June, 1883, and the 30th June 1884, and for other purposes relating to the Public Service.....	5
3. An Act to authorize the raising by way of loan of certain sums of money required for the Public Service.....	44
4. An Act to amend "The Dominion Elections Act, 1874".....	45
5. An Act to amend "An Act respecting the offices of Receiver General and Minister of Public Works," as to the powers of the Minister of Railways and Canals.....	46
6. An Act to amend the Act thirty-sixth Victoria, chapter four, intituled, "An Act to provide for the establishment of the Department of the Interior," and to amend "The Indian Act, 1880.".....	46
7. An Act to amend "The Canada Civil Service Act, 1882".....	47
8. An Act to amend and consolidate the Acts relating to the Superannuation of persons employed in the Civil Service of Canada.....	54
9. An Act to provide for the salaries, and superannuation and travelling allowances of certain Judges of certain Provincial Courts.....	58
10. An Act respecting the High Court of Justice of Ontario.....	59
11. An Act consolidating and amending the several Acts relating to the Militia and Defence of the Dominion of Canada..	61
12. An Act to amend and consolidate the Acts respecting the Customs.....	94

CHAP.	PAGE
13. An Act further to amend the Tariff of Duties of Customs.....	155
14. An Act to encourage the manufacture of pig iron in Canada from Canadian Ore	161
15. An Act to consolidate and amend the several Acts respecting the Inland Revenue.....	162
16. An Act to make further provision respecting the Regulation and Collection of Tolls on Government Timber Slides and other Works constructed to facilitate the transmission of Timber, Lumber and Saw-logs.....	270
17. An Act further to amend and to consolidate, as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned.....	275
18. An Act to amend "The Post Office Act 1875.".....	330
19. An Act to amend the Patent Act of 1872.....	331
20. An Act further to amend an Act intituled: "An Act relating to Banks and Banking," and the several Acts amending the same.....	332
21. An Act to amend the Act passed in the forty-fifth year of the reign of Her present Majesty, intituled "An Act to repeal the duty on promissory notes, drafts and bills of exchange.".....	335
22. An Act relating to Bills of Exchange and Promissory Notes in the Province of Prince Edward Island.....	336
23. An Act to amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations.".....	336
24. An Act further to amend "The Consolidated Railway Act, 1879," and to declare certain lines of Railway to be works for the general advantage of Canada.....	337
25. An Act for authorizing Subsidies for the construction of the lines of Railway therein mentioned.....	315
26. An Act to provide for advances to be made by the Government of Canada to "The Saint John Bridge and Railway Extension Company".....	348
27. An Act to extend to British Columbia the Act relating to fishing by Foreign Vessels.....	350
28. An Act respecting certificates to Masters and Mates of Inland and Coasting ships	351
29. An Act further to amend "The General Inspection Act, 1874".....	356
30. An Act respecting the sale of Intoxicating Liquors, and the issue of licenses therefor.....	357

TABLE OF CONTENTS.

468

CHAP.	PAGE.
31. An Act to legalize proceedings taken for the naturalization of certain aliens in the Province of Manitoba.....	423
32. An Act for the better prevention of fraud in relation to contracts involving the expenditure of public moneys.....	424
33. An Act to continue for a limited time the Acts therein mentioned.....	425
34. An Act to amend the Acts respecting procedure in Criminal cases, and other matters relating to Criminal Law.....	426
35. An Act to make provision for the taking of evidence in relation to Criminal matters pending in Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals.....	428
36. An Act to amend the law respecting Lotteries.....	423
37. An Act to amend and consolidate the Laws relating to Penitentiaries.....	429
38. An Act to make further provision for deepening the Ship Channel of the River St. Lawrence, between Montreal and Quebec.....	453
39. An Act to amend the Act thirty-sixth Victoria, chapter sixty-two, and the Act forty-third Victoria, chapter seventeen, respecting the Quebec Harbor Commissioners.....	453
40. An Act to amend the Act thirty-eighth Victoria, chapter fifty-six, intituled "An Act respecting the Graving Dock in the Harbor of Quebec, and authorising the raising of a loan in respect thereof.".....	454
41. An Act respecting the Harbor Master of the Harbor of Three Rivers.....	455
42. An Act further to amend the Act respecting the Harbor of Pictou.....	456
43. An Act respecting booms and other works constructed in navigable waters, whether under the authority of Provincial Acts or otherwise.....	456
44. An Act to amend an Act of the present session respecting Booms and other works constructed in navigable waters, whether under the authority of Provincial Acts or otherwise.....	458
45. An Act further to amend the Act respecting the incorporation of a Company to establish a Marine Telegraph between the Pacific Coast of Canada and Asia.....	459

INDEX

TO

ACTS OF CANADA.

FIRST SESSION, FIFTH PARLIAMENT, 46 VICTORIA, 1883.

PUBLIC GENERAL ACTS.

	PAGE.
ACTS continued. <i>See</i> Crime, prevention of, 425—Disputed Territory, 426.	
Adulteration of intoxicating liquors. <i>See</i> Liquor License Act, 385, &c.	
Aliens, naturalization proceedings in Manitoba confirmed.....	423
BANKS and Banking Acts amended.....	332
To what Banks to apply.....	332
Transmission of lists of shareholders.....	333
Penalty for excess of circulation.....	333
Or having less than prescribed amount in Dominion notes.....	333
Form of and time for making monthly returns amended.....	334
Penalty for wrongly assuming to be a bank.....	334
Or otherwise contravening the Bank Acts.....	334
Provision as to legal holidays extended.....	334
Time to which annual returns shall be made up.....	334
Banks, &c., insolvent. <i>See</i> Insolvent, 336.	335
Bills and notes, Act repealing stamp duties amended.....	335
Admission of in evidence though wanting proper stamps.....	335
As to costs in pending suits.....	336
Bills and notes, protest of, in P. E. Island, 35 Vict., c. 10, extended to.	
Booms and like structures. <i>See</i> Navigable Waters, 456.	
Bonded manufacturers. <i>See</i> Inland Revenue, 235, &c.	
Brewers and breweries. <i>See</i> Inland Revenue, 220, &c.	
British Columbia, Act respecting fishing by foreign vessels extended to.....	350
CANADA Civil Service. <i>See</i> Civil Service, 47. Superannuation, 54.	47
Civil Service of Canada, Act of 1882 amended, as to Examiners.....	48
As to Secretary's pay and assistants.....	48
As to conditions of appointment and promotion and salaries...	49
As to filling vacancies, and certain special cases.....	50
Promotion to be after examination; vacancies in higher classes.	
Schedule of salaries amended; oaths of office; exchange of positions.....	51

	PAGE
Salaries, Customs and Inland Revenue, and mail clerks	52
Compounders of spirits. <i>See</i> Inland Revenue, 219, &c.	
Contracts involving expenditure of public money, Act for preventing fraud in relation to	424
Giving or offering money, &c., for influencing, to be misdemeanor.....	424
Receivers punishable in like manner.....	424
Giving or offering money, &c., to person tendering, in order to induce him to withdraw, to be misdemeanor	424
Receiver punishable in like manner.....	425
Public officers receiving money, for assisting transaction of business with Government, punishment of.....	425
Corporations indicted. <i>See</i> Criminal procedure, 426.	
Crime, Act for prevention of, 1878, continued	425
Criminal matters in other Dominions of Her Majesty, or before foreign tribunals.....	428
Act 31 V., c. 76, to apply to obtaining testimony in such cases.	428
Criminal procedure, Acts amended.....	426
Corporations aggregate must appear by attorney.....	426
As to removal of indictment and writ of <i>distringas</i>	427
Notice to Corporation indicted—proceedings in default	427
Customs Acts amended and consolidated.....	94
Repeal of former Acts, and effect thereof.....	94
Interpretation of terms used.....	95
To what duties Act applies.....	96
Duties on non-enumerated articles.....	96
Power of Governor in Council in doubtful cases.....	96
Currency, weights and measures.....	97
Entry of goods inwards, what must appear in invoices.....	97
Greater or less quantities.....	98
Duties to be within purview of, 41 Vict., c. 7, &c.....	98
And penalties to be debts due to the Crown	98
Entry before unloading, and other preliminary requirements	98
Governor in Council to appoint ports of entry.....	99
Goods exported must be reported.....	99
Forfeiture of goods and vessel for failure to report and pay duty	99
As to goods imported by land, &c.....	100
Report by master of vessel from sea or coastwise.....	100
Vessels may be boarded and report demanded.....	101
Duty of master of vessel coming by inland navigation.....	101
Production of bills of lading, answering questions, &c.....	101
Penalties and forfeitures for contravention.....	102
As to goods intended for another port.....	102
Sufferance wharves and warehouses may be appointed.....	102
Report by conductor of railway train.....	103
Entry of goods brought by land.....	103
Special provision in certain cases by sea or land.....	103
Provisions as to coasting voyages, by Governor in Council...	104
Importing vessels must be registered.....	104
Forfeiture for non-report or untrue report.....	104
Limit of time for entry.....	104

	PAGE
Bill of entry, what to show—payment of duties	105
Penalty and forfeiture in default of entry	105
Where entry must be completed	106
Collector may require proof of entry—examination of packages, &c	106
Quantity and value required in entry—surplus stores	107
As to vessels coming to Gut of Annapolis or Bras d'Or	107
Abatement of duties on goods damaged	107, 108
Return of duty on goods lost	108
Case of vessel unladen for repairs	109
And of goods wrecked or derelict	109
And of Crown goods, if sold	110
Allowance for tare or draft	110
Power to take samples	110
Appraisers and appraisement	110
Calculation of value of goods for duty	111
As to goods passing through any country to Canada	112
No allowance for packages	112
Standards of value for sugars and syrups	112
Powers of Governor in Council, as to conditions of importation	113
Entry by bill of sight, conditions of	113
In what cases only entry allowed without invoice	114
Provisions respecting attestation of invoices	114
If more than one owner—in case of death of owner	115
Invoice indisputable except by Crown	115
Who may administer oaths, &c., under this Act	115
Forms of oath, &c	116
Penalty for making false invoice	116
What shall be evidence of fraud in invoice	117
Penalty on importers presenting false invoice	117
Collector to retain and file invoices	117
Collector or appraiser may examine further on oath	117
Penalty for refusing oath or making false one	118
Appeal from appraisement and revision thereof	118
Additional duty in cases of under valuation	119
Collector may take goods at valuation, plus ten per cent.	119
How goods taken shall be dealt with—bonus to Collector	119
Power to open packages—forfeiture for fraud	120
Delivery of packages before examination, on bond	120
Onus of proof of due entry, on whom to lie	121
Permit for duty-paid goods	121
Warehousing ports, and entry for exportation or warehousing	121
Dealing with warehoused goods under bond	122
Provisions as to transfer in bond	122
Final clearance within two years	122
Abandonment of packages without payment of duty	123
As to bonds respecting goods warehoused	123
Penalty on Collector conniving at evasion of duty	123
Goods taken out of warehouse &c., not to be reloaded	123
Duty on warehoused goods	124

Slaughtering, grinding and refining goods in bond.....	124
Unshipping and landing goods.....	124
Warehouse rent, and taking goods out of warehouse.....	124
Goods entered for warehousing to be deemed warehoused.....	125
Bond for exportation, and how forfeited or cancelled.....	125
None but owners to enter such goods outwards.....	125
If taken for ships' stores;—entry of vessel outwards.....	126
Conditions of clearance,—penalty for leaving without,—exception.....	127
Entry of goods outwards, by sea or land.....	127
Form and contents of entry,—export duty to be paid.....	128
Penalty for default,—further provision as to exports.....	128
Report by Purser of steamer.....	129
Bill of Health, Collector may grant.....	129
Penalty for smuggling, using false invoices, &c.....	129
Provisions against smuggling, or assisting therein.....	180
And against offences touching warehoused or bonded goods..	180
Altering or defacing marks, or conveying forfeited goods.....	181
Vessels found hovering may be boarded and examined.....	181
Penalty for being on board smuggling vessels.....	182
Free access of officers to all parts of vessels.....	182
Penalty for forging marks, or selling goods with such marks..	182
For using counterfeit papers, or taking false oaths, &c.....	183
Officers for prevention of smuggling, and their powers.....	183
Further powers calling for aid, penalties for obstructing, &c..	184
As to buildings on or near boundary line,—writs of assistance	185
Power to search the person.....	185
Dealing with goods smuggled or suspected to be.....	186
Penalty on police officers, &c., refusing assistance.....	187
Taking seized goods without authority, felony.....	187
Punishment for assaulting officers, or firing on Her Majesty's ships.....	187
Or destroying any vessels, goods, or Custom House, felony...	187
Penalty on officers conniving at evasion of laws.....	188
Recovering of penalties and forfeitures.....	188
And proceedings in such cases.....	189
Averments and proof in any such cases.....	140
Further provisions for like purpose.....	140
And for avoiding failure of prosecution.....	141
Delivery of things seized on security being given.....	141
Provision when value is not over \$100.....	142
Limitation of time for prosecutions.....	142
Appeal from convictions before J. P.'s, and other courts.....	143
Sales of forfeited goods, appropriation of penalties, &c.....	143
Powers of Governor in Council and of Minister of Customs saved.....	144
Obligations to furnish books and papers as to goods seized....	144
No costs or damages for seizure with probable cause.....	144
Goods claimed to be exempt from duty, how described in entry	145
Seizures to be reported to Commissioner of Customs.....	145
Report to Minister, whose decision to be binding if accepted..	145

	PAGE
If the decision is not accepted, or terms not complied with.....	146
Notice of action for things done under this Act.....	146
Further provisions in favor of officer sued.....	147
Amends may be tendered,—costs if successful—limitation of damages, &c.....	147
Governor in Council may make regulations.....	147
Coasting—ports of entry—importation of spirits.....	148
Exempting produce of Canadian grain or timber from duty..	148
Warehousing,—transfer in bond,—goods from Newfoundland	148
Placing certain materials on free list,—distribution of penalties	149
Taking bonds for performance of conditions.....	149
General regulations in cases where Governor may make special	149
Passing goods through Canadian canals.....	150
Prohibiting exportation of certain goods—coasting licenses...	150
Penalties for contravention of regulations.....	151
Publication and proof of regulations.....	151
Word oath interpreted,—time of importation defined.....	152
As to return of overpaid duties, refund, and drawback.....	152
Form of bonds, &c.,—proof of documents.....	153
Customs agents must produce written authority—their powers	153
Power of partners to execute bonds, seals and signatures.....	154
<i>And see</i> Duties of Customs.	
DISPUTED Territory, Act 43 Vict., c. 36, continued as amended.....	426
Distillers and Distilleries. <i>See</i> Inland Revenue, 200, &c.....	275
Dominion Lands, Acts amended and consolidated.....	275 to 276
Preliminary provisions, and interpretation of terms.....	275 to 276
Administration and management by Department of the Interior	276, 277
Indian title, Act not to affect.....	277
Lands to be laid out in townships and in what manner.....	277 to 280
Boundaries, division into sections, areas and surveys.....	279, 280
As to lands reserved for the Hudson's Bay Company.....	281, 282
Company's portion, how determined, and what to include	281, 282
Title to pass to Company without patent.	282
Educational endowment and administration of.....	282, 283
Military bounty, warrants substituted for scrip, their use...	283, 284
Grants for warrants, and provisions respecting assignments, &c.....	284
Town plots &c., grants for, and for other public purposes..	285
Arrangements with railway companies, respecting.....	285
Homestead rights and pre-emption, provisions respecting.....	286 to 291
To what lands to apply, application for, settlers before survey	286
Immigrants and others intending to settle together &c..	287
Rights of applicants and disputed claims, how settled..	288
Conditions on which patent may be obtained, residence, &c.....	289
Forfeiture by non-residence—sales and assignments.....	290
Advances by Government to immigrants, in certain cases	291

	PAGE
Discontinuance of pre-emption in 1885.....	292
Grazing lands and hay lands, leases of, and conditions...	292
Minerals and mineral lands—proviso as to gold and silver —discoverers' rights	292
Timber and timber lands.....	293 to 301
Allowance for wood for settlers—wood lots—conditions.....	298
Timber berths, designation of—leases and conditions.....	294, 295
Reservation of mineral lands and roads to—forfeiture of lease—Lien for timber dues, and enforcement of payment	296 297
Liability of persons cutting timber without authority.....	298 to 300
Penalty, seizure, onus of proof, release on security, &c....	298, 299
Fine and confiscation—carrying away timber illegally..	300
Slides and free use of streams, not affected by grant.....	300, 301
Patents, issue of, conditions and provisions.....	301, 302
Remedies to errors in avoidance of, in certain cases ...	302
Remedy in case of refusal to give up forfeited lands.....	302, 303
Assignments and right of representative of party entitled to.	303
Township plans, &c.—information to registrars.....	303
Land scrip, Orders in Council confirmed, further issue.....	304
Powers delegated to Governor in Council, as to.....	304, 305
Indians, railway lands, drainage, agricultural schools ...	304
Affidavits, &c., how taken or made.....	305
Powers to land officers,—effect of entry as to suits.....	306
Proceedings under former Orders in Council, confirmed.....	306
Surveys and surveyors, provisions respecting	306 to 320
Who shall be competent to survey Dominion lands.....	306
Board of Examiners, secretary and local boards.....	307
Pupils, and their articles, examination, &c.....	308
Admission as surveyors, examination and conditions...30J,	310
Subjects of examination, commissions if successful.....	310
Voluntary examination in higher branches of study.....	311, 312
Fees payable by candidates—allowance to members of board.....	313
Power of board to suspend or dismiss for corruption, &c.....	313
Returns to be certified on oath.....	314
Chain bearers to be sworn.....	314
Standard of measure.....	314
How to renew lost corners and obliterated lines.....	314 to 316
Special directions to surveyors in such cases.....	315, 316
Restoration of meridian and allowances for roads.....	316
Division lines in fractional sections.....	316, 317
Boundary lines and their effect, road allowances to be high- ways.....	317
Evidence before surveyors—power to examine on oath	318, 319
Evidence to be in writing,—power to enter private lands	319
Protection to surveyors, and marks placed by them.....	319, 320
To keep journals and field notes,—allowance as witnesses	320
Governor in Council may establish tariff for maps, &c., from Department.....	320

	PAGE
Repeal of former Acts, and schedule of forms for divers purposes, under Act, as to homesteads, surveys and surveys, &c.....	321 to 330
Drawback on pig iron made in Canada from Canadian ore.....	161
Drunkards, prohibition of sale of liquors to. <i>See</i> Liquor License Act, 390., &c.	
Duties of Customs, tariff amended.....	155
Articles added to the free list	155
Alterations in the free list.....	156
Rates of duty on certain articles altered.....	156
On and after 20th April, 1883.....	157
On and after 10th May, 1883.....	160
On and after 1st May, 1883.....	160
On steel goods after 1st July, 1883.....	160
Drawback on cotton duck for sails.....	161
As to medicinal preparations.....	161
Section 5 of 42 Vict., c. 15, repealed—Customs laws to apply	161
Export of deer, &c., prohibited.....	161
 	 45
ELECTIONS, Dominion, Act of 1874, amended as to suits for penalties.	
Excise. <i>See</i> Inland Revenue, 162, &c.	
 	 350
FISHING by foreign vessels, Act extended to British Columbia.....	
Fraud in respect of Government contracts, &c. <i>See</i> contracts, 424.	
 	 60
HIGH Court of Justice for Ontario, provision as to criminal cases, assizes, &c.....	
Homestead and pre-emption. <i>See</i> Dominion Lands, 286, &c.	
Hudson's Bay Company. <i>See</i> Dominion Lands, 281, &c.	
 	 46
IMMORAL publications. <i>See</i> Post Office Act, 330.	
Indian Act, 1880, amended.....	162
Inland Revenue, Acts amended and consolidated.....	162
General interpretation and definition of terms	
General provisions as to licenses and for what business they are required, &c.....	163 to 168
Obligations generally by persons holding licenses.....	168 to 173
Designation of apartments.....	170
Books, accounts and papers.....	170 to 173
General provisions as to payment of duties and time and form of returns.....	173 to 176
General provisions as to bonding or warehousing.....	177 to 179
Officers of excise, their powers and duties.....	179 to 184
Protection of officers.....	184, 185
Penalties generally, for offences incurred.....	185 to 194
Recovery of duties and penalties.....	194 to 199
Regulations by Order in Council and Departmental regulations.....	199, 200
Distilleries and distillers, provisions relating to.....	200 to 224
Interpretation of terms used.....	200 to 202
Licenses and provisions respecting them.....	202 to 204

	PAGE
Duties payable on licenses.....	204, 205
Importation and manufacture of apparatus.....	205
Books, accounts and papers.....	205, 206
Duties of excise.....	206
Charge of duties on spirits.....	207 to 210
Provisions as to supervision.....	210 to 214
Returns to be made by distillers.....	214, 215
Bonding or warehousing spirits.....	215
Drawback on exportation of certain spirits.....	216
Permits for removal of spirits from distillery.....	216, 217
Penalties, special, applicable to distilleries.....	217
Compounders, provisions relating to.....	219
Interpretation of terms used.....	219
Licenses to compounders.....	219
Books and returns.....	220
Penalties.....	220
Breweries, provisions relating to.....	220 to 224
Interpretation of terms used.....	220, 221
Licenses and provisions respecting them.....	221
Duties of excise.....	221, 222
Drawback on exportation of beer, &c.....	222
Returns by brewers, and what they must show.....	222, 223
Penalties on brewers, and offences for which incurred.....	223
Malting and Malt houses, provisions relating to.....	224 to 240
Interpretation of terms used.....	224, 225
Licenses and provisions respecting them.....	225, 226
Duties of Excise.....	226, 227
Books, accounts and papers.....	227
Charge of duties on malt.....	227 to 231
Measures, vessels, &c.....	228
Steeping, drying and watering grain.....	229
Computing duty on malt.....	229, 230
Basis of calculation for comparing results of gauging.....	230
Decision of doubts; final computation and accounts.....	231
Provisions as to supervision, storage, &c.....	231, 232
Returns by maltsters, what to show.....	232, 233
Bonding and warehousing malt.....	233
Penalties, special, applicable to maltsters.....	233, 234
Bonded manufacturers, provisions relating to.....	235
Interpretation of terms used.....	235
Licenses and provisions respecting them.....	235, 236
Duties of excise on goods manufactured in bond.....	237
Returns and accounts, what they must show.....	237, 238
Drawback, and importation of materials in bond.....	238, 239
Supervision, provisions respecting.....	239
Bonding or warehousing.....	239
Regulations by Order in Council.....	239
Tobacco and cigars, and tobacco and cigar manufacturers..	240 to 269
Interpretation of terms used.....	240 to 243
Licenses, provisions respecting.....	243 to 245
Special obligations of manufacturers of tobacco and cigars	245

	PAGE
Duties of excise on manufactures of tobacco.....	245 to 247
Collection of duties on tobacco and cigars	247 to 254
Provisions as to packages used and stamps on them....	247 to 250
Completion of manufacture, and calculations as to duty.....	250, 251
Stamping and labelling packages.....	252, 253
Stamps for duty, furnishing and accounting for, &c.....	253, 254
Control and functions of Inland Revenue Department, re- specting them.....	254
Cigar makers, special provision respecting.....	254 to 256
Regulations by Governor in Council as to tobacco and cigars manufactured in Canada, and tobacco imported	255
Books, accounts and papers.....	255 to 257
Returns by manufacturers, special provisions respecting.....	257, 258
What the accounts rendered to collectors monthly must show.....	257
Bonding and warehousing tobacco and cigars.....	258, 259
Special provisions as to Canadian leaf tobacco.....	260, 261
Special provisions as to foreign leaf tobacco.....	261, 262
Penalties for offences relative to tobacco and cigars and the provisions respecting them.....	263 to 269
Repeal of inconsistent enactments, extent and application of Act, how construed, and short title.....	269, 270
Insolvent Banks and Companies, Act 45 Vict., c. 23, amended.....	336
Orders of court under the said Act to be deemed judgments...	337
Inspection Act (General) amended as to wheat and hides.....	357
Interior, Department of, Act establishing amended.....	46
Interpretation Act amended, as to repeal of a repealing Act.....	3
As to words, "Oath" and "Sworn," &c.....	4
As to by-laws under repealed Act or reference to repealed enactments ...	5
Intoxicating liquors, sale of. <i>See</i> Liquor License Act, 357, &c.	
JUDGES of Provincial Courts, salaries, allowances and superannuation	58
LIQUOR License Act (issue of licenses for sale of intoxicating liquors)	357
Definition of terms used.....	357, 358
License districts, establishment of.....	358, 359
License Commissioners and Inspectors.....	359, 360
Licenses, descriptions and form of, and how obtainable.....	360, 361
Provincial duty must be paid.....	361
Issue of, number and conditions of, and qualifications for.....	362, 363
Application for, how made and and filed, and opposition to.....	362, 364
Hearing objections, report of Inspector to Board.....	365
Accommodation required in licensed premises.....	366
Duties of the Board, and decision on applications.....	367
Further requirements for license, and disqualifications.....	368
Licenses for vessels, wholesale licenses and to partnerships.....	369
Extension of licenses, fee, payment of Provincial duty.....	369
Security to be given by licensee, form and amount of.....	370
Number of licenses limited, further limitation by municipality.....	370, 371

	PAGE
Certain powers of municipal councils in Quebec saved..	371
How population shall be computed as respects licenses.....	371
No license if three-fifths of municipal electors so vote... ..	372
Poll to be taken if one-fifth of electors require it.....	372
Proceedings at poll, and certificate of result.....	373
Objections and decision of Board,—its effect.....	374
Licenses to apply to person and premises.....	374
Transfer of licenses, how and in what cases allowed.....	374, 375
Case of licensee ejected, continuance of business in certain Case.	375
Case of forfeiture, and of marriage of female licensee.....	375, 376
Removal of licenses, conditions of leave, fees.....	376, 377
License fund, how formed and administered.....	377, 378
Revocation of licenses improperly obtained.....	378
Permits to sell in municipalities where no license allowed....	378, 379
Register of licenses to be kept by Inspector,—its contents.....	379
Annual report to Minister of Inland Revenue.....	380
Regulations and prohibitions, as to licensees and premises.....	380
Lamps, bar, sale at certain times, guests, lodging.....	381
Mode of payment for liquor, pledges forbidden, restitution.....	382
Permitting drunkenness, harboring constables on duty.....	382
Power to refuse liquor to intoxicated persons, constables to aid.	383
Using prohibited internal communications.....	383
Minor consuming liquor on premises.....	383
As to offences by shop licensee.....	383
Treating by licensee, offences by wholesale licensee.....	384
Vessel licensee not to sell in port—penalty.....	384
Adulteration of liquors and offences connected therewith.....	385
Notice on premises of party convicted, duty of Inspector.....	385
Obtaining analysis of liquor suspected.....	385
Evidence and proceedings in such case, power to take samples	386
Powers of Inspectors and other officers—searching premises....	386
Provision if liquor unlawfully kept be found.....	387
No liquor to be sold without license.....	388
Or kept for sale,—as to licensed manufacturers.....	388
As to licensed druggists in Ontario,—Inspectors to visit pre- mises.....	389
And to prosecute,—punishment for certain offences.....	389
Keeping disorderly house, or selling without license.....	390
Prohibition by J. P.'s of sale to habitual drunkards.....	390
At whose instance, and enforcement of prohibition.....	391
Obtaining liquor under false pretences.....	391
Bribery of Commissioners or Inspectors,—illegal issue of license.....	392
Compounding offences, or shielding offenders.....	392
Penalty for repeated offences, and in unprovided cases.....	393
Penalties not to be remitted.....	393
Prosecutions how brought in the several Provinces.....	393, 394
Form of information and other proceedings therein.....	395
In cases where previous conviction is charged.....	395, 396
Convictions, and proceedings for quashing them.....	397
Who may prosecute,—and who may not try an offence.....	397

	PAGE
Further proceedings, in cases of prosecution.....	399
Appeals from convictions in the several Provinces, conditions.....	398, 399
Time limited, proceedings in, and effect of judges' orders.....	400
If conviction is affirmed and imprisonment awarded	401
Further provisions as to such cases,—no removal thereof.....	402
Powers of judge, and disposal of money penalties.....	402
Evidence in cases under Act, and matters relating thereto.....	403
As to place and proof of sale, and time of.....	404
Responsibility of occupant of place ;—deposition as to offence.	404
Proof of license,—or unlawful sale,—production of license.....	405
Witnesses, summoning and obligations of,—who may be.....	405
Municipalities under <i>The Temperance Act</i> , 1878.....	406
Effect of this Act in and with respect to them.....	406
Certain Provincial Acts to be valid until 1st May, 1884.....	406
When the provisions of this Act shall come into force.....	428
Schedule of forms.....	407 to 44
Loan for paying off consolidated five per cent. loan maturing in 1885.	428
Lotteries, law respecting amended as to works of Art.....	428
MANITOBA , certain naturalization proceedings confirmed.....	423
Marine telegraph between Canada and Asia, period for construction further extended	459
Malting and malt houses. See <i>Inland Revenue</i> , 224, &c.	
Masters and mates of inland and coasting ships.....	351
Examinations and certificates, and rules respecting.....	351
Fees and certificates,—certificates of service in certain cases...	352
No vessel to sail without certificated master or mate.....	353
Penalty for employing uncertificated person as such.....	353
Certain classes of vessels excepted.....	354
No clearance unless Act is complied with—penalty for contra- vention.....	354
Provisions respecting loss, cancellation and renewal of certificate	355
Record of certificates, application of fees, copies of Act, &c.....	356
Act 33 Vict., c. 17, or things done under it, not affected.....	356
Militia and Defence , Acts amended and consolidated	61
Command in chief ;—Department and its functions	61
Militiamen, division of militia, and period of service.....	62
Military divisions—enrolment and its effect.....	68
Exemptions ;—active militia and volunteers.....	66
Military schools, how formed and purpose of.....	67
Balloting for militiamen for service.....	68
Calling out in aid of the civil power, duties and allowances...	70
Officers commanding militia and district staff.....	78
Officers, commissions, examinations, relative rank, &c.....	74
Clothing, arms and accoutrements.....	75
Drill and training, periods of, and pay, &c.....	77
Power to dispense with in any year.....	79
Inspection, rifle ranges and drill sheds.....	79
Schools of military instruction.....	80
Rifle and drill associations.....	81
Instruction (military) in schools and colleges.....	81

Calling out the militia and effect thereof.....	82
Billeting and cantoning militia on actual service.....	84
Courts of enquiry and court martial.....	85
Offences and penalties.....	86
Recovery of penalties.....	89
Prosecutions, how brought and conducted.....	90
Notices, orders, proof of commissions, &c.....	91
Expenditure for purposes of the Act.....	91
Power of Governor in Council to make regulations.....	92
Publication and interpretation of regulations.....	92
Repeal of former Acts,—short title of Act.....	93

Mining and mining lands. See Dominion Lands, 292.

NAVIGABLE WATERS, Booms and other works in.....	456
Certain structures not to be hereafter erected except under Order in Council	457
Existing structures not lawful unless plan is so approved.....	457
Plans of proposed structures to be deposited for approval.....	457
Regulations to be made as to swing or draw bridges.....	457
Powers of Parliament reserved.....	457
Provision as to structures erected Provincial Acts.....	457
Saving as to pending cases—interpretation of terms used.....	458
The said Act amended as to certain works.....	459

PATENT ACT, 1872, amended as to duration of patents.....	381
Penitentiaries, Laws respecting amended and consolidated	429
Penitentiaries and prisons, &c., under Minister of Justice.....	429
Annual report thereon to Governor by Minister.....	429
Enumeration and description thereof.....	429
Penitentiary at Dorchester for N.B., N.S. and P.R. Island.....	430
Power of Governor to establish and define penitentiaries.....	430
As to tram-roads and construction and repair of buildings.....	431
Inspector, appointment, powers and duties.....	431
To make regulations, his yearly report and its contents.....	432
Receipts, expenditures and estimates.....	433
Special reports as to improvements, &c.; copy to Minister of Public Works	433
Examinations and investigations by Inspector.....	433
Minister may require special reports by others.....	434
Accountant, his general duties and powers.....	434
Warden and other officers, appointment, suspension or dis- missal.....	435
Warden to be chief executive officer, residence and responsi- bility.....	436
Exemption from militia service, bonds and oaths of office, &c.....	436
Wardens and officers not to be contractors, or exercise other callings.....	437
Governor to fix pay of wardens and officers.....	437
Warden to be a corporation sole.....	437

	PAGE
Real property, how vested and managed ; arbitration in certain cases.....	437
Collection of debts, and as to books and accounts.....	438
Monthly accounts on oath by Warden and other officers.....	438
Privileged visitors, who shall be.....	439
Conveyance, receipt and removal of convicts.....	439
Governor may authorize removal from or to penitentiary.....	440
Powers of sheriff or officer conveying convicts.....	440
Provision in case of commutation of sentence of death.....	440
Transfer of juvenile offenders from and to penitentiary.....	441
Treatment of convicts as to food, bedding, clothing, confinement.....	442
Convict labor, obligatory and voluntary, and letting it out....	443
Female prison and prisoners.....	443
Penal cells, and separate confinement.....	443
Shortening sentence and remission in case of sickness.....	444
Offences and punishments, escape or attempt to escape.....	444
Assaulting officers, rescue or aid to escape	445
Keepers conniving at escape.....	445
Allowing introduction of forbidden articles.....	445
Prison offences, Inspector to make list of, and rules.....	446
And for discipline and correction ; corporal punishment limited.....	446
Trespasses on penitentiary grounds, mooring at wharf, &c....	447
Liquor or tobacco not allowed to convicts	447
Discharge of convicts, time and order of.....	447
As to clothing, allowance for working or over-work.....	448
Prisoner's effects to be kept for him ; how dealt with.....	448
Coroners' inquests, admittance of jurors.....	449
Disposal of body of deceased convict.....	449
Insane convicts, provisions respecting them.....	449
Insane ward ; report by surgeon in certain events.....	449
Removal of insane convict ; powers of Lieutenant-Governor of Province.....	450
Provision if he does not order removal.....	450
Question of sanity, how decided	450
Repeal of enactments cited in schedule.....	451
Short title of Act.....	451
Schedule A, salaries of officers, &c.....	451
Schedule B, enactments repealed.....	452
Pictou, Act respecting harbor of amended.....	456
Exemption of certain vessels from dues.....	456
Number of Commissioners ; certain powers given them.....	456
Pig Iron. See Drawback on, 161.	
Post Office Act, 1875, amended as to immoral publications.....	330
QUEBEC HARBOR COMMISSIONERS, Acts 36 Vict., c. 62, and 43 Vict., c. 17 amended, and rate of interest on advances reduced	453
Quebec Harbor Commissioners, Act 38 Vict., c. 56 amended, and additional advance authorized for graving dock.....	451

	PAGE
RAILWAY Act (Consolidated) 1879, amended.....	337
Act extended to all railways subject to Parliament, except Government Railways.....	337
Provisions respecting maps and plans amended.....	337
Greater extent of ground for certain purposes—working expen- diture defined.....	338
Powers of Railway Committee as to level crossings.....	339
Certain railways declared works for general advantage of Canada.....	340
Certain sections of Railway Act applied to all railways..	341
Provisions as to bonds of Companies ; costs of arbitration and fences.....	341, 342
As to calls on stock, traffic arrangements and investment in stocks of other railways.....	342
Power to vary tolls in certain cases; facilities to other rail- way companies.....	342
Case of sale of railway to party without legal power to work it.....	343
Proceedings by such party, as to license from Minister, &c....	344
Railways and Canals, certain powers vested in Minister of.....	46
Railways, subsidies authorized in aid of certain	345
To what companies and on what conditions.....	347
 SAINT John Bridge and Railway Extension Company, advances to.	348
Amount of advances and conditions.....	348
Schedule, Report of Committee of Privy Council	349
St. Lawrence River, provision for deepening channel between	
Montreal and Quebec.....	453
Amount to be raised and advanced to Commissioners.....	453
Slides, Government, collection of tolls on. See Tolls, 270.	
Superannuation in Civil Service, Acts amended and consolidated...	54
Who shall be deemed civil servants.	54
Conditions and rates of allowance, preliminary inquiry.....	55
Fund and contributions thereto—compulsory retirement, &c	56
Liability to further service in certain cases.....	57
Service before Confederation—powers of Governor in Council	57
Returns to Parliament—repeal of former Acts.....	57, 58
Supplies and appropriations for 1882-83 and 1883-84.....	5
Sums granted and to be accounted for.....	5
Detailed accounts to be rendered.....	6
Declaration as to loans authorized but not raised.....	6
Schedule of sums granted for year ending 30th June, 1883.....	7
And for year ending 30th June, 1884.....	18
Surveys and Surveyors. See Dominion Lands, 306, &c.	
 THREE Rivers, Act respecting harbor master at.....	455
Appointment by Commissioners confirmed.....	455
Salary to be paid out of tolls—powers of Governor in Council saved.....	455
Timber. See Slides, 270, and Dominion Lands, 293, &c.	

	PAGE
Tobacco and Cigars, and manufacturers of. <i>See</i> Inland Revenue, 240, &c.	270
Tolls, collection of on Government slides and works.....	270
Interpretation of terms.....	271
Control of Departments of Public Works and Inland Revenue, Regulations to be made of Governor in Council, statements to be on oath.....	271 272
Tolls to be first charge on timber, and provisions for enforcing	273
Seizure and provisions for making it effective.....	274
Officer seizing may call in assistance—returns by railway officers.....	273 274
Removing timber seized to be felony.....	274
Proof of payment of tolls to rest on claimant.....	274
Release of timber seized on security given.....	274
