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Various pagings.

Pages xxxi & xciii are incorrectly numbered pages xxx & xcii.

Page 86 is incorrectly numbered page 8.

ACTS

OF THE

PARLIAMENT

OF THE

DOMINION OF CANADA,

PASSED IN THE

FORTIETH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

AND IN THE

FOURTH SESSION OF THE THIRD PARLIAMENT,

*Begun and holden at Ottawa, on the eighth day of February, and closed
by Prorogation on the twenty-eighth day of April, 1877*

RESERVED.



HIS EXCELLENCY

THE RIGHT HONORABLE, SIR FREDERICK TEMPLE, EARL OF DUFFERIN,
GOVERNOR GENERAL.

OTTAWA:

PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI, 1878.



40 VICTORIA.

CHAP. 87.

An Act for the relief of Mary Jane Bates.

(Reserved for the signification of Her Majesty's pleasure thereon on the 28th day of April, 1877 : Royal assent given by Her Majesty in Council on the 13th day of August, 1877 : Proclamation thereof made by the Governor General on the 5th day of September, 1877.)

WHEREAS Mary Jane Bates, of the Village of Mitchell, Preamble.
in the County of Perth, hath, by her petition, humbly set forth that on the seventh day of April, one thousand eight hundred and sixty-eight, she was lawfully married to Norman Adna Bates at the house of one Robert Keeler, in the Village of Mitchell, in the County of Perth, in the Province of Ontario, in accordance with the rites and ceremonies of the Wesleyan Methodist Church in Canada ; that the said marriage was by license ; that the said Mary Jane Bates and Norman Adna Bates lived and cohabited together as husband and wife from the date of such marriage up to about the month of August, in the year of Our Lord one thousand eight hundred and seventy ; that the said Norman Adna Bates, although the lawful husband of the said Mary Jane Bates, did commit adultery with one Bertha Priscilla Goodman at various times and in various places, and especially at times and in the places hereinafter mentioned, to wit : in the month of December, in the year of Our Lord one thousand eight hundred and seventy-four, at the Village of Oshawa, in the County of Ontario, and several places adjacent thereto ; that on or about the second day of December last aforesaid, the said Norman Adna Bates, representing himself to be one George A. Wilson, an unmarried man, was married at the Village of Oshawa aforesaid, to the said Bertha Priscilla Goodman, according to the rites and ceremonies of the Baptist Church in Canada, and did live and cohabit with the said Bertha Priscilla Goodman as husband and wife until about the third day of September, one thousand eight hundred and seventy-five, when the said Norman Adna Bates was arrested
and

and placed on his trial for bigamy before the Judge of the County Court of the County of Ontario, when he pleaded guilty to the charge of bigamy and was sentenced by the presiding Judge to penal servitude in the Provincial Penitentiary for the Province of Ontario, for the term of two years, and is now serving the term for which he was so sentenced ; that the said Mary Jane Bates made the discovery of the said adultery about the month of September, one thousand eight hundred and seventy-five ; that the said Mary Jane Bates has, since the discovery of the said adultery so committed, as aforesaid, refused to cohabit with her said husband, and has since lived apart from him ; and that the said Mary Jane Bates is desirous of having the said marriage dissolved, annulled and put an end to, so that she may be free from the same and enabled to contract matrimony with any other person or persons with whom it would have been lawful for her to contract matrimony if they, the said Mary Jane Bates and Norman Adna Bates, had not intermarried ; And whereas it is expedient that the prayer of the said petition should be granted : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :---

Marriage with
N. A. Bates
dissolved.

1. The said marriage between the said Mary Jane Bates and Norman Adna Bates, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

M. J. Bates
may marry
again.

2. It shall and may be lawful for the said Mary Jane Bates at any time hereafter to contract matrimony and to marry with any other man whom she might lawfully marry in case the said marriage had not been solemnized.

Issue of any
such marriage
to be legiti-
mate.

3. In case of the said Mary Jane Bates again contracting matrimony with any person or persons with whom it would have been lawful for her to contract matrimony if they, the said Mary Jane Bates and Norman Adna Bates, had not intermarried, and having any issue born of her to such person, the said issue shall be and are hereby declared to be, to all intents and purposes, legitimate, and the rights of them, the said issue, and each of them and of their respective heirs, as respects their, and each of their, capacity to inherit, have, hold, enjoy and transmit all and all manner of property, real and personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been to all intents and purposes whatsoever, if the said marriage between the said Mary Jane Bates and Norman Adna Bates had not taken place.



40 VICTORIA.

CHAP. 88.

An Act for the relief of Walter Scott.

(Reserved for the signification of Her Majesty's pleasure thereon on the 28th day of April, 1877: Royal assent given by Her Majesty in Council on the 13th day of August, 1877: Proclamation thereof made by the Governor General on the 5th day of September, 1877.)

WHEREAS, Walter Scott, of the Village of Nottawa, in the Preamble
Township of Nottawasaga, in the County of Simcoe,
and Province of Ontario, Esquire, has, by his petition, humbly
set forth that on the first day of May, One thousand eight
hundred and sixty-six, he was lawfully married to Mary
Jane Rowed, of the said Village of Nottawa, at the said Village
of Nottawa, in the County of Simcoe, according to the rites
of the Presbyterian Church of Scotland; that the said
marriage was by license; that the said Walter Scott and
Mary Jane Rowed lived and cohabited together as husband
and wife from the date of such marriage up to the fifteenth
day of October, One thousand eight hundred and sixty-six;
that afterwards the said Mary Jane Rowed, although the
wife of the said Walter Scott, did commit adultery with one
Edward B. Wilson between the month of March, One
thousand eight hundred and seventy-five and the month of
December, One thousand eight hundred and seventy-six, at
various times, and in various places, and especially at the
Village of Norwich, in the Township of North Norwich, in
the County of Oxford, on the first day of November, in the
year of Our Lord One thousand eight hundred and seventy-
five; that the said Mary Jane Rowed being still the lawful
wedded wife of the said Walter Scott, was married to the said
Edward B. Wilson at the Town of Woodstock, in the County
of Oxford, on the twenty-seventh day of July, One thousand
eight hundred and seventy-five, according to the rites of the
Methodist Church; that the said Walter Scott made discovery
of the said marriage and of the said adultery about the month
of August, A.D. One thousand eight hundred and seventy-
five; that the said Walter Scott has, since the discovery
of the said adultery so committed as aforesaid, refused
to

to cohabit with his said wife, and has since lived apart from her; that the said Mary Jane Rowed, since the discovery of the said adultery, has lived at the Village of Norwich and also at the said Village of Nottawa, with the said Edward B. Wilson, and as his wife; that the said Walter Scott has, since the discovery of the said adultery, brought an action for criminal conversation in Her Majesty's Court of Queen's Bench for Ontario against the said Edward B. Wilson, and recovered a verdict in the said action against the said Edward B. Wilson, and entered judgment thereon, and the said Walter Scott has exhausted every lawful means for the recovery of the amount of the said judgment and costs without effect; that the said Walter Scott is desirous of having the said marriage dissolved, annulled, and put an end to, so that he may be free from the same, and can contract matrimony with any other person whomsoever with whom it would have been lawful for him to contract matrimony, if they, the said Walter Scott and Mary Jane Rowed, had not intermarried; and whereas it is expedient that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :---

Marriage with
M. J. Rowed
dissolved.

1. The said marriage between the said Walter Scott and Mary Jane Rowed, his wife, is hereby dissolved, and shall henceforth be null and void to all intents and purposes whatsoever.

Walter Scott
may marry
again.

2. It shall and may be lawful for the said Walter Scott at any time hereafter to contract matrimony, and to marry with any other woman with whom he might lawfully marry in case the said marriage had not been solemnized.

Issue of any
such marriage
legitimate.

3. In case of the said Walter Scott again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony, if they, the said Walter Scott and Mary Jane Rowed, had not intermarried, and having any issue born to him, the said issue so born shall be and are hereby declared to be to all intents and purposes legitimate, and the right of them the said issue and each of them and their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy and transmit all and all manner of property, real and personal, of what nature and kind soever from any person or persons whomsoever, shall be and remain the same as they would have been to all intents and purposes whatsoever if the said marriage between the said Walter Scott and Mary Jane Rowed had not taken place.



40 VICTORIA.

CHAP. 89.

An Act for the relief of Martha Jemima Hawkshaw Holiwell.

(Reserved for the signification of Her Majesty's pleasure thereon, on the 28th day of April, 1877: Royal assent given by Her Majesty in Council, on the 13th day of August 1877: Proclamation thereof made by the Governor General on the 5th day of September, 1877.)

WHEREAS, Martha Jemima Hawkshaw Holiwell, of the Preamble. City of Toronto, in the County of York and Province of Ontario, wife of Charles Edwin Holiwell, of the City of Quebec. Army Stationer, hath, by her petition, humbly set forth that on the twenty-seventh day of July, one thousand eight hundred and fifty-one, she was lawfully married to the said Charles Edwin Holiwell, at St. Pancras Church, in London, England, by the Reverend F. J. Stainforth, in accordance with the rites and ceremonies of the Established Church of England; That immediately thereafter the said Charles Edwin Holiwell and Martha Jemima Hawkshaw Holiwell sailed for Canada, and shortly thereafter arrived in Toronto, aforesaid, where they resided until the month of September next hereinafter mentioned: That issue was born of the said marriage, of which one child survives: That the said Charles Edwin Holiwell and Martha Jemima Hawkshaw Holiwell lived and cohabited together as husband and wife from the date of such marriage until the month of September, one thousand eight hundred and fifty-nine: That during the period of such cohabitation the said Charles Edwin Holiwell, by neglecting to provide for the support of the said Martha Jemima Hawkshaw Holiwell and the said child, and by cruelty to her, and by infidelity, misconducted himself: That in the said month of September the said Charles Edwin Holiwell, without any just cause or provocation, deserted the said Martha Jemima Hawkshaw Holiwell and went to Quebec aforesaid, and has since in no manner aided in or contributed to the maintenance or support of the said Martha Jemima Hawkshaw Holiwell, or the maintenance, support or education of his said

said child : That since such date he has never cohabited with the said Martha Jemima Hawkshaw Holiwell, but has continued his said desertion : That shortly after the said Charles Edwin Holiwell went to Quebec, as aforesaid, he formed an adulterous connection with one Frances Maria Alexander, an unmarried woman, which has continued to the present time ; That on or about the twenty-eighth day of January, one thousand eight hundred and seventy-six, the said Charles Edwin Holiwell, at Detroit, in the State of Michigan, committed bigamy with the said Frances Maria Alexander, an unmarried woman, whilst he was a resident of and domiciled in Quebec aforesaid, by marrying, while he was the lawful husband of the said Martha Jemima Hawkshaw Holiwell, the said Frances Maria Alexander ; That the said Charles Edwin Holiwell and Frances Maria Alexander have, since the date last aforesaid, lived and cohabited together at Quebec aforesaid, in open and continuous adultery, and issue has been born of such bigamous marriage ; And whereas it is proper and expedient that the prayer of the said petition should be granted : Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :--

Marriage with
C. E. Holiwell
dissolved.

1. The marriage between the said Martha Jemima Hawkshaw Holiwell and Charles Edwin Holiwell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

M. J. H. Holi-
well may
marry again.

2. It shall and may be lawful for the said Martha Jemima Hawkshaw Holiwell, at any time hereafter, to marry with any other man with whom she might lawfully marry in case the said first-mentioned marriage had not been solemnized ; and in the event of the said Martha Jemima Hawkshaw Holiwell hereafter marrying, she and the man with whom she so marries, and the issue, if any, of such marriage, shall have and possess the same rights in every respect as if the said first-mentioned marriage had never been solemnized.

Claim, &c.,
of C. E. Holi-
well to estate,
&c., of M. J. H.
Holiwell
barred.

3. The said Charles Edwin Holiwell is hereby barred of all claim or demand, right, title or interest of, in or to the estate, goods, chattels, property or effects of the said Martha Jemima Hawkshaw Holiwell, which she now has in possession or expectancy, or which she may hereafter in anywise acquire.

TREATIES

BETWEEN

HER MAJESTY THE QUEEN

AND

FOREIGN POWERS.



OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1878.

TREATIES.

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

[Signed at London, April 11, 1877.]

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Denmark, being desirous to make arrangements as to the disposal of the estates of deceased seamen of the two nations in certain cases, the undersigned, duly authorized to that effect, have agreed as follows :---

ARTICLE I.

If any British seaman dies on board a Danish ship, or, whilst serving on board a Danish ship, within Danish territory ; or if, on the other hand, any Danish seaman dies on board a British vessel, or, whilst serving on board a British vessel, within British territory, the Governments of Denmark and of Great Britain respectively shall provide, as far as possible, for the protection, without loss or injury, of any estate belonging to such deceased seamen.

In the case of a British seaman dying as aforesaid, the Danish Government shall cause the estate, if not exceeding £50 in value, to be delivered, as soon as possible after the decease, to the British Consul at the Danish port where the decease occurs ; or if the decease does not occur at a Danish port, but on Danish territory, to the British Consul nearest to the place where such decease occurs, or where the estate may be ; or if such decease occurs at sea on board a Danish vessel, to the British Consul at the first Danish port at which the vessel arrives after such decease.

In the case of a Danish seaman dying, as aforesaid, his estate, if not exceeding £50 in value, shall, subject to the provision contained in Article II, be delivered by the British Government, as soon as possible, to the Danish Consul of the district to which the vessel may belong.

When the estate exceeds £50 in value, in the event of there being no person at hand who, within the period of six months, proves to be rightfully entitled to administer to the estate of the deceased seaman, the Consuls-General or Consuls of either State in whose jurisdiction such decease shall take place, shall, subject to the provision contained in Article II, have the power to take possession of and administer to the estate of such deceased seaman.

If any British seaman, whilst serving on board a Danish ship, dies within British territory ; or if, on the other hand, any Danish seaman, whilst serving on board a British ship, dies within Danish territory,---then the estate (if any) belonging to such deceased seaman shall, after deducting

Declaration between Great Britain and Denmark.

the expenses incurred, be paid over to the nearest Consul of the nation to which the ship belongs, in order that he may cause it to be, under observation of the aforesaid regulations, delivered to the competent authority in the country of the deceased seaman.

In the event of a seaman of one nation serving on board a ship of the other nation, and dying in the territory of a third nation, any estate of such deceased seaman (which may have been received by the Consul at the port where such death may have taken place of the nation to which the ship belongs) shall, after deducting the expenses incurred, be paid over to the Consul of the other nation at the same port.

In cases where a deceased seaman has signed articles either as a Danish or as a British subject, as the case may be, but the Government into whose possession his estate comes is not satisfied of his nationality, that Government shall equally protect his estate and shall send an account of it, and its value, and of all information in the possession of that Government relating to the deceased, to the other Government as soon as possible, and shall deliver the estate to the other Government immediately on receiving its assurance that there is no doubt that the deceased was a subject of it.

ARTICLE II.

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

ARTICLE III.

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

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

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

In witness whereof the undersigned have signed the present Declaration, which shall come immediately into operation, and have affixed thereto the seal of their arms.

Done at London, this eleventh day of April, 1877.

[L.S.]

DERBY.

[L.S.]

J. v. BULOW.

Declaration between Great Britain and Italy.

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

[Signed at London, April 17th, 1877.]

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Italy, being desirous to make arrangements as to the disposal of the property of deceased seamen of the two nations in certain cases, the undersigned, duly authorized to that effect, have agreed as follows :—

ARTICLE I

If any British seaman dies on board an Italian ship, or, whilst serving on board an Italian ship, within Italian territory ; or if, on the other hand, any Italian seaman dies on board a British vessel, or, whilst serving on board a British vessel, within British territory, the Governments of Italy and Great Britain respectively shall provide, as far as possible, for the protection, without loss or injury, of any money or effects belonging to such deceased seaman.

In the case of a British seaman dying as aforesaid, the Italian Government shall cause the property, if not exceeding £50. in value, to be delivered, as soon as possible after the decease, to the British Consul at the Italian port where the decease occurs ; or if the decease does not occur at an Italian port, but on Italian territory, to the British Consul nearest to the place where such decease occurs, or where the property may be ; or if such decease occurs at sea on board an Italian vessel, to the British Consul at the first Italian port at which the vessel arrives after such decease.

In the case of an Italian seaman dying, as aforesaid, his property, if not exceeding £50. in value, shall, subject to the provision contained in Article II, be delivered as soon as possible after the decease, to the Italian Consul at the British port where the decease occurs ; or if the decease does not occur at a British port but on British territory, to the Italian Consul nearest to the place where such decease occurs, or where the property may be ; or if such decease occurs at sea on board a British vessel, to the Italian Consul at the first British port at which the vessel arrives after such decease.

When the property exceeds £50. in value, it shall, subject to the provision contained in Article II, be paid to the legal representative of the deceased according to the law of the nation of the ship or territory where the property is at the time of the decease.

In cases where a deceased seaman has signed articles either as an Italian or as a British subject, as the case may be, but the Government, into whose possession his effects come, is not satisfied of his nationality, that Government shall equally protect his property, and shall send an account of it, and its value, and of all information in possession of that Government relating to the deceased, to the other Government as soon as possible, and

Declaration between Great Britain and Italy, &c.

shall deliver the property to the other Government immediately on receiving its assurance that there is no doubt that the deceased was a subject of it.

ARTICLE II.

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

ARTICLE III.

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

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

In witness whereof the undersigned have signed the present Declaration, which shall come immediately into operation, and have affixed thereto the seal of their arms.

Done at London, the Seventeenth day of April, 1877.

(L.S.) DERBY.

(L.S.) R. DE MARTINO.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, ON THE
13TH DAY OF AUGUST, 1877.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled "An Act for amending the law relating to the Extradition of Criminals," and also by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, intituled "An Act to amend the Extradition Act, 1870," 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 Act shall apply in the case of such foreign State; and that Her Majesty may, by the same or some

Extradition Treaty with Belgium—Addition.

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 twentieth day of May, one thousand eight hundred and seventy-six, between Her Majesty and the King of the Belgians, for the Mutual Extradition of Fugitive Criminals, to which Treaty the above mentioned Acts of Parliament were applied by an Order in Council of the twenty-first day of July, one thousand eight hundred and seventy-six ;

And whereas a Declaration was concluded on the twenty-third day of July, one thousand eight hundred and seventy-seven, between the Government of Her Majesty and the Government of His Majesty the King of the Belgians, extending the provisions of the above mentioned Treaty to certain additional crimes, which Declaration is in the terms following :—

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of the Belgians, having judged it expedient, with the view to the more complete prevention of crime within their respective territories, that persons charged with or convicted of certain crimes in addition to those enumerated in Article I of the Treaty between Great Britain and Belgium for the mutual surrender of fugitive criminals of the 20th of May, 1876, shall, under the provision of that Treaty, be reciprocally delivered up, have agreed as follows :—

Persons charged as principals or accessories with, or convicted of the undermentioned crimes committed in the territories of the one Party and who shall be found within the territories of the other Party, shall be reciprocally delivered up to each other under the circumstances and conditions stated in the Treaty between Great Britain and Belgium for the mutual surrender of fugitive criminals, of the 20th May, 1876 :—

1. Administering drugs, or using instruments with intent to procure the miscarriage of women.
2. Bigamy.
3. Abandoning children, exposing or unlawfully detaining them.
4. Any malicious Act done with intent to endanger persons in a railway train.
5. Receiving any chattel, money, valuable security, or other property, knowing the same to have been embezzled, stolen, or feloniously obtained.

The provisions of the present Declaration shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties.

In witness whereof the undersigned have signed the present Declaration, and have affixed thereto the seals of their arms.

Done at London, in duplicate, the 23rd day of July, 1877.

[L.S.] DERBY.

[L.S] SOLVYNS.

Extradition Treaty with Belgium—Addition.

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 twenty-seventh day of August, one thousand eight hundred and seventy-seven, the said Acts shall apply in the case of the said Declaration with the Government of His Majesty the King of the Belgians as fully to all intents and purposes as in case of the said recited Treaty.

C. L. PEEL.

ORDERS IN COUNCIL
PROCLAMATIONS AND REGULATIONS

HAVING FORCE OF LAW

IN THE

DOMINION OF CANADA,

ISSUED DURING THE YEARS 1852, 1863, 1866, 1877 AND 1878.



HIS EXCELLENCY

THE RIGHT HONORABLE SIR FREDERICK TEMPLE, EARL OF DUFFERIN,
GOVERNOR GENERAL.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1878.

IMPERIAL ORDERS IN COUNCIL.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, ON THE
18TH DAY OF AUGUST, 1852.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the "Foreign Deserters' Act, 1852," it is provided that, whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant ships in the territories of any foreign power, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to a subject of such power, when within Her Majesty's dominions or the territories of the East India Company, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient :

And whereas it hath been made to appear to Her Majesty that due facilities have been or will be given for recovering and apprehending seamen who desert from British merchant ships in the territories of the Emperor of all the Russias, the King of Sweden, and Norway, and the Republic of Peru :

Now, therefore, Her Majesty, by virtue of the powers vested in Her by the said "Foreign Deserters' Act, 1852," and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the *London Gazette*, seamen, not being slaves, who desert from merchant ships belonging to subjects of any of the three powers aforesaid, when within Her Majesty's dominions or the territories of the East India Company, shall be liable to be apprehended and carried on board their respective ships.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury and the Commissioners for the Affairs of India are to give the necessary directions herein accordingly.

C. C. GREVILLE.

[The same Act was put in force respecting the seamen of the following countries, by Orders of Her Majesty in Council, on the undermentioned dates :---

Austria.....	16th October, 1852.
Lubeck, Bremen and Hamburg.....	" " "
Prussia.....	" " "
Denmark.....	18th June, 1853.
(Oldenburg.....	" " "

Imperial—Foreign Deserters.

Mecklenburg-Schwerin.....	9th March, 1854.
The Netherlands.....	“ “ “
Hanover.....	8th June, “
France.....	3rd July, “
*Belgium.....	8th February, 1855.
*Chili.....	28th July, 1856.
*Morocco and Fez.....	6th May, 1857.
*Spain.....	23rd January, 1860.
*Nicaragua.....	27th August, “
*Russia.....	“ “ “
*Salvador.....	11th June, 1863.

In Treaties marked with an asterisk the proviso is inserted respecting persons who have committed crime in Her Majesty's Dominions, as in the Order in Council subjoined.]

AT THE COURT AT WINDSOR, THE 11TH DAY OF JUNE, 1863.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the “Foreign Deserters Act, 1852,” it is provided that, whenever it is made to appear to Her Majesty that due facilities are, or will be given for recovering or apprehending seamen who desert from British merchant ships in the territories of any foreign power, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to a subject of such power, when within Her Majesty's Dominions shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient ;

And whereas it hath been made to appear to Her Majesty that due facilities will be given for recovering and apprehending seamen (not being Italian subjects) who desert from British merchant ships in the territories belonging to His Majesty the King of Italy ;

Now, therefore, Her Majesty, by virtue of the powers vested in Her by the said “Foreign Deserters Act, 1852,” and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the *London Gazette*, seamen, not being slaves (and not being British subjects) who desert from merchant ships belonging to subjects of the King of Italy, within Her Majesty's dominions, shall be liable to be apprehended and carried on board their respective ships : Provided always, that if any such deserter has committed any crime in Her Majesty's dominions he may be detained until he has been tried by a competent Court, and until his sentence (if any) has been fully carried into effect.

Imperial—Foreign Deserters.

And Her Majesty, by virtue of the powers vested in Her by the said "Foreign Deserters Act, 1852," and by and with the advice of Her Privy Council, is further pleased to order and declare that upon and after the publication hereof in the *London Gazette* the Order in Council relating to seamen who desert from merchant ships belonging to subjects of the King of the Kingdom of the Two Sicilies, made by virtue of the said Act on the 19th day of August, 1853, and published in the *London Gazette* on the 23rd day of August, 1853, and the Order in Council relating to seamen who desert from merchant ships belonging to subjects of the King of Sardinia, made by virtue of the said Act on the 10th day of March, 1855, and published in the *London Gazette* on the 13th day of March, 1855, shall be revoked, and the same are hereby revoked accordingly.

And the Right Honorable the Lords Commissioners of Her Majesty's Treasury and Secretary of State for India in Council are to give the necessary directions herein accordingly.

EDMUND HARRISON.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, ON THE
28TH DAY OF DECEMBER, 1866.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the "Foreign Deserters' Act, 1852," it is provided that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering or apprehending seamen who desert from British merchant ships in the territories of any Foreign Power, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to such Power when within Her Majesty's dominions, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient; and whereas it has been made to appear to Her Majesty that due facilities are given for recovering and apprehending seamen who desert from British merchant ships in the territories of Her Majesty the Queen of Madagascar :

Now, therefore, Her Majesty, by virtue of the powers vested in Her by the said "Foreign Deserters' Act, 1852," and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the *London Gazette*, seamen, not being slaves, and not being British subjects, who within Her Majesty's dominions desert from merchant ships belonging to the Kingdom of Madagascar, shall be liable to be apprehended and carried on board their respective ships :

Imperial—Foreign Deserters, &c.

Provided always, that if any such deserter has committed any crime in Her Majesty's dominions, he may be detained until he has been tried by a competent Court, and until his sentence (if any) has been fully carried into effect.

And the Right Honourable the Earl of Carnarvon, the Right Honourable Viscount Cranborne, and the Right Honourable Spencer Horatio Walpole, three of Her Majesty's Principal Secretaries of State, are to give the necessary directions accordingly.

EDMUND HARRISON.

SIR,—With reference to my circular despatch of the 3rd March, 1875, enclosing a copy of a Treaty between Her Majesty and the Swiss Confederation for the mutual surrender of fugitive criminals, I have the honor to transmit to you, for publication in the Colony under your Government, a copy of a letter from the Foreign Office, forwarding a copy of a despatch from Her Majesty's Minister at Berne, enclosing a copy of a note from the Swiss Federal Council, denouncing the Treaty and stating that they are ready to enter into negotiations with this country for a new Treaty in which Article III of the present Treaty should be revised and other emendations introduced.

I have the honor to be, Sir,

Your most obedient humble servant,

CARNARVON.

The Officer Administering
The Government of Canada.

BERNE, 22nd December, 1877

“The unfortunate results of the demand for the extradition of Alfred Thomas Wilson, accused of theft of postal matter of the value of about 50,000 francs, have convinced the Swiss Federal Council of the necessity of revising the Extradition Treaty entered into in 1874 between Switzerland and Great Britain.

“Article 3 of that Treaty forbids absolutely to either of the contracting parties the surrender of their own citizens or subjects, who are guilty of crimes abroad, and have succeeded in finding refuge in their own country. And, besides, British legislation does not permit the prosecution of British subjects who have committed crimes abroad, unless such crimes affect other British subjects. Further, it seems necessary to introduce into the Treaty a clause respecting the restoration of things stolen. And there may be further amendments to embody in it.

“Under these circumstances, the Federal Council think it best to exercise the right conferred upon it by Article 17 of the Extradition Treaty entered into on the 31st March—28th November, 1874, between Switzerland

Imperial Correspondence—Extradition, &c.

and Great Britain, and to give notice of the termination of the Treaty as provided for in that clause, at the same time declaring itself ready to enter into negotiations for the conclusion of a new Treaty, having for its object the revision of Article 3, and of other portions of the present Treaty.

“The Federal Council take the liberty of expressing a hope that these negotiations may take place at Berne, and beg the Resident Minister of Her Britannic Majesty in Switzerland to be so good as to communicate to his Government the notice of termination of the Treaty in question, and make known in due course any steps authorized for the conclusion of a new Treaty.

As witness,

The President of the
Swiss Confederation,
HEER.

The Chancellor of the
Confederation,
SCHIESS.”

(Circular).

DOWNING STREET,

15th February, 1878.

SIR,—I have the honor to inform you that the Government of Honduras having given the notice required in each case, the two following Treaties between the Republic of Honduras and Great Britain will expire on the undermentioned dates:—

1. That of January 6, 1874, relating to Extradition, on the 28th instant; and
- 2 That of August 27, 1856, one of Friendship, Commerce and Navigation, on the 28th August next.

I have the honor to be, Sir,

Your most obedient,

Humble Servant,

M. E. HICKS BEACH,

The Officer Administering
the Government of Canada.

ORDERS IN COUNCIL, &c.

CANADA.

Governor-General.

By Order in Council of the 16th day of May, 1878, His Excellency the Governor General declared his disallowance of the following Acts, passed by the Lieutenant Governor and Legislature of British Columbia, on the 18th day of April, 1877, viz. :

- “ An Act to provide for the better Administration of Justice ” ;
- “ An Act to incorporate the Alexandria Company, Limited ” ; and
- “ An Act to incorporate the British Columbia Insurance Company, “ Limited.”

Vide Canada Gazette, Vol 11, p. 1188.

Agriculture, &c.

GOVERNMENT HOUSE, OTTAWA.

Friday, 22nd day of March, 1878.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS there is reason to believe that the danger of the introduction into Canada of the disease known as the Rinderpest, which lately prevailed in many parts of Europe, has passed away, and that it is inexpedient any longer to prohibit the importation of Cattle into Canada from Europe.— His Excellency, on the recommendation of the Honorable the Minister of Agriculture, has been pleased to order and it is hereby ordered, that the Order in Council of the 2nd day of March, A.D. 1877, prohibiting the importation into Canada from Europe of Cattle and other articles therein specified as susceptible of conveying disease, be and the same is hereby rescinded.

W A. HIMSWORTH,

Clerk, Privy Council.

Canada.

Customs.

Customs.

By Order in Council of the 12th July, 1877, Ingonish was made an out-port of Entry and Warehousing Port under the Survey of the Collector at Baddeck.

Vide Canada Gazette, Vol. 11, p. 30.

By Order in Council of 17th July, 1877, Kentville N.S. was made an out-port of Entry under the Survey of the Collector at Cornwallis.

Vide Canada Gazette, Vol. 11, p. 75.

By Order in Council of 30th July, 1877, Chippawa was reduced to an out-port and placed under the Survey of the Collector at Clifton.

Vide Canada Gazette, Vol. 11, p. 163.

GOVERNMENT HOUSE, OTTAWA,
Monday, 8th day of October, 1877.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provisions of the 5th section of the Act passed in the Session of the Parliament of Canada, held in the 40th year of Her Majesty's Reign, chaptered 11, and intituled "An Act to amend certain Acts respecting duties of Customs and Excise,"—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 Regulations governing the allowance of drawback of duty paid on drawn tubes and piping of brass, copper or iron, when actually used in the manufacture of boilers, under the authority of section 5 of the said Act, be and the same are hereby sanctioned and adopted.

W. A. HIMSWORTH,
Clerk, Privy Council.

REGULATIONS governing the drawback of duty paid on drawn tubes and piping of brass, copper or iron, in case the same shall have been actually used in the manufacture of boilers, under authority of 40 Vict., chap. 11, sect. 5.

The importer claiming drawback under the above quoted Act, shall, in order to entitle himself thereto, deliver to the Collector of Customs at the Port where entry was made and duty paid on such drawn tubes or piping, a declaration in form No. 1 following: which said declaration shall be subscribed to under oath.

Customs.

In case the importer is not at the same time the manufacturer of the boilers, and cannot therefore, from personal knowledge, affirm as to the actual use made of such drawn tubes or piping, he shall, in place of form No. 1, make use of form No. 2, and the manufacturer of the boilers in the construction of which such duty paid drawn tubes or piping was actually made use of, shall attach to said declaration No. 2 and subscribe and make oath to a declaration in the form No. 3 hereto appended.

The Collector of Customs at the Port where such entry was made shall thereupon examine the entry and the invoice of such drawn tubes or piping, and shall certify in the form No. 4, whether the declaration so produced covers the whole or part of such entered drawn tubes or piping, and whether it corresponds with the value as per invoice and with the amount of duty paid as per said entry.

 FORM No. 1.

DOMINION OF CANADA, PORT OF

I do solemnly and truly swear that I (*or, as the case may be*, that the firm of of which I am a member) did enter inwards (*or cause to be entered inwards*) at the Port of on the day of , 187 , as per ex-ship entry No. (*or ex-warehouse entry No.*) the following described drawn tubes or piping, viz.: of the value of \$, and did pay Customs duty thereon to the amount of \$, and did, prior to the date hereof, actually make use of (*or cause to be made use of*) the whole of the said tubes or piping in the manufacture of boilers, within the intent and meaning of the Act 40 Vict., chap. 11, sect. 5, at manufactory, situate in .
 Subscribed and sworn to before me at , this day of , 187 .

 FORM No. 2.

DOMINION OF CANADA, PORT OF

I do solemnly and truly swear that I (*or, as the case may be*, that the firm of of which I am a member) did enter inwards (*or cause to be entered inwards*) at the Port of on the day of , 187 , as per ex-ship entry No. (*or ex-warehouse entry No.*) the following described drawn tubes or piping, viz.: of the value of \$, and did pay Customs duty thereon to the amount of \$, and did deliver (*or cause to be delivered*) to the whole of said tubes or piping.
 Subscribed and sworn to before me at , this day of , 187 .

Customs.

FORM No. 3.

I _____ of _____ do solemnly and truly swear that I (*or, as the case may be*, that the firm of _____ of which I am a member) did receive from _____ of the drawn tubes or piping described in the affidavit of hereto attached, and that I have (*or the firm of _____* has within my personal knowledge) prior to the date hereof actually made use of (*or caused to be made use of*) the whole of the said drawn tubes or piping in the construction of boilers, within the intent and meaning of the Act 40 Vict., chap. 11, sect. 5, at _____ manufactory, situate in _____ day of _____

Subscribed and sworn to before me at _____ this _____ day of _____, 187 .

FORM No 4.

I hereby certify that I have examined the above named entry No. _____ and the invoice of the drawn tubes or piping therein referred to, and find that the quantity and value, and amount of duty paid are the same as given in the above declaration No. _____ (*or, as the case may be*,) that the above declaration No. _____ covers but a part of the drawn tubes or piping described in such entry, and that the value of such part as per invoice is \$ _____, and the duty paid thereon was \$ _____.

Collector of Customs.

Port of _____

GOVERNMENT HOUSE, OTTAWA,
Monday, 8th day of October, 1877.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provisions of the 9th section of the Act passed in the Session of the Parliament of Canada, held in the 37th year of Her Majesty's Reign, chaptered 6, and intituled "An Act to amend the Act 31 Vict., chap. 44, and other Acts amending the same and the tariff of duties of Customs imposed by the said Acts, and to alter certain duties of Excise,"—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 values in the following schedule mentioned and discounted from the published price lists of the Singer Sewing Machine Manufactory, shall be the values upon which duty shall be levied and collected upon the sewing machines of the said manufactory, and those of all other manufacturers, answering the description given in the said schedule, from and after the date of this order.

His Excellency has been further pleased to order, and it is hereby ordered, that the Order in Council of 20th June, 1875, be and the same is hereby rescinded.

W. A. HIMSWORTH,
Clerk, Privy Council.

Customs.

SCHEDULE.

Retail New York prices of the sewing machines of the "Singer Manufacturing Company," with the gold values at which it is recommended they be allowed entry for duty.

NO.	THE NEW FAMILY MACHINE.	Retail	Value for
		U. S. Cy. \$	duty, gold. \$ cts
1.	Ornamented in bronze, black walnut table with drawer, oiled.....	30	18 90
2.	Ornamented in bronze, black walnut table, with drawer, polished.....	31	19 43
3.	Ornamented in bronze, in black walnut portable case, with hand attachment.....	30	19 95
5.	Ornamented in bronze, drop leaf table, with drawers, oiled.....	35	21 00
6.	Ornamented in bronze, with neat substantial cover, in black walnut to protect the machine, oiled.....	35	20 47
7.	The same with neat substantial cover in black walnut to protect the machine, polished.....	37	21 53
8.	The same with drop leaf table with drawers, oiled, and neat substantial cover in black walnut, to protect the machine.....	40	22 05
9.	Highly ornamented in gold, black walnut table and folding cover with drawer, lock, &c., oiled.....	45	25 46
10.	Highly ornamented in gold, black walnut table and folding cover with drawer, lock, &c., polished.....	48	27 30
11.	Highly ornamented, inlaid with pearl, black walnut table and folding cover, with drawer, lock, &c., extra finished, in oil.....	60	35 44
12.	Highly ornamented, inlaid with pearl, black walnut table and folding cover, with drawer, lock, &c., extra finished and polished.....	65	38 33
13.	Highly ornamented, inlaid with pearl, mahogany table and folding cover, with drawer, lock, &c., extra finished and polished.....	70	42 53
14.	Highly ornamented, inlaid with pearl, rosewood table and folding cover, with drawer, lock, &c., extra finished and polished.....	75	44 89
15.	Highly ornamented in gold, black walnut cabinet case and folding cover, with drawers, lock, &c., oiled.....	65	37 80
16.	Highly ornamented in gold, black walnut cabinet case and folding cover, with drawers, lock, &c., polished..	70	41 48
17.	Highly ornamented, inlaid with pearl, "mottled" black walnut cabinet case and folding cover, with drawers, lock, &c., extra finished, in oil.....	95	55 13
18.	Highly ornamented, inlaid with pearl, "mottled" black walnut cabinet case and folding cover, with drawers, lock, &c., extra finished and polished.....	100	59 06

Customs.

NO.	THE NEW FAMILY MACHINE.	Retail	Value for
		U. S. Cy. \$	duty, gold. \$ cts.
19.	Elaborately ornamented and pearled machine, carved mahogany cabinet case and folding cover, with drawers, &c., case lined with satin wood; both machine and case most beautifully and highly finished and polished.....	130	92 40
20.	The same with carved cabinet case and folding cover, in "mottled" black walnut, oiled.....	125	84 00
21.	The same with carved cabinet case and folding cover in "mottled" black walnut, polished.....	125	88 20
22.	The same with carved cabinet case and folding cover in rosewood, polished.....	130	92 40

MANUFACTURING MACHINES.

24.	Medium shuttle machine on black walnut table, with two drawers for light manufacturing purposes	35	23 63
25.	The same with neat substantial cover in black walnut to protect the machine, oiled.....	40	26 25
26.	No. 4, Machine on black walnut table with drawers..	45	28 35
27.	No. 4, Arm machine.....	50	36 75
28.	No. 2, 18-inch table, drop feed shuttle machine and iron stand, fitted for cloth.....	45	29 40
29.	No. 2, 18-inch table, drop feed shuttle machine and iron stand, fitted for leather, with rolling presser.....	48	31 50
30.	No. 2, 18-inch table, wheel feed shuttle machine and iron stand, fitted for cloth work.....	45	29 40
31.	No. 2, 18-inch table, shuttle machine and iron stand, imperial, fitted for fine leather work	45	29 40
32.	No. 2, 18-inch table, shuttle machine and iron stand, imperial, fitted for fine leather work, with rolling presser.....	48	31 50
33.	No. 2, 18-inch table, shuttle machine and iron stand, with gauge for binding cap fronts	60	38 33
34.	No. 2, 18-inch table, shuttle machine and iron stand, with gauge for binding soft hats.....	60	38 33
35.	No. 2, 18-inch table, shuttle machine and iron stand, with vibrating presser for stitching fine or patent leather	55	34 13
36.	No. 2, 18-inch table, shuttle machine and iron stand, Imperial, with large shuttle for heavy leather work..	48	31 50
37.	No. 2, 18-inch table, shuttle machine and iron stand, Imperial, with large shuttle for heavy cloth work...	48	31 50
38.	No. 2, 18-inch table, shuttle machine and iron stand, Imperial, with large shuttle and vibrating presser.....	58	35 70
39.	No. 3, 24-inch table, large shuttle imperial machine, and iron stand for heavy leather work.....	55	38 33

Customs.

NO.	MANUFACTURING MACHINES.	Retail	Value for
		U. S. Cy. \$	duty, gold. \$ cts.
40.	No. 3, 24-inch table, large shuttle imperial machine, and iron stand with vibrating presser, combined with feed wheel for carriage trimming	60	44 63
41.	The new button-hole machine.....	250	200 00
42.	The new button-hole machine with cutting attachment.....	275	236 25

By Order in Council of the 28th March, 1878, Stickeen, on the Stickeen River, from the conventional boundary line upwards, comprising the shores on both sides of said river, was made an Outport of Entry and Warehousing Outport under the survey of the Collector at Victoria.

Vide Canada Gazette, Vol. 11, p. 979.

By Order in Council of the 16th May, 1878, the town of St. Mary's, Ont., was made an Outport and a Warehousing Outport under the survey of the Collector at Stratford, from 1st June, 1878.

Vide Canada Gazette, Vol. 11, p. 1188.

By Order in Council of the 16th May, 1878, Petrolia, Ont., was made an Outport of Customs and Warehousing Outport under the survey of the Collector at Sarnia, from 1st June, 1878.

Vide Canada Gazette, Vol. 11, p. 1188.

By Order in Council of the 23rd day of May, 1878, Simcoe, Ontario, was made an Outport of Customs and Warehousing Outport under the survey of the Collector at Brantford.

Vide Canada Gazette, Vol. 11, p. 1223.

By Order in Council of the same date, Walkerton, Ontario, was made an Outport of Customs and Warehousing Outport under the survey of the Collector at Guelph.

Vide Canada Gazette, Vol. 11, p. 1223.

By Order in Council of the same date, Summerside, P.E.I., heretofore an Outport, was constituted a Port of Entry and Warehousing Port, and the Outports of Cascumpec, Port Hill, Malpeque, West Cape and Tignish, P.E.I., (hitherto under the survey of the Collector at Charlottetown) were placed under the survey of the Collector at Summerside.

Vide Canada Gazette, Vol. 11, p. 1223.

By Order in Council of the same date, Port Hastings, N.S. hitherto a Preventive Station, is made an Outport of Customs and Warehousing Outport under the survey of the Collector at Hawkesbury N.S.

Vide Canada Gazette, Vol. 11, p. 1223.

Inland Revenue.

DEPARTMENT OF INLAND REVENUE.

The following tariff for measuring and culling square timber was approved by His Excellency the Governor General in Council to take effect on and after the 18th of June, 1877.

TARIFF

For measuring off or counting Timber :

	cents.
White Pine, Butternut or Basswood, per ton.....	5·0
Red Pine, per ton.....	6·6
Hard wood, per ton.....	6·6
Waney Timber, per ton.....	6·2
do do string measurement, per ton.....	7·5
Hemlock, per ton.....	3·5

For culling and measuring in a merchantable state or measuring in shipping order or counting off when not otherwise provided :

	cents.
White Pine, waney, string measurement, per ton.....	12·3
White Pine, square and waney, per ton.....	9·3
Red Pine Timber, per ton.....	10 8
Hard wood, per ton.....	12·2

Vide Canada Gazette, Vol. 10, p. 1704.

By Order in Council of the 25th day of June, the County of Annapolis was constituted an Inspection Division under the Act to make better provision, extending to the whole Dominion of Canada, respecting the Inspection of certain staple articles of Canadian Produce.

Vide Canada Gazette, Vol. 11, p. 4.

GOVERNMENT HOUSE, OTTAWA,
Tuesday, 10th day of July, 1877.

Present :

HIS HONOR 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 Act passed in the Session of the Parliament of Canada held in the 36th year of Her Majesty's Reign, chaptered 47, and intituled "An Act respecting Weights and Measures," and the Act 40 Vict., Chap. 15, amending the same,—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 Order in Council passed on the 26th day of July, 1875, under the provisions of the said Act, be and the same is

Inland Revenue.

hereby rescinded; and that the accompanying regulations as to the description of weighing machines and weights and measures that will be admitted to verification, and to the fees to be charged for such service, be and they are hereby substituted for the regulations attached to the Order in Council so rescinded.

REGULATIONS as to the description of Weights, Measures, Balances and Weighing Machines that will be admitted to verification, and the fees to be charged therefor.

The following balances are to be admitted to verification :—

- A.** Balances having equal arms, and on which the load is suspended below the fulcrums.
- B.** Balances commonly known as Steelyards, or Roman Balances, having unequal arms.
- C.** Weigh Bridges.
- D.** Balances with equal arms and on which the load is placed above the fulcrums.

A. Balances with equal arms are only to be admitted to verification when,—

1. The beam shows no material difference as regards the form or magnitude of the two arms.
2. It is provided with a tongue pointing upwards or downwards from its centre, at right angles with a line joining the extreme bearings, or with some equivalent arrangement for indicating the position of equilibrium.
3. It is in equilibrium when a line joining the extreme bearings is perfectly horizontal, and returns to that position after being put into vibration.
4. Its arms are equal within the specified limit of error.
5. The balance is sufficiently sensitive to be turned decidedly and promptly by the addition or withdrawal of so much of the load as represents the error tolerated by regulations, in a commercial weight representing the load.
6. No balance balls or other detached parts other than the pans and the connections necessary for attaching them to the pans are used for adjusting the balance.
7. The balance, as a whole, is of sufficient strength and on a sufficiently stable base to secure it against change of form or position under the maximum load it is to carry.
8. The beam will carry its maximum load without deflexion.
9. The maximum load for the weighing of which it is to be used is distinctly engraved or marked on the beam.
10. The knife edges are permanently fixed to the beam.

B—Balances commonly known as Steelyards, or Roman Balances, having unequal arms, are only to be admitted to verification when :—

1. There is sufficient room for oscillation, and the knife edges on which the beam oscillates are sufficiently fine to permit it to move freely.

Inland Revenue.

2. The beam is sufficiently strong to carry its load without deflection.
3. The bottom of the notches by which the divisions of the long arm of the lever are indicated, and from which the weight is suspended, are in close approximation to the right line drawn through the knife edges forming the points of suspension, and when such straight line passes near to and a little above the centre of gravity of the whole apparatus.
4. The divisions on the long arm of the lever are equal among themselves.
5. The weight used with the lever if it is changeable or can be readily detached therefrom, is some multiple or sub-multiple of the pound avoirdupois, and has distinctly marked on it its true weight.
6. The maximum weight intended to be weighed on it is either distinctly marked on the beam or indicated by its construction.

C.—Weigh Bridges, Hay Scales and Platform Scales will only be admitted to verification when:—

1. The foundation or supporting base is sufficiently firm, and capable of carrying, without change of level or of form, or other disturbance, the maximum load for which it is to be used.
2. If movable from place to place, some satisfactory arrangement, such as a level or plummet, is provided and permanently attached for indicating whether the machine is perfectly level.
3. The platform is so arranged that any obstruction to its free movement can be easily detected.
4. All the beams, levers and other parts are of sufficient strength to carry the maximum load, to which they will be respectively subjected, without deflection.
5. The knife edges are firmly and permanently fixed in the levers, have sufficient room to permit free oscillation and are sufficiently firm.
6. Knife edges and fulcrum of each set of levers are in the same plane.
7. The oscillations are sufficiently evident.
8. The weights used with the instrument are equal to the avoirdupois pound or to multiples or authorized sub-multiples of the avoirdupois pound, or special weights for the barrel of flour or for the bushel of wheat, their actual weight, and the weight or special quantity they are intended to indicate on the scale, being plainly marked thereon.
9. The weights used as above are a decimal sub-multiple, as $\frac{1}{10}$, $\frac{1}{100}$, $\frac{1}{1000}$, or a binary sub-multiple, as $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, &c., of the load indicated by them.
10. There are no movable balls or detached parts for the adjustment of the balance accessible, or so placed that they can be used for fraudulent weighing.
11. The apparatus indicates the same weight, whether the load is placed in the centre of the platform, on one side of it or at either corner.
12. The maximum load which the apparatus is intended to weigh is conspicuously marked on some essential part of it.

D.—Balances with equal arms and on which the load is carried above the fulcrum will only be admitted to verification when:—

1. There is no material difference as to the magnitude or arrangement of the two arms.

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2. Its arms are of equal length within a limit of error equivalent to that tolerated in commercial weights.

3. There are no balance balls, loose counterpoises or detached parts other than the pans necessary for carrying the load weighed and the weights used for weighing it.

4. Its parallel rods, guides, levers and pivots, by which the adjustment of the scale is effected, are so constructed that they cannot be put out of adjustment without the use of violence, which may be readily detected on inspection.

5. The knife edges or fulcrums of each set of levers or guide rods are in the same plane. •

6. The balance is sufficiently sensitive to turn decidedly and promptly by the addition and withdrawal of so much of the load as is equivalent to the error tolerated in commercial weights,

7. When there is a tongue or pointer or some equivalent arrangement for shewing when the balance is in equilibrium.

No balance other than such as will come within the conditions under one or other of the heads A, B, C or D, are to be verified or stamped

Inland Revenue.

SCHEDULE A
OF WEIGHTS TO BE ADMITTED TO VERIFICATION.

DOMINION WEIGHTS.				WEIGHTS TO BE TOLERATED TILL 1st JULY, 1880.		
Avoirdupois Weights.			Troy or Bullion Weights.	Avoirdupois Weights.		
In Bronze or White Metal of equal hardness.	In Iron.	In Soft Metal Cased.	In Bronze only.	In Bronze.	In Iron.	Soft Metal Cased.
60 lbs.	60 lbs.	60 lbs.	500 ozs.	56 lbs.	56 lbs.	56 lbs.
50 "	50 "	50 "	300 "	28 "	28 "	28 "
30 "	30 "	30 "	200 "	14 "	14 "	14 "
20 "	20 "	20 "	100 "	7 "	7 "	7 "
10 "	10 "	10 "	50 "	4 "	4 "	4 "
5 "	5 "	5 "	30 "	2 "	2 "	2 "
3 "	3 "	3 "	20 "	1 "	1 "	1 "
2 "	2 "	2 "	10 "			
1 "	1 "	1 "	5 "			
8 ozs.			3 "			
4 "			2 "			
2 "			1 "			
1 "			.5 "			
8 drs.			.3 "			
4 "			.2 "			
2 "			.1 "			
1 "			.05 "			
$\frac{1}{2}$ "			.03 "			
1000 grs.			.02 "			
600 "			.01 "			
300 "			.005 "			
200 "			.003 "			
100 "			.002 "			
60 "			.001 "			
30 "						
20 "						
10 "						
6 "						
3 "						
2 "						
1 "						
.6 "						
.3 "						
.2 "						
.1 "						
.06 "						
.03 "						
.02 "						
.01 "						

Inland Revenue.

SCHEDULE B

OF THE FORMS OF WEIGHTS THAT WILL BE ADMITTED TO VERIFICATION.

FORMS OF DOMINION WEIGHTS.		FORM OF WEIGHTS TOLERATED TILL 1ST JULY, 1880.
Avoirdupois Weights.	Troy Weights.	Avoirdupois Weights.
<p>From 50 lbs. down to one pound, — cylindrical, with knob. The same with ring. Rectangular block, with ring or handle cast solid. Truncated square pyramid.</p> <p>From 5 lbs. down to one-half dram,—any of the above forms ; also flat discs in nests. A 60 lbs. weight for the bushel of wheat, of some form sufficiently distinct from the forms herein described to prevent the one being mistaken for the other.</p> <p>GRAIN WEIGHTS.</p> <p>From 1,000 grains down to 10 grains,—cylindrical, with a small rising stem and knob. Six grains and under,—bent platinum or aluminum wire so bent as to represent the number of grains or decimal parts of a grain.</p> <p>—</p> <p>In every case the denomination of the weights, when of sufficient size, must be cast, engraved, or stamped on them in bold legible numerals, of a size duly proportioned to the size of the weight.</p>	<p>From 500 ounces down to one ounce. Truncated cone with knob.</p> <p>From 5 ounces down to .001 ounce, flat square plates.</p> <p>The denomination to be engraved or stamped on the top of the knob of each weight, in as large numerals as the size of the weight will admit ; and, also, on the one face of the smaller weights.</p>	<p>The ordinary bell shape</p> <p>Flat discs for 4 lbs. and under.</p> <p>Rectangular blocks, with rings or with handles cast solid.</p> <p>Truncated square pyramids with rings.</p> <p>—</p> <p>In every case the denomination of the weights must be cast, engraved or stamped on them in bold legible numerals, proportioned to the size of the weight.</p>

Inland Revenue.

SCHEDULE C

OF FEES TO BE COLLECTED FOR VERIFICATION OF WEIGHTS.

DOMINION WEIGHTS.						Weights to be Tolerated till 1st July, 1880.				
Avoirdupois Weights.				Troy Weights.		Avoirdupois Weights.				
Denomination.	Verification Fees.			Denomination.	Verifica- tion fees	Denomination.	Verification Fees.			
	Bronze.	Iron.	Cased.				Bronze only.	Bronze.	Iron.	Cased.
60 lbs.	cts. 25	cts. 25	cts. 30	500 oz.	cts. 50	56 lbs.	cts. 30	cts. 30	cts. 35	
50 "	20	20	25	300 "	40	28 "	25	25	30	
30 "	20	20	25	200 "	35	14 "	20	20	25	
20 "	20	20	25	100 "	30	7 "	15	15	20	
10 "	10	10	15	50 "	20	4 "	10	10	15	
5 "	5	5	10	30 "	20	2 "	5	5	10	
3 "	5	5	10	20 "	20	1 "	5	5	10	
2 "	5	5	10	10 "	20					
1 "	5	5	10	5 "	15					
8 oz.	5			3 "	10					
4 "	5			2 "	10					
2 "	5			1 "	10					
1 "	5			.5	10					
8 drams	5			.3	10					
4 "	5			.2	10					
2 "	5			.1	10					
1 "	5			.05	10					
½ "	5			.03	10					
				.02	10					
				.01	10					
				.005	10					
Set as above from 50 lbs. down to 1 lb.	75	1.00	1.20	.003	10					
Set as above from 8 oz. to ½ dram	30			.002	10					
				.001	10					
Set of grain weights, from 1000 grs. down to .01 of a grain in authorized series...	90			Set as above from 500 oz. to 1 oz.	2.50					
				Set as above from 5 oz. down to .001	1.50					

Inland Revenue.

SCHEDULE D

OF THE DOMINION MEASURES OF CAPACITY THAT MAY BE ADMITTED
TO VERIFICATION.

Denominations.	Materials.
A.—BUSHEL. HALF BUSHEL. PECK. GALLON.	May be made of— <ol style="list-style-type: none"> 1. Bronze or Brass, cast. 2. Hammered Sheet Brass or Copper, strengthened by rims of similar metal, and upright straps. 3. Sheet Iron, when of sufficient strength to retain the form of the measure under ordinary usage, either with wood or iron bottoms. 4. Wood—oak, elm or ash—with iron or hard wood rim. When of wood, the edge to be sufficiently thick to receive the brand.
B.—GALLON. HALF GALLON. QUART. PINT. HALF PINT. GILL. HALF GILL.	May be made of— <ol style="list-style-type: none"> 1. Bronze or Brass, cast. 2. Hammered Sheet Brass or Copper, with suitable rim of similar metal. 3. Hard Pewter. 4. Stout tin plate of approved thickness.

1. NOTE.—Every measure must have cast, engraved, stamped, or branded on it, its denomination or capacity, in bold, legible characters, duly proportioned to the size of the measure.

2. No measure of capacity, of which the sides or bottom are indented, battered, or knocked out of the regular form, will be admitted to verification, nor any whose bottoms are not sufficiently strong to carry the contents without changing their form.

Inland Revenue.

SCHEDULE E.

MEASURES OF CAPACITY THAT WILL BE TOLERATED UNDER THE ACT OF 40 VICT., CHAP. 15.

The Winchester Bushel and the Wine Gallon, with their sub-multiples, when made of any of the materials specified for the Dominion measures of corresponding names, may be verified, and certificates of such verification granted.

SCHEDULE F.

FORMS OF MEASURES OF CAPACITY THAT MAY BE ADMITTED TO VERIFICATION.

Dominion Measures.	Measures Tolerated under 40 Vict., chap. 15.
<p style="text-align: center;"><i>Cylindrical.</i></p> <p>For the Bushel, Half Bushel, and Peck, the depth must not be less than four-ninths of the diameter.</p> <p>For the Gallon and smaller measures, the depth shall not be less than the diameter.</p>	<p style="text-align: center;"><i>Cylindrical.</i></p> <p>In no case to be verified if the sides or bottoms are battered, indented, or otherwise put out of their original and regular shape.</p> <p>The word WINE or WINCHESTER, as the case may be, to be engraved, cast or stamped, in legible duly proportioned Roman characters of such pattern as the Department of Inland Revenue may prescribe on the front of each measure—the letters to be not less than one-tenth of the whole height of the measure.</p>

Both Dominion and Tolerated Measures are to have their denomination or capacity engraved, stamped or cut on their front in fairly proportioned Roman characters of such pattern as the Department of Inland Revenue may prescribe—the letters being not less than one-tenth of the whole height of the measure.

Inland Revenue.

SCHEDULE G

OF FEES TO BE COLLECTED FOR VERIFICATION OF MEASURES OF CAPACITY.

DOMINION MEASURES.						TOLERATED MEASURES.	
Denominations.	Material.					Denominations.	Any Material.
	Bronze Cast.	Sheet Brass or Copper.	Sheet Iron or Tin Plate.	Hard Pewter.	Wood.		
	cts.	cts.	cts.	cts.	cts.			cts.
Bushel	30	30	30	.....	15	Bushel	30
$\frac{1}{2}$ Bushel	25	25	25	.....	10	$\frac{1}{2}$ Bushel	25
Peck	20	20	20	.....	5	Peck	20
Gallon	15	10	10	15	5	Gallon	15
$\frac{1}{2}$ Gallon	10	10	10	10	5	$\frac{1}{2}$ Gallon	10
Quart	10	10	.....	10	.....	Quart	10
Pint	5	5	.....	5	.....	Pint	5
$\frac{1}{2}$ Pint	5	5	.....	5	.....	$\frac{1}{2}$ Pint	5
Gill	5	5	.....	5	.....	Gill	5
$\frac{1}{2}$ Gill	5	5	.....	5	.....	$\frac{1}{2}$ Gill	5
Set from Bushel to Gallon	75	75	.....	.....	30		
Set from Gallon to $\frac{1}{2}$ Gill	40	40	.....	40	.....	

Inland Revenue.

SCHEDULE H

OF FEES TO BE CHARGED FOR THE VERIFICATION OF WEIGH-BRIDGES,
PLATFORM SCALES, WEIGHING MACHINES, BALANCES AND
STEELYARDS.

—	\$ cts.	—
<i>Balances with Equal Arms</i> (whether the load is carried above or below the fulcrums) :—		
To weigh not more than 5 lbs. in each pan..	0 30	
“ “ 50 “ “ ...	0 50	
“ “ 100 “ “ ...	0 75	
“ over 100 “ “ ...	1 00	
<i>Steelyards with divided Arm—</i>		
To weigh not more than 500 lbs.....	0 50	To be verified at the Deputy Inspector's Office. If verified elsewhere cost of cartage of weights used for verification to be charged extra.
“ “ 1,000 “	0 75	
“ “ 2,000 “	1 00	
“ over 2,000 lbs.	1 50	
<i>Balances with Unequal Arms, not Divided—</i>		
To weigh not more than 1,000 lbs.....	0 75	Same as above as to cartage.
“ “ 2,000 “	1 00	
“ “ 4,000 “	1 50	
<i>Weigh-bridges or Platform Scales—</i>		
To weigh not more than 2,000 lbs.....	1 00	And in addition to these rates the cost of carting the weights used for verification.
“ “ 4,000 “	1 50	
“ “ 6,000 “	2 00	
And for each additional ton	0 50	

Inland Revenue.

SCHEDULE I

OF LINEAL MEASURES THAT MAY BE ADMITTED TO VERIFICATION.

Denominations.	Material.
10 feet measures.....	These may be made of any suitable hard metal, or of straight grained wood. When of wood, the ends must be protected by metal tips well secured.
6 " "	
5 " "	
3 " " (or yard) ...	
$\frac{1}{2}$ yard "	
2 feet "	
1 foot "	
$\frac{1}{2}$ foot "	
Chain or Riband, 100 feet...	The chains of iron or steel with solid joints. The Ribands may be of steel, or of metal wire woven with other fibre.
" " 50 " ...	
" Divided into feet	
" Riband, 66 feet.....	
" " 33 "	
" Divided into links	
Common tape lines are not to be verified.	

Inland Revenue.

SCHEDULE K

OF FEES TO BE CHARGED FOR VERIFICATION OF LINEAL MEASURES.

	Of Metal.	Of Wood.
	\$ cts.	\$ cts.
10 feet	0 20	0 20
6 "	0 25	0 20
5 "	0 25	0 20
3 " (or yard)	0 10	0 05
$\frac{1}{2}$ yard	0 10	0 05
2 feet	0 02	0 02
1 foot	0 02	0 02
$\frac{1}{2}$ "	0 02	0 02
Chain or Riband, 100 feet	1 50	
" " 50 "	1 00	
" " 66 "	1 00	
" " 33 "	0 75	

W. A. HIMSWORTH,
Clerk, Privy Council.

GOVERNMENT HOUSE, OTTAWA,
Wednesday, 25th day of July, 1877.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

HIS Excellency was pleased to lay before the Council a Memorandum from the Honorable the Minister of Inland Revenue recommending that the Excise Warehousing Regulations, established by Order in Council of the 27th April, 1868, under authority of Sec. 113 of the Act 31 Vict, chap. 8, be amended under the same authority by substituting the Regulation hereinafter mentioned for section 32 of the said Regulations,—

Whereupon His Excellency in Council has been pleased to order, and it is hereby ordered, that the following Regulation be, and the same is hereby substituted for section 32 of the said Regulations :

32. Bonds, in such form as may be prescribed by the Department of Inland Revenue, shall be taken for the due delivery of the goods at the place of destination ; such bonds to be executed by the owner of the goods jointly and severally with two other sureties approved by the collector. But when the owner of the goods objects to executing such bonds, or is unable without inconvenient delay to obtain satisfactory sureties as herein

Inland Revenue.

required, his own bond may be taken, provided the bill of lading under which the goods are forwarded is made in the form furnished by the Department of Inland Revenue, and conditioned for the delivery of the goods only upon the order of the Collector of Inland Revenue or other proper officer of the Inland Revenue Division in which the goods are to be re-warehoused.

W. A. HIMSWORTH,
Clerk, Privy Council.

By Order in Council of the 13th day of September, 1877, the Counties of Drummond and Arthabaska were constituted an Inspection Division under the "Act to make better provision, extending to the whole Dominion of Canada, respecting the Inspection of certain staple articles of Canadian produce."

Vide Canada Gazette, Vol. 11, p. 301.

By Order in Council of the 13th day of September, 1877, the Counties of Bonaventure and Gaspé, with the Magdalen Islands, were constituted an Inspection Division under the above Act.

Vide Canada Gazette, Vol. 11, p. 414.

By Order in Council of the 29th day of April, 1878, the Counties of Quebec, Montmorency, Charlevoix, Saguenay and Chicoutimi are attached to the Inspection Division of the City of Quebec, for the inspection of fish and fish oils.

Vide Canada Gazette, Vol. 11, p. 1118.

RESTIGOUCHE FERRY.

REGULATIONS APPROVED BY THE GOVERNOR IN COUNCIL 17TH APRIL, 1878.

1st.—*Limits.*

The limits of the Ferry shall extend to a distance of three miles above and below the wharf at the village of Campbellton, in New Brunswick, and to a similar distance above and below the usual ferry landing at Cross Point, in the Province of Quebec.

2nd.—*Landing Stages.*

Suitable landing stages or wharves serviceable at all states of the water in the river must be constructed on both sides, subject to the approval of the Department of Inland Revenue.

Inland Revenue.

3rd.—Ferry Boat.

During the first year after the execution of the lease, the lessee shall provide and maintain a vessel propelled either by steam or by oars, suitable for the conveyance of passengers, horses, cattle and all ordinary vehicles with safety and reasonable dispatch, and such vessel shall be subject to the approval of the Department of Inland Revenue. After the lapse of one year, the lessee shall, if required so to do by the Minister of Inland Revenue, place on the ferry and maintain during the period of the lease a suitable vessel propelled by steam. Such vessel shall be of sufficient size for the safe conveyance of passengers, horses, cattle, vehicles and other effects, and shall be subject to the approval of the Department of Inland Revenue, and the lessee must obtain therefor and produce when required a certificate of fitness, safety and sufficiency from the Dominion Board of Steam Boat Inspectors.

4th.—Number of Trips.

During the season of navigation the ferry boat shall commence running daily—Sunday excepted—at six o'clock a.m., and shall continue to cross from each side every hour thereafter until eight o'clock p.m.

5th.—Tariff of Charges.

The maximum charges for ferrying shall be as follows :—

For a two horse cart or conveyance with driver, each way.....	40 cts.
For a one horse cart or conveyance with driver.....	30 cts.
For one horse, each way.....	10 cts.
For each head of horned cattle.....	10 cts.
For each head of sheep or swine, each way.....	5 cts.
For a passenger.....	5 cts.
For every 100 lbs. of freight.....	3 cts.

Sixth.

The Ferry Boat shall be placed on the route fully completed and equipped, and the Landing Stages shall be fully constructed on or before 1st July, 1878.

Seventh.

The lease will be granted for a period of five years from the first day of July, 1878.

Eighth.

The Lessee will be required to give two sureties satisfactory to the Department of Inland Revenue, who shall be held jointly and severally with the principal in the sum of \$2,000 for the full compliance of the Lessee with the terms of the lease.

Inland Revenue, &c.

Ninth.

The right will be reserved to the Department of Inland Revenue of rejecting the Ferry Boat or Landing Stages or either of them should any of them be deemed unsuitable for the service, or unsafe to the public, or inadequate to meet the public wants. The right is also reserved to the Governor in Council to modify the maximum tariff should it be deemed expedient in the public interest to do so, and the Governor in Council may declare the lease forfeited and void whenever it shall be satisfactorily shewn that the Lessee fails to comply with the conditions thereof.

Tenth.

The Lessee of the Ferry shall at all times during the continuance of the lease carry over and across the Ferry without fee, toll or reward, all mail matter, militiamen, soldiers or sailors when provided with proper passports or under the charge of their proper officer or officers, and it shall be lawful for the said Lessee to commute the rate of passenger fees.

Eleventh.

A notice of the rates of Fares and Tolls to be charged for Ferriage shall be put in a conspicuous place near the Ferry landing on both sides, and also on board the Steam Ferry Boat employed.

Vide Canada Gazette, Vol 11, p. 1185.

Interior.

GOVERNMENT HOUSE, OTTAWA,

Monday, 30th day of July, 1877.

Present :

HIS HONOR THE DEPUTY OF THE GOVERNOR IN COUNCIL.

ON the recommendation of the Honorable the Minister of the Interior, and under the provisions of the Act passed in the Session of the Parliament of Canada, held in the 39th year of Her Majesty's Reign, chaptered 18, and known as "The Indian Act, 1876,"—His Honor, 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 amended tariff of dues chargeable on timber cut under license on Indian lands be and the same is hereby approved and adopted.

Interior.

TARIFF of Dues chargeable on Indian timber cut under license :

1. Oak and Black Walnut, square timber, per 1,000 cubic feet.....	\$30 00
2. do do saw-logs, per 1,000 feet board measure	4 00
3. Tamarac, Elm, Beech, Ash, Maple and Hickory, square timber, per 1,000 cubic feet.....	16 66
4. Tamarac, Elm, Beech, Ash, Maple and Hickory, saw-logs, per 1,000 feet board measure.....	2 00
5. Red and White Pine, Cedar, Birch, Basswood and Boom Tim- ber, per 1,000 cubic feet.....	15 00
6. Red and White Pine, Cedar, Birch, Basswood and Boom Tim- ber, saw-logs, per 1,000 feet board measure.....	1 00
7. Hemlock, Spruce or other wood, per 1,000 cubic feet.....	10 00
8. do do saw-logs, per 1,000 feet board measure.....	0 80
9. Pipe Staves, per 1,000 standard.....	15 00
10. West India Staves, do	5 00
11. Railway Ties, Tamarac, Cedar or Pine, per hundred.....	2 00
12. Telegraph Poles, per hundred.....	8 00
13. Cedar Pickets, do	2 00
14. Tamarac Knees, lineal measurement, per 1,000 feet.....	12 00
15. Shingle Bolts, per cord.....	0 60
16. Shingle Bolts, per cord, in advantageous localities.....	0 75
17. Cordwood, hard, per cord.....	0 30
18. do in advantageous localities.....	0 40
19. do soft, per cord.....	0 20
20. do do in advantageous localities.....	0 25
21. Hop-poles, per hundred.....	0 50
22. Hop-poles, Hickory or Ash, per hundred	0 25
23. do Soft Maple, per hundred.....	0 12½

W. A. HIMSWORTH,

Clerk, Privy Council.

GOVERNMENT HOUSE, OTTAWA,

Monday, 12th day of November, 1877.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of the Interior, and under the provisions of the 45th section of the Indian Act of 1876, His Excellency the Governor General in Council has been pleased to make, and does hereby make, the following regulation in regard to the reservation of Pine trees on Indian lands :

Interior, &c.

All Pine trees being or growing upon any Indian land hereafter sold, and at the time of such sale, or previously, included in any timber license, shall be considered as reserved from such sale; and such land shall be subject to any timber license covering the same which may be in force at the time of such sale, or may be granted within three years from the date of such sale; and all pine trees of larger growth than twelve inches diameter at the butt may be cut and removed from such land under a timber license lawfully in force; but the purchaser of the land, or those claiming under the purchaser, may cut and use such trees as may be necessary for the purposes of building, fencing and fuel on the land so purchased; and may also cut and dispose of (but the latter only under a settler's license, duly obtained from the local Indian Superintendent or Agent) all trees required to be removed in actually clearing the land for cultivation; but no pine trees except for necessary building, fencing and fuel, as aforesaid, shall be cut beyond the limit of such actual clearing before the issue of the patent for such land; and pine trees so cut and disposed of, except for said necessary building, fencing and fuel, as aforesaid, shall be subject to the payment of regular dues, and fifty per cent. added thereto for trespass fine.

All trees on the land when the patent issues to become the property of the patentee.

W. A. HIMSWORTH,
Clerk, Privy Council.

Justice.

By Proclamation of the 7th day of July, 1877, the "Act to establish a Court of Maritime Jurisdiction in the Province of Ontario" was declared to come into force from the 9th July, 1877, in so far as relates to the appointment of Judge, Surrogate Judges and officers, and the making of rules and tariffs.

Vide Canada Gazette, Vol 11, p. 1.

And, by Proclamation of the 7th day of February, 1878, the remaining portion of that Act was ordered to come into force on the 18th day of February, 1878.

Vide Canada Gazette, Vol. 11, p. 785.

Fisheries.

Fisheries.

By Order in Council of the 22nd May, 1877, His Excellency, by and with the consent of the Queen's Privy Council for Canada, ordered that the River Escoumains and its tributaries in the County of Saguenay, be set apart for the artificial propagation of fish.

Vide Canada Gazette, Vol. 10, p. 1541.

By an Order in Council of the 26th day of May, 1877, His Excellency by and with the advice of the Queen's Privy Council for Canada, ordered, that the Fishery Regulation adopted by the Governor General in Council on the 19th May 1876, relating to the Lobster Fishery, be rescinded and that the following be substituted therefor:—

“In the Provinces of Nova Scotia, Prince Edward Island and that part of the Province of New Brunswick comprising the Counties of Charlotte, St. John and Albert, no person shall fish for, catch, kill, buy, sell or possess any Lobsters from the 1st to the 31st day of August in each year.

“And in that part of the Province of New Brunswick comprising the Counties of Westmoreland, Kent, Northumberland, Gloucester and Restigouche, together with the Province of Quebec, no person shall fish for, catch, kill, buy, sell or possess any Lobsters from the 20th day of August to the 15th day of September in each year.”

Vide Canada Gazette, Vol 10, p 1577.

By Order in Council of the 26th day of July, 1877, His Excellency, by and with the advice of the Queen's Privy Council for Canada, ordered that the following Fishery Regulation be and the same was made and adopted:

“The use of Seines for the purpose of catching Smelts is prohibited in the Dominion of Canada.”

Vide Canada Gazette, Vol. 11, p. 119.

By Order in Council of the 26th day of July, 1877, His Excellency, by and with the consent of the Queen's Privy Council for Canada, ordered that the following Fishery Regulation be and the same was made and adopted:

“In the Province of New Brunswick, Smelts shall not be fished for, caught or killed, by means of any kind of bag-nets having meshes of a less size than one inch and a quarter extension measure.”

Vide Canada Gazette, Vol. 11, p. 119.

By Order in Council of the 27th day of August, 1877, His Honor, the Deputy of the Governor General, by and with the advice of the Queen's Privy Council for Canada, ordered, that the Order in Council of 22nd September, 1874, setting apart the upper waters of the River Restigouche, in the Province of New Brunswick, for the natural and artificial propagation

Fisheries.

of fish, be and the same was thereby rescinded, and the following Fishery Regulation was substituted in lieu thereof:—

“The upper waters of the River Restigouche, from the River Tom Kedgwick to its source in the Counties of Restigouche and Victoria, in the Province of New Brunswick, are hereby set apart for the natural and artificial propagation of fish.”

Vide Canada Gazette, Vol. 11, p. 248.

By Order in Council of the 8th day of October, 1877, His Excellency, by and with the advice of the Queen's Privy Council for Canada, ordered, that the Fishery Regulation adopted by the Governor General in Council on the 18th September, 1876, fixing a close season for Speckled Trout in the Provinces of Ontario and Quebec, be cancelled, and the following Regulation substituted therefor, viz.:—

“No person shall fish for, catch, kill, buy, sell or have in possession any Speckled Trout (*Salmo Fontinalis*) between the fifteenth day of September and the first May, in the Province of Ontario, and between the first day of October and the thirty-first day of December, in each year, in the Province of Quebec.”

Vide Canada Gazette, Vol. 11, p. 385.

By Order in Council of the 21st day of December, 1877, His Excellency, by and with the advice of the Queen's Privy Council for Canada, ordered, that the following Resolution be, and the same was, adopted:—

“The use of Smelts for manure is prohibited in the Dominion of Canada.”

Vide Canada Gazette, Vol. 11, p. 620.

By Order in Council of the 12th February, 1878, His Honor, the Deputy Governor ordered, that the Fishery Regulations fixing a close time for Pickerel and Maskinonge in the Province of Ontario, adopted by the Governor General in Council on the 3rd of April, 1875, be, and the same was, suspended, in so far as it applied to Detroit and St. Clair Rivers in that Province.

Vide Canada Gazette, Vol. 11, p. 796.

By Order in Council of the 20th March, 1878, His Excellency, by and with the advice of the Queen's Privy Council for Canada, ordered that the following additional Fishery Regulations, for the County of Lunenburg, in the Province of Nova Scotia, under the Fisheries' Act, be adopted:—

“*Martin's River.*

“No nets of any description shall be set nearer the mouth of Martin's River than George Eisenhaur's wharf on the west side, and Henry Langill's wharf, on the east side of said River.

Fisheries.

“No fish shall be taken with dip-nets or other apparatus, from Friday morning at sunrise until Monday morning at sunrise in each week. No fish shall be taken at any time in the stream leading round Langill’s mill-dam; and from Langill’s mill-dam to Martin’s River Lake, no fish shall be taken between Thursday morning at sunrise and Monday morning at sunrise in each week.

“*Middle River.*”

“From Eisenhour’s wharf to Rolling Dam, and from said Dam to Chester Grant Lake, no fish shall be taken in any manner whatever between Friday morning at sunrise and Monday morning at sunrise in each week; no fish shall be taken at any time within thirty yards of the Fish-pass at said Rolling Dam; and in Middle River Branch, no fish shall be taken from Thursday morning at sunrise until Monday morning at sunrise in each week.”

Vide Canada Gazette, Vol. 11, p. 949.

By Order in Council of the 20th March, 1878, His Excellency, by and with the advice of the Queen’s Privy Council for Canada, ordered that the waters of the Ottawa River from opposite to the River Blanche, in the Township of Lochaber, to and opposite the River du Lièvre, in the Township of Buckingham, in the Province of Quebec, together with the waters of Campbell’s Bay and Fish Bay and their Tributaries in the Townships of Lochaber and Buckingham, be, and they were set apart for the natural and artificial propagation of fish.

Vide Canada Gazette, Vol. 11, p. 949.

By Order in Council of the 20th March, 1878, His Excellency, by and with the advice of the Queen’s Privy Council for Canada, ordered that the following Fishing Regulation, under the Fisheries Act, be adopted:—

“Fishing by means of seines or nets of any description is hereby prohibited in that part of the Niagara River extending from the Falls to the old Fort of Fort Erie, in the Province of Ontario.”

Vide Canada Gazette, Vol. 11, p. 949.

His Excellency, by Order in Council of the 29th April, 1878, by and with the advice of the Queen’s Privy Council for Canada, ordered, that the Fishery Regulation adopted by the Governor General in Council on the 30th June, 1869, relative to salmon fishing, be rescinded, and the following regulation be and the same was substituted therefor, viz:—

“Sub-section fourteen of the thirteenth section of the Fisheries Act, shall, as affects the deep-sea and coast fisheries in tidal waters apply only to salmon and the salmon fishery with nets and other apparatus within a distance of three miles on either side of the mouth of any river or harbour frequented by salmon.”

Vide Canada Gazette, Vol. 11, p. 1118.

Fisheries, &c.

By Order in Council of the 30th day of May, 1878. His Excellency, by and with the advice of the Queen's Privy Council for Canada, ordered that the following Salmon Fishery Regulations for the Province of British Columbia be and the same were made and adopted :—

“ 1. Drifting with Salmon nets shall be confined to tidal waters ; and no Salmon net of any kind shall be used for Salmon in fresh waters.

“ 2. Drift nets for Salmon shall not be so fished as to obstruct more than one-third of the width of any river.

“ Fishing for salmon shall be discontinued from eight o'clock A.M. on Saturdays to midnight on Sundays.”

Vide Canada Gazette, Vol. 11, p. 1258.

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RULES AND REGULATIONS for the Government of the Wharf and Commercial Docks at Goderich Harbour, with Tariff of Tolls and Dues leviable thereat, in accordance with the Provisions of Act 40 Vict., Chap. 17. Approved by His Excellency in Council, 23rd May, 1877.

1st. That no waggon or other vehicle shall drive along the docks or across the same unless for the purpose of loading or unloading vessels.

2nd. That no lumber, lath, salt or other material shall be piled in or near the snubbing posts in such a manner that a vessel cannot be made fast.

3rd. That masters of vessels or other persons in charge of vessels or rafts shall make a faithful report of the cargo as to quantity and description, to the Wharfinger, at his office, and any master or person in charge of any vessel or raft neglecting to so report and pay the tolls and dues (except by permission of the Wharfinger) shall be liable to have the vessel or raft of which he may be in charge, or of which he is master, seized and detained then or at any future time until such tolls and dues are paid both on cargo and vessel, and the master, owner or person shall also be liable to the penalty provided by law.

4th. That any master or person in charge of any vessel or raft making a false report of cargo shall be liable to fine and imprisonment for each and every false report, and the vessel or raft shall be liable to detention then or at any future time until such dues are paid and satisfied, and if any master or person in charge of any vessel neglects to report her cargo, such vessel or the owner thereof shall be liable for the tolls on such cargo at any future time, and the master thereof shall be liable to fine or imprisonment. The master or person in charge of any vessel or raft shall report and pay the tolls to the Wharfinger at his office.

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5th. That no person shall remove any goods, chattels, merchandise or material of any description from the wharf and docks on which the tolls and dues have not been paid, without the permission of the Wharfinger.

6th. That no person shall throw overboard or discharge any ballast, refuse or rubbish of any description into the docks or upon the wharf.

7th. That all lumber, shingles, lath, salt or any goods or merchandise or material of any kind whatsoever, having been landed, piled or placed on the harbour property for shipment shall be liable to Harbour Tolls whether afterwards shipped or not; the fact of one having been landed, piled or placed on any part of the harbour property shall be presumptive evidence that the owner intended to ship it, and said lumber, timber, salt, &c., shall in consequence be liable to pay the usual tolls, although afterwards removed by teams or otherwise, and shall likewise be liable to all the previous conditions as to removal and ground rent and sale as hereinafter provided.

8th. That no person shall ride or drive a horse or horses faster than at a walk on the wharf or harbour quay.

9th. That no lumber, timber, shingles, lath, pickets, ties, cedar posts or poles, cordwood, stone, plaster-stone, coal, salt or other goods or materials of whatsoever nature or kind shall be landed or placed in or upon any of the wharves, piers and lands of the harbour, unless by permission of the Wharfinger, and then only on such portions of the harbour property as may be allotted to them for the time being, and shall be so landed and placed in such a manner as the Wharfinger may direct; and goods, merchandise, lumber, salt or other material landed or placed on the harbour property shall be shipped or removed within forty-eight hours, and in default of so shipping or removing said goods, lumber, salt or other material it may be removed at the direction of the Wharfinger, and the expense of such removal shall be a lien upon such property so removed; it shall also pay a rental of not more than one dollar for every succeeding forty-eight hours for each and every twelve feet square of the harbour property occupied by said goods, lumber, salt or other material; provided that in case the owner or agent of said goods, lumber, salt or other material, refuses or neglects to ship or remove the same from the harbour property after the expiration of one month, it shall be lawful to sell and dispose of the same by public auction to defray the expenses to pay the ground rent as above,— eight days' notice of such sale to be given by posting hand-bills announcing it in the usual manner.

10th. That no person shall obstruct the Wharfinger in the performance of his duties.

11th. That the tolls and dues specified in the accompanying schedule shall be and they are hereby imposed and authorized to be levied and collected by the Wharfinger on the several articles enumerated in said schedule entering the Port of Goderich.

(For Schedule see Order in Council, of 18th October, 1877, post.)

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RULES AND REGULATIONS for the Government of the Port of Goderich, in the Province of Ontario, to which the Acts 37 Vict. Chap. 34, and 38 Vict., Chap. 30, apply, and for the government of the office of Harbour Master for the said Port.

Rule I.—It shall be the duty of the Harbour Master of the Port of Goderich in person, or by deputy duly authorized, to go on board of every ship or vessel of the burthen of twenty tons (registered tonnage) and upwards, which shall arrive within the said Port, within twelve hours after the arrival of such ship or vessel, to see that she is moored only in such a manner or position as shall be assigned to her by the following Regulations. And it shall be lawful for such Harbour Master to ask, demand and receive, as a compensation for his services (vessels belonging to or employed by Her Majesty and the Government of the Dominion of Canada, and ships engaged in trading between Ports and places in the Dominion or in the Fishing trade excepted) according to the following scale, and under the restrictions mentioned in the above named Acts:—

SCALE OF FEES.

For every ship of fifty tons register or under, fifty cents.

For every ship over fifty tons and not over one hundred tons register, one dollar.

For every ship over one hundred tons and not over two hundred tons register, one dollar and fifty cents.

For every ship over two hundred tons and not over three hundred tons register, two dollars.

For every ship over three hundred tons and not over four hundred tons register, two dollars and fifty cents.

For every ship over four hundred tons and not over five hundred tons register, three dollars.

For every ship over five hundred tons and not over seven hundred tons, four dollars.

For every ship over seven hundred tons register, five dollars.

2nd. In case of any dispute arising between masters, owners or other persons engaged in hauling ships or vessels in or out of any of the docks or wharves, it shall be the duty of the Harbour Master, if called upon, to give such directions as he may think fit in respect to the same; and all masters, pilots or other persons having the charge or command of any ships or vessels shall comply with the directions of the Harbour Master or his Deputy, in these respects, under the penalty of twenty dollars for each and every neglect or refusal so to do.

3rd. That all vessels or rafts in the harbour of the Port of Goderich, shall take their berth in such part of the harbour as the Harbour Master or his Deputy may direct, and the master or other person in charge shall load or unload his vessel at such part of the harbour, and in such manner as the Harbour Master or his Deputy may direct; and the master or other person in charge of any vessel or raft shall cause the same to be removed whenever the Harbour Master or his Deputy shall deem it necessary so to do to any other station or berth within the Harbour; and in the event of no person

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being found in charge of any vessel or raft, or the person in charge refusing or neglecting to remove the same when directed so to do, then the Harbour Master or his Deputy may remove such vessel or raft to any station or berth within the harbour as in his opinion shall best promote the interests of those doing business in or about the harbour, and the expense of such removal shall be a lien against the vessel or raft so removed; and such vessel or raft may be detained by the Harbour Master or his Deputy until all expenses incurred by such removal are paid and fully satisfied; and should it be necessary for vessels or floats to lie alongside of or moor or make fast to each other, it shall be lawful for the officers and crew of the outside vessel or float, and others having business with them, to work over the deck of the inside vessel or vessels in the loading or unloading thereof without obstruction or interference from the officers or crew of such inside vessel or vessels, provided the inside vessel or vessels shall not be injured or obstructed thereby.

4th. Any person or persons who may moor or fasten to or in any manner injure, alter or change any of the public buoys, shall, on conviction, pay a penalty of twenty dollars, besides being held liable for any damage sustained.

5th. That the master or person in charge of a schooner, square-rigged vessel, scow or steamer lying in the harbour or at any of the piers, shall top up its lower yards or brace them fore and aft,—also rig in their jib-booms, davits, bowsprits and anchors; and all masters or persons in charge of vessels or rafts shall elevate and exhibit a bright white light on a pole on the raft and in the rigging of the vessel from sunset until sunrise, or in such other manner as the Harbour Master may direct; and any person or persons violating any of the provisions of this rule shall be liable to a fine as hereinafter provided, and accountable for any damage done to other vessels in consequence of neglecting to comply with the regulations of this section, and any damage he or they may sustain themselves in consequence of his or their own neglect of such regulation shall be at his or their own cost.

6th. That any master or persons in charge of any vessel or raft having a fire on board during the day shall have a watch kept during the night, and in default of such watch being kept or if the watchman be found asleep, the master, owner or person in charge of such vessel or raft shall be liable to a fine as provided by Rule XII hereof.

7th. All ships or vessels loading or discharging in the harbour, coals, ballast and such like materials, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling into the harbour, under the penalty of twenty dollars for each and every offence, to be paid by the owner, master or person in charge of such ship or vessel.

8th. No ballast, stone, gravel, earth or rubbish of any kind, shall be unladen, cast or emptied out of, or thrown overboard, from any ship or vessel whatever in the harbour, or at the entrance thereof (except in the places set apart for that purpose by the Harbour Master and under his direction), under the penalty of fifty dollars for each and every offence, to be paid by the owner, master or other person having the charge of any such ship or vessel.

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9th. In places set apart by the Harbour Master for the deposit of ballast, etc., it is hereby required that no ballast, stone, gravel, earth, or rubbish of any kind shall be unladen, discharged, deposited, thrown or laid before sunrise or after sunset, under a penalty of forty dollars for each and every offence.

10th. No ballast, stone, gravel, earth, or rubbish of any kind shall be unladen, discharged, deposited, thrown or laid, either from any vessel, boat, scow or other such craft, or in any other manner, or by any person, from any part of the beach or shore into any part of the harbour or upon the beach and shore thereof, either below low water mark, or between high and low water mark under the penalty of forty dollars for each and every offence, to be paid by the owner or owners, master or person having charge of any vessel, boat or scow, or other craft from which such matter as aforesaid shall have been discharged, or by any other person or persons violating this law.

11th. Any person or persons who shall or may hinder, oppose, molest or obstruct the Harbour Master, his Deputy or any of his assistants in the discharge of his or their duty, shall, on conviction, pay a penalty of forty dollars for each and every offence.

12th. The penalty for violation of, or not conforming to the provisions of the Law, and for disobeying the lawful orders or directions of the Harbour Master or his Deputy in respect to any provision for which no penalty is hereinbefore prescribed, shall be twenty dollars to be imposed upon the owner or person in charge of the ship or vessel not conforming to the particular requirements.

PRIVY COUNCIL CHAMBER,
OTTAWA, 23rd May, 1877.

I certify that the foregoing Rules and Regulations for the government of the Port of Goderich were submitted to and approved by His Excellency the Governor General in Council, on the 22nd day of May instant.

W. A. HIMSWORTH,
Clerk, Privy Council.

By Order in Council of the 23rd May, 1877, the Order in Council of the 13th February, 1875, by which the rate of duty required under the provisions of the 32nd Section of the Act 31 Vict., chap. 65, to be paid by the owner or master of every steamboat in the Dominion of Canada was fixed at seven cents for every ton which such steamboat measures, instead of ten cents, the former rate, was amended and the rate or duty referred to was further reduced to four cents per ton from the 1st July next,—such duty to be paid once in every calendar year, and to be in addition to the inspection fee imposed on the owner or master of such steamboat by the Act alluded to.

Vide Canada Gazette, Vol. 10, p. 1674.

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By a Proclamation, bearing date the 23rd day of May, 1877, His Excellency proclaimed and declared that the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island" and the Acts amending the same, should thenceforth apply to the Port of Paspebiac, in the Province of Quebec.

Vide Canada Gazette, Vol. 10, p. 1568.

BY-LAWS of the Commissioners of Pilots for Halifax, approved by His Excellency the Governor General in Council, on the 24th May, 1877; adopted by the Commissioners on the 11th day of May, 1877:—

All vessels propelled by steam employed in trading between the Port of Halifax and any other Port or Ports in the Dominion of Canada, or any Ports of the United States of America on the Atlantic, north of and including the Port of New York, shall pay one-half the tariff rates, if spoken by a Pilot and his services are not accepted; but any such vessel taking a Pilot voluntarily shall pay full tariff rates. All such steamships shall pay one-half outward pilotage if the services of a Pilot are not required; but if the services of a Pilot are accepted, she shall pay full tariff rates.

All vessels registered in the Dominion of Canada not over 120 tons registered tonnage, engaged in trading or fishing voyages within Ports in the Dominion of Canada, Newfoundland and St. Pierre Miquelon, to be exempted from compulsory pilotage.

That said By-Laws be numbered 25 and 26 of the By-Laws, Rules and Regulations confirmed by Orders in Council of the 25th June and 28th September, 1875. And that instead of By-Law No 24 of said By-Laws, Rules and Regulations, the following be substituted:—

"24 All vessels laden with coal from coal ports in the Province of Nova Scotia, being over 120 tons and under 250 tons registered tonnage, shall pay one-half the tariff rates inwards if spoken by a Pilot, and his services are not accepted; but any such vessel taking a Pilot voluntarily shall pay full tariff rates, such vessel to be exempted from compulsory pilotage outwards," as adopted by the said Commissioners of Pilots on the 11th day of May instant.

Vide Canada Gazette, Vol. 10, p. 1541.

RULES AND REGULATIONS passed on the 18th May, 1877, by the Pilotage Authority for the Pilotage District of Pictou, N.S., and approved by His Excellency in Council, 26th May, 1877, to be added to the Rules and Regulations for that District approved by Orders in Council of the 11th May, 1874, and 14th June, 1875.

Vessels bound in and spoken to by a Pilot shall pay half pilotage if his services are not required.

Vessels bound out and not requiring the services of a Pilot shall pay half pilotage to the Pilotage Authority.

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All Steamers bound in or out shall pay the same rates as sailing vessels.

Vessels making the harbours shall be free from compulsory pilotage inside an imaginary line drawn from Cole's Point to Mackenzie's Head.

The Pilotage Authority may remit compulsory pilotage dues to steamers carrying Her Majesty's mails, in whole or in part, as to them may see fit.

Vide Canada Gazette, Vol. 10, p. 1572.

By Order in Council of the 8th day of June, 1877, a Pilotage District was formed for a portion of Prince's County, Prince Edward Island, such District to extend from Cape Egmont to Lennox Island, in Richmond Bay, and to embrace the Ports and Harbours along the coast line of that District, and the payment of pilotage dues was made compulsory within the limits of the said District.

Vide Canada Gazette, Vol. 10, p. 1613.

BY-LAWS of the Quebec Harbour Commission passed at a meeting held on the 22nd day of May, 1877, and approved by His Excellency in Council on the 9th June, 1877:—

1st. The By-Law of this Corporation, passed on the seventeenth day of June, and sanctioned by His Excellency the Governor General on the twenty-eighth of June, one thousand eight hundred and sixty-two; the second, third and ninth paragraphs or enactments of the by-laws of this Corporation, passed on the twentieth day of November, in the year of Our Lord one thousand eight hundred and seventy-three, and sanctioned by His Excellency the Governor General in Council on the twenty-third day of February, in the year of Our Lord one thousand eight hundred and seventy-four, to levy tolls, rates, duties and dues upon vessels and articles therein mentioned; and also the second, third and fourth paragraphs or enactments of the by-law of the Corporation, passed on the second day of August, and sanctioned by His Honor the Deputy of the Governor General in Council on the twenty-fifth day of August, one thousand eight hundred and seventy-six, respecting the discharging of ballast within certain prescribed limits in the Harbour of Quebec, are, and each of them is hereby repealed.

2nd. Every towboat and steamer of twenty-five tons register, or under, plying in or to the Harbour of Quebec, shall pay for the season the sum of fifteen dollars.

3rd. Every towboat and steamer over twenty-five tons register, plying in or to the Harbour of Quebec, shall pay for the season an additional ten cents over and above the said sum of fifteen dollars for each additional ton register over the said twenty-five tons.

4th. All goods, wares and merchandise including timber, lumber and goods of every kind imported into or exported from the Port of Quebec by sea, to or from any place out of the Province of Quebec, and such goods,

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wares and merchandise imported into or exported from the said Port of Quebec to or from the United States, or, by transit, from any other country through the United States, whether by sea or otherwise, shall pay at a rate of one-tenth of one per cent. on the invoice value thereof.

5th. All vessels entering and loading in the Harbour of Quebec shall discharge their ballast at any wharf or wharves within the limits of the harbour as shall be indicated in writing under the seal of the corporation of the said Quebec Harbour Commissioners and the signature of the secretary thereof, to the master or person in charge of the said vessel before the commencement of such discharging, provided that at the place so indicated there be sufficient depth of water and the proper mooring accommodation for such vessel to lie in safety, and provided also, and it is hereby enacted, that the whole or any portion of said ballast shall be discharged into any vessel or craft as shall be directed in the same manner under the seal and signature of the secretary of the said corporation, and sent to receive the same alongside of such vessel having ballast to discharge, provided that such craft shall be sent within six hours from the time of its mooring.

6th. Any master or person in charge of any ship or vessel as aforesaid who shall refuse or neglect to obey this last mentioned paragraph or enactment shall, for every such refusal or neglect to obey the same, incur a penalty not exceeding one hundred dollars or sixty days' imprisonment.

7th. Any person who had charge of any ship or vessel as aforesaid and who had been duly required to bring, or cause to be brought, any such ship or vessel to a proper berth for the purpose of discharging her ballast under the provisions contained in the aforesaid fifth paragraph or enactment, who shall fail or neglect to bring or to cause to be brought such ship or vessel to a proper berth as aforesaid, shall for every such refusal or neglect incur a penalty not exceeding one hundred dollars or sixty days' imprisonment.

8th. The following shall be the limits of the ballast grounds within which ships or vessels may discharge ballast into the River St. Lawrence, within the Harbour of Quebec, that is to say: that part of the River St. Lawrence which lies between the River Etchemin, and a line formed by a Beacon on the hill in the rear of Diamond Harbour and the centre of the Martello Tower above it, and a line drawn from the west side of the mouth of the River Cap Rouge to the west side of the mouth of the River Chaudière, and for ships and vessels only that are about to load at Gilmour's Cove or Indian Cove, that other portion of the River St. Lawrence between St. Martin's Point and the west end of Beaumont Shoals, but no ballast shall be discharged in any place within the Harbour of Quebec where there is not at least fifteen fathoms of water at low water in neap tides on the north shore or ten fathoms on the south shore of the said River St. Lawrence.

9th. Any master or person in charge of any ship or vessel, or the master or person in charge of any craft, or any other person whatsoever, who shall throw or cause to be thrown any ballast into the River St. Lawrence, within the Harbour of Quebec, in any place without the foregoing described limits, and any person who had charge of any such ship or vessel

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and who had been duly required to bring, or cause to be brought any such ship or vessel to a proper berth as hereinbefore prescribed for the purpose of discharging ballast, and who failed or neglected to do so, shall incur for every such offence a penalty not exceeding one hundred dollars or sixty days imprisonment, unless such master or other person was requested to discharge ballast in the manner provided for in the fifth paragraph or enactment of the present by law.

10th. Every vessel coming from or trading to parts outside of the Dominion of Canada, which shall discharge ballast in the Harbour of Quebec, shall from this day forth, pay a tonnage duty of five cents for every ton measurement of such vessel.

11th. Every vessel coming from or trading to parts outside of the Dominion of Canada, which shall discharge its cargo in the Harbour of Quebec shall, from this day forth, pay a tonnage duty of five cents for every ton measurement of such vessel.

12th. Every vessel coming from or trading to parts outside of the Dominion of Canada, which shall load in the Harbour of Quebec, shall, from this day forth, pay a tonnage duty of five cents for every ton measurement of such vessel.

13th. Every vessel coming from or trading to parts outside of the Dominion of Canada, which shall discharge a portion of its cargo in the Harbour of Quebec but not the whole thereof in the Port of Quebec, shall, from this day forth, pay a tonnage duty of five cents per ton measurement of such vessel, proportionately to the ratio which the portion of the cargo so discharged in the Harbour of Quebec shall bear to the entire quantity of the said cargo, and no more.

14th. Every vessel coming from or trading to parts outside of the Dominion of Canada, which shall load a portion of its cargo in the Harbour of Quebec, but not the whole thereof in the Port of Quebec, shall, from this day forth, pay a tonnage duty of five cents per ton measurement of such vessel proportionately to the ratio which the portion of the cargo so taken on board in the Harbour of Quebec shall bear to the entire quantity of such cargo, and no more.

15th. That the said tonnage duty shall be paid by each and every such vessel subject to the payment thereof, when and so soon as it shall have discharged its cargo or intended portion of either, or both, or shall have taken in its cargo, or intended portion thereof, in the said Port of Quebec.

16th. Nothing in these By-Laws contained, shall be so construed as to subject any vessel which shall discharge cargo or ballast, or load, either in whole or in part, or which shall both discharge and load, in the said Port of Quebec, to pay a greater sum for tonnage duty than that for which such vessel would be liable, at the rate of five cents for every ton measurement of such vessel.

Vide Canada Gazette, Vol. 10, p. 1641.

By Order in Council of the 9th day of June, 1877,—His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, ordered, that a Pilotage District be formed for the Port of Sum-

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merside, in the Province of Prince Edward Island, the said District to embrace the waters of the Northumberland Straits extending from Egmont Cape to Paul's Bluff, both in Prince County, in said Province, and that the payment of pilotage dues should be compulsory within the limits of the said District.

Vide Canada Gazette, Vol. 10, p. 1644.

RULES AND REGULATIONS for the Government of Pilots for the Pilotage District in Pugwash, in the County of Cumberland, in the Province of Nova Scotia, made by the Pilotage Authority under the Act 36 Vict., Chap. 54, on the 19th February, 1877, and approved by His Excellency in Council on the 15th June, 1877.

ALL Rules and Regulations heretofore made by any Pilotage Authority for the Pilotage District of Pugwash, are hereby repealed.

1st. No person shall be licensed as a Pilot under twenty-one years of age, nor unless he shall reside within the said Pilotage District, and shall on examination be found in every respect well qualified to discharge all the duties of a Pilot.

2nd. Every licensed Pilot at the time of receiving his license, shall pay the fee of five dollars (\$5.00) for the same, and shall give a bond to the Pilotage Authority for the compliance with the harbour and pilot regulations and the faithful performance of his duty as a Pilot, himself in the sum of sixty dollars (\$60.00) and two sureties in the sum of thirty dollars each, such bonds, if the Pilotage Authority require it, to be renewed every year, during the Pilot's continuance in office. And shall pay one dollar for his bond and one dollar for every renewal thereof.

3rd. Every Master or Mate shall pay for his license the yearly sum of ten dollars on receipt of his certificate or renewal thereof.

4th. Licensed Pilots to be entitled to and receive the amount of pilotage dues, &c., earned by each individually, 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, of the said vessel, the Pilotage Authority direct otherwise.

5th. On proof on oath to the satisfaction of the Pilotage Authority that any Pilot licensed by them, has been guilty of improper conduct, drunkenness, or wilful neglect of duty, or that he is incapacitated by age, or mental or bodily infirmity, or shall engage as stevedore of any vessel, said Pilot shall be suspended or deprived of his license, at the discretion of the Pilotage Authority.

6th. Every licensed Pilot shall report to the Secretary of the Pilotage Authority, all vessels spoken by him which have refused to accept his services, and shall also report 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, when any

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of the buoys are not in their places, or any of the lighthouses not lighted at the proper time. Which report shall be made as above, immediately after his arrival or as soon as office hours will permit.

7th. Every licensed Pilot, before boarding any vessel shall enquire if any infectious or contagious disease be on board, or if she be from any port or place making her liable to quarantine laws, or be an emigrant vessel; in either of such cases he shall not go on board, but his boat shall be towed astern, and he shall cause the national flag to be hoisted at the main, and shall bring her to anchor at the usual place appointed for riding quarantine, and shall not suffer any person to board or leave the vessel until she be visited by the health officer, nor then without his permission under a penalty not exceeding thirty dollars.

8th. Every licensed Pilot shall receive a copy of these Regulations from the Secretary on payment of fifty cents, and on taking charge of any inward-bound vessel, shall exhibit them and his branch to the master.

9th. Any licensed Pilot offering his services to any inward bound vessel, liable to pay pilotage, on being refused employment, shall be entitled to demand and receive legal pilotage, provided that no other licensed Pilot shall have so offered his services and demanded payment therefor.

10th. Any questions or disputes arising between Pilots, masters of vessels, and others respecting pilotage, or for any extra remuneration, and all other questions and disputes between them, 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, in which the subject matter does not exceed the sum of forty dollars (\$40.00) 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 any unnecessary trouble, annoyance or detention to masters of vessels, shall for every offence be liable to a penalty not exceeding twenty dollars (\$20.00), and also to suspension or dismissal at the discretion of the Commissioners.

11th. The rates of Pilotage dues at the ports of Pugwash and Port Philip, in the District of Pugwash, shall be as follows:—

Vessels of 80 tons and under 140 tons,	\$6.00	inwards and	\$5.00	outwards.
“ 140 “ “ 230 “	8.00	“	7.00	“
“ 230 “ “ 300 “	10.00	“	9.00	“
“ 300 “ “ 400 “	14.00	“	12.00	“
“ 400 “ “ 500 “	16.00	“	14.00	“
“ 500 “ “ 600 “	17.00	“	15.00	“
“ 600 “ “ 700 “	18.00	“	16.00	“
Vessels of 700 tons and upwards,	3 cents	per ton	inward.	
“ “ “ “	2 “	“	outward.	

On all vessels under 80 tons 5 cents per ton inward. On all vessels under 8 tons 4 cents per ton outwards.

All steamers employing licensed Pilots to be rated at net tonnage.

12th. All vessels requiring the services of Pilots in going through the draw-bridges of Pugwash or Port Philip Harbours and going one and a half

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miles up either rivers beyond said draw-bridges, shall pay in addition two and a half cents per ton each way.

13th. All pilotage dues, whether earned and collected by the Pilots or otherwise received by the Commissioners, may be paid to the Chairman of their Board, who shall pay the same over to the Pilot earning such dues, and shall keep a book for the entry of all sums received and paid.

14th. The Pilot limits for the District of Pugwash shall extend from Cape Cliff on the East to Lewis Head on the West, thence running North-West until it strikes the Province division line in the waters between Nova Scotia and New Brunswick, to embrace all the navigable waters, harbours, bays and rivers in the said District.

Vide Canada Gazette, Vol. 10, p. 1642.

By Order in Council of the 15th June, 1877,---His Excellency, by and with the advice of the Queen's Privy Council of Canada, constituted and established the County of Pictou, in the Province of Nova Scotia, a District for all the purposes of the "Act respecting Wreck and Salvage," and the said District is hereby constituted and established accordingly.

Vide Canada Gazette, Vol. 10, p. 1644.

At a meeting of the Pilotage Commissioners for the District of Restigouche, held the 31st day of May, 1877,—

It was resolved that such parts of sections six and ten of the By-laws as relate to the tonnage of Pilot boats be suspended for the year 1877, and no longer.

Approved 25th June, 1877.

Vide Canada Gazette, Vol. 10, p. 1700.

At a meeting of the Pilotage Authority for the Pilotage District of British Columbia, held at Victoria on the 14th day of April, A.D. 1877, the following amendments to the By-laws respecting Pilotage for the said District, approved by His Excellency the Governor General in Council, on the 19th February, 1877, were adopted, and approved by His Excellency in Council on the 9th July, 1877.

I. That the following two clauses be added to By-law No. 11.

"That the limits for speaking vessels bound into Victoria and Esquimalt Harbours, shall be at or outside a line drawn from Clover Point (skirting Blotchy Ledge Buoy) to a point in Royal Bay, bearing W. by S. $\frac{1}{2}$ S. and E. by N. $\frac{1}{2}$ N."

"That the limits for speaking vessels bound into Nanaimo Harbour and Departure Bay, through Fairway Channel, shall be at or outside a line drawn from Rocky Point to the north end of Lighthouse Island bearing W.

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by N. $\frac{1}{2}$ N. and through Middle Channel at or outside a line from the north end of Lighthouse Island to Horsewell Bluff bearing S. E. by E. $\frac{1}{2}$ E. and a line drawn from Sharpe Point N. E. by E. $\frac{1}{2}$ E. (magnetic) to Gabriola Island."

II. That the following be substituted for Clause A of By-law No. 12 :—

(A) "For vessels entering the Pilotage District of British Columbia through Fuca Straits, and coming to an anchor in Royal Roads, the pilotage shall be free. But when the services of a pilot is required and employed, the rate of pilotage shall not exceed \$3.00 per foot, according to the following graduated scale :—

	per foot.
Inside or North of Race Rocks to Royal Bay.....	\$ 75
From Beechy Head to Royal Bay.....	1 00
" Callam Bay do	2 00
" Cape Flattery do	3 00 "

III. That the following be added to Clause C of By-law No. 12 :—

"In addition to the ordinary dues and irrespective of the provisions of Clause E."

IV. That the following be substituted for Clause 3 of By-Law No 28 :—

"For intoxication whether the same shall occur while in charge of a vessel, when required for duty, or for habitual drunkenness."

V. That the following as Clause F, be added to By-law No. 12 :—

"That steamers plying regularly, once a month or oftener, between the various ports of the United States and those of British Columbia, be included in Clause E, of Section 12 of the new By-laws, and that the same be appended to that section as soon as ratified at Ottawa, *i.e.* the maximum pilotage for those steamers to be \$6 per foot on the inside, and \$5 per foot on the outside draft, irrespective of their calling at Puget Sound on their regular trips or round voyages, but subject nevertheless to the latter part of Clause C."

Vide Canada Gazette, Vol. 11, p 75.

By an Order in Council of the 12th day of July, 1877, His Honour the Deputy of the Governor General, by and with the advice of the Queen's Privy Council for Canada, ordered that a Pilotage District be formed for the Port of Sackville, in the County of Westmoreland, in the Province of New Brunswick, the limits of which district shall commence at Cape Maranquin, and comprise the head waters of the Bay of Fundy (so called) southwardly and eastwardly of said Cape, and include all the navigable rivers emptying therein.

And His Honour, under the authority aforesaid, has been further pleased to make the payment of pilotage dues compulsory within the limits of the said District.

Vide Canada Gazette, Vol 11, p 76.

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RULES AND REGULATIONS for the government of Pilots, in the Pilotage District of Buctouche, in the Province of New Brunswick, made by the Pilotage Authority for the said district, under the Act 36 Victoria, Chapter 54, on the 3rd July, 1877, and approved by His Excellency in Council, 20th July, 1877.

1. All rules and regulations relating to Pilots and pilotage, heretofore made by the Kent County Sessions, are hereby repealed.

2. All branches issued to Pilots for the port or harbour of Buctouche, by the said Kent County Sessions, are hereby declared to be cancelled, null and void, and the holders of the same shall, if legally entitled thereto, receive licenses from the Pilotage Authority for the District of Buctouche on payment of a fee of two dollars (\$2.00) for each license.

3. Every person not heretofore licensed, and applying to be licensed as Pilot for the Pilotage District aforesaid, must be a resident of the county of Kent, of not less than twenty-one years of age, and of good character, shall be examined by examiners appointed for that purpose by the Pilotage Authority of said District, and at the examination shall answer such questions, and show such qualifications as will warrant them in giving him a certificate of his competency to perform all the duties of a Pilot in said District, when a license shall be issued to such a person on payment of the expenses of such examination and a fee of five dollars.

4. Each and every licensed Pilot shall be the owner or part owner of a good and sufficient boat, duly licensed, and shall keep the same in good seaworthy order and repair.

5. All boats used as Pilot boats shall be of not less than fourteen feet keel, and shall be surveyed, and if satisfactory to the Pilotage Authority, shall be licensed for a term not exceeding one year, on payment of a license fee of two dollars

All such Pilot Boat Licenses may be subsequently renewed from year to year, if the boats are found satisfactory to the Pilotage Authority, on payment of a fee of one dollar for every such renewal of license.

6. All licensed Pilot Boats shall have the characteristics as provided in Section 76 of the Act 36 Vict., intituled "An Act respecting Pilotage" under the penalty of forfeiture of license for said boat.

7. Any licensed Pilot Boat that may at any time, on examination by the Pilotage Authority, be found in any way unfit for the service for which she is licensed, shall have her license suspended until she is made and fitted out to the satisfaction of the Pilotage Authority; and the license so suspended shall, during such suspension, be lodged with the Secretary of the Pilotage Authority.

8. If any licensed Pilot shall offer his services to any ship or vessel appearing off or within the Pilotage District, and which shall come into the port or harbour of Buctouche, and be refused, no other licensed Pilot being on board, or having previously offered his services to such ship or vessel, such Pilot so refused shall be entitled to demand and receive the same rate of pilotage as if he had been actually employed to pilot such ship or vessel into the port or harbour.

9. Any Pilot taking charge of any inward-bound vessel shall exhibit his license and a copy of these regulations to the master of such vessel for

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his perusal, under a penalty of eight dollars for every neglect of duty in this respect.

10. Every licensed Pilot who shall go on board and take charge of any ship or vessel inward-bound, shall bring such ship or vessel into port, and remain on board thereof, until such ship or vessel is well and sufficiently moored in a safe place or berth, or secured alongside one of the wharves within said port or harbour under the penalty of twenty dollars.

11. It shall be the duty of Pilots to caution masters of vessels inward bound against discharging ballast within a distance of two miles from the bar or inside the same, in places other than those set apart by the Harbour Master for the purpose; and in case of ballast being discharged in other than such authorized places, to report the same to the Harbour Master. Any Pilot neglecting to do so shall have his license suspended for three months.

12. The rate of pilotage for the Pilotage District of the port or harbour of Buctouche shall be one dollar and fifty cents (\$1.50) per foot draught of water, both inward and outward bound; and in case of employment of Pilot for pilotage of vessels under eighty tons, such Pilot will be entitled to receive the sum of four dollars for pilotage inward, and the sum of six dollars for pilotage outwards of each such vessel under 80 tons. For the removal of any ship or vessel, and seeing the same properly secured and moored, Pilots will be entitled to receive pay at the following rates, viz.: The sum of one dollar and fifty cents for vessels not exceeding 100 tons; the sum of two dollars for vessels over 100 tons, and not exceeding 200 tons; the sum of three dollars for vessels over 200 and not exceeding 300 tons; and the sum of four dollars for all vessels over 400 tons.

13. Masters of ships or vessels outward bound have liberty to choose their own Pilots; but any master of any vessel, after having agreed with a Pilot to take out his vessel, shall be obliged to take him, or pay the pilotage, to which he would have been entitled, under the preceding regulation, provided that said Pilot offers his services when said vessel is ready to go out, and before being under weigh, unless said master notifies such Pilot at least two days before sailing out of the harbour that his services are not required.

14. On proof to the satisfaction of the Pilotage Authority that any Pilot licenced by them has been guilty of any improper conduct, drunkenness, or wilful neglect of duty, or that he is incapacitated by age, or mental or bodily infirmity, such Pilot shall be suspended or deprived of his licence, at the discretion of the Pilotage Authority.

15. Every Pilot shall report to the Secretary of the Pilotage Authority, on forms furnished him, the name, tonnage, rig, nationality, where from, draught of water, &c., of every vessel piloted by him from sea, when boarded, and what extra services were rendered; to which report he shall also, if possible, obtain the master's signature. He shall also report any vessels spoken by him which may have refused to accept his services, as also any casualty or accident that may have happened to any vessel under his charge, or any other matter connected with vessels under his observation. He shall also report when any of the buoys are not in their places, or any light-houses are not lighted at the proper time, and kept lighted,

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which report shall be made as above immediately after his arrival, or as soon after as office hours will permit.

16. Any licensed Pilot not complying with these rules and regulations, or evading the sense, intent, or meaning of any or either of them, shall be liable to a penalty not exceeding forty dollars for the breach of such rule or regulation, excepting where a penalty has been already prescribed, with, in case of a continued breach, a further penalty not exceeding four dollars for every twenty-four hours during which such breach continues, and shall be liable to have his licence withdrawn or suspended, at the discretion of the Pilotage Authority.

Vide Canada Gazette, Vol. 11, p. 117.

RULES AND REGULATIONS for the government of Pilots for the Pilotage District of Summerside, in the County of Prince, in the Province of Prince Edward Island, made by the Pilotage Authority under the Act 36 Vict., Chap. 54, dated 10th July, 1877, and approved by His Excellency in Council, 27th August, 1877.

All rules and regulations heretofore made by any Pilotage Authority for the said Pilotage District of Summerside are hereby repealed.

1st. No person shall be licensed as a Pilot under twenty-one years of age, nor unless he shall reside within the said Pilotage District, and shall on examination be found in every respect well qualified to discharge all the duties of a Pilot.

2nd. Every licensed Pilot at the time of receiving his license, shall pay the fee of twenty dollars (\$20.00) for the same, and shall give a bond to the Pilotage Authority for the compliance with the harbour and pilot regulations, and the faithful performance of his duty as a Pilot, himself in the sum of one hundred dollars (\$100.00) and two sureties in the sum of fifty dollars (\$50.00) each. Such bonds, if the Pilotage Authority require it, to be renewed every year during the Pilot's continuance in office. And he shall pay one dollar for his bond and one dollar for every renewal thereof.

3rd. Every master or mate shall pay for his license the yearly sum of twelve dollars on receipt of his certificate or renewal thereof.

4th. Licensed Pilots to be entitled to and receive the amount of pilotage dues, &c., earned by each individually; 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 of the said vessel, the Pilotage Authority direct otherwise.

5th. On proof on oath to the satisfaction of the Pilotage Authority that any Pilot licenced by them has been guilty of improper conduct, drunkenness or wilful neglect of duty, or that he is incapacitated by age, or mental or bodily infirmity, or shall engage as stevedore of any vessel, said Pilot shall be suspended or deprived of his license at the discretion of the Pilotage Authority.

6th. Every licensed Pilot shall report to the Secretary of the Pilotage Authority all vessels spoken by him which have refused to accept his services; and shall also report any casualty or accident that may have hap-

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pened to any vessel under his charge, or any other matter of importance connected with vessels coming under his observation; and shall also report when any of the buoys are not in their places, or any of the lighthouses not lighted at the proper time,—which report shall be made as above, immediately after his arrival or as soon as office hours will permit.

7th. Every licensed Pilot before boarding any vessel shall inquire if any infectious or contagious disease be on board, or if she be from any port or place making her liable to quarantine laws, or be an emigrant vessel: in each of such cases he shall not go on board, but his boat shall be towed astern, and he shall cause the national flag to be hoisted at the main, and shall bring her to anchor at the usual place appointed for riding quarantine, and shall not suffer any person to board or leave the vessel until she be visited by the health officer, nor then without his permission, under a penalty not exceeding fifty dollars.

8th. Every licensed Pilot shall receive a copy of these regulations from the Secretary on payment of one dollar; and on taking charge of any inward bound vessel shall exhibit them and his branch to the master.

9th. Any licensed Pilot offering his services to any inward bound vessel liable to pay pilotage, on being refused employment, shall be entitled to demand and receive legal pilotage, provided that no other licensed Pilot shall have so offered his services and demanded payment therefor.

10th. Any question or dispute arising between pilots, masters of vessels and others respecting pilotage, or for any extra remuneration, and all other questions and disputes between them, 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 in which the subject matter does not exceed the sum of fifty dollars (\$50) 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 any unnecessary trouble, annoyance or detention to masters of vessels, shall, for every offence, be liable to a penalty not exceeding thirty dollars (\$30), and also to suspension or dismissal at the discretion of the Commissioners.

11th. The rates of pilotage dues for the port of Summerside shall be as follows: All vessels of eighty tons and upwards shall pay eighty cents per foot inwards, and sixty cents per foot outwards. All steamers requiring a Pilot, bound in or out, shall pay the same rate as sailing vessels.

12th. All vessels requiring the services of Pilots in going to Bedeque shall pay, in addition, three cents per ton each way.

13th. All pilotage dues whether earned and collected by the Pilots or otherwise received by the Commissioners, may be paid to the Chairman of their Board, who shall pay the same over to the Pilot earning such dues, and shall keep a book for the entry of all sums received and paid.

14th. The pilot limits for the District of Summerside shall extend from Cape Egmont, west, to Paul Bluff, east, and to embrace all the navigable waters in the said district.

Vide Canada Gazette, Vol. 11, p. 244.

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BY-LAW of the Harbour Commissioners of Quebec, passed 2nd August, 1877, and approved by the Deputy of His Excellency in Council, 27th August, 1877, concerning ships or vessels loading and unloading opposite Crane Island.

All ships or vessels unloading or taking in cargo, or part of a cargo, opposite Crane Island, in the River St. Lawrence, must be anchored at a distance not less than half a mile from the low water mark on the said Crane Island, and any pilot, master or other person in charge of any ship or vessel who shall contravene this regulation will incur a penalty not exceeding one hundred dollars, to be recoverable from any such pilot, master or other person.

Vide Canada Gazette, Vol. 11, p. 245.

By a Proclamation bearing date 27th day of August, 1877, it was declared and ordered that the "Act to amend an Act respecting the coasting trade of Canada," 38 Vict. Chap. 27, should come into operation on the 15th day of September, 1877.

Vide Canada Gazette, Vol. 11, p. 242.

By a Proclamation of the 27th day of August, 1877, "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, were ordered and declared to apply to the Port of Shelburne, in the County of Shelburne, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 11, p. 268.

By Order in Council of the 8th day of October, 1877, His Excellency the Governor General ordered that the Tolls and Dues specified in the annexed Schedule be, and they were imposed and authorized to be levied and collected by the Wharfinger of the Port of Goderich, in the County of Huron, in the Province of Ontario, on the several articles enumerated in the said Schedule, entering that Port, in lieu of the Schedule of Tolls and Dues approved by Order in Council of the 22nd May last, which Order in Council was thereby cancelled in so far, but in so far only, as it relates to the latter mentioned Schedule of Tolls and Dues.

SCHEDULE.

Apples, per barrel	2 cents.
Apples, per bushel.....	1 "
Bacon, per 100 lbs	3 "
Bark, per cord	10 "
Beef and Pork, per barrel.....	4 "
Beef and Pork, per half barrel.....	2 "
Beef and Pork, per quarter barrel	1 "

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Beer, Ale and Porter, per barrel.....	4 cents.
Beer, Ale and Porter, per half barrel.....	2 "
Beer, Ale and Porter, per quarter barrel	1 "
Boilers, per ton.....	25 "
Bricks of all kinds, per M	20 "
Building Stone, per cord	10 "
Butter, per 100 lbs	2 "
Calves, each.....	3 "
Carriages and Waggons of all kinds, with springs	20 "
Carts without springs, each.....	10 "
Cattle and Horses, per head.....	15 "
Cedar Posts, per 100 lbs	10 "
Cement, per barrel.....	3 "
Cheese, per 100 lbs	2 "
Cider, per barrel	3 "
Clover Seed, per bushel.....	2 "
Coal, per ton.....	5 "
Colts and Fillies, each.....	7 "
Corn Meal, Indian, per barrel.....	2 "
Cranberries, per barrel.....	5 "
Crockery, including China and Glass Ware, per crate	25 "
Cultivators, each	15 "
Earthenware, coarse, per crate	10 "
Eggs, per barrel, or box of 72 dozens.....	5 "
Fanning Mills, each	15 "
Fish, per barrel	2 "
Fish, per half barrel	1 "
Fish, dry, per 100 lbs.....	2 "
Flour, per barrel	2 "
Flour, per 100 lbs.....	1 "
Fruit, per 100 lbs., not otherwise provided for..	5 "
Furniture, per ton measurement.....	30 "
Grain of all kinds, except oats, per bushel.....	$\frac{1}{4}$ "
Grain of all kinds, except oats, per bushel, passing through Grand Trunk Elevator.....	$\frac{1}{8}$ "
Grain, Oats, per bushel	$\frac{1}{8}$ "
Grain, Oats, per bushel, passing through Grand Trunk Elevator.....	$\frac{1}{16}$ "
Grindstones, per ton	15 "
Gypsum, per ton.....	3 "
Hams, per 100 lbs	2 "
Hardware, per ton.....	25 "
Hay, per ton.....	10 "
Heading, barrel, per M.....	25 "
Hides or Skins, per 100 lbs	2 "
Hoops, per M	2 "
Hops, per 100 lbs.....	5 "

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Horse Rakes, each.....	5 cents.
Iron, bar, per ton.....	15 "
Iron, pig, per ton.....	8 "
Iron, scrap, per ton.....	15 "
Lard, per barrel.....	5 "
Lard, per half barrel.....	2½ "
Lath, per thousand pieces.....	½ "
Leather, per 100 lbs.....	3 "
Lime, per barrel.....	2 "
Lime per ton, in bulk.....	5 "
Lumber, sawn or square, per M. feet B. M.....	3 "
Machinery, Engines, &c., per ton.....	25 "
Machines, Reaping and Mowing, each.....	50 "
Machines, Thrashing, each.....	75 "
Marble, per ton.....	25 "
Merchandise, dry goods, per ton.....	50 "
Millstones, per pair.....	30 "
Molasses, per hogshead.....	8 "
Nails and Spikes, per ton.....	25 "
Nursery produce, per ton.....	30 "
Oatmeal, per ton.....	2 "
Oils, per barrel.....	5 "
Paints, per ton.....	25 "
Pearl and Pot Ashes, per barrel.....	8 "
Pickets, per 1000.....	3 "
Plaster, calcined, per barrel.....	4 "
Plaster, land, per barrel.....	2 "
Ploughs, each.....	3 "
Poles, Telegraph, each.....	¼ "
Potatoes and Roots, per bushel.....	¼ "
Rags, per ton.....	15 "
Rakes, (hay), Snaths and Forks, per dozen.....	1 "
Rakes, horse, each.....	5 "
Root Slicers, each.....	5 "
Salt, per barrel.....	¼ "
Salt, per ton.....	1½ "
Sand, per ton.....	1½ "
Sawlogs, per M. feet B. M.....	1 "
Sheep, per head.....	2 "
Shingles, per M.....	½ "
Shingles or Stave Bolts, per cord.....	3 "
Slate, per ten feet square.....	3 "
Spirits of all kinds and Wines, per barrel.....	10 "
Spirits of all kinds and Wines, per half barrel...	5 "
Spirits of all kinds and Wines, per keg or quarter barrel.....	2½ "
Spirits of all kinds and Wines, per doz. bottles..	2 "
Staves, fish, flour and salt, per M.....	2 "
Staves, pipe, per M.....	50 "

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Staves, West India, per M.....	25 cents.
Stone, cut, per ton....	20 "
Stone, block, in the rough, per ton	15 "
Stoves, per ton.....	20 "
Straw Cutters, each.....	5 "
Swine	2½ "
Ties, railroad, each	¼ "
Timothy Seed, per bushel.....	2 "
Vinegar, per barrel.....	4 "
Wood, per cord	2½ "
Wool, per ton.....	30 "

Vide Canada Gazette, Vol. 11, p. 385.

By a Proclamation of the 19th October, 1877, "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, were declared to apply to the port of Matane, in the Province of Quebec.

Vide Canada Gazette, Vol. 11, p. 440.

GOVERNMENT HOUSE, OTTAWA,

Monday, 21st day of December, 1877.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

His Excellency has been pleased to order that By-Law No. 12 of the By-Laws, Rules and Regulations of the Board of Pilot Commissioners for the Port of Halifax, N.S., approved by Order in Council of the 25th June, 1875, amended by Order in Council of the 28th September, 1875, be and the same is hereby cancelled, and that the following By-Law passed by the Commissioners on the 14th instant be and the same is hereby adopted as By-Law No. 12 of said By-Laws, Rules and Regulations, that is to say :

"The rates of pilotage for the port of Halifax shall be as follows :—

	Inward.	Outward.
"Vessels of 200 tons, and under.....	\$ 8 00	\$ 5 00
do 200 to 300 tons	11 00	7 00
do 300 to 400 do	14 00	9 00
do 400 to 500 do	16 00	10 00
do 500 to 600 do	18 00	11 00

"Over 600 tons an additional fifty cents for every 100 tons (or fractional part thereof) above 600 tons, inwards, and twenty-five cents outwards.

"Outward pilotage for all vessels of 200 tons and upwards to be compulsory.

"Ships of Her Majesty's Navy and all ships of war, when taking a Pilot, to pay the same rates of pilotage as merchant vessels."

W. A. HIMSWORTH,
Clerk, Privy Council.

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By a Proclamation of the 8th February, 1878, "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, were declared to apply to the Port of Elgin, in the County of Westmoreland, in the Province of New Brunswick.

Vide Canada Gazette, Vol. 11, p. 823.

By a Proclamation of the same date, the "Act to provide for the appointment of Harbour Masters for certain Ports in the Province of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, were declared to apply to the Port of Métis in the County of Rimouski, in the Province of Quebec.

Vide Canada Gazette, Vol. 11, p. 824.

PRIVY COUNCIL CHAMBER,

OTTAWA, 9th February, 1878.

I hereby certify that the following rule has, by Order in Council of the sixth day of February instant, been added to the rules and regulations for the government of the Wharf at Goderich Harbour, in the County of Huron, in the Province of Ontario, approved by Order in Council of the 22nd May last, viz:—

Rule XII. The penalty for violation of the law or any rule or regulation made thereunder, shall not exceed one hundred dollars, and punishment by imprisonment shall not exceed thirty days.

W. A. HIMSWORTH,

*Clerk of the Queen's Privy Council
for Canada.*

By a Proclamation of the 20th February, 1878, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, were declared to apply to the Port of Digby, in the County of Digby, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 11, p. 855.

By a Proclamation of the 27th February, 1878, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Province of Nova Scotia and New Brunswick," and the Acts amending the same, was declared to apply to the Port of Tatamagouche, in the County of Colchester, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 11, p. 907.

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By an Order in Council of the 13th March, 1878, the following resolution of the Pilotage Authority for the District of British Columbia was approved :—

“ VICTORIA, B.C., 18th February, 1878.

“ *Resolved*, That in future Esquimalt shall be free from Pilotage and come under the same clause No. 12, with Royal Roads, under the following conditions, viz :—When a vessel is bound for any other Port in the Province, either laden, or in ballast, and does not discharge or receive any cargo, passengers or mails, but simply enters it as a harbour of refuge, then the ship shall be exempt from Pilotage, except always that a Pilot is actually engaged by the Captain for such services.”

Vide Canada Gazette, Vol. 11, p. 911.

By Order in Council of the 22nd day of March, 1878, His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada ordered that a Pilotage District be formed for Crapaud Harbour in the County of Queen's, in the Province of Prince Edward Island, such district to extend from Brokleby's Head at DeSable, on the east side, to Birch Point, at Tryon, on the west side of Crapaud Harbour aforesaid, and to make the payment of pilotage dues compulsory within the limits of the said district.

Vide Canada Gazette, Vol. 11, p. 979.

By Order in Council of the 25th day of March, 1878, His Excellency, by and with the advice of the Queen's Privy Council for Canada, ordered that a District be established for the purposes of the Wreck and Salvage Act, to embrace the County of Welland, in the Province of Ontario, bordering on the shores of Lake Erie.

Vide Canada Gazette, Vol. 11, p. 979.

By a Proclamation of the 26th day of March, 1878, “ An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick,” and the Acts amending the same, were declared to apply to the Port of Merigonish, in the County of Pictou, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 11, p. 999.

By a Proclamation of the 26th March, 1878, “ An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick ” and the Acts amending the same, were declared to apply to the Port of Margaretville, in the County of Annapolis, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 11, p. 1000.

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By a Proclamation of the same date, "The Act to provide for the appointment of Harbour Masters to certain Ports in the Provinces of Nova Scotia and New Brunswick" and the Acts amending the same, were declared to apply to the Port of River John, in the county of Pictou, in the Province of Nova Scotia.

Vide Canada Gazette, Vol 11, p 1000.

By Order in Council of the 28th March, 1878, the following Rules and Regulations passed by the Commissioners of Pilots for the District of Sackville, in the County of Westmoreland, N.B., on the 7th day of March, 1878, were approved :

First—The Pilotage District for the Port of Sackville shall consist of the following divisions: First division shall extend from Cape Maranquin to a line or range from Sackville Black Point across the Bay to Minudie Black Point. Second division, from the said Black Point range to the entrance of Sackville and Minudie River, at the head of the Bay of Fundy (so called.) Third division, from the entrance of the Rivers aforesaid to the several wharves and landing places in said Rivers.

Second—Three or more persons shall be appointed and licensed as Pilots by the Pilotage Authority of the District. Such persons shall be of the age of twenty-one years and upwards, of good moral character, possessing a thorough acquaintance with the duties required of them, and previous to receiving license shall be required to undergo such examination, under direction of the Pilotage Authority, as such authority shall deem necessary, and shall pay a fee of one dollar and fifty cents for each license.

Third—Every Licensed Pilot shall have a suitable boat, approved by the Pilot Authority of the District.

Fourth—Licensed Pilots shall be entitled to collect the amounts of Pilotage fees earned by each individual.

Fifth—Any Pilot piloting a vessel from sea shall be entitled to pilot her to sea when she next leaves port, unless (on request of master, owner, or agent of said vessel) the Pilot Authority directs otherwise.

Sixth—Any licensed Pilot offering his services to any ship or vessel appearing off or within the Pilotage District, intending to come in or which shall come into port, and being refused. (no other Licensed Pilot being on board of said vessel) such Pilot so refused shall be entitled to demand and collect the same rate of Pilotage as if he had been actually employed to pilot such ship or vessel into port; provided such services are offered before such ship or vessel comes abreast of Barnes Point (so called), said Point bearing north by compass.

Seventh—All Licensed Pilots shall make due returns to the Pilotage authority of the District of the names, tonnage, rig, nationality of every vessel piloted by him from sea, when he boarded her, and what extra services were rendered by him, if any, and the amount of fees received by him: he shall report all vessels spoken by him which have refused to accept his services, and shall also report any casualty or accident that may have happened to any vessel under his charge, and any other matter of importance connected with vessels coming under his observation, and said report

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shall be made monthly, from the first day of April to the thirty-first day of December in each and every year.

Eighth—All Pilots shall have their licenses annually renewed on payment of one dollar, subject to approval of Pilotage Authority.

Ninth—Any misunderstanding or difference arising between the Pilots and masters of vessels, relating to these regulations, and the right construction thereof, shall be referred to the arbitrament of the Commissioners.

Tenth—On proof to the satisfaction of the Pilotage Authority that any licensed Pilot has been guilty of any improper conduct, drunkenness, or wilful neglect of duty, or that he is incompetent by age, mental or bodily infirmities, said Pilot shall be suspended or deprived of his license at the discretion of the Pilotage authority.

Eleventh—Any Pilot not complying with these Regulations or attempting to evade the sense, intent, or meaning thereof, or any of them, shall be liable to suspension or dismissal at the discretion of the Pilotage Authority.

Twelfth—A master or mate of any vessel or ship, registered in Canada, may, on application to the Pilotage Authority, and the payment of a fee of three dollars, upon examination and approval of said Pilotage Authority, receive a certificate, which certificate shall be annually renewed by said authority on payment of a further fee of three dollars, and while said master or mate is actually employed as master or mate of said vessel, the said vessel shall not be compelled to employ a licensed Pilot, or be liable to pay pilotage fees.

Thirteenth—The rates for outward bound vessels to be the same as inward bound, and vessels outward bound are not compelled to take a pilot beyond the limits of the second division.

Fourteenth—The rate of pilotage dues at the Port of Sackville and Minudie shall be as follows. Vessels from 80 to 130 tons, registered in Canada, to be exempt from compulsory pilotage;—

	First Division.	Second Division.	Third Division.
Vessels of 80 tons and under 130 tons.	\$1.00	\$1.25	\$2.25
“ 130 “ 200 “	1.25	1.50	2.75
“ 200 “ 300 “	1.50	1.75	3.25
“ 300 “ 425 “	1.75	2.00	3.75
“ 425 “ 600 “	2.00	2.25	4.25

And all vessels exceeding 600 tons, a half cent per ton each way for the excess of tonnage above 600 tons, in addition to the above rate for 600 tons.

Vide Canada Gazette, Vol 11, p. 972.

By an Order in Council of the 9th April, 1878, His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada has ordered that two Pilotage Districts be established in the County of Gloucester, and in the waters adjacent, in the Province of New Brunswick, one District to be known as the Bathurst District, to extend from the County line near the Belledune River to an imaginary line drawn from the Roman Catholic Church at Grand Anse; the other to be known

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as the Caraquet District, to extend from an imaginary line drawn from the Roman Catholic Church at Grand Anse to Point Miscou, and from Point Miscou to the boundary line of the Counties of Gloucester and Northumberland, and to make the payment of pilotage dues compulsory within the limits of the said Districts.

Vide Canada Gazette, Vol. 11, p. 1026.

By an Order in Council of the 12th April, 1878, the following regulations passed by the Pilotage Authority for the district of Bras d'Or Lake, and Great and Little Bras d'Or on 14th February, 1878, were approved.

1st. No Pilot shall be under twenty-one years of age.

2nd. Every Pilot or company of Pilots must be provided with a boat when taking a vessel to sea to bring him back to port when his services are ended.

3rd. Every pilot boat must be provided with a flag five feet long and thirty inches wide, made of red bunting, with the number two feet long in white, also the letters "P. B. d" in white not less than twelve inches in length underneath the number and across the flag.

4th. The rate of pilotage for this District shall be as set forth in the scale attached to each Pilot's license.

5th. Every Pilot licensed for the first time shall pay a fee of \$5.00, and for every renewal the fee of \$2.50; and every master or mate of a vessel licensed shall pay the same.

6th. The number of Pilots for the district of Bras d'Or Lake shall not exceed twelve.

7th. Any Pilot belonging to another district, in charge of a vessel, shall immediately surrender his charge, when spoken to within the limits of this district by any of its Pilots.

8th. Pilots hailing or tendering their services to vessels previous to entering a port within the limits of this district, shall be entitled to half pay when rejected.

9th. Vessels towed into or out of the lake by steamers shall pay half pilotage.

10th. Any Pilot incapacitated by mental or bodily infirmity or by habits of drunkenness, shall forfeit his license and not be at liberty to serve in the capacity of a licensed Pilot; and any Pilot guilty of drunkenness or incapacity while on duty shall be suspended for three months.

11th. In case of any dispute arising between masters of vessels and Pilots respecting pilotage, the matter shall be referred to one or more of the Pilotage Authority nearest the place of dispute.

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SCALE of Pilotage fees for the Pilotage District of Bras d'Or Lake, Cape Breton.

	Bras d'Or.	Plaster Harbour.	Baddeck.	Whycocomagh.	East Bay.	Little Bras d'Or.	West Bay.
	£	£	£	£	£	£	£
Vessels of 80 to 100 tons.....	3	5	7	11	10	8	11
“ 100 to 150 “	4	6	9	12	11	10	13
“ 150 to 200 “	5	8	10	14	13	12	14
“ 200 to 250 “	6	8	12	16	16	13	16
“ 250 to 300 “	7	9	12	16	16	14	17
“ 300 to 350 “	8	10	13	18	17	16	18
“ 350 to 400 “	9	12	14	19	18	17	19
“ 400 to 450 “	10	12	14	20	19	17	20
“ 450 to 500 “	11	14	15	22	20	17	22
“ 500 to 600 “	11	14	15	24	22	18	23
“ 600 to 700 “	12	15	18	26	24	19	25
“ 700 to 800 “	13	16	20	28	26	20	28

St. Anns the same Pilotage fee as Plaster Harbour.

And River Dennis the same Pilotage fee as Whycocomagh.

Vide Canada Gazette, Vol. 11, p. 1025.

By Order in Council of the 16th day of April, 1878, His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order that a Pilotage District be established for the Harbour of New London, Queen's County, Province of Prince Edward Island, the limits of such Pilotage District to extend from Cavendish Capes, east, to Third Ponds, west of New London Harbour, and to make the payment of pilotage dues compulsory within the limits of the said District.

Vide Canada Gazette, Vol. 11, p. 1058.

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RULES AND REGULATIONS for the government of Pilots in the Pilotage District of Cocagne, in the Province of New Brunswick, made by the Pilotage Authority for the said District under the Act 36 Victoria, Chap. 54, and approved by His Excellency in Council 17th April, 1878.

1. All rules and regulations relating to Pilots and Pilotage heretofore made by the Kent County Sessions are hereby repealed.

2. Every person now acting or holding a branch as Pilot for the Port or Harbour of Cocagne shall forthwith surrender the same to the Pilotage Authority of this District under the Act aforesaid, and shall, if legally entitled thereto, receive a license from the said Pilotage Authority on the payment of a fee of two dollars for each license.

3. Every person already licensed applying to be licensed as a Pilot for the Pilotage District aforesaid, must make application in writing to the Secretary, at the office of the Pilotage Authority, and be a resident of the County of Kent, not less than twenty-one years of age, and shall be examined by examiners appointed for that purpose by the Pilotage Authority for said District, and at the examination shall answer such questions and shew such qualifications as will warrant them in giving him a certificate of his competency to perform all the duties of a Pilot in said District; and a license shall forthwith issue to such person on payment of the expenses of such examination and a fee of five dollars.

4. Each and every licensed Pilot shall be the owner or part owner of a good and sufficient boat of not less than fourteen feet keel, and shall keep the same in good seaworthy repair, and said boat to be painted white, with a black streak on the top, also their number on each bow, and on the sail, not less than ten inches on the bow, and eighteen inches on the sail.

5. Every licensed Pilot who shall go on board to take charge of any ship or vessel inward bound, shall bring such ship or vessel to Port, and remain on board thereof until such ship or vessel is well and sufficiently moored at the ballast berth, or secured alongside one of the wharves within said port or harbour under the penalty of twenty dollars.

6. The rate of pilotage for the Pilot District of the Port or Harbour of Cocagne shall be one dollar and forty cents (\$1.40) per foot draught of water both inwards and outwards bound. For the removal of any ship or vessel and seeing such ship or vessel properly secured and moored, the following rates, viz: The sum of one dollar and fifty cents for each vessel not exceeding 100 tons, the sum of two dollars for vessels over 100 tons and not exceeding 200 tons, the sum of three dollars for vessels over 200 and not exceeding 300 tons, and the sum of four dollars for all vessels over 300 tons.

7. Masters of ships or vessels outward bound are at liberty to choose their own Pilots by paying him the pilotage to which he would be entitled under regulation sixth.

8. If any licensed Pilot shall offer his services to any ship or vessel appearing off or within the Pilotage District, or intending to come or which shall come into the Port or Harbour of Cocagne, and be refused, no other licensed Pilot being on board or having previously offered his services to such ship or vessel, such Pilot so refused shall be entitled to demand and

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receive the rate of pilotage as if he had been actually employed to pilot such vessel into the port or harbour.

9. On proof on oath to the satisfaction of the Pilotage Authority that any Pilot licensed by them has been guilty of improper conduct, drunkenness or wilful neglect of duty, or that he is incapacitated by age or mental or bodily infirmity, said Pilot shall be suspended or deprived of his license at the discretion of the Pilotage Authority.

10. Each and every licensed Pilot for the Port or Harbour of Cocagne, shall at the close of navigation in each year, furnish the Pilotage Authority for said District with a report of the ships and vessels piloted by him, the name, tonnage, rig, nationality, where from, draught of water, &c.

11. Any Pilot taking charge of any inward bound ship or vessel, shall exhibit his license and also a copy of these regulations to the master of such ship or vessel for his perusal, under the penalty of eight dollars for every neglect of duty in this respect.

12. It shall be the duty of Pilots to caution masters of ships and vessels inward bound against discharging ballast within a distance of two miles from the Bar, and in case of ballast being thrown out within said limit to report the same to the Harbour Master; and any Pilot neglecting to do so shall be liable to have his license suspended for three months.

13. Any licensed Pilot not complying with these regulations and rules, or evading the sense, intent, or meaning of any or either of them, shall be liable to a penalty not exceeding forty dollars, for the breach of such rules and regulations excepting, when a penalty has been already prescribed, with, in case of a continuing breach a further penalty not exceeding \$1.00 for every twenty-four hours during which such breach continues, and shall be liable to have his license withdrawn or suspended at the discretion of the Pilotage Authority.

Vide Canada Gazette, Vol. 11, p. 1057.

By Order in Council of the 17th April, 1878, the following Resolutions passed by the Pilotage Commissioners for Richibuto, on the 28th March, 1878, were approved:—

Resolved that Section 4th be amended to read: "Each and every licensed Pilot shall be the owner or part owner of a good and sufficient boat of not less than twelve feet keel, and shall keep the same in good seaworthy repair, or shall be the registered owner of not less than four tons of a licensed Pilot Boat, in actual service, of not less than ten tons register, under pain of suspension of license."

Resolved that Section 12th be amended to read: "All boats to be licensed as Pilot Boats shall be surveyed, and if satisfactory and recommended, shall be licensed for a term not exceeding one year, on payment of a license fee of four dollars for boats of ten tons and over, and two dollars for all boats under ten tons. All such Pilot Boat licenses may be subsequently renewed from year to year if the boats are found satisfactory to the Pilotage Authority, on payment of a fee of two dollars for boats of ten tons and over, and one dollar for all boats under ten tons."

Vide Canada Gazette, Vol. 11, p. 1057.

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By Order in Council of the 20th April, 1878, the following By-Laws of the Pilotage Commission for the District of Sydney, passed on the 12th day of March, 1878, were approved.

By-Law No. 5. All the words, commencing with "Vessels shall only be liable to pilotage at the port of arrival in the Pilotage Districts, etc." to the end to be struck out, and to read as follows: "Vessels changing ports at this Pilotage District shall only be liable for inward pilotage at the port of arrival, unless a Pilot be employed in changing ports, in which case full tariff rates will be charged. Pilots delivering orders outside of port limits to vessels to proceed elsewhere shall be entitled to receive full inward and one half of the outward pilotage from such vessels, and if in any case another regular Pilot, belonging to the same port, be found in charge, the amount of pilotage collected shall be equally divided between the Pilot in charge, and the Pilot giving orders. Vessels arriving from sea without being spoken inwards by a Pilot shall be exempt from outward pilotage unless a Pilot be employed. The rates of pilotage for Lingan, Little Glace Bay, and Port Caledonia shall be the same as for North Sydney."

By-Law No. 18 shall be made No. 20, and By-Law No. 18 shall read as follows:

"All steamers whether employing a Pilot or being spoken inwards shall be liable for full inward pilotage, but shall be exempt from outward pilotage unless a Pilot be employed, in which case the usual tariff rates will be charged."

By-Law No. 19 shall be as follows:—

"The harbour limits in the Pilotage District of Sydney shall be as follows: For Sydney Harbour, a straight line from Point Edward to Munn's Point; for North Sydney, a straight line from Cranberry Head to Low Point Light House; for Lingan, a straight line from Soldier's Cove to Cadi-gan's Cove; and for Little Glace Bay and Port Caledonia, a straight line from Mitchell's Point to Whalen's Head."

Vide Canada Gazette, Vol. 11, p. 1087.

AMENDMENTS to the By-Laws of the Pilotage Authority for the Pilotage district of St. John, New Brunswick. Approved by His Excellency in Council, 23rd April, 1878.

In place of section 7 of the By-Laws substitute as follows:

"The Pilot piloting a vessel from sea shall be entitled to pilot her to sea when she next leaves port, and should the master or owner require the services of a Pilot down the Bay of Fundy to perform this service as well, unless in either case on complaint of the master, owner or agent of said vessel the Pilotage Authority direct otherwise, and in case the master of such vessel shall engage any other person to pilot his vessel down the Bay, he shall be liable to pay to the Pilotage Authority the full pilotage dues for such service, for the benefit of the Pilot so entitled, and shall also be subject to a penalty not exceeding forty dollars."

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Add to Section 2 :—

“ Provided always that it shall be at the option of the Pilotage Authority to license such persons for the first year after passing such examination to pilot only vessels not exceeding 500 tons register nor 12 feet draft of water.”

Omit in last sub-section of section 12 the two words “ One dollar.”
Vide Canada Gazette, Vol. 11, p. 1087.

Quebec Harbour.

BY-LAW to provide for the retirement of Licensed Pilots in certain cases, approved by His Excellency in Council, 26th April, 1878.

The Quebec Harbour Commissioners shall have the right to compel any licensed Pilot for and below the Harbour of Quebec to retire on his pension upon due proof under oath before the Authority, that such Pilot has become incapacitated by mental or bodily infirmity or by habits of drunkenness before attaining the age of sixty-five years, provided that the complaints in such case be issued upon the affidavits of at least two credible persons and that copies of such complaint and affidavits be served on the accused at least forty-eight hours before the holding of the meeting at which the trial of such pilot shall take place.

Vide Canada Gazette, Vol. 11, p. 1116.

By Order in Council of the 26th day of April, 1878, under the provisions of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's reign, chaptered 55, and intituled “ An Act respecting Wreck and Salvage,” His Excellency, by and with the advice of the Queen's Privy Council for Canada, ordered that a District be established for the purposes of the Act, to be known as the Caraquet District, and to extend from an imaginary line drawn from the Roman Catholic Church at Grand Anse to Point Miscou, and from Point Miscou to the boundary line of the Counties of Gloucester and Northumberland, in the Province of New Brunswick.

Vide Canada Gazette, Vol. 11., p 1089.

BY-LAWS of the Harbour Commissioners of Montreal passed at a meeting of the said Harbour Commissioners, on the twenty-fourth day of April, one thousand eight hundred and seventy-eight, approved by His Excellency in Council, 30th April, 1878.

Whereas, it has become necessary for the better discipliue of the pilots, and for the greater safety of navigation, between Montreal and Quebec, to make additional regulations: Therefore, it is resolved, that the following be added to the By-laws of the Commissioners already in force, viz :—

Art. 128. The Harbour Commissioners of Montreal may establish an office in Quebec, and place in charge there a person to manage such business

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as may, under their regulations, be transacted there, and to execute any instructions that may be given him by the said Harbour Commissioners.

Art. 129. The officer which may be appointed in accordance with the foregoing article, to represent the Harbour Commissioners in Quebec, shall prepare a register of Pilots, and designate them in their turn for service in rotation throughout the season, and shall secure to each Pilot, his regular turn save and except those cases to which reference is made in the two next succeeding articles.

Art. 130. Pilots may be permitted to take special service with the regular lines of steamships, but in case they have not been employed in this way during the interval between their turn on the register, they have the right to take any other vessel requiring their services.

Art. 131. If objection be made to any pilot by the master or agent of any vessel, the Pilot so objected to shall stand aside *pro tem*, but not otherwise lose his turn, and the officer at Quebec shall be satisfied that the selected Pilot has not directly or indirectly used influence to secure himself a preference, and in case of a pilot thus taken out of turn, his next turn shall only be allowed after those who preceded him before his last voyage.

Art. 132. If two pilots or more enter the office the same day and the same hour the right of precedence between the pilots shall be determined according to the order existing in the register-book of the preceding voyage.

Art. 133. All pilots in charge of up-coming steamships, sailing vessels or craft of any kind, on such occasion before meeting downward-bound vessels at sharp turns, narrow passages, or where the navigation is intricate, are required to stop, and if necessary, come to a position of safety below the point of danger, and there remain until the channel is clear. These directions apply to the following points :—

St. Mary's Current,
Pointe-aux-Trembles,
Varenes,
Cape St. Michael,
In Lake St. Peter :—
Lightship No. 1,
do 2,
Black and White Buoy,
Lightship No. 3.

Port St. Francis,
Three Rivers,
The Church at Cape Madeleine,
Champlain Poullier,
Cape Levrard,
Cape Charles,
Cap-à-la-Roche,
La Barre-à-Rodier,

Vide Canada Gazette, Vol. 11, p. 1116.

By Order in Council of the 4th May, 1878, His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, ordered that the Order in Council of the 21st April, 1875, establishing a Pilotage District for the Counties of Kings and Hants, in the Province of Nova Scotia, be rescinded, and that the appointment of certain persons named in said order as the Pilotage Authority for said District be cancelled.

That a Pilotage District be and the same was thereby established for the County of Hants aforesaid, the limits of which District to embrace

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Cobequid Bay, the Basin of Minas, Minas Channel, and extend down the Bay of Fundy until they strike a line drawn from Cape Chignecto, in the County of Cumberland, to a point in the County of Kings where the division line between the Counties of Kings and Annapolis strikes the Bay of Fundy, such limits also to include the several ports, rivers and creeks in the County of Hants.

That the payment of Pilotage dues in the Pilotage District of Hants, be made compulsory, and that the Pilots appointed by the Pilotage Authority of that District be alone entitled to pilot ships to ports and places in the County of Hants aforesaid.

Vide Canada Gazette, Vol. 11, p. 1152.

RULES AND REGULATIONS made under Order of the Governor General in Council of 4th May, 1878, for the Government of the Wharf and Docks at the Harbour of Rondeau, in the County of Kent, in the Province of Ontario, with Tariff of Tolls and Dues leviable thereat, in accordance with the Provisions of Act 40 Vict., chap. 17.

Rule I.—That no waggon or other vehicle shall drive along the docks or across the same, unless for the purpose of loading or unloading vessels.

Rule II.—That no lumber, laths, salt, or other materials, shall be piled in or near the snubbing posts in such a manner that a vessel cannot be made fast.

Rule III.—That masters of vessels or other persons in charge of vessels or rafts, shall make a faithful report of the cargo, as to quantity and description, to the Wharfinger at his office; and any master or person in charge of any vessel or raft neglecting to so report and pay the tolls and dues (except by permission of the Wharfinger) shall be liable to have the vessel or raft of which he may be in charge, or of which he is master, seized and detained then or at any future time until such tolls and dues are paid both on cargo and vessel; and the master, owner or other person shall be liable to the penalty provided by law.

Rule IV.—That any master or person in charge of a vessel or raft making a false report of cargo shall be liable to fine and imprisonment for each and every false report, and the vessel or raft shall be liable to detention then or at any future time until such dues are paid and satisfied; and if any master or person in charge of any vessel neglects to report her cargo, such vessel or the owner thereof shall be liable for the tolls on such cargo at any future time, and the master thereof shall be liable to fine or imprisonment. The master or person in charge of any vessel or raft shall report and pay the tolls to the Wharfinger at his office.

Rule V.—That no person shall remove any goods, chattels, merchandise or material of any description from the wharf and docks on which the tolls and dues have not been paid, without the permission of the Wharfinger.

Rule VI.—That no person shall throw overboard or discharge any ballast, refuse or rubbish of any description into the docks or upon the wharf.

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Rule VII.—That all lumber, shingles, lath, salt or any goods or merchandise, or material of any kind whatsoever, having been landed, piled or placed on the harbour property for shipment, shall be liable to harbour tolls, whether afterwards shipped or not : the fact of one having been landed, piled or placed on any part of the harbour property shall be presumptive evidence that the owner intended to ship it, and said lumber, timber, salt, &c., shall, in consequence, be liable to pay the usual tolls, although afterwards removed by teams or otherwise, and shall likewise be liable to all the previous conditions as to removal and ground rent and sale as herein-after provided.

Rule VIII.—That no person shall ride or drive a horse or horses faster than a walk on the wharf or harbour quay.

Rule IX.—That no lumber, timber, shingles, lath, pickets, ties, cedar posts or poles, cordwood, stone, plaster-stone, coal, salt, or other goods or materials of whatsoever nature or kind, shall be landed or placed in or upon any of the wharves, piers and lands of the harbour, unless by permission of the wharfinger, and then only on such portions of the harbour property as may be allotted to them for the time being, and shall be so landed and placed in such a manner as the wharfinger may direct ; and goods, merchandise, lumber, salt or other material landed or placed on the harbour property, shall be shipped or removed within forty-eight hours, and, in default of so shipping or removing said goods, lumber, salt or other material, it may be removed at the direction of the wharfinger, and the expense of such removal shall be a lien upon such property so removed ; it shall also pay a rental of not more than one dollar for every succeeding forty-eight hours for each and every twelve feet square of the harbour property, occupied by said goods, lumber, salt or other material ; provided that in case the owner or agent of such goods, lumber, salt or other material, refuses or neglects to ship or remove the same from the harbour property after the expiration of one month, it shall be lawful to sell and dispose of the same by public auction, to defray the expenses to pay ground rent as above—eight days' notice of such sale to be given, by posting hand-bills announcing it in the usual manner.

Rule X.—That no person shall obstruct the wharfinger in the performance of his duties.

Rule XI.—That the tolls and dues specified in the accompanying schedule shall be and they are hereby imposed and authorized to be levied and collected by the wharfinger, on the several articles enumerated in said schedule, entering the Port of Rond Eau, except on articles belonging to the Government of Canada, which are hereby exempt from payment of tolls and dues.

Rule XII.—The penalty for violation of the law or any rule or regulation made thereunder, shall not exceed one hundred dollars, and punishment by imprisonment shall not exceed thirty days.

SCHEDULE.

Apples, per barrel.....	2 cents.
Apples, per bushel	1 “
Bacon, per 100 lbs.....	3 “

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Bark, per cord.....	10	cents
Beef and Pork, per barrel.....	4	"
Beef and Pork, per half barrel.....	2	"
Beef and Pork, per quarter barrel.....	1	"
Beer, Ale and Porter, per barrel.....	4	"
Beer, Ale and Porter, per half barrel.....	2	"
Beer, Ale and Porter, per quarter barrel.....	1	"
Boilers, per ton.....	25	"
Bricks of all kinds, per M.....	20	"
Building Stone, per cord.....	10	"
Butter, per 100 lbs.....	2	"
Calves, each.....	3	"
Carriages and Waggon of all kinds, with springs.....	20	"
Carts, without springs, each.....	10	"
Cattle and Horses, per head.....	15	"
Cedar Posts, per 100.....	10	"
Cement, per barrel.....	3	"
Cheese, per 100 lbs.....	2	"
Cider, per barrel.....	3	"
Clover Seed, per bushel.....	2	"
Coal, per ton.....	5	"
Colts and Fillies, each.....	7	"
Corn meal, Indian, per barrel.....	2	"
Cranberries, per barrel.....	5	"
Crockery, including China and Glassware, per crate.....	25	"
Cultivators, each.....	15	"
Earthenware, coarse, per crate.....	10	"
Eggs, per box or barrel of 72 dozen.....	5	"
Fanning Mills, each.....	15	"
Fish, per barrel.....	2	"
Fish, per half barrel.....	1	"
Fish, dry, per 100 lbs.....	2	"
Flour, per barrel.....	2	"
Flour, per 100 lbs.....	1	"
Fruit, per 100 lbs., not otherwise provided for..	5	"
Furniture, per ton measurement.....	30	"
Grain of all kinds, except oats, per bushel.....	$\frac{1}{4}$	"
Grain, oats, per bushel.....	$\frac{1}{8}$	"
Grindstones, per ton.....	15	"
Gypsum, per ton.....	3	"
Hams, per 100 lbs.....	2	"
Hardware, per ton.....	25	"
Hay, per ton.....	10	"
Headings, barrel, per M.....	25	"
Hides or Skins, per 100 lbs.....	2	"
Hoops, per M.....	2	"
Hoops, per 100 lbs.....	5	"

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Horse rakes, each	5 cents.
Iron, bar, per ton.....	15 "
Iron, pig, per ton.....	8 "
Iron, scrap, per ton.....	15 "
Lard, per barrel.....	5 "
Lard, per half barrel.....	2½ "
Lath, per thousand pieces.....	1½ "
Leather, per 100 lbs.....	3 "
Lime, per barrel.....	2 "
Lime, per ton, in bulk.....	5 "
Lumber, sawn or square, per M feet B. M	3 "
Machinery, Engines, &c., per ton	25 "
Machines, Reaping and Mowing, each.....	50 "
Machines, Threshing, each.....	15 "
Marble, per ton.....	25 "
Merchandise, dry goods, per ton.....	50 "
Molasses, per hogshead.....	8 "
Nails and Spikes, per ton.....	25 "
Nursery produce, per ton.....	30 "
Oatmeal, per barrel.....	2 "
Oils, per barrel.....	5 "
Paints, per ton.....	25 "
Pearl and Pot Ashes, ber barrel	8 "
Pickets, per 1,000	3 "
Plaster, calcined, per barrel.....	4 "
Plaster, land, per barrel.....	2 "
Ploughs, each.....	3 "
Poles, Telegraph, each.....	¼ "
Potatoes and Roots, per bushel.....	¼ "
Rags, per ton.....	15 "
Rakes (hay) Snaths and Forks, per dozen.....	1 "
Rakes, horse, each.....	5 "
Root Slicers, each	5 "
Salt, per barrel.....	¼ "
Salt, per ton.....	1½ "
Sand, per ton.....	1½ "
Sawlogs, per M feet, B. M	1 "
Sheep, per head.....	2 "
Shingles, per M.....	½ "
Shingle or Stave Bolts, per cord.....	3 "
Slate, per ten feet square.....	3 "
Spirits of all kinds, and Wines, per barrel.....	10 "
Spirits of all kinds, and Wines, per half barrel..	5 "
Spirits of all kinds, and Wines, per keg or quarter barrel.....	2½ "
Spirits of all kinds, and Wines, per dozen bottles	2 "
Staves, fish, flour and salt, per M	25 "
Staves, pipe, per M.....	50 "

Marine, &c.

Staves, West India, per M.....	25 cents.
Stone, cut, per ton.....	20 "
Stone, block, in the rough, per ton.....	15 "
Stoves, per ton.....	20 "
Straw Cutters, each.....	5 "
Swine.....	2½ "
Ties, railroad, each.....	¼ "
Timothy Seed, per bushel.....	2 "
Vinegar, per barrel.....	4 "
Wood, per cord.....	2¼ "
Wool, per ton.....	30 "

Post Office.

POST OFFICE DEPARTMENT, CANADA,

OTTAWA, 6th October, 1877

STAMPED ENVELOPES.

1. Letter envelopes bearing an impressed postage stamp of one cent, and three cents respectively, are ready for issue to Postmasters and through their agency to Stamp Vendors, for sale to the public.

2. These Envelopes when issued to Postmasters will be charged to them, and will have to be accounted for by them at the following rates :

One cent Envelopes.....	\$1.30
Three cent do No. 1 size.....	\$3.30
do do No. 2 size.....	\$3.35

3. The three-cent envelopes are of two sizes, No. 2 being larger than No. 1, and Postmasters, when asking at any time for a supply, will be careful to state how many of each size they want.

4. Postmasters and Stamp Vendors will be required to sell these envelopes at the above rates per hundred to the public, and when a request is made for a single envelope, or for any number less than a hundred, the charge for the same must be made by the Postmaster or Stamp Vendor, as near the exact proportionate value, as compared with the above rates per hundred, as the fraction will permit without loss to the Postmaster or Stamp Vendor, thus ten of the three-cent envelopes, No. 1 size, should be sold for thirty-three cents, five for seventeen cents, and two for seven cents.

5. When used these envelopes will represent the pre-payment of postage to the amount of the stamp impressed thereon, and when used for letters weighing more than ½ an oz., or on which the pre-payment is required of more than is represented by the impressed stamp, the difference may be affixed by ordinary postage stamps.

Post Office.

6. The impressed stamp must be carefully cancelled by Postmasters when the envelopes are posted.

7. An impressed stamp cut from an envelope cannot be used for prepayment of postage in any shape, and when detached from the envelope on which it was impressed, it loses all value as a postage stamp.

8. In the accounts rendered by Postmasters, the amounts of stamped envelopes received from the Department, and sold to the public or to Vendors, are to be added to the postage stamp items.

Misuse of Postage Stamps by Postmasters.

9. It appears to be necessary to caution Postmasters that they are not authorized to use the postage stamps or other stamps entrusted to them for sale to the public transacting Post Office business at their respective offices either for remittances on their own affairs or for sale in other places.

The Postmaster General regrets to find that irregularities of this character have taken place, and trusts that this notice of the impropriety of such practices will be sufficient to prevent their recurrence.

L. S. HUNTINGTON,

Postmaster General.

Memo.—Stamped Envelopes are to be sold to the public at the following prices by Postmasters and Stamp Vendors :—

	Per Hundred.	Per Ten.	For Single Envelopes.
1 Cent Envelopes.....	\$1.30	13 cents.	2 cents, or 3 cts. for 2
3 Cent do No. 1 size	\$3.30	33 cents.	4 cents, or 7 cts. for 2
do do No. 2 size	\$3.35	34 cents.	4 cents, or 7 cts. for 2

ADDITIONAL ARTICLE OF AGREEMENT BETWEEN THE POST OFFICE DEPARTMENTS OF THE DOMINION OF CANADA AND THE UNITED STATES OF AMERICA.

Sole Article.

To facilitate the exchange of money orders between the United States and the Dominion of Canada, it is agreed that all money orders mailed at the Exchange Offices in the United States and addressed to payees in the Dominion of Canada shall be transmissible in the mails between the two countries free of postage.

This article shall take effect immediately and shall have equal duration with the postal arrangement now in force between the United States and the Dominion of Canada.

Post Office.

Done in duplicate and signed at Ottawa, the twenty-second day of October, One thousand eight hundred and seventy-seven, and at Washington the twenty-sixth day of October, One thousand eight hundred and seventy-seven.

[L.S.]

L. S. HUNTINGTON,

*Postmaster General of the**Dominion of Canada.*

[L.S.]

D. M. KEY,

*Postmaster General of the**United States.*

I hereby approve the foregoing additional article, and in testimony thereof I have caused the seal of the United States to be affixed.

R. B. HAYES.

[L.S.] By the President.

WM. M. EVARTS,

Secretary of State.

Washington, 26th October, 1877.

 POST OFFICE DEPARTMENT, CANADA,

OTTAWA, 18th December, 1877.

UNDER the authority of the "Post Office Act, 1875," the Postmaster General makes the following regulations concerning the Money Order system :

That in addition to the form of Money Order now in use for Money Orders issued in the Dominion of Canada and to be paid therein, the following form of Money Order will also be in use for the like purpose from the first of January, 1878 :

Post Office.

DOMINION MONEY ORDER.

No. _____

Date _____

ISSUE STAMP.	For Pay Stamp.	SUM OF ORDER.				
		<table border="1"> <tr> <td data-bbox="732 402 880 624"></td> <td data-bbox="880 402 1022 624"></td> </tr> <tr> <td colspan="2" data-bbox="732 624 1022 749">See instructions on the back.</td> </tr> </table>			See instructions on the back.	
See instructions on the back.						

Pay to the person named in advice _____

_____ Dollars and _____ Cents.

Postmaster.

To the Post Office

at _____

STAMP OF PAYING OFFICE.

The party to whom this Order is made payable must sign here his or her christian and surname at full length, except in case of firms whose usual signature will suffice. } Received Payment.

N.B.—Payment of this Order will be made according to the regulations of the Department. After once paying a Money Order, by whomsoever presented, the Office will not be liable to any further claim. If this form be clipped or mutilated, there may be difficulty as to paying it.

2nd Stamp of paying Office where "Pay Stamp" is in use.

(This form of Money Order has the following instructions on the back thereof.)

Post Office, &c.

INSTRUCTIONS.

The receipt on the other side must be signed in the manner there described.

Whoever presents the Order for payment, whether the rightful owner or otherwise, must give full information as to the Christian name, surname and address of the party who originally obtained it, unless such party be a firm, when the name of the firm, together with its address will suffice.

The only exception to this rule is :—

When the Order is presented through a bank of the town upon which it is drawn, in which case it will suffice that the Order being properly signed be also crossed with the banker's name.

These instructions are intended to secure, as far as practicable, that payment be made to the rightful party; and Postmasters have been instructed to enforce them, so far as a due regard to the public convenience will permit.

As, however, after once paying a Money Order, by whomsoever presented, the Office will not be liable to any further claim, the public is strictly cautioned :—

1st.—To take all means to prevent the loss of the Money Order.

2nd.—To be careful on making out a Money Order to state correctly the Christian name, as well as surname, of the person in whose favor it is drawn.

3rd.—To see that the name and address of the person taking out the Money Order are correctly known to the person in whose favour it is drawn.

Neglect of these instructions will risk the loss of the money, besides leading to delay and trouble in obtaining payment.

L. S. HUNTINGTON,

Postmaster General.

Public Works.

By Order of the 16th day of April, 1878, His Excellency, by and with the advice of the Queen's Privy Council for Canada, ordered that the following items be added to the existing schedule of tolls authorized to be levied on the St. Maurice works, viz :—

“From below Shawenegan to Grès Falls or any intermediate place :
“Saw-logs per 100 pieces, \$1.50.”

Quantities less than one hundred pieces to pay the above rate in proportion.

And that the said tolls be, and they are hereby authorized to be levied and collected for the use of the booms at Shawenegan and Grès Falls, comprised in the St. Maurice works in the Province of Quebec.

Vide Canada Gazette, Vol 11. p. 1059.

Public Works.

By Order in Council of the 1st day of May, 1877, His Excellency the Governor General in Council directed that the Port Dover Harbour, situate at the mouth of Patterson's Creek, in the County of Norfolk, in the Province of Ontario, in the Dominion of Canada, with the piers, approaches and other works vested in Her Majesty, connected with and forming the said harbour, and the appurtenances thereunto belonging, and the tolls of and arising from the said harbour, be granted, transferred and conveyed to the Company called "The Port Dover and Lake Huron Railway Company," and their successors and assigns, to hold to them, their successors and assigns, upon and subject to the terms, provisions and conditions following, that is to say :

First—That the said Company, their successors and assigns, do and shall keep the said harbour and the entrance to the same, free and clear of all obstructions, and the said harbour, piers and all others, the works and premises thereunto appertaining, in thorough repair ; and for all the purposes of this order and conveyance, the sufficiency and insufficiency of such repairs and state of repair shall be ascertained and decided on by the Engineer who shall be appointed to examine the same by the Honorable the Minister of Public Works of Canada, and his decision and report as to the sufficiency or insufficiency of such repairs and state of repair shall be final and conclusive.

Second—That upon any breach or default in the performance of any of the preceding conditions, or any part thereof, and notwithstanding the waiver or supposed waiver of any previous similar breach or default, and in addition to any other forfeiture incurred thereby, Her Majesty, Her heirs and successors may enter into and upon the Public Works aforesaid, or may obtain possession of the same under a warrant or warrants as hereinafter provided, in which case the purchase money paid by the Company will be forfeited, and the Company will be held liable for any damage caused by any such breach or default.

Third—That the said harbour shall, at all times hereafter, be a public harbour, which all vessels and persons shall have a right to enter, and the said harbour and piers shall be kept and may be used for the accommodation and convenience of vessels entering into and lying, loading and unloading within the same, subject to the payment of the harbour tolls legally imposed thereon, and also to all general regulations made or to be made for the regulation and management, proper using and protection of the said harbour and piers.

Fourth—That the tolls to be collected or received for the use of the said harbour shall not in any case exceed the terms or rates of toll mentioned and established by His Excellency the Governor General in Council, by Order, dated at Ottawa the twenty-first day of May in the year of Our Lord one thousand eight hundred and seventy-two, and published in the *Canada Gazette* of the same year at page 1094, and that no toll shall be charged or taken for passengers embarked or disembarked at the said harbour.

Fifth—That subject to the restrictions and conditions hereinbefore contained, all rights and powers which, at or before making of this Order, were vested in His Excellency the Governor General of Canada in Council, and which under the said Act 31 Victoria, Chapter 12, can be granted to the said Company of enacting regulations for the regulation and management, proper using and protection of the said harbour and piers, or for fixing or varying

Public Works.

the tolls of the said harbour, or for the collection of the said tolls, and by such regulations to impose fines for enforcing the same, and to provide for the non-passing or detention, at the risk of the owner, of vessels or goods on which tolls are not paid, or in respect of which any such regulations are not complied with, or any injury done to the said harbour, piers or other works, or any fine which may have been incurred and remain unpaid, shall be and the same are subject to the restrictions and conditions herein contained, are hereby granted, transferred and conveyed to and invested in the said Company and their successors; Provided, however, that all regulations of His Excellency the Governor General in Council heretofore legally enacted for any of the purposes aforesaid, relating to the said harbour and piers, shall, except so far as they are inconsistent with the provisions herein contained, continue in force until otherwise ordered or enacted by any order or regulation of the said Company, and all the rights and powers by such regulations vested in Her Majesty or Her servants with regard to the said harbour and piers shall be and the same are hereby granted to and vested in the said Company and their successors and servants respectively, and that all fines and penalties imposed by the said regulations, applying to the said harbour, piers and other works, shall belong to the said Company; but no fines to be imposed by any order or regulation enacted by the said Company, under the powers hereby granted, shall exceed the sum of ten dollars. And provided further that no regulations to be enacted by the Directors of the said Company, under the powers granted by this section, shall be valid and effectual until approved by His Excellency the Governor General in Council, but regulations by which tolls or penalties are reduced in amount may be made by the said Company without such approval being had or obtained.

Sixth—That Her Majesty, Her heirs or successors, may, at any time after the expiration of ten years from the tenth day of October, One thousand eight hundred and seventy-three, resume the said Public Works hereby granted, together with any additions, improvements or acquirements therein made by the said Company, upon paying to the said Company or their successors or assigns the then cash value of the said works. Provided the Honorable the Minister of Public Works of Canada, or other officer authorized in that behalf by His Excellency the Governor General or person administering the Government of Canada, shall have previously given to the said Company, their successors or assigns, at least six calendar months' notice in writing of the intention to resume the said works, and of the day on which the same will be resumed. And the said the Honorable the Minister of Public Works, or other officer authorized as aforesaid, and the said Company or their assigns, shall agree upon and fix the value of the said works within two calendar months from the time of giving such notice, and in default thereof the said the Honorable the Minister of Public Works or other officer authorized as aforesaid shall select one Arbitrator on behalf of Her Majesty, Her heirs or successors, and the said Company or their assigns shall select another Arbitrator; and in default of the said Company or their assigns making such selection and notifying the said the Honorable the Minister of Public Works or other officer thereof, and of the person selected, within ten days after being required, in writing, by the

Public Works.

said the Honorable the Minister of Public Works or other officer so to do, the said the Honorable the Minister of Public Works or other officer may name an Arbitrator on behalf of said Company or their assigns, and the said two Arbitrators shall appoint a third Arbitrator within ten days after the appointment of the Arbitrator on behalf of the said Company or their assigns, and in default thereof, a third Arbitrator shall be appointed by the Judge or Senior Judge for the time being of the County Court of the County in which the said works shall lie; and in case there shall not be a Judge of such County Court, then by the Chancellor of Ontario for the time being. And the said Arbitrators shall receive evidence and inquire into and ascertain the value of the said works, having previously given to the said the Honorable the Minister of Public Works or other officer, and to the said Company or their assigns eight days notice in writing of the time and place of their sittings; and the award in writing of the said Arbitrators, or of any two of them, under the hands and seals of any two or more of them fixing the value of the said works, additions and acquirements, and made at least one week previous to the day mentioned in the aforesaid notice for resuming the said works, additions and acquirements shall be final and the amount so fixed shall be taken to be the cash value of the said works, additions and acquirements: Provided that in case no award shall be made by the said Arbitrators or any two of them within the time hereinbefore mentioned, the said the Honorable the Minister of Public Works or other officer may again give six calendar months' notice of the intention to resume the said works, and of the day on which the said works shall be resumed, and the like proceedings in every respect may be thereafter taken under the foregoing provisions, as if no other notice had been given by the said the Honorable the Minister of Public Works or other officer, and as if no Arbitrators had been previously chosen. That upon payment or tender to the said Company or their assigns of the value of the said works, additions and acquirements so agreed upon as aforesaid, or upon a warrant for the payment of the same to the said Company or their assigns, being issued and deposited with the Honorable the Receiver General of Canada, the said Company and their assigns, and all persons claiming any estate or interest in the said works, additions and acquirements or any part thereof under them shall, on the day mentioned in the notice aforesaid for resuming the said works, by a good and sufficient deed, convey and surrender to Her Majesty, Her heirs and successors forever, wholly free from any incumbrance whatsoever, the said works, additions and acquirements and every part thereof, and all right, interest and title therein or thereto acquired by the said Company or their assigns under this order or otherwise; and in default of so doing, Her Majesty, Her heirs and successors may enter into and upon the said works, additions and acquirements, or a warrant or warrants may at any time thereafter issue for obtaining possession of the said works, additions and acquirements as hereinafter provided, and that all notices or papers for the said Company may be served on the President, Secretary, Treasurer, or any Director or other officer of the said Company which shall, for all purposes, be considered a sufficient service on the Company.

Public Works.

Seventh—That whenever by reason of any default, breach of condition or otherwise under the foregoing provisions Her Majesty, Her heirs or successors shall have the right to enter into or upon the said works, additions or acquirements, it shall be lawful for Her Majesty, Her heirs or successors or for such person or persons as His Excellency the Governor General, or person administering the Government of Canada shall authorize or appoint for that purpose on behalf of Her Majesty, Her heirs or successors into and upon the said tolls, public works and premises with the additions and acquirements, and with the appurtenances hereby transferred or otherwise acquired, or into or upon any part thereof in the name of the whole, to re-enter; and the said Company, their successors and assigns, and their servants, and all collectors, receivers and occupiers of the said premises thereout and from thence, utterly to expel, put out and remove; or a warrant or warrants directed to the Sheriff of the County in which the said works shall be situated, may be issued under the hand and seal of His Excellency the Governor General or the person administering the Government of Canada, reciting such default and commanding such Sheriff forthwith to deliver to a public officer to be named in said warrant or warrants, for Her Majesty, Her heirs and successors, the said public works and premises hereby transferred with the appurtenances, together with the additions and the acquirements made thereto; and the said Sheriff and his officers and assistants, shall have full power under such warrant or warrants to enter into and upon the same and every part thereof, and the said Company and their assigns, and their servants and all collectors, receivers and occupiers of the said premises, thereout and from thence, utterly to expel, put out, and remove and to deliver the same and the possession thereof to the said public officer of Her Majesty, Her heirs or successors: and that upon any entry being made by, or on behalf of Her Majesty, Her heirs or successors, or on possession being delivered by any Sheriff or Sheriffs as aforesaid, this order and every matter and thing therein contained shall thenceforth become and be vacated and determined, and Her Majesty, Her heirs or successors shall thenceforth stand and be absolutely seized and possessed of the said works and every part thereof, and of Her and their original estate therein, and also of all additions and acquirements made thereto.

Eighth—That any person or persons, or any other body or bodies corporate now or hereafter holding any lands in freehold or for a term of years, desirous of building any pier or wharf within the limits of the said Harbour, which, in the opinion of the Honorable the Minister of Public Works of Canada, will not obstruct the proper using of the said harbour and piers, shall have the right to build such pier or wharf into the waters of the said harbour in front of such land, having first obtained the authority in writing of the said the Honorable the Minister of Public Works so to do, which authority shall be valid and effectual against the said Company, their successors and assigns, to all intents as if the right to build such wharf or pier and the water or land covered with water to be occupied by such pier or wharf had been granted in fee to such person or persons, body or bodies corporate, by Her Majesty previously to the making of this Order. Provided always, that any such person or persons

Public Works.

body or bodies corporate shall have given to the said Company one month's notice in writing of their application in that behalf, and of the time and place at which such application shall be made, together with a copy of their petition or written application to that effect; and it shall be competent to the said Company to make such representations in relation to such application as they may deem proper. Provided, however, that no such right or permission so given to such person, body or bodies corporate shall exempt him or them from the payment of the harbour dues legally leviable as aforesaid.

Vide Canada Gazette, Vol 10, p. 1506.

By Order of the 8th day of May, 1878, His Excellency, by and with the advice of the Queen's Privy Council for Canada, ordered that the following tariff of rates proposed to be levied during the current season by "The Upper Ottawa Improvement Company" for the use of the undermentioned works, be and the same were approved:—

Joachim Boom.

	cents
Saw Logs .....per piece	$\frac{1}{4}$
Red and white pine, flatted or square	3

Fort William and Lapasse Booms, or either of them.

Saw Logs per piece	$\frac{1}{4}$
Red and white pine, flatted or square	3

Improvements in Mississippi, Chenal, Chats Rapids and Quio Boom, or any of them.

Saw Logs.....per piece	$\frac{3}{4}$
Red and white pine, flatted or square	9

Improvements from Deschènes to head of Hull Slide, North side.

Saw Logs .....per piece	$1\frac{1}{2}$
Red and white pine, flatted or square	18

Improvement in Thompson's Bay.

Saw Logs.....per piece	1
Red and white pine, flatted or square	12

Improvements in Limekiln Eddy.

Saw Logs.. .....per piece	$\frac{1}{4}$
Red and white pine, flatted or square	3

Boom below Outlet, Hull Side.

Saw Logs.....per piece	$\frac{1}{4}$
Red and white pine, flatted or square.....	3

Vide Canada Gazette, Vol 11, p. 1189.

Public Works.

By Order of the 25th day of June, 1877, His Honor the Deputy of the Governor General in Council was pleased to order,—That upon, from and after the first day of July then next, the tolls and dues referred to, be and the same were amended as follows :—

	Each way
Welland Canal	1½ c. per ton.
St. Lawrence Canals.....	¾ “
Chambly Canal and St. Ours Lock.....	¾ “
Lake Erie to Montreal	2¼ “
Burlington Bay Canal.....	1 “
Ottawa and Rideau Canals.....	2 “
St. Ann's Locks	1½ “
Ottawa to St. John's.....	1½ “

Vide Canada Gazette, Vol. 10, p. 1703.

By an Order of the 25th day of July, 1877, His Excellency, by and with the advice of the Queen's Privy Council for Canada, ordered that Scrap Iron, including old Railway Iron, when going eastward (descending), and having paid Tolls on the Welland Canal, do pass free through the St. Lawrence Canals the same as Pig Iron.

His Excellency was further pleased to order, that the Toll on Brimstone (which is now charged to Class No. 4, “articles not enumerated”) be and the same was reduced to the rates of Class No. 3.

Vide Canada Gazette, Vol. 11, p. 119

GOVERNMENT HOUSE, OTTAWA.

26th day of October, 1877.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON a recommendation of the Honorable the Minister of Public Works, and under the provisions of the 54th, 56th and 57th sections of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's reign, chaptered 12, and intituled “An Act respecting the Public Works of Canada,” and of the Act passed in the Session of the Parliament of Canada held in the 39th year of Her Majesty's reign, chaptered 17, and intituled “An Act respecting the Desjardins Canal,” 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 Public Work known as the “Desjardins Canal,” together with all its appurtenances be granted transferred and conveyed to the Corporation of the Town of Dundas and their successors. To have and to hold the same to the said Corporation and their successors forever subject to the provisions of the said Act 39 Victoria, Chapter 17, and subject also to the following conditions :—

Public Works.

1. That the said work and its appurtenances shall at all times hereafter be kept in thorough repair by the said Corporation and their successors,—the sufficiency of such repair to be ascertained and decided upon by such Engineer as shall be appointed to examine the same by the Minister of Public Works for the time being; and that the decision and report of the said Engineer as to the sufficiency of such repair shall be final and conclusive.

2. That upon failure of performance of the preceding condition, or of any part thereof, and notwithstanding the waiver of any previous similar breach or default, Her Majesty, Her heirs or successors, may enter into and upon the said Canal and its appurtenances, or may obtain possession of the same under a warrant as hereinafter mentioned.

3. That, whenever, by any default or breach of condition under the foregoing provisions, Her Majesty, Her heirs or successors shall have the right to enter into or upon the said Canal, it shall be lawful for Her Majesty, Her heirs or successors, or for such person or persons as His Excellency the Governor General or the person administering the Government of Canada shall authorize or appoint for that purpose on behalf of Her Majesty, Her heirs or successors, into and upon the said Canal, or into and upon any part thereof in the name of the whole to re-enter, and the said Corporation or their successors and their servants and all other persons occupying the said Canal or any part thereof thereout and thence utterly to expel, put out and remove; or a warrant directed to the Sheriff of the County in which the said Canal shall be situate, may be issued under the Privy Seal of His Excellency the Governor General or the person administering the Government of Canada reciting such default and commanding such Sheriff forthwith to deliver to a public officer to be named in the said warrant for and in the name of Her Majesty, Her heirs or successors, the said Canal and its appurtenances; and the said Sheriff and his Officers and Assistants shall have full power and authority under such warrant to enter into and upon the said Canal and every part thereof, or upon any part thereof in the name of the whole, and the said Corporation or its successors and their servants and all other persons occupying the said Canal or any part thereof, thereout and thence utterly to expel, put out and remove, and to deliver the same and the possession thereof to the said public officer of Her Majesty, Her heirs or successors. And upon entry being made by or on behalf of Her Majesty, Her heirs or successors, or upon possession being delivered by any Sheriff as aforesaid, the grant of the said Canal and every matter and thing herein contained shall thenceforth become and be utterly null and void; and Her Majesty, Her heirs or successors shall thenceforth stand and be absolutely seized and possessed of the said Canal and its appurtenances and every part thereof as of Her Majesty's original estate therein.

W. A. HIMSWORTH,

Clerk, Privy Council for Canada.

Secretary of State.

Secretary of State.

By Order in Council of the 20th July, 1877, His Excellency changed the name of the "Agricultural Investment Society and Savings Bank" of London, Ontario, to the "Agricultural Savings and Loan Company."
Vide Canada Gazette, Vol. 11, p. 165.

By Order of the 22nd day of October, 1877, His Excellency in Council, directed that the following Tariff of fees to be paid on application for Letters Patent and supplementary Letters Patent, under the "Canada Joint Stock Companies Act, 1877," be and the same was adopted, that is to say:—

1. When the proposed capital stock of the Company is \$500,000 or upwards, the fee to be \$200.00.
2. When the proposed capital stock is \$200,000 or upwards, and less than \$500,000, \$150.00.
3. When the proposed capital stock is \$100,000 or upwards, and less than \$200,000, \$100.00.
4. When the proposed capital stock is less than \$100,000, \$50.00.

On application for Supplementary Letters Patent the fee to be one half of that charged on the Original Letters Patent.

His Excellency was also pleased to order that the Department of the Secretary of State be and the same was designated as that through which the issue of Letters Patent or Supplementary Letters Patent shall take place.

His Excellency was further pleased to order that the forms of proceeding and record prescribed by the Act in reference to the issuing of Letters Patent be for the present adopted.

Vide Canada Gazette, Vol. 11, p. 441.

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

The Neptune Fog Horn Company (limited), with a capital of \$50,000, on the 12th day of July, 1877.

The Barnes Excelsior Fanning Mill Company (limited), with a capital of \$9,000, on the 19th day of September, 1877.

The Canadian Securities Company (limited), with a capital of \$1,200,000, on the 12th day of December, 1877.

The Rose-Belford Publishing Company (limited), with a capital of \$50,000, on the 8th day of April, 1878.

The Canadian Locomotive and Engine Company (limited), with a capital of \$200,000, on the 8th day of April, 1878.

The Toronto Coal Company of Cape Breton (limited), with a capital of \$200,000, on the 20th day of April, 1878.

The Peterborough Real Estate Investment Company (limited), with a capital of \$2,000,000, on the 26th day of April, 1878.

The Canada Packing Company (limited), with a capital of \$10,000, on the 22nd day of May, 1878.

The Winnipeg and Western Transportation Company (limited), with a capital of \$50,000, on the 6th day of June, 1878.

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ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA

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

AND IN THE
FIFTH SESSION OF THE THIRD PARLIAMENT,

*Begun and holden at Ottawa, on the seventh day of February, and closed
by Prorogation on the tenth day of May, 1878.*



HIS EXCELLENCY
THE RIGHT HONORABLE SIR FREDERICK TEMPLE, EARL OF DUFFERIN,
GOVERNOR GENERAL.

VOL. I.
PUBLIC GENERAL ACTS.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1878.



41 VICTORIA .

CHAP. I.

An Act respecting the Maritime Court of Ontario.

[Assented to 16th April, 1878.]

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

1. All decrees and orders of the Maritime Court of Ontario, or of the judge or a surrogate judge thereof, whereby any moneys are payable to any person, shall have the same effect as decrees of the Court of Chancery in Ontario, and all powers of enforcing its decrees possessed by the said Court of Chancery or any judge thereof, with respect to matters depending in that court, are hereby conferred on the Maritime Court of Ontario with respect to matters therein depending, and all remedies possessed by those to whom money is payable under a decree of the said Court of Chancery, are hereby conferred on persons to whom any moneys are payable by orders or decrees of the Maritime Court of Ontario or of the judge or a surrogate judge thereof. How decrees and orders of the Court for payment of money may be enforced.

2. Any new writ or other process necessary or expedient for giving effect to the foregoing provisions of this Act may be issued from the Maritime Court of Ontario, in such form as the judge of the said court, with the approval of the Governor in Council, may from time to time direct. New writ or process may be adopted for the purpose.

3. The marshal or deputy marshal of the court, as the case may be, shall have, as to the execution of any such new writ or other process, similar powers to those now possessed by sheriffs in the Province of Ontario as to the execution of similar writs issued from the said Court of Chancery. Powers of Marshal or Deputy as to execution of such writ.

CHAP. 2.

An Act to amend "The Post Office Act, 1875."

[Assented to 16th April, 1878.]

Preamble.

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

38 V. c. 7, s. 10, amended. P. M. General may mark letters suspected to be circulars respecting illegal lotteries.

1. Sub-section four of section ten of "*The Post Office Act, 1875*," is hereby amended by adding thereto the following words:—"And for marking on the covering of letters, circulars or other mail matter suspected to concern illegal lotteries, so-called gift concerts, or other illegal enterprises of like character, offering prizes, or concerning schemes devised or intended to deceive or defraud the public, for the purpose of obtaining money under false pretences, whether such letters, circulars or other mail matter be addressed to, or received by mail, from places within or without the Dominion of Canada, a warning that they are suspected to be of a fraudulent character."

Section 41 amended. Mails of U.S. sent through Canada on Canadian Railways to be deemed Her Majesty's Mails, under s. 58.

2. Section forty-one of the Act aforesaid is hereby amended by adding the following words:—"And whenever the Postmaster General shall have undertaken or agreed to provide for the carriage or transportation of the mails of the United States over any portion of Canada, such mails when so carried or transported or required by the Postmaster General to be so carried or transported over any Canadian railway, shall for all the purposes of the fifty-eighth section of this Act be deemed to be Her Majesty's mails."

CHAP. 3.

An Act to extend to the Province of Prince Edward Island "The Railway Act, 1868," and certain Acts amending the same.

[Assented to 16th April, 1878.]

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

Preamble.

1. The Acts of the Parliament of Canada passed in the former sessions thereof and mentioned in the Schedule to this Act, are and each of them is hereby extended to and shall apply to and be in force in the Province of Prince Edward Island, save and except so far only as any provision of any such Act may be therein declared to be applicable to one or more only and not to the whole of the Provinces composing the Dominion at the time of the passing of such Act and mentioned therein.

Acts in Schedule extended to P.E.I.

Exception.

2. Nothing in this Act shall be construed as a declaration that any of the said Acts or any part thereof had not, or has not, or would not have, without the passing of this Act, force or effect in or in relation to the Province of Prince Edward Island.

How this Act shall not be construed.

3. Whenever under any of the provisions of the said Acts any application is to be made to a judge, such application may, in the Province of Prince Edward Island, be made to a judge of the Supreme Court or of a County Court.

Application to a judge; to whom to be made in P.E.I.

4. The compensation referred to in the thirtieth sub-section of section nine of "*The Railway Act, 1868*," may, in the Province of Prince Edward Island, be paid into the office of the Supreme Court, which shall be held to be "the Court" referred to in sub-sections thirty-one, thirty-two and thirty-three of the said section.

As to compensation to be paid into Court.

5. The forty-ninth section of "*The Railway Act, 1868*," is hereby amended by adding after the words "Ontario, Nova Scotia, or New Brunswick," wherever they occur in that section, the words "or Prince Edward Island."

Sect. 49 of 31 V., c. 68, amended.

SCHEDULE.

Acts of the Parliament of Canada referred to in the first section of this Act.

CHAP.	TITLE.
	Act passed in the Session 31st Victoria, 1868.
68	An Act respecting Railways, (known as " <i>The Railway Act, 1868.</i> ")
	Act passed in the Session 34th Victoria, 1871.
43	An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend " <i>The Railway Act, 1868.</i> "
	Acts passed in the Session 36th Victoria, 1873.
80	An Act to amend the general Acts respecting Railways.
81	An Act to amend the Act thirty-fourth Victoria, chapter forty-three, intituled "An Act to enable certain Railway companies to provide the necessary accommodation for the increasing traffic over their railways, and to amend ' <i>The Railway Act, 1868.</i> '"
	Act passed in the Session 38th Victoria, 1875
24	An Act further to amend the General Acts respecting Railways.
	Acts passed in the Session 39th Victoria, 1876.
15	An Act to make provision for the crossing of navigable waters by railway or other road companies incorporated under Provincial Acts.
32	An Act to amend " <i>The Railway Act, 1868.</i> "
	Act passed in the Session 40th Victoria, 1877.
45	An Act to amend " <i>The Railway Act, 1868.</i> "

CHAP.

CHAP. 4.

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, 1878, and the 30th June, 1879, and for other purposes relating to the public service.

[Assented to 10th May, 1878.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency Preamble. the Right Honorable Sir Frederick Temple, Earl of Dufferin, 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 seventy-eight, and the thirtieth day of June, one thousand eight hundred and seventy-nine, 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 \$2,721,401.33 granted for 1877-78 out of Con. Rev. Fund of Canada for purposes in Schedule A. Canada, there shall and may be paid and applied a sum not exceeding in the whole two million seven hundred and twenty-one thousand four hundred and four dollars and thirty-three 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 seventy-seven, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-eight, not otherwise provided for, and set forth in Schedule A to this Act, and also for the other purposes in the said Schedule mentioned.

2. From and out of the Consolidated Revenue Fund of \$19,458,856.95 granted for 1878-79 out of Con. Rev. Fund of Canada, for purposes in Schedule B. Canada, there shall and may be paid and applied a sum not exceeding in the whole nineteen million four hundred and fifty-eight thousand eight hundred and fifty-six dollars and ninety-five cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-eight, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-nine,

nine, not otherwise provided for, and set forth in Schedule B to this Act, and for other purposes in the said Schedule mentioned.

Detailed 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, viz. :--

	\$	cts.
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...	1,500,000	00
For the improvement of Quebec Harbour.....	1,200,000	00
For the Pacific Railway and Canadian Canals	7,300,000	00
For general purposes, balance,	\$	cts.
30th June, 1877.....	8,966,906	21
Redeemed to 31st December...	17,770	74
	<hr/>	
	8,984,676	95
Issued,.....	1,073,452	28
	<hr/>	
	7,911,224	67
	<hr/>	
	\$21,804,558	00

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 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, 1878, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.		
	\$ cts.	\$ cts.
Additional amount required for Seigniorial Tenure Commission.....		1,500 00
PENITENTIARIES.		
Kingston—Staff, salaries and clothing.....	485 00	
Capital Account, new machinery.....	415 00	
	900 00	
St. Vincent de Paul—Staff, Gratuities to retiring Officers.....	1,100 00	
Convicts' maintenance.....	2,035 47	
Repairs to buildings.....	200 00	
Capital Account, to complete Tramway.....	780 00	
Farm and Stables, to replace loss by fire.....	6,200 06	
	10,315 53	
St. John—Staff, salaries.....	360 00	
Convicts' maintenance.....	5,630 00	
Maintenance of machinery.....	300 00	
Material for manufacture.....	600 00	
	6,890 00	
Manitoba—Convicts' maintenance.....	2,700 00	
Farm.....	827 40	
Maintenance of buildings.....	357 14	
Capital Account: Furnishings for the new building, lumber, machinery and surgical instruments.....	1,952 42	
	5,836 96	
		23,942 49
LEGISLATION.		
House of Commons—Amount required for the publication of the Debates (Revote).....		10,000 00
ARTS, AGRICULTURE AND STATISTICS.		
Criminal Statistics—Balance of Appropriation of 1876-77 unexpended on 30th Sept., 1877, and carried forward by Special Warrant (Revote).....	4,558 75	
Sydney Exhibition do do	6,959 81	
Paris Exhibition—Amount required to complete the service for the year	50,000 00	
		61,518 56
IMMIGRATION AND QUARANTINE.		
Mennonite Loan—Balance of 1876-77 (Revote)		7,600 00
Carried forward		104,561 05

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		104,561 05
MILITIA.		
Ammunition—Balance of Appropriation of 1876-77 unexpended on 30th Sept., 1877, and carried forward by Special Warrant (Revote)....	23,854 99	
Clothing do do do	10,078 12	
Military Stores do do do	25,642 21	
Drill Sheds and Rifle Ranges do do	2,771 54	
Ordnance and Equipment of Garrison Artillery do	9,626 48	
Mounted Police, N. W. T.—Amount required to pay for supplies furnished in previous years.....	10,772 78	
Amount required to cover expenditure incurred for buildings in 1875-76.....	8,110 43	
Amount required for buildings, 1877-78.	10,000 00	
	28,883 21	100,856 55
PUBLIC WORKS AND BUILDINGS.		
<i>Chargeable to Capital.</i>		
Intercolonial Railway—Balance of Appropriation for 1876-77 unexpended 30th Sept., 1877, and carried forward by Special Warrant on account of freight cars (Revote).....	76,736 72	
Intercolonial Railway—Balance of Appropriation for 1876-77 unexpended 30th Sept., 1877, and carried forward by Special Warrant on account of expenses before Supreme Court (Revote)	8,575 14	
Intercolonial Railway—Amount awarded by arbitrators to Chipman estate for land taken for St. John Station.	33,000 00	
Intercolonial Railway—Amount required for constructing conductors', cattle and fish freight cars.....	16,000 00	
Intercolonial Railway—Amount required to complete construction of railway.....	78,500 00	
	212,811 86	
Prince Edward Island Railway—To pay Messrs. Schreiber & Burpee in full settlement of all claims in connection with their contract for building the railway.....	4,551 86	
Pacific Railway—Fort William to Sunshine Creek.....	80,000 00	
Sunshine Creek to English River.....	288,000 00	
Rat Portage to Cross Lake.....	373,000 00	
Cross Lake to Red River.....	13,100 00	
Telegraph lines and roadway.. ..	9,800 00	
Fort Frances Lock.....	60,000 00	
	823,900 00	
Carillon and Grenville Canal—Land taken.....	459 57	
Lachine Canal—Further amount required to pay for enlargement.....	485,600 00	
Cornwall Canal do do do	50,000 00	
Welland Canal do do do	138,500 00	
Rideau Canal—Draw-bridge	6,000 00	
Ottawa Buildings—Unexpended Balance of Appropriation of 1876-77 for "Tower," carried forward 30th Sept., 1877, by Special Warrant (Revote)	8,965 15	
Unexpended balance of appropriation of 1876-77 for "Western Block Extension," carried forward 30th Sept., 1877, by Special Warrant (Revote).....	142,325 86	
	151,291 01	1,873,114 30
<i>Carried forward</i>		2,078,531 90

SCHEDULE A—Continued.

SERVICES.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		2,078,531 90
PUBLIC WORKS AND BUILDINGS.		
<i>Chargeable to Income.</i>		
Beaver Rock, B.C.—Unexpended Balance of 1876-77, carried forward by Special Warrant (Revote).....	9,800 00	
Guelph Custom House—Unexpended Balance of 1876-77, carried forward by Special Warrant (Revote).....	6,378 26	
Toronto Post Office—To pay amount of Official Arbitrators' Award to Contractors, &c., partly paid out of "Unforeseen Expenses," <i>vide</i> Parliamentary Paper.....	20,000 00	
	26,378 26	
Quebec and Lévis Fortifications, Repairs—Expenditure required for this service.....	7,200 00	
Montreal Examining Warehouse—Estimated cost for completion of building.....	10,000 00	
Montreal Post Office—Amount required for completion of Building.....	16,037 07	
	33,237 07	
St. John, N. B., Public Buildings—Amount of Special Warrant granted for clearing away debris and rebuilding, during the year, the Public Buildings destroyed by fire.....		50,000 00
Buildings, Battleford, N. W. T.—Amount of Special Warrant granted to complete these buildings.....	30,000 00	
Unexpended Balance of 1876-77, carried forward by Special Warrant, on 30th September, 1877 (Revote).....	4,537 88	
	34,537 88	
Penitentiary, B. C.—Amount of Unexpended Balance, 30th September, 1877, carried forward by Special Warrant (Revote).....	19,106 89	
Gas, Public Buildings, Ottawa—To pay for increased consumption during the year.....	5,000 00	
Cobourg Harbour—Part of Unexpended Balance of 1876-77 (Revote).....	6,533 31	
Shippegan Breakwater, N. B.—Unexpended Balance of 1876-77, carried forward by Special Warrant (Revote).....	9,630 37	
Cow Bay, C. B. do do do.....	1,343 87	
Colville Bay, Souris Breakwater—Balance due to Contractor.....	8,500 00	
		204,117 65
LIGHTHOUSES AND COAST SERVICE.		
Maintenance—To replace Dioptric Apparatus for Machias Seal Island Light destroyed in St. John Fire.....	3,000 00	
To replace Oil destroyed in St. John fire.....	3,500 00	
Repairing damages at Rondeau Lighthouse.....	1,500 00	
do to Breakwater, Goderich Lighthouse.....	2,600 00	
New Light Ship for the Traverse.....	6,000 00	
		16,600 00
FISHERIES.		
Fish-breeding, &c.—For new Fish-breeding Establishment, P. E. Island do do do Cape Breton....	2,500 00 2,500 00	
		5,000 00
SCIENTIFIC INSTITUTIONS.		
To aid in constructing and maintaining Telegraph Line between Matane and Fox River.....		5,000 00
<i>Carried forward</i>		2,309 249 55

SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		2,309,249 55
STEAMBOAT INSPECTION.		
To complete remeasurement of Steamers in Inland waters.....		300 00
INDIANS.		
Indians, Manitoba and North-West—Further amount required for this service.....		10,927 66
MISCELLANEOUS.		
Halifax Commission—Amount required to cover expenditure (partly to be refunded).....	57,000 00	
To pay the Hon. Sir Alex. T. Galt, K.C.M.G., for services rendered as Commissioner, Halifax	12,000 00	
Parliamentary Companion—To pay for 350 copies.....	525 00	
Commutation of Duties, Army and Navy—Further amount required for this service	4,000 00	
To pay his Grace Archbishop Taché balance of his expenses incurred on the occasion of his return from Rome in 1870, at the request of the Government of Canada.....	3,000 00	
His Excellency the Governor General's visit to Manitoba—Balance of expenditure incurred and paid through "Unforeseen Expenses." <i>Vide</i> Parliamentary paper.....	1,778 45	
Grasshopper Relief—Unexpended balance of 1876-77 carried forward by Special Warrant (Revote).....	381 81	
		78,685 26
COLLECTION OF REVENUES.		
CUSTOMS.		
Amount required to complete this service (Manitoba and N.W.T.).....	2,500 00	
EXCISE.		
Preventive Service—Amount required to complete this service.....	2,000 00	
INSPECTION OF STAPLES.		
Amount required to complete this service.....	2,000 00	
PUBLIC WORKS.		
Intercolonial and Prince Edward Island Railways—To meet expenditure caused by increased traffic.....	100,000 00	
Canals—For payment of one year's salary to Mr. Woodruff in recognition of his services as Superintendent of Welland Canal, after 28 years service.....	3,000 00	
Telegraph Lines—Haro Strait, E.C.....	3,500 00	
	106,500 00	
<i>Carried forward</i>	113,000 00	2,399,162 47

SCHEDULE A—*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	113,000 00	2,399,162 47
COLLECTION OF REVENUES.— <i>Continued.</i>		
POST OFFICE.		
To pay Grand Trunk Railway for claim for daily transport of mails over 149 miles of railway, between the Canada Boundary Line and Danville Junction (Maine) from 1st July, 1867, to 31st December, 1874, when, by Postal Convention with the United States, the conveyance of these mails was assumed by the United States Post Office	7,776 22	
DOMINION LANDS.		
Further required to complete this service.....	12,500 00	133,276 22
UNPROVIDED ITEMS OF 1876-77.		
<i>Vide</i> Public Accounts 1876-77, part ii, Page 338		188,965 64
		<u>2,721,404 33</u>

SCHEDULE B.

SUMS granted to Her Majesty, by this Act, for the Financial Year ending 30th June, 1879, 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, N.S.....	10,000 00	
do do St. John, N.B.....	11,400 00	
do do Fort Garry.....	6,500 00	
do do Victoria, B.C.....	7,000 00	
do do Charlottetown, P.E.I.....	4,000 00	
Country Savings Banks, New Brunswick, Nova Scotia and British Columbia.....	12,000 00	
Seigniorial Tenure and Commission.....	2,500 00	
		69,100 00
CIVIL GOVERNMENT.		
The Governor-General's Secretary's Office.....	8,100 00	
The Department of the Queen's Privy Council for Canada.....	15,300 00	
do Justice.....	11,700 00	
do do Penitentiary Branch.....	3,900 00	
do Militia and Defence.....	36,450 00	
do Secretary of State.....	35,120 00	
do Minister of the Interior.....	45,720 00	
do Receiver General.....	20,180 00	
do Finance.....	51,100 00	
do Customs.....	29,200 00	
do Inland Revenue.....	26,767 50	
do Public Works.....	49,780 00	
Post Office Department.....	87,850 00	
Department of Agriculture.....	29,340 00	
do Marine and Fisheries.....	26,000 00	
Treasury Board Office.....	4,100 00	
Departmental Contingencies.....	159,000 00	
Stationery Office for Stationery.....	13,000 00	
To meet the possible amount required for new appointments by an extension of the Staff, or any other change.....	10,000 00	
To meet estimated expenditure for Extra Clerks in the Department of Agriculture.....	6,000 00	
		663,607 50
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice.....	20,000 00	
Travelling Expenses of Stipendiary Magistrates in North-West Territories.....	4,500 00	
Circuit Allowances, British Columbia.....	15,000 00	
do Manitoba.....	1,500 00	
Précis Writer of the Supreme Court of Canada and the Exchequer Court.....	1,900 00	
Clerk of the Supreme Court of Canada and the Exchequer Court.....	475 00	
Senior Messenger of the Supreme Court of Canada and the Exchequer Court.....	500 00	
Second Messenger of the Supreme Court of Canada and the Exchequer Court.....	360 00	
<i>Carried forward</i>	44,235 00	737,707 50

SCHEDULE B.

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	44,235 00	737,707 50
ADMINISTRATION OF JUSTICE—Continued.		
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	7,000 00	
Sundry Disbursements connected with the Maritime Court of Ontario, Seals for Court, Judges' travelling expenses, Law Stamps, Court Books	500 00	
Further for sundry expenses in connexion with the Maritime Court of Ontario, including seals for the Court, Judges' travelling expenses, Court books, &c.	300 00	
Salary of Registrar of Vice-Admiralty Court, Quebec	666 66	
Salary of Marshal of Vice-Admiralty Court, Quebec	333 34	
For the salary of one County Court Judge, to provide, if necessary, for the vacancy created by the death of the late A. T. Bushby, Esq.	2,425 00	
		55,460 00
POLICE.		
Dominion Police		11,000 00
PENITENTIARIES.		
Kingston Penitentiary	130,616 52	
Halifax Penitentiary (balances to be transferred to Dorchester Penitentiary, if required)	24,966 35	
St. John Penitentiary (balances to be transferred to Dorchester Penitentiary, if required)	41,806 00	
St. Vincent de Paul Penitentiary	84,278 09	
Manitoba Penitentiary	19,468 00	
Staff—Increase to salary of Surgeon, Manitoba Penitentiary	200 00	
British Columbia Penitentiary	20,950 00	
		322,314 96
LEGISLATION.		
<i>Senate.</i>		
Salaries and Contingent Expenses of the Senate	51,518 00	
<i>House of Commons.</i>		
Salaries per Clerks' Estimate	60,100 00	
Expenses of Committees, Extra Sessional Clerks, &c.	12,800 00	
Contingencies	19,600 00	
Publishing Debates	15,000 00	
Salaries and Contingencies, per Sergeant-at-Arms' Estimate	28,050 00	
<i>Miscellaneous.</i>		
Grant to Parliamentary Library, including \$3,600 for Law Books	10,000 00	
Salaries of Officers (additional) and Contingencies of Library	6,000 00	
<i>Carried forward</i>	202,068 00	1,126,482 46

SCHEDULE B.

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	202,068 00	1,126,482 46
LEGISLATION.—Continued.		
<i>Miscellaneous.—Continued.</i>		
Printing, Binding and Distributing the Laws	12,000 00	
To meet the estimated expenses in connection with Consolidation of the Laws	8,000 00	
Printing, Printing Paper and Bookbinding	70,000 00	
Contingencies of the Clerk of the Crown in Chancery.....	1,200 00	
Miscellaneous Printing	2,000 00	
To meet expenditure in connection with Senate Hansard.....	3,000 00	
		298,268 00
ARTS, AGRICULTURE AND STATISTICS.		
To meet expenses in connection with the care of the Archives.....	3,000 00	
do do organization of Patent Record	7,200 00	
do do preparation of Criminal Statistics.....	5,000 00	
do do Paris Exhibition	25,000 00	
do do Entomological Commission	2,000 00	
do do Australian Exhibition....	5,000 00	
		47,200 00
IMMIGRATION AND QUARANTINE.		
Salaries of Immigration Agents and Employés.....	26,550 00	
do Travelling Agents..	13,000 00	
Medical Inspection of the Port of Quebec	2,600 00	
Quarantine, Grosse Isle.....	11,820 00	
do St. John.....	3,000 00	
do Pictou, N.S.	800 00	
do Halifax, N.S.	3,600 00	
do Charlottetown, P.E.I.	1,000 00	
To meet expenses of further precautionary measures for the Public Health	20,000 00	
Contingencies of Canadian and other regular Agencies	24,000 00	
Travelling expenses of Travelling Agents.....	14,000 00	
Towards assisting Immigration and Immigration Expenses, including estimated expenses of transport of Mennonites	110,000 00	
		230,370 00
PENSIONS.		
Samuel Waller, late Clerk, House of Assembly.....	400 00	
John Bright, Messenger, House of Assembly..	80 00	
Mrs. Antrobus	800 00	
		1,280 00
<i>New Militia Pensions:—</i>		
Mrs. Caroline McEachern and four children	238 00	
Rhoda Smith.....	110 00	
Janet Anderson.....	110 00	
Margaret Mackenzie	80 00	
Mary Ann Richey and one child.....	288 00	
		1,280 00
<i>Carried forward</i>	926 00	1,702,320 46

SCHEDULE B

SCHEDULE B—Continued.

SERVICE.	Amount.	Total
	\$ cts.	\$ cts.
<i>Brought forward</i>	826 00	1,280 00 1,702,320 46
PENSIONS.—Continued.		
Mary Morrison.....	80 00	
Louise Prud'homme and two children.....	110 00	
Virginie Charron and four children.....	150 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. Mackenzie.....	73 00	
Edward Hilder.....	146 00	
Fergus Scholfield.....	73 00	
John Bradley.....	109 50	
James Bryan.....	109 50	
Jacob Stubbs.....	73 00	
Ensign W. Fahey.....	200 00	
Mary Connors.....	110 00	
Mary Hodgins and three children.....	191 00	
John Martin.....	110 00	
A. W. Stevenson.....	110 00	
Mrs. J. Thorburn.....	150 00	
Mrs. P. T. Worthington and children.....	378 00	
Mrs. J. H. Elliott and children.....	130 00	
Ellen Kirkpatrick and three children.....	266 00	
Mrs. George Prentice and children.....	400 00	
Mary Hannah Temple and child.....	298 00	
	5,514 00	
To meet the probable amount required for Pensions to Veterans of War of 1812.....	35,000 00	
Compensation to Pensioners in lieu of land.....	7,000 00	48,794 00
MILITIA.		
ORDINARY.		
Salaries of Military Branch and District Staff.....	28,600 00	
Salaries of Brigade Majors.....	20,000 00	
Allowance for Drill Instruction.....	40,000 00	
Ammunition.....	40,000 00	
Clothing.....	50,000 00	
Military Stores.....	40,000 00	
	130,000 00	
Public Armouries and care of arms, including Storekeepers and Care-takers, Storemen and the rents, fuel and light of Public Armouries	52,000 00	
Drill pay and all other incidental expenses connected with the Drill and training of the Militia.....	155,000 00	
Contingencies and general service, not otherwise provided for including assistance to Artillery and Rifle Associations and Bands of efficient Corps.....	50,000 00	
Drill Sheds and Rifle Ranges.....	10,000 00	
Additional amount required for Drill Sheds and Rifle Ranges.....	10,000 00	
	495,600 00	1,751,114 46
<i>Carried forward</i>		

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	495,600 00	1,751,114 46
MILITIA.—Continued.		
EXTRAORDINARY.		
Care and maintenance of Military Properties transferred from the Ordnance and Imperial Government, including rents.....	10,000 00	
SPECIAL.		
Military College.....	50,000 00	
Military Schools in Nova Scotia and New Brunswick.....	10,000 00	
Pay, Maintenance and Equipment of "A" and "B" Batteries Garrison Artillery and Schools of Gunnery at Kingston and Quebec.....	115,000 00	
Mounted Police, North-West Territories.....	306,000 00	
		986,800 00
PUBLIC WORKS AND BUILDINGS.		
<i>(Chargeable to Capital.)</i>		
RAILWAYS.		
Intercolonial.....	20,000 00	
do Extension into Halifax.....	20,000 00	
do To Deep Water at St. John.....	100,000 00	
Pacific—Fort William to Sunshine Creek.....	5,500 00	
do Sunshine Creek to English River.....	214,000 00	
do Rat Portage to Cross Lake.....	1,033,000 00	
do Cross Lake to Red River.....	52,500 00	
do Telegraph Lines and Roadway.....	164,700 00	
do Fort Frances Lock.....	10,000 00	
do Main Land, British Columbia.....	500,000 00	
do Pembina Branch.....	550,000 00	
do Georgian Bay Branch.....	100,000 00	
do Between Lake Superior and Keewatin.....	300,000 00	
do Spikes.....	20,000 00	
	2,949,700 00	
Prince Edward Island Railway.....	49,000 00	
CANALS.		
Lachine.....	2,000,000 00	
Cornwall.....	250,000 00	
St. Lawrence.....	46,000 00	
Welland.....	2,500,000 00	
St. Anne's Lock and Canal.....	50,000 00	
Carillon Lock and Canal.....	240,000 00	
Grenville.....	250,000 00	
Culbute (improving approach to Canal).....	24,000 00	
St. Peter's Canal.....	144,100 00	
Miscellaneous.....	10,000 00	
<i>Carried forward</i>	8,652,800 00	2,737,714 46

SCHEDULE B.

SCHEDULE B--Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	8 652,800 00	2,737,714 46
PUBLIC WORKS AND BUILDINGS.—Continued.		
<i>(Chargeable to Capital.)</i>		
PUBLIC BUILDINGS, OTTAWA.		
Grounds.....	28,100 00	
Extension of Western Block.....	25,000 00	
	53,100 00	
Total, chargeable to Capital.....		8,705,900 00
PUBLIC WORKS AND BUILDINGS.		
<i>(Chargeable to Income.)</i>		
IMPROVEMENT OF NAVIGABLE RIVERS.		
Improvement of Navigable Rivers.....	10,000 00	
St. Lawrence, removal of Chains and Anchors.....	15,000 00	
Neebish Rapids, River St. Mary, Lake Huron.....	9,000 00	
	34,000 00	
PUBLIC BUILDINGS.		
<i>Ontario.</i>		
Guelph Custom House, Excise and Post Office.....	4,000 00	
Kingston Military College.....	30,000 00	
do Repairing Fortifications.....	30,000 00	
Windsor Post Office and Custom House.....	30,000 00	
Brantford Public Offices.....	25,000 00	
<i>Quebec.</i>		
Repairing Fortifications, Quebec.....	60,000 00	
Post Office and Custom House, St. John, P.Q.....	4,000 00	
<i>New Brunswick.</i>		
Custom House, St. John, N.B.....	85,000 00	
Savings Bank do.....	30,000 00	
Post Office do.....	70,000 00	
Fredericton Public Offices.....	13,000 00	
<i>Nova Scotia.</i>		
Marine Hospital, Lunenburg.....	3,000 00	
Sydney, C.B., Quarantine Hospital.....	2,000 00	
	356,000 00	
<i>Carried forward</i>	34,000 00	11,443,614 46

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	356,000 00	
	\$ cts.	\$ cts.
	34,000 00	11,443,614 46
PUBLIC WORKS AND BUILDINGS.—Continued.		
<i>(Chargeable to Income.)</i>		
<i>British Columbia.</i>		
Public Buildings, repairs.....	1,000 00	
Custom House, Store House, Wharf, Victoria.....	5,000 00	
Public Buildings, generally.....	10,000 00	
	372,000 00	
PENITENTIARIES.		
General Penitentiary for the Maritime Provinces.....	17,000 00	
St. Vincent de Paul.....	9,000 00	
Manitoba (outbuilding).....	3,000 00	
British Columbia Penitentiary.....	10,000 00	
Kingston Penitentiary.....	12,500 00	
	51,500 00	
RENTS, REPAIRS, &c.		
Rents, Repairs, Furniture, Heating, &c.....	170,000 00	
Heating Public Buildings.....	40,000 00	
Removal of Snow, Public Buildings, Ottawa.....	1,800 00	
Gas, Public Buildings, Ottawa.....	18,000 00	
Allowance for Fuel and Light, Rideau Hall.....	5,000 00	
	234,800 00	
HARBOURS AND BREAKWATERS.		
<i>Ontario.</i>		
Kincardine.....	5,000 00	
Morpeth, Lake Erie.....	7,500 00	
Toronto.....	12,000 00	
Collingwood Harbour.....	10,000 00	
Pickering Harbour.....	5,000 00	
<i>Quebec.</i>		
Lower St. Lawrence, repairing various Breakwaters.....	20,000 00	
Matane Harbour.....	10,000 00	
Chicoutimi Harbour (to pay St. Lawrence Tow Boat Company for money expended).....	4,151 65	
<i>New Brunswick.</i>		
St. John Harbour.....	16,000 00	
Black River, St. John County.....	4,500 00	
Grand Anse, Gloucester Co.....	2,000 00	
Shippegan Breakwater, Gloucester Co.....	6,000 00	
Woodward's Cove, Grand Manan.....	2,500 00	
Roche Bay Pier, Anderson's Hollow.....	3,000 00	
Clifton Breakwater.....	1,000 00	
<i>Carried forward</i>	108,651 65	
	692,300 00	11,443,614 46

SCHEDULE B.

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.	
<i>Brought forward</i>	108,651 65	\$ cts. 692,300 00	
PUBLIC WORKS AND BUILDINGS.—Continued.			
<i>(Chargeable to Income.)</i>			
<i>Nova Scotia.</i>			
Annapolis River, Annapolis Co.	1,500 00	\$ cts. 11,443,614 46	
Mordon, King's Co.	1,000 00		
Ragged Pond.....	2,000 00		
Cow Bay, Cape Breton.....	1,000 00		
Bayfield.....	5,000 00		
Scott's Bay.....	3,000 00		
Canada Creek.....	3,000 00		
Pudding Pan.....	6,000 00		
West Arichat.....	6,000 00		
Somerville.....	5,000 00		
Hampton.....	3,000 00		
Dulap's Cove.....	2,000 00		
Margaree, C.B.....	3,000 00		
Lingan Breakwater.....	2,000 00		
Port Hood Breakwater.....	10,000 00		
Three Fathom Harbor.....	3,000 00		
General Repairs, Maritime Provinces.....	15,000 00		
<i>Prince Edward Island.</i>			
Culville Bay, Souris.....	20,000 00		
Malpeque Breakwater.....	3,500 00		
New London.....	1,500 00		
Big Miminogash, P.E.I.....	4,000 00		
Wood Island Breakwater.....	4,000 00		
		213,151 65	
DREDGING.			
Dredge Vessels.....	10,000 00	133,000 00	
Dredging.....	100,000 00		
Purchase of a Dredge.....	15,000 00		
Removing Rock, Victoria Harbour, B.C.....	8,000 00		
MISCELLANEOUS.			
Miscellaneous Works not otherwise provided for.....	10,000 00	5,000 00	
Surveys and Inspection.....	45,000 00		
Arbitrations and Awards.....	15,000 00		
To pay expenses of Survey of Coast in vicinity of Capes Tormentine and Traverse on P.E. Island and Mainland, and a suggested Railway connection between said Capes to Intercolonial and Prince Edward Island Railways, with a view to secure winter communication with the Island.....	5,000 00		
Total, Chargeable to Income.....	1,113,451 65		
OCEAN AND RIVER SERVICE.			
DOMINION STEAMERS.			
Maintenance and Repairs of Steamers "Napoleon III.," "Newfield," "Druid," "Glendon," "Sir James Douglas" and "Northern Light".....	130,000 00	12,557,066 11	
<i>Carried forward</i>	130,000 00		

SCHEDULE B.--Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	\$ cts. 130,000 00	\$ cts. 12,557,066 11
OCEAN AND RIVER SERVICE.—Continued.		
MAIL SUBSIDIES.		
Steam communication between Halifax and St. John, <i>via</i> Yarmouth.....	10,000 00	
Steam Communication on Lakes Huron and Superior.....	12,500 00	
Steam Service between San Francisco and Victoria, B.C.....	54,000 00	
Steam Communication with the Magdalen Islands.....	4,200 00	
do between Nova Scotia and St. Pierre	5,000 00	
do between Grand Manan Island, N.B., and Mainland.....	1,500 00	
To provide for half year's Mail Subsidy between Halifax, and Cork, if necessary.....	19,770 84	
To provide for the examination of Masters and Mates.....	106,970 84	
For purchase of Life Boats, Life Preservers, and Rewards for Saving Life.....	4,250 00	
To provide for investigation into Wrecks and Casualties, and collec- tion of information relating to Disasters to Shipping.....	3,000 00	
Expenses in connection with Canadian Registration of Shipping.....	500 00	
Montreal Water Police.....	500 00	
River Police, Quebec.....	14,090 00	
Removal of Obstructions in Navigable Rivers.....	23,500 00	
	500 00	283,310 84
LIGHTHOUSE AND COAST SERVICE.		
Salaries and Allowances of Lighthouse Keepers.....	151,558 00	
Maintenance and Repairs.....	260,675 00	
For Completion and Construction of Lighthouses and Fog Alarms.....	60,000 00	472,233 00
FISHERIES.		
Salaries and Disbursements of Fishery Overseers and Wardens :—		
Ontario.....	12,000 00	
Quebec.....	12,000 00	
Nova Scotia, including Inspector and Assistant.....	15,000 00	
New Brunswick, including Inspector.....	10,500 00	
Prince Edward Island.....	1,800 00	
Manitoba.....	200 00	
British Columbia.....	1,000 00	
Maintenance and repairs of Steamer for protection of Fisheries.....	52,500 00	
Fish-breeding, Fishways and Oyster Beds.....	18,000 00	
	16,000 00	86,500 00
SCIENTIFIC INSTITUTIONS.		
OBSERVATORIES.		
Observatory, Quebec.....	2,400 00	
do Toronto.....	4,800 00	
do Kingston.....	500 00	
do Montreal.....	500 00	
do New Brunsw.ck.....	850 00	
Grant for Meteorological Observatories, including instruments and cost of telegraphing Weather Warnings.....	37,000 00	
		46,050 00
<i>Carried forward</i>		13,445,159 95

SCHEDULE B.

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		13,445,159 95
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.		
MARINE HOSPITALS.		
Marine and Emigrant Hospital, Quebec	20,000 00	
Montreal General Hospital..... 3,000 00		
Other Ports in Quebec..... 2,000 00	5,000 00	
St. Catharines Hospital, Ontario	500 00	
Kingston do do	500 00	1,000 00
Halifax General Hospital..... 3,500 00		
Other Ports in Nova Scotia..... 11,250 00	14,750 00	
Hospital of St. John..... 4,000 00		11,750 00
Other Ports in New Brunswick..... 7,750 00		4,000 00
Ports in British Columbia.....		3,000 00
Ports in Prince Edward Island.....		
EXPENSES OF SHIPWRECKED AND DISABLED SEAMEN.		
Province of Quebec.....	2,000 00	
do Nova Scotia.....	4,000 00	
do New Brunswick.....	1,000 00	
do British Columbia.....	1,000 00	
do Prince Edward Island.....	500 00	
To reimburse Board of Trade, London, for expenses incurred in connection with shipwrecked and distressed seamen of the Dominion.	3,000 00	71,000 00
STEAMBOAT INSPECTION.		
SALARIES, &c.		
Chairman.....	1,800 00	
Deputy Chairman	1,400 00	
Inspector, Toronto District.....	1,200 00	
do Montreal District.....	1,200 00	
do Three Rivers District.....	1,000 00	
do Quebec District.....	1,000 00	
do East Ontario District.....	1,000 00	
do British Columbia District.....	750 00	
do Manitoba District.....	100 00	
Travelling expenses of Chairman, and expenses in connection with Steamboat Inspection	900 00	
Clerk to Inspector.....	300 00	
Travelling and incidental expenses of Inspector of New Brunswick and Nova Scotia.....	825 00	
Travelling expenses of Inspector of Toronto District, and contingencies of office.....	430 00	
Travelling expenses of Inspector, Three Rivers.....	125 00	
do do Quebec.....	150 00	
do do East Ontario	260 00	
do do Montreal.....	200 00	
do do Manitoba.....	100 00	
<i>Carried forward</i>	12,740 00	13,516,159 95

SCHEDULE B.

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	12,740 00	13,516,159 95
STEAMBOAT INSPECTION.—Continued.		
For purchase of Instruments and Steam Gauges.....	200 00	
To provide travelling expenses, office rent, &c., of Inspector, British Columbia.....	750 00	
Engraving and printing Engineers' Certificates, and printing Steamboat Inspection Act in French.....	300 00	
		13,990 00
INSPECTION OF INSURANCE COMPANIES.		
To meet expenses in connection with the Inspection of Insurance Companies.....		6,000 00
GEOLOGICAL SURVEY.		
Geological Survey.....		50,000 00
INDIANS.		
For Indians of Quebec.....	2,200 00	
Purchase of Blankets for aged and infirm Indians of Ontario and Quebec.....	1,600 00	
Indians of Nova Scotia, relief, &c.....	4,500 00	
do New Brunswick, relief, &c.....	4,500 00	
do Prince Edward Island, relief, &c.....	2,000 00	
INDIANS OF BRITISH COLUMBIA.		
For Victoria Superintendency.....	18,240 00	
Fraser do	18,321 00	
		36,561 00
INDIANS OF MANITOBA.		
For Annuities under Treaties Nos. 1 and 2.....	27,000 00	
do do 3.....	15,640 00	
do do 5.....	15,860 00	
Agricultural implements, cattle, seed-grain, tools, waggons, ammunition, freighting, &c., furnished under the above-mentioned Treaties Nos. 1 and 2.....	12,950 00	
do do 3.....	6,410 00	
do do 5.....	4,890 00	
Provisions for Indians assembled to receive annuities under the above-mentioned Treaties.....	16,500 00	
Triennial supply of clothing under above Treaties.....	2,200 00	
SIoux ON LITTLE SASKATCHEWAN.		
Purchase of Agricultural implements, seed-grain, tools, &c., and salary of an Agent residing on their Reserve	2,600 00	
<i>Carried forward</i>	155,411 00	13,586,149 95

SCHEDULE B.

SCHEDULE B---Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	155,411 00	13,586,149 95
INDIANS.—Continued.		
MANITOBA SUPERINTENDENCY.		
For General expenses of the Manitoba Superintendency	18,300 00	
Salaries of School Teachers and cost of School Buildings.....	5,000 00	
INDIANS OF THE NORTH-WEST.		
Annuities under Treaty No. 4.....	32,300 00	
do do 6.....	40,050 00	
do do 7.....	33,050 00	
Agricultural implements, cattle, &c., under Treaties Nos. 4, 6 and 7...	38,000 00	
Provisions for Indians assembled to receive annuities under Treaties Nos. 4, 6 and 7.....	37,000 00	
Ammunition, twine and rifles (Treaties Nos. 4, 6 and 7)	7,000 00	
Sioux at Qu'Appelle.....	1,000 00	
Surveys for Indian Reserves in the North-West.....	35,000 00	
General expenses of the North-West Superintendency.....	18,500 00	
Salaries of School Teachers, &c.....	7,000 00	
MISCELLANEOUS EXPENDITURE.		
To aid Indians' Schools in Ontario and Quebec where most required...	5,000 00	
To bring up the annuities payable under the Robinson Treaty to the Chippewas of Lakes Huron and Superior, from 96 cents to \$4 per head	14,000 00	
To purchase seed grain.....	2,000 00	
Further Amount required in Manitoba and North-West.....	5,000 00	
do do British Columbia.....	12,000 00	
		465,611 00
MISCELLANEOUS.		
<i>Canada Gazette</i>	4,000 00	
Miscellaneous Printing.....	10,000 00	
Unforeseen Expenses: Expenditure thereof, to be under Order in Council, and a detailed statement to be laid before Parliament during the first 15 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.....	12,000 00	
For the expenses of Government in the North-West Territories	17,000 00	
do do District of Keewatin.....	5,000 00	
For construction of Barracks in the North-West Territories.....	15,000 00	
To meet expenses of the Ontario Boundary Commission	15,000 00	
To meet expenditure estimated to be required to put in force the Act respecting the traffic in Intoxicating Liquors	5,000 00	
To pay a gratuity to Mrs. Coffin, the widow of the late Lieut.-Colonel W. F. Codrington, Commissioner of Ordnance and Admiralty Lands....	2,000 00	
		135,000 00 ;
<i>Carried forward</i>		14,186,760 95

SCHEDULE B.

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		14,186,760 95
COLLECTION OF REVENUES.		
—		
CUSTOMS.		
<i>Salaries and Contingent Expenses of the several Ports.</i>		
In Province of Ontario	216,383 00	
do Quebec.....	200,445 00	
do New Brunswick.....	93,195 00	
do Nova Scotia.....	105,635 00	
do Manitoba and North-West Territories.....	12,450 00	
do British Columbia	22,308 00	
do Prince Edward Island.....	24,420 00	
Salaries and travelling expenses of Inspectors of Ports, and travelling expenses of other Officers on Inspection.....	16,000 00	
Contingencies of Head Office, covering blank books, printing, stationery, &c., for the several Ports of Entry.....	15,000 00	
	705,836 00	
EXCISE.		
Salaries of Officers and Inspectors of Excise.....	174,040 00	
Travelling expenses, rent, fuel, stationery, &c.....	40,000 00	
Preventive Service.....	5,500 00	
To pay Collectors of Customs allowance on Duties col- lected by them.....	2,000 00	
	221,540 00	
CULLING TIMBER.		
<i>Quebec Office.</i>		
1 Supervisor.....	2,000 00	
1 Deputy Supervisor and Book-keeper	1,600 00	
1 Cashier.....	1,200 00	
3 Specification Clerks.	1,900 00	
1 Messenger.....	400 00	
9 Specification Clerks, viz.: 1 at \$1,000; 2 at \$700; 4 at \$600; and 2 at \$500 (8 months).....	5,800 00	
Pay of Cullers.....	55,000 00	
Contingencies.....	5,000 00	
<i>Montreal Office.</i>		
1 Deputy Supervisor.....	800 00	
Book-keeper and Specification Clerks.....	1,000 00	
Pay of Cullers	2,755 00	
Contingencies.....	300 00	
	77,755 00	
<i>Carried forward</i>	1,005,131 00	14,186,760 95

SCHEDULE B.

SCHEDULE B---Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	1,005,131 00	14,186,760 95
COLLECTION OF REVENUES.—Continued.		
WEIGHTS AND MEASURES AND GAS.		
Salaries of 96 Deputy Inspectors of Weights and Measures	54,300 00	
do 32 Gas Inspectors	11,000 00	
Rent, Furniture and means of heating Weights and Measures Offices	15,000 00	
do do Gas Offices.....	3,500 00	
Contingencies: Travelling Expenses, Fuel, &c.....	25,000 00	
Amount required to provide for the carrying out of the Act in British Columbia	500 00	
	109,300 00	
INSPECTION OF STAPLES.		
For the purchase and distribution of Standards of Flour, &c., and for other expenditure under the Act	3,000 00	
ADULTERATION OF FOOD.		
To meet expenses under the Act 37 Vict., chap. 8.....	10,000 00	
PUBLIC WORKS.		
<i>Maintenance and Repairs.</i>		
Salaries and Contingencies of Canal Officers.....	32,020 00	
Collection of Slide and Boom Dues.....	20,245 00	
Repairs and Working Expenses of above.....	366,500 00	
Intercolonial Railway.....	1,600,000 00	
Prince Edward Island Railway.....	200,000 00	
Telegraph Lines, British Columbia (including Subsidy).....	41,500 00	
do between Prince Edward Island and the Mainland	2,000 00	
Agent and Contingencies, British Columbia.....	4,000 00	
Towards building Telegraph Line from Victoria to Nanaimo, B.C.....	7,000 00	
	2,273,265 00	
POST OFFICE.		
For Ontario	777,000 00	
Quebec.....	474,000 00	
New Brunswick.....	167,000 00	
Nova Scotia	196,000 00	
Prince Edward Island	46,000 00	
Manitoba.....	24,000 00	
British Columbia.....	69,000 00	
North-West Territory	14,000 00	
	1,767,000 00	
<i>Carried forward</i>	5,167,696 00	14,186,760 95

SCHEDULE B.

SCHEDULE B---*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	5,167,696 00	14,186,760 95
COLLECTION OF REVENUES.—Continued.		
DOMINION LANDS.		
Surveys of Land, Manitoba and the North-West (including Commission and Staff and Land Agencies)	80,000 00	
Surveys: Amount required for Township Surveys, Saskatchewan, and Highways, Manitoba.....	12,500 00	
Offices: To provide for Rent, Stationery, &c., for three new Offices	1,900 00	
	94,400 00	
MINOR REVENUES.		
To defray expenses connected with Minor Revenues.....	10,000 00	
		5,272,096 00
Total		19,458,856 95

CHAP. 5.

An Act further securing the Independence of Parliament.

[Assented to 10th May, 1878.]

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

1. Except as hereinafter specially provided—

(a) No person accepting or holding any office, commission or employment, permanent or temporary in the service of the Government of Canada, at the nomination of the Crown, or at the nomination of any of the officers of the Government of Canada, to which any salary, fee, wages, allowance or emolument, or profit of any kind is attached,

No person holding an office of emolument under the Government of Canada,—

(b) No Sheriff, Registrar of Deeds, Clerk of the Peace, or County Crown Attorney in any of the Provinces of Canada, shall be eligible as a Member of the House of Commons, nor shall he sit or vote therein :

Nor any Sheriff, &c.,— Shall be a member of the House of Commons.

2. Provided that nothing in this section shall render ineligible, as aforesaid, any person holding any of the following offices, that is to say: President of the Privy Council, Receiver General, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State, Minister of the Interior, Minister of Public Works, Postmaster General, Minister of Agriculture and Immigration, Minister of Inland Revenue, Minister of Customs, or Minister of Marine and Fisheries, or any office which may be hereafter created, to be held by a member of the Queen's Privy Council for Canada and entitling him to be a Minister of the Crown, or shall disqualify him to sit or vote in the House of Commons, provided he be elected while holding such office and be not otherwise disqualified :

Exception as to members of Her Majesty's Privy Council holding certain offices.

3. And provided also, that whenever any person holding the office of President of the Privy Council, Receiver General, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State, Minister of the Interior, Minister of Public Works, Postmaster General, Minister of Agriculture and Immigration, Minister of Inland Revenue, Minister of Customs, or Minister of Marine and Fisheries, or any office which may be hereafter created, entitling him to be a Minister of the Crown, and being at the same time a member of the House of Commons, resigns his office, and within one month after his resignation accepts any

Certain officers may resign one office and accept another within a month without vacating their seats.

Exception in case of change of Administration.

any of the said offices, he shall not thereby vacate his seat, unless the Administration of which he was a member, shall have resigned and a new Administration shall have been formed and shall have occupied the said offices.

No contractor, &c., with Government of Canada to be a member.

2. No person whosoever, directly or indirectly, alone or with any other, by himself or by the interposition of any trustee or third party, holding or enjoying, undertaking or executing any contract or agreement, expressed or implied, with or for the Government of Canada on behalf of the Crown, or with or for any of the officers of the Government of Canada, for which any public money of Canada is to be paid, shall be eligible as a member of the House of Commons; nor shall he sit or vote in the said House.

Election of disqualified person to be void.

3. If any such person hereinbefore declared ineligible as a member of the House of Commons, is nevertheless returned as a member, his election and return shall be null and void.

Member becoming disqualified person to vacate his seat.

4. If any member of the House of Commons accepts any office or commission or is concerned or interested in any contract, agreement, service or work which, by the first or second section of this Act, renders a candidate incapable of being elected to, or of sitting or voting in the House of Commons, or knowingly sells any goods, wares or merchandise to, or performs any service for the Government of Canada, or for any of the officers of the Government of Canada, for which any public money of Canada is paid or to be paid, whether such contract, agreement or sale be expressed or implied, and whether the transaction be single or continuous, the seat of such member shall thereby be vacated, and his election shall thenceforth be null and void.

Penalty on person disqualified, sitting or voting.

5. If any person disqualified or declared incapable of being elected to, or of sitting or voting in the House of Commons by the first or second sections of this Act, or if any person duly elected, who has become disqualified to continue a member or to sit or vote, under the fourth section of this Act, nevertheless sits or votes, or continues to sit or vote therein, he shall thereby forfeit the sum of two hundred dollars for each and every day on which he so sits or votes; and such sum shall be recoverable from him by any person who will sue for the same by action of debt, bill, plaint or information in any Court of competent civil jurisdiction in Canada.

How recoverable.

As to acts done in recess.

6. The second, fourth and fifth sections of this Act shall extend to any transaction or act begun and concluded during a recess of Parliament.

Shareholders in certain

7. This Act shall not extend to disqualify any person as a member of the House of Commons, by reason of his being

a shareholder in any incorporated company having a contract or agreement with the Government of Canada, except companies undertaking contracts for the building of public works, and any company incorporated for the construction or working of any part of the Canadian Pacific Railway.

incorporated companies not disqualified. Exception.

8. In every contract, agreement or commission to be made, entered into or accepted by any person with the Government of Canada, or any of the Departments or officers of the Government of Canada, there shall be inserted an express condition, that no member of the House of Commons shall be admitted to any share or part of such contract, agreement or commission, or to any benefit to arise therefrom; and in case any person or persons who hath or have entered into or accepted, or who shall enter into or accept any such contract, agreement or commission admits or admit any member or members of the House of Commons to any part or share thereof, or to receive any benefit thereby, all and every such person and persons shall for every such offence forfeit and pay the sum of two thousand dollars, to be recovered with full costs of suit in any of Her Majesty's courts by any person or persons who will sue for the same by action of debt, bill, plaint or information.

Government contracts to contain a clause that no member shall become interested therein.

Penalty for contravention.

9. Nothing contained in this Act shall apply or extend to render ineligible or disqualify as a member of the House of Commons,—

Further exceptions.

(a). Any person on whom after the passing of this Act, the completion of any contract or agreement, expressed or implied shall devolve by descent or limitation, or by marriage or as devisee, legatee, executor or administrator, until twelve months after the same has so devolved on him, or to—

Persons on whom contracts devolve, &c.

(b). Any contractor for the loan of money or of securities for the payment of money to the Government of Canada under the authority of Parliament, after public competition, or respecting the purchase or payment of the public stock or debentures of Canada, on terms common to all persons, or—

Lenders of money to Government, &c.

(c). Any Officer of the Militia, or militia man, not receiving any salary or emolument out of the public money of Canada, except only his daily pay when called out for drill or on active service, or allowances, or sums paid for enrolment :

Militia officers and men.

Provided such person, contractor or militia officer or man, be not otherwise ineligible or disqualified.

Proviso.

10. No person being a member of the Senate, shall directly or indirectly, knowingly and wilfully be a party to, or concerned in, any contract under which the public money of Canada

Members of Senate not to become contractors with Government.

Penalty for
contraven-
tion.

Proviso : as
to Senators
now being
contractors—

Or members
of companies
contracting,
except C. P.
Railway, or
public works.

Canada is to be paid : and if any person, being a member of the Senate, shall knowingly and wilfully become a party to or concerned in any such contract, he shall thereby forfeit the sum of two hundred dollars for each and every day during which he continues to be such party or so concerned ; and such sum may be recovered from him by any person who will sue for the same, by action of debt, bill, plaint or information, in any court of competent civil jurisdiction in Canada ; provided always, this section shall not prevent any Senator, who, at the passing of this Act, has any contract for which the public money of Canada is to be paid, from completing such contract, or render him liable to the penalties imposed by this section, nor shall it render any Senator liable for such penalties, by reason of his being a shareholder in any incorporated company, having a contract or agreement with the Government of Canada, except companies undertaking contracts for the building of public works, and any company incorporated for the construction or working of any part of the Pacific Railway.

Limitation of
suits for pen-
alties.

11. No person shall be liable to any forfeiture or penalty imposed by this Act, unless proceedings be taken for the recovery thereof within twelve months after such forfeiture or penalty has been incurred.

Members of
House of
Commons
may resign
their seats,
and how.

12. Any member of the House of Commons wishing to resign his seat, may do so by giving in his place in the House notice of his intention to resign, in which case, and immediately after such notice has been entered by the Clerk on the Journals of the House, the Speaker shall forthwith address his warrant, under his hand and seal, to the Clerk of the Crown in Chancery, for the issue of a writ for the election of a new member in the place of the member resigning ;

Further pro-
vision in such
case.

2. Or such member may address and cause to be delivered to the Speaker a declaration of his intention to resign his seat, made in writing under his hand and seal before two witnesses, which declaration may be so made and delivered either during a Session of Parliament or in the interval between two Sessions,—and the Speaker shall, upon receiving such declaration, forthwith address his warrant, under his hand and seal, to the Clerk of the Crown in Chancery, for the issue of a writ for the election of a new member in the place of the member so resigning, and a writ shall issue accordingly,—and an entry of the declaration so delivered to the Speaker shall be thereafter made in the Journals of the House ;

Warrant for
new writ of
election.

Seat vacated.

3. And the member so tendering his resignation shall be held to have vacated his seat and cease to be a member of the House ;

4. But no member shall so tender his resignation while his election is lawfully contested, nor until after the expiration of the time during which it may by law be contested on other grounds than corruption or bribery.

Not to resign while election is contested, &c.

13. If any member of the House of Commons wishes to resign his seat in the interval between two Sessions of Parliament, and there is then no Speaker, or if such member be himself the Speaker,—he may address and cause to be delivered to any two members of the House, the declaration before mentioned of his intention to resign; and such two members, upon receiving such declaration, shall forthwith address their warrant, under their hands and seals, to the Clerk of the Crown in Chancery, for the issue of a new writ for the election of a member in the place of the member so notifying his intention to resign, and such writ shall issue accordingly :—And the member so tendering his resignation shall be held to have vacated his seat and cease to be a member of the House.

Proceedings when a member wishes to resign and there is no Speaker, or he is himself the Speaker.

Seat vacated.

14. If any vacancy happens in the House of Commons by the death of any member, or by his accepting any office, the Speaker, on being informed of such vacancy by any member of the House in his place,—or by notice in writing under the hands and seals of any two members of the House,—shall forthwith address his warrant to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a member to fill the vacancy, and a new writ shall issue accordingly :

Proceedings in case of vacancy by death or acceptance of office.

2. And if, when such vacancy happens, or at any time thereafter before the Speaker's warrant for a new writ has issued, there be no Speaker of the House, or the Speaker be absent from Canada, or if the member whose seat is vacated be himself the Speaker,—then, any two members of the House may address their warrant, under their hands and seals, to the Clerk of the Crown in Chancery, for the issue of a new writ for the election of a member to fill such vacancy, and such writ shall issue accordingly.

If there is no Speaker, or he is absent, or the member is himself the Speaker.

15. A warrant may issue to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a member of the House of Commons to fill up any vacancy arising subsequently to a general election and before the first meeting of Parliament thereafter, by reason of the death or acceptance of office of any member; and such writ may issue at any time after such death or acceptance of office :

Warrant for filling a vacancy occurring before Parliament meets after a general election..

2. But the election to be held under such writ, shall not in any manner affect the rights of any person entitled to contest the previous election; and the report of any judge, appointed to try such previous election, or of the Supreme

Proviso : Saving right of any person to contest.

Effect of report of judge trying the petition.

Court in case of an appeal, shall determine whether the member who has so died or accepted office, or any other person, was duly returned or elected thereat,—which determination, if adverse to the return of such member and in favour of any other candidate, shall avoid the election held under this section, and the candidate declared duly elected at the previous election shall be entitled to take his seat as if no such subsequent election had been held.

Certain Acts repealed.

16. The Acts thirty-first Victoria, chapter twenty-five ; thirty-fourth Victoria, chapter nineteen, and so much of any other Act or law as may be inconsistent with this Act are hereby repealed ; subject always to the provisions of "*The Interpretation Act*," as to their continuing effect with respect to offences committed and things done before such repeal, but saving the effect of any Act of Indemnity.

Proviso.

Construing references to Acts repealed by this Act.

17. Whenever any Act or enactment hereby repealed is referred to in any subsequent Act in force, such reference shall be construed as applying to this Act or the enactment in it on the like subject.

CHAP. 6.

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

[Assented to 10th May, 1878.]

Preamble.
37 V., c. 9.

WHEREAS it is expedient to amend the Act intituled "*An Act respecting the Elections of Members of the House of Commons*," passed in the thirty-seventh year [of Her Majesty's reign ; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Sec. 11 repealed and new substituted.

Returning officer to ascertain persons entitled to vote, and by what means.

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

"**11.** The Returning Officer shall ascertain from the lists of voters which, under the provisions of this Act are to be used at the election—and in electoral districts where there are voters entitled to vote but there are no lists of voters, from such other information as may be within his reach—the number of, or probable number of persons qualified to vote in each city, town, ward, parish, township, local municipality or other locality where voters are so entitled to vote ; and if such city, town, ward, parish, township, local municipality or other locality has not been constituted or subdivided for electoral purposes into polling districts, by the Legislature, or by the local authorities under the legislation of the Province wherein such electoral district is situate,

And to constitute polling districts in certain cases ; subdividing the electoral district where necessary.

situate, or where such subdivision comprises more than three hundred voters. he shall constitute or subdivide the said city, town, ward, parish, township, local municipality or other locality or subdivision. into polling districts in a convenient manner, so that there shall be at least one polling district for every two hundred voters; and he shall also fix a polling station in a central and convenient place in each polling district; and the Returning Officer may, in his discretion, grant such additional polling places in such polling districts as the extent of the district and the remoteness of any body of its voters from the polling place may render necessary, although the voters thereof may be less than the number above specified.”

And fix a polling station in each, and additional ones when requisite.

2. No envelopes shall be used with the ballot papers, and the following section of the said Act is therefore amended in the manner herein provided: sub-section four of section twenty-eight is repealed and the following substituted:—

No envelopes to be used. Section 28 amended in consequence.

“*Fourthly*: To furnish each Deputy Returning Officer with a sufficient number of ballot papers (all being of the same description and as nearly as possible alike) to supply the number of voters on the list of such polling district, and with the necessary materials for voters to mark their ballot papers.”—

Ballot papers &c., to be furnished for each polling district.

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

Section 27 repealed.

“**27.** The ballot of each voter shall be a printed paper, in this Act called a ballot paper (with a counterfoil) showing the names and description of each candidate alphabetically arranged in the order of their surnames, or if there be two or more candidates with the same surname, in the order of their other names; the names and description of each candidate shall be set forth in the ballot paper as they have been set forth in the nomination paper, and the ballot paper and counterfoil shall be in the form Schedule I to this Act.”

New section 27. Ballot papers, form of.

4. Section thirty-five of the said Act is hereby repealed, and the following substituted therefor:—

Section 35 repealed.

“**35.** In addition to the Deputy Returning Officer and the Poll Clerk, the candidates and their agents (not exceeding two in number for each candidate in each polling station) and, in the absence of agents, two electors to represent each candidate, on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given, during the whole time the poll remains open:

New section 35. Who may be present in the polling station.

“Provided always, that any agent bearing a written authorization from the candidate, shall always be entitled to represent such candidate in preference to, and to the exclusion of any two electors who might otherwise claim the right of representing such candidate under this section”

Agents authorized in writing.

Section 43 repealed.

5. Section forty-three of the said Act is hereby repealed, and the following substituted therefor :—

New section 43. Regulations for voting, and conduct of elector and deputy returning officer.

“**43.** Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, shall declare his name, surname and addition, which shall be entered or recorded in the voters' list to be kept for that purpose by the Poll Clerk ; and if the same be found on the list of electors for the polling district of such polling station, he shall receive from the Deputy Returning Officer a ballot paper, on the back of which such Deputy Returning Officer shall have previously put his initials, so placed that when the ballot is folded they can be seen without opening it ; and on the counterfoil to which he shall have placed a number corresponding to that opposite the voter's name on the voters' list :

Oath to be taken by voters if required.

“ Provided that such elector, if required by the Deputy Returning Officer, the Poll Clerk, one of the candidates or one of their agents, or by any elector present, shall, before receiving his ballot, take the oath or oaths of qualification required by the laws in force in the Province where the election is held, from a voter at the election of a member of the House of Assembly of that Province ; the words “ House of Commons of Canada ” being in such case substituted for “ House of Assembly ” or such other change being made as to make the oath applicable to the election of a member of the House of Commons of Canada, and which oath the Deputy Returning Officer or Poll Clerk is hereby authorized to administer :

Deputy returning officer to instruct elector.

“ The Deputy Returning Officer shall instruct him how and where to affix his mark, and how to fold his ballot paper, but without inquiring or seeing for whom the elector intends to vote except only in the case provided for in section forty-eight.”

Section 45 repealed.

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

New section 45. Mode of voting and marking ballots, &c.

“**45.** The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross with a pencil on any part of the ballot paper within the division (or if there be more than one to be elected, within the divisions) containing the name (or names) of the candidate (or candidates) for whom he intends to vote, and shall then fold up such ballot paper so that the initials on the back can be seen without opening it and hand it to the Deputy Returning Officer, who shall without unfolding it, ascertain by examining his initials and the number upon the counterfoil, that it is the same that he furnished to the elector, and shall first detach and destroy the counterfoil, and shall then immediately, and in the presence of the elector, place the ballot paper in the ballot box.”

7. Section forty-seven of the said Act is hereby repealed, and the following substituted therefor :—

Section 47
repealed.

“**47.** No elector shall be allowed to take his ballot paper out of the polling station, or, except only in the case provided for by section forty-eight, to show it when marked to any person, so as to allow the name of the candidate for whom he votes to be known, under a penalty of two hundred dollars; and no person shall directly or indirectly induce or endeavour to induce any voter to show his ballot paper after he has so marked it, under a penalty of two hundred dollars for so doing, and for each case of such offence.”

New sect. 47.
Ballot not to
be carried
away or
shewn.

Penalty for
contraven-
tion.

8. Section forty-eight of the said Act is hereby repealed, and the following substituted therefor :—

Section 48
repealed.

“**48.** The Deputy Returning Officer on application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the sworn agents of the candidates, or of the sworn electors representing them in the polling station, and of no other person, and by placing such ballot paper in the ballot box; and the Deputy Returning Officer shall require the voter making such application, before voting to make oath of his incapacity to vote without such assistance in the form following :—

New sect. 48.
Case of voter
unable to
mark his
voting paper
provided for.

“I solemnly swear (*or if he be one of the persons entitled by law to affirm in civil cases, solemnly affirm*) that I am ‘unable to read and to understand the ballot papers so as to mark the same, (*or*) that I am incapacitated by physical cause (*as the case may be*) from voting without the assistance of the Deputy Returning Officer.’

Oath of voter
in such case.

“And whenever the Deputy Returning Officer shall not understand the language spoken by any elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote :

Interpreter to
be sworn in
certain cases.

“The Deputy Returning Officer shall enter opposite the names of the voters whose ballots have been so marked, in addition to what is required in the forty-ninth section of this Act, the reason why each ballot paper was marked by him.”

Dnty of D. R.
O. in such
cases.

9 Section fifty-four of the said Act is hereby repealed, and the following substituted therefor :—

Section 54
repealed.

“**54.** A voter who has inadvertently dealt with the ballot paper given him, in such manner that it cannot be conveniently used, may, on delivering the same to the Deputy Returning Officer, obtain another ballot paper in the place of that so delivered up.”

New sect. 54.
Elector spoiling
his ballot
paper.

Section 55
repealed.

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

New sect. 55.
Counting
votes by D
R. Officers

“**55.** Immediately after the close of the poll, the Deputy Returning Officer shall, in the presence of the poll clerk and the candidates or their agents,—and if the candidates and their agents or any of them are absent, then in the presence of such, if any, of them as are present, and of at least three electors, open the ballot box and proceed to count the number of votes given for each candidate: In doing so he shall reject all ballot papers which have not been supplied by the Deputy Returning Officer, all those by which votes have been given for more candidates than are to be elected, and all those upon which there is any writing or mark by which the voter could be identified:

Rejecting
ballots.

Duty of D. R.
O. after
counting the
votes.

“The other ballot papers being counted, and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes or parcels, and those rejected, those spoiled and those unused shall each be put into a different envelope or parcel, and all these parcels, being endorsed so as to indicate their contents, shall be put back into the ballot box.”

Section 61.
repealed.

11. The sixty-first section of the said Act is hereby repealed, and the following substituted therefor:—

New sect. 61
Return of
candidate
elected, ex-
cept in case
of order of a
Judge for a
re-count.

“**61.** The Returning Officer shall, immediately after the sixth day after such verification, unless before that time he receives notice that he is required to attend before a judge for the purpose of a re-count of the votes given at the election, transmit his return to the Clerk of the Crown in Chancery, that the candidate having the largest number of votes has been duly elected, and shall forward to each of the respective candidates a duplicate or copy thereof, and such return shall be in the form Schedule S to this Act:

Form of
return.

“The Returning Officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which report he shall make any observation he may think proper as to the state of the ballot boxes or ballot papers as received by him:

Certain docu-
ments to be
sent with
return.

“The Returning Officer shall also transmit to the Clerk of the Crown in Chancery, with his return, the ballot papers, the original statements of the several Deputy Returning Officers, referred to in section fifty-seven of this Act, together with the voters' lists used in the several polling districts, and any other lists and documents used or required at such election, or which may have been transmitted to him by the Deputy Returning Officers:

How sent.

“Such return and report shall be sent through the post office, after being registered.”

And

And the fifty-ninth and every other section or provision of the said Act (if any) which may be inconsistent with this section are hereby so amended as to be in accordance with it and with section sixty-six of "*The Dominion Elections Act, 1874*," as amended by the next following section of this Act, and shall be construed subject to their provisions.

Inconsistent enactments repealed.

12. Section sixty-six of the said Act is hereby repealed, and the following substituted therefor :

Section 66 repealed.

"**66.** No person shall be allowed to inspect any ballot papers in the custody of the Clerk of the Crown in Chancery, except under the rule or order of one of Her Majesty's Superior Courts, or a Judge thereof ; such rule or order to be granted by such Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers ; or for the purpose of a petition which has been filed questioning an election or return : and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production, as the Court or Judge making the same may think expedient, and shall be obeyed by the Clerk of the Crown in Chancery."

New sect. 66. In what cases only ballot papers may be inspected : order of a Judge required.

13. Section sixty-seven of the said Act is hereby repealed.

Section 67 repealed.

14. In case it is made to appear within four days after that on which the Returning Officer has made the final addition of the votes for the purpose of declaring the candidate (or candidates) elected, on the affidavit of any credible witness, to the County Judge of any county, or in Quebec to a Judge of the Superior Court ordinarily discharging his duties in any judicial district in which the electoral district or any part thereof is situated, that such witness believes that any Deputy Returning Officer at any election in such electoral district in counting the votes has improperly counted or rejected any ballot papers at such election, or that the Returning Officer has improperly summed up the votes,—and in case the applicant deposits within the said time with the clerk of the court the sum of one hundred dollars as a security for the costs of the candidate, in respect of the re-count, appearing by the addition to be elected, the said judge shall appoint a time within four days after the receipt of the said affidavit by him, to re-count the votes, or to make the final addition, as the case may be, and shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to re-count the same, or to make such final addition, as the case may be, and shall summon and command the Returning Officer and his election clerk to attend then and there with

Provision for re-count of votes by a Judge.

Order of Judge to D. R. Officers.

Duty of R. O. and his clerk.

the

the parcels containing the ballots used at the election,—which command the Returning Officer and his election clerk shall obey :

Who may be present at the re-count.

(1.) The said Judge, the Returning Officer and his election clerk, and each candidate, or his agent appointed to attend such re-count of votes, or in case any candidate cannot attend, then not more than one agent of such candidate, and if the candidates and their agents are absent, then at least three electors shall be present at such re-count of the votes :

Opening packets of ballots and re-counting the votes.

(2.) At the time and place appointed, the said Judge shall proceed to re-count all the votes or ballot papers returned by the several Deputy Returning Officers, and shall, in the presence of the parties aforesaid, if they attend, open the sealed packets containing—(1) the used ballot papers which have been counted ; (2) the rejected ballot papers ; (3) the spoiled ballot papers—and no other ballot papers :

Re-count to be continuous. Exception.

(3.) The Judge shall, as far as practicable, proceed continuously, except on Sunday, with such re-count of the votes, allowing only time for refreshment, and excluding (except so far as he and the parties aforesaid agree) the hours between six o'clock in the evening and nine on the succeeding morning : During the excluded time (and recess for refreshments) the said Judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents :

During excepted time documents to be under seal.

Mode of proceeding with the re-count.

(4.) The Judge shall proceed to re-count the vote, according to the rules set forth in section fifty-five of "*The Dominion Elections Act, 1874*," as hereby amended, and shall verify or correct the ballot paper account and statement of the number of votes given for each candidate : and upon the completion of such re-count, or as soon as he has thus ascertained the result of the poll, he shall seal up all the said ballot papers in separate packets, and shall forthwith certify the result to the Returning Officer, who shall then declare to be elected the candidate having the highest number of votes ; and in case of an equality of votes the Returning Officer shall give the casting vote, in like manner as provided in section sixty of "*The Dominion Elections Act, 1874* :"

Certificate of result.

Casting vote of R. O.

Return not to be made until after Judge's certificate.

(5.) The Returning Officer, after the receipt of a notice from the Judge of such re-count of ballots, shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the Judge of the result of such re-count ; and upon receipt of such certificate, the Returning Officer shall proceed to make his return in the form of Schedule S of the said Act :

As to costs and disposal of deposit.

(6.) In case the re-count or addition does not so alter the result of the poll as to affect the return, the Judge shall order

order the costs of the candidate appearing to be elected to be paid by the applicant, and the said deposit shall be paid out to the said candidate on account thereof, so far as necessary ; and the Judge shall tax the costs on giving his decision ; and if the deposit is insufficient, the party in whose favor costs are allowed shall have his action for the balance.

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

Section 115 repealed.

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

New sec. 115. Production of Writ of Election, &c., not required in suits under this Act.

16. Section one hundred and thirty-one of the said Act is hereby repealed, and the following substituted therefor :—

Section 131 repealed.

“**131.** One copy of this Act, and of such instructions approved by the Governor in Council as may be required to carry out the elections according to the provisions of this Act, (with a copious alphabetical index prefixed), for the Returning Officer, and one for each of his Deputies, shall be transmitted, with the writ of election, to each Returning Officer.”

New sec. 131. Copies of Act and instructions to be sent to the Returning Officer.

17. Section one hundred and thirty-two of the said Act is hereby repealed and the following substituted therefor :—

Section 132 repealed.

“**132.** The Clerk of the Crown in Chancery may cause to be made for each Electoral District such a number of ballot boxes as may be required ; or may give to the Returning Officers such instructions as may be deemed necessary to secure ballot boxes of a uniform size and shape, and also as to the mode of making the compartments in the polling stations,—such instructions being first approved of by the Governor in Council.”

New sec. 132. Furnishing ballot boxes, &c., by Clerk of the Crown in Chancery.

18. Schedule A of the said Act is hereby amended by striking out the words “ on or before the day of next,” after the word “ Chancery,” and substituting therefor the words “ as by law directed.”

Schedule A amended.

19. Schedule I of the said Act is hereby repealed and the following substituted therefor :—

Schedule I repealed.

“ I.

New Schedule I.

" I.

Ballot Paper and Directions for voting.

Election for the Electoral District of 18 .

DOE

I. John Doe, Township of Nepean, County of Carleton, Yeoman.

ROE

II. Richard Roe, of Town of Prescott, County of Grenville, Merchant. ×

STILES

III. Geoffrey Stiles, of 10 Sparks Street, Ottawa, Physician.

STILES

IV. John Stiles, of 3 Elgin Street, Ottawa, Barrister-at-Law.



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

DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING.

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

The voter will go into one of the compartments, and with a pencil there provided, place a cross in the division containing the name or names of the candidate or candidates for whom he votes, thus ×.

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

If

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

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

If the voter takes a ballot paper out of the polling station, or fraudulently puts any other paper into the ballot box than the ballot paper given him by the Deputy Returning Officer, he will be subject to be punished by fine of five hundred dollars or by imprisonment for a term not exceeding six months, with or without hard labor."

CHAP. 7.

An Act to provide for the better Auditing of the Public Accounts.

[Assented to 10th May, 1878.]

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 words "public moneys," "public revenue" or "revenue," mean and include and apply to all revenue of the Dominion of Canada, and all branches thereof, and all public moneys, whether arising from duties of customs, excise or other duties,—or from the post office,—or from tolls for the use of any canal, railway, or other public work,—or from fines, penalties or forfeitures,—or from any rents or dues,—or any other source whatsoever,—whether such moneys belong to the Dominion or are collected by officers of the Dominion for or on account of or in trust for any Province forming part of the Dominion, or for the Imperial Government, or for any other party; the word "certify" includes "examine and certify if found correct;" the expression "sub-accountant" means any officer or person receiving or expending public moneys and accounting for the same to or through any Minister or officer of any public department.

Interpretation.

"Public moneys" or "Revenue."

"Certify."

"Sub-accountant."

2. And any officer, functionary or person whose duty it is or has been to receive any moneys forming part of the Revenue, or who is or has been entrusted with the custody or expenditure of any such moneys,—although he may not be or have been regularly employed in collecting, managing or accounting for the same,—shall be subject to the provisions of this Act, so far as regards the accounting for and paying over such moneys, whatever be the office or employment by virtue of which he receives or has received, or is or was entrusted with the same.

Who shall be subject to this Act.

Governor in Council to determine what officers are necessary, &c.

2. The Governor in Council may, from time to time, determine what officers or persons it is necessary to employ in collecting, managing or accounting for the revenue, and in carrying into effect the laws thereunto relating, or for preventing any contravention of such laws; and may assign their names of office, and such salaries or pay for their labour and responsibility in the execution of the duties of their respective offices and employments, as to the said Governor in Council seems reasonable and necessary, and may appoint the times and manner in which the same shall be paid: But no such officer so appointed shall receive a higher annual salary than is allowed in his case by any Act of the Parliament of Canada, respecting the Civil Service generally, then in force; nor shall any such salary be paid until voted by Parliament.

Proviso as to salaries.

No fees allowed.

3. The salary or pay allowed to any such officer or person as aforesaid shall be in lieu of all fees, allowances or emoluments of any kind whatsoever, except actual and authorized disbursements, shares of seizures, forfeitures and penalties; and no such officer or person, receiving a salary at or exceeding the rate of one thousand dollars per annum, shall exercise any other calling, profession, trade or employment whatsoever, with a view to derive profit therefrom, directly or indirectly, or shall hold any other office of profit whatsoever, except, in either case, with the express permission of the Governor in Council.

Officers receiving \$1,000 or more, to give their whole time.

Exception.

Exemption from certain public services.

4. No officer or person regularly employed in the collection or management of the revenue, or in accounting for the same shall, while he remains such officer or so employed, be compelled to serve in any other public office or in any municipal or local office, or on any jury or inquest, or in the militia.

Oath of office.

5. Every person appointed to any office or employment relative to the collection or management of the revenue, or in accounting for the same, shall, at his admission to such office or employment, take the following oath, before such officer as the Governor General may appoint to receive the same, that is to say:

Form of oath.

"I, A. B., do swear to be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge, by my appointment as _____, and that I will not require, take or receive any fee, perquisite, gratuity or reward, or emolument whether pecuniary or of any other sort or description whatever, either directly or indirectly for any service, act, duty, matter or thing done or performed or to be done or performed in the execution or discharge of any of the duties of my said office or employment, on any account whatever, other than my

“ my salary, or what shall be allowed me by law, or by
 “ order of the Governor General of this Dominion in Council.
 “ —So help me God.”

6. The Governor in Council may, from time to time, make all such divisions of the Dominion into ports, revenue districts or otherwise, as may be required with regard to the collection or management of the revenue,—and may assign the officers or persons by whom any duty or service relative to any such purpose shall be performed within or for any such district or division, and the place or places within the same, where such duty or service shall be performed,—and may make all such regulations concerning such officers and persons, and the conduct and management of the business to them entrusted, as are consistent with the law, and as he deems expedient for carrying it into effect, in the manner best adapted to promote the public good: And any general regulation or order made by the Governor in Council for any purpose whatever for which an order or regulation may be so made under the provisions of this Act, shall apply to each particular case within the intent and meaning of such general regulation or order, as fully and effectually as if the same had been made with reference to such particular case, and the officers, functionaries or parties concerned had been specially named therein.

Governor in Council to divide Canada into ports, districts, &c., for Revenue purposes, and make regulations.

Application of general regulation or order.

2. A printed copy of any regulation or order of the Governor in Council, printed by the Queen's Printer, or a written copy thereof attested by the signature of the Clerk of the Queen's Privy Council for Canada, shall be evidence of such regulation or order; and any order in writing, signed by the Secretary of State of Canada, and purporting to be written by command of the Governor General, shall be received in evidence as the order of the Governor General.

Proof of regulations.

7. Every person employed on any duty or service relating to the collection or management of the revenue, by the orders or with the concurrence of the Governor in Council, shall be deemed to be the proper officer for that duty or service; and every act, matter or thing required by any law in force to be done or performed by, to, or with any particular officer nominated for that purpose in such law, being done or performed by, to, or with any person appointed or authorized by the Governor in Council to act for or on behalf of such particular officer, shall be deemed to be done or performed by, to or with such particular officer:

Officers employed to be deemed the proper officers.

2. And every act, matter or thing required by any law at any time in force, to be done or performed at any particular place within any port, or within any other such district or division of the Dominion as aforesaid, being done or performed at any place within such port, district or division, appointed

At what place any duty shall be performed

appointed by the Governor in Council, for such purpose, shall be deemed to be done or performed at the particular place so required by law.

Officers of one Revenue service may be employed in another.

8. Any officer or person employed in the collection, management or accounting for any branch of the revenue, may be employed in the collection, management or accounting for any other branch thereof, whenever it is deemed advantageous for the public service so to employ him.

Hours of office, &c.

9. The Governor in Council may, from time to time, appoint the hours of the general attendance of the officers and persons employed in the collection and management of the revenue, at their proper offices and places of employment,—and may also appoint the times during such hours, or the seasons of year, at which any particular portions of the duties of such officers or other persons shall be performed by them respectively; and a notice of the hours of general attendance so appointed shall be kept constantly posted up in some conspicuous place in such offices and places of employment.

Notice to be posted.

Holidays : what days shall be.

10. No day shall be kept as a public holiday by the officers and persons employed in the collection and management of the revenue, except Christmas day, New Year's day and Good Friday in every year,—any day appointed by proclamation of the Governor for the purpose of a general fast, or of a general thanksgiving,—such days as are appointed for the celebration of the birth-day of Her Majesty and Her Royal Successors, and any other statutory holiday—and such other days as may be from time to time appointed as holidays by the Governor in Council.

AUDITOR GENERAL AND OFFICERS OF FINANCE DEPARTMENT.

Auditor-General.

11. For the more complete examination of the public accounts of the Dominion, and for the reporting thereon to the House of Commons, the Governor General may, under the Great Seal of Canada, appoint an officer, to be called the Auditor General of Canada, and such officer may be paid out of the Consolidated Revenue Fund, a salary of three thousand two hundred dollars per annum.

Appointment and salary.

Tenure of office.

12. The Auditor General shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

Officers and clerks under him.

13. The Governor in Council shall, from time to time, appoint the officers, clerks, and other persons in the office of the Auditor General, and may regulate the numbers and salaries of the respective grades or classes into which the officers, clerks and others shall be divided : Provided always, that such regulations shall be in accord with the provisions

Proviso.

of

of the Act or Acts regulating the Civil Service of Canada ; and provided also. that no such salaries shall be paid unless first voted by Parliament. Proviso as to salaries.

14. The Acts thirty-third Victoria, chapter four ; thirty-sixth Victoria, chapter thirty-two ; and thirty-eighth Victoria, chapter nine, providing for the superannuation of officers employed in the public service of the Dominion shall apply to the Auditor General and the officers, clerks and other persons employed in his office. Superannuation Acts to apply.

15. The Auditor General shall have full power to make, from time to time, orders and rules for the conduct of the internal business of his office, and to promote, suspend or remove any of the officers, clerks and others employed therein, and to prescribe regulations and forms for the guidance of principal and sub-accountants in making up and rendering their periodical accounts for examination : Provided always, that all such rules, regulations and forms shall be approved by the Treasury Board previously to the issue thereof. Auditor-General to make rules as to business of his office. Proviso : for approval by Treasury Board.

16. The Treasury Board shall consist of the Minister of Finance, the Minister of Customs, the Minister of Inland Revenue and the Receiver General ; and the Minister of Finance shall be the Chairman of the Board. Treasury Board : who shall form.

17. For the more efficient management of the Department of Finance, a Deputy of the Minister of Finance may be appointed under the Great Seal. He shall be a member of the Civil Service Board, and have similar duties and powers to those of the other Deputy Heads of Departments of the Canada Civil Service. Deputy of Minister of Finance.

18. The Deputy of the Minister of Finance shall be *ex-officio* the Secretary of the Treasury Board, and shall also be the Deputy of the Receiver General. To be Secretary of Treasury Board and Deputy of Receiver-General.

19. The Deputy of the Minister of Finance shall, under the Minister of Finance, keep the accounts with the financial agents of the Dominion in England, and with the bank or banks receiving or paying public moneys, and the accounts of moneys paid for interest on Canadian stock, debentures, or other Canadian securities. To keep certain public accounts.

20. The Deputy of the Minister of Finance shall countersign all Canadian debentures,—keep a debenture book, which shall contain a record and description of all debentures outstanding or authorized to be issued, shewing the date of issue, period of redemption, when they were cancelled, and times of payment of interest,—and an interest account respecting them ; and also a register of provincial notes Further duties : Debenture book. Provincial or notes

Dominion notes.

Appropriation book.

Public accounts.

Certain returns to be sent to him.

notes or notes of the Dominion issued or cancelled : he shall classify all appropriations of public moneys and keep posted up a book to be called the appropriation book, containing an account, under separate and distinct heads, of every such appropriation, whether permanent or temporary, entering under each head the amounts drawn on account of such appropriation with the dates and names of the parties to whom payments are issued ; and shall, under the Minister of Finance, keep the public accounts of the Dominion :— All returns and statements required from savings banks, chartered or other banks, and all other institutions required by law to make financial statements or returns, shall be transmitted to him.

Further duties under control of Minister of Finance.

Other duties may be assigned to him.

21. The Deputy of the Minister of Finance shall have, under the Minister of Finance, the supervision, control and direction of all matters relating to the financial affairs and public accounts, revenue and expenditure of the Dominion, which are not, or in so far as they are not, by law, or by Order of the Governor in Council assigned to any other Department of the Civil Service, and such other duties as may from time to time be assigned to him by the Governor in Council.

Examining and cancelling debentures, &c.

22. It shall be the duty of the Auditor-General and the Deputy of the Minister of Finance to examine and cancel debentures, Dominion or Provincial notes, and other securities representing the debt of the Dominion and which have been redeemed.

Plan of accounts to be made under Treasury Board.

Power of Governor in Council.

23. A plan of account books and accounts adapted to the requirements of each service in order to exhibit, in a convenient form, the whole of the receipts and payments in respect of each vote, shall be designed under the superintendence of the Treasury Board ; and the Governor in Council may, on reports from the Treasury Board, prescribe from time to time the manner in which each Department of the public service shall keep its accounts.

Treasury Board may direct books, and accounts to be kept by officers, &c.

24. The Treasury Board may direct any officer or person employed in collecting, managing or accounting for any branch of the revenue, to keep any books or accounts which they deem advisable to direct to be kept for the purpose of obtaining and furnishing any statistical information concerning the trade or commerce of the Dominion, the public works thereof, or other matters of public interest.

HOW PUBLIC MONEYS SHALL BE DEALT WITH.

To be paid to credit of Receiver-General.

25. All public moneys, from whatever source of revenue derived,—shall be paid to the credit of the account of the Receiver General through such officers, banks or parties, and in

in such manner as the Governor in Council may, from time to time, direct and appoint.

26. The Governor in Council may, from time to time, appoint the times and mode in which any officer or person employed in the collection, management of, or the accounting for any part of the revenue, shall account for and pay over the public moneys which come into his hands,—and may determine the times, manner and form in which, and the officer by whom, any licenses on which any duty is payable, are to be issued: Provided, that such accounts and payments shall be rendered and made by such officers and persons respectively at least every month.

Time and mode of such payment.

As to license duties.

Proviso.

27. The Minister of Customs, the Minister of Inland Revenue, the Postmaster General, and all Ministers, deputies, officers, clerks or persons charged with the receipt of public moneys, shall cause the gross revenues of their several departments or offices to be paid at such times and under such regulations as the Minister of Finance may, from time to time, prescribe, to an account to be called "the account of the Receiver General," at such bank or banks as may be determined by the Minister of Finance; and daily accounts of such moneys so deposited shall be rendered to the Auditor-General in such form or forms as the Treasury Board may prescribe.

Ministers, deputies, &c., to pay in gross revenues of their departments or offices: when and how.

Daily accounts to Auditor-General.

28. Every officer of the Customs or of the Inland Revenue or Excise or otherwise employed in the collection of the revenue, receiving money for the Crown, shall deposit the same to the credit of the account of the Receiver General, from time to time, in such bank as the Governor in Council may appoint; and every such officer shall keep his cash-book written up daily; and all the books, accounts and papers of such officer shall at all times during office hours be open to the inspection and examination of any officer or person whom the Minister of Finance may authorize to inspect or examine the same: Provided, that where such money is received at a place where there is no bank into which it can conveniently be paid, the Governor in Council may direct it to be paid over in such manner as he may deem expedient; and daily accounts of such moneys so deposited shall be rendered to the Auditor-General in such form or forms as the Treasury Board may prescribe.

Payment of revenue into banks.

Cash books. Books open to inspection.

Proviso: where there is no bank.

Daily accounts.

PROCEEDINGS AS TO VOTES OF MONEY.

29. When any sum or sums of money shall have been granted to Her Majesty by a resolution of the House of Commons, or by an Act of Parliament, to defray expenses for any specified public services, it shall be lawful for the Governor General, from time to time, under his sign manual countersigned

Warrant of the Governor to Minister of Finance.

countersigned by a member of the Treasury Board, to authorize and require the Minister of Finance to issue out of the moneys appropriated for defraying the expenses of such services and in the hands of the Receiver General, the sums which may be required from time to time to defray such expenses, not exceeding the amount of the sums so voted or granted.

Minister of Finance to issue credits in favour of the proper departments and persons.

Credits to be on certain banks : accounts thereof in duplicate.

Statements to be rendered to Auditor-General and Minister of Finance.

Cheques to make good expenditures on such credits.

Proviso.

Duty of Auditor-General as to the issue of cheques.

To report to Governor in Council in case of excess.

30. When any sum or sums of money shall have been granted to Her Majesty by a resolution of the House of Commons, or by an Act of Parliament, to defray expenses for any specified public services, and as soon as the Governor General may have issued his warrant authorizing the payment of such sum or sums as may be required to defray such expenses, the Minister of Finance may, from time to time, on the application of the Auditor-General, cause credits to be issued in favour of the deputies, officers, clerks or other persons connected with the several departments or services charged with expenditures of the moneys so authorized. Such credits shall issue on the several banks authorized to receive public moneys, and statements in duplicate of moneys drawn for under such credits, together with the cheques paid by the banks in connection therewith, shall be rendered at such times and under such forms and at least once in each month or oftener as the Treasury Board may direct,—one duplicate of such statement together with the cheques being rendered to the Auditor-General, and the other duplicate to the Minister of Finance; whereupon the Auditor-General, being satisfied of the correctness of the statement, may request the Minister of Finance to cause cheques to be prepared to reimburse the banks for such advances under such credits to cover the expenditures made or authorized,—such cheques being signed by the Minister of Finance and countersigned by the Auditor-General or their respective deputies or officers thereunto duly authorized : Provided always, that no credit shall issue in favor of any deputy, clerk, officer or other person in excess of any vote sanctioned under the supply bill or of any Act of Parliament.

31. It shall be the duty of the Auditor-General to see that no cheque issues for the payment of any public money for which there is no direct parliamentary appropriation, or in excess of any portion of such appropriation the expenditure of which has been authorized by the Governor in Council, and he shall report to the Governor in Council through the Minister of Finance, any case in which a sub-accountant has expended money out of the proceeds of any accountable credit, for any purpose for which there is no legislative authority or beyond the amount for which there is such authority.

32. No cheque for public money shall issue except upon the certificate of the Auditor-General that there is parliamentary authority for the expenditure, save only in the following cases :—

No cheque of Finance Minister except on certificate of Auditor-General,

1. If, upon any application for a cheque, the Auditor-General has reported that there is no parliamentary authority for issuing it, then upon the written opinion of the Law Officer of the Crown, that there is such authority, citing it, the Minister of Finance may authorize the Deputy Minister of Finance to prepare the cheque, irrespective of the Auditor-General's report :

Exceptions. Opinion of law officer that it may issue.

2. If, when Parliament is not in session, any accident happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arises when any expenditure not foreseen or provided for by Parliament is urgently and immediately required for the public good, then upon the report of the Minister of Finance that there is no parliamentary provision, and of the Minister having charge of the service in question that the necessity is urgent, the Governor in Council may order a special warrant to be prepared, to be signed by the Governor General himself, for the issue of the amount estimated to be required, which shall be placed by the Minister of Finance to a special account, against which cheques may issue from time to time in the usual form, as they may be required :

Accidents during recess of Parliament.

Special warrant.

3. If the Auditor-General has refused to certify that a cheque of the Minister of Finance may issue, on the ground that the money is not justly due, or that it is in excess of the authority granted by Council, or for any reason other than that there is no parliamentary authority, then upon a report of the case prepared by the Auditor-General and the Deputy Minister of Finance the Treasury Board shall be the judge of the sufficiency of the Auditor-General's objection, and may sustain him or order the issue of the cheque in their discretion :

Provision if the Auditor-General refuses to certify that a cheque may issue.

4. It shall be the duty of the Auditor-General in all such cases to prepare a statement of all such legal opinions, reports of Council, special warrants, and cheques issued without his certificate and of all expenditure incurred in consequence thereof, which he shall deliver to the Minister of Finance to be by him presented to Parliament not later than the third day of the session thereof then next ensuing.

Statement to be submitted to Parliament in such cases.

33. No payment shall be authorized by the Auditor-General in respect of work performed, or materials supplied by any person in connection with any part of the public service of Canada, unless in addition to any other voucher or certificate

Vouchers to be required by Auditor-General.

which

which may be required in that behalf, the officer, under whose special charge such part of the public service is, certifies that such work has been performed, or such materials supplied, as the case may be, and that the price charged is according to contract, or if not covered by a contract, is fair and just.

ANNUAL ACCOUNTS FOR PARLIAMENT AND AUDIT OF ACCOUNTS.

Account by Deputy Minister of Finance for Auditor-General: what to show.

34. The Minister of Finance shall cause an account to be prepared and transmitted to the Auditor-General, on or before the thirty-first day of October in every year, showing the issues made from the Consolidated Revenue Fund in the financial year ended on the thirtieth day of June preceding, for the interest and management of the public funded and unfunded debt, for the civil list, and all other issues in the financial year, for services directly under his control; and the Auditor-General shall certify and report upon the same with reference to the Acts of Parliament, under the authority of which such issues may have been directed; and such accounts and reports shall be laid before the House of Commons by the Minister of Finance, on or before the thirty-first day of January, in the following year, if Parliament be then sitting, and if not sitting, then within one week after Parliament shall be next assembled.

Report of Auditor-General.

Account and report to be laid before Parliament.

Yearly accounts or Parliament.

35. It shall be the duty of the Deputy of the Minister of Finance to prepare and submit to the Minister of Finance the Public Accounts to be annually laid before Parliament, such accounts to be countersigned by the Auditor-General.

Auditor-General to counter-sign.

What period the said Public Accounts shall include.

36. The Public Accounts shall include the period from the thirtieth of June in one year to the thirtieth of June in the next year, which period shall constitute the financial year; all estimates submitted to Parliament shall be for the services coming in course of payment during the financial year; and all balances of appropriation which remain unexpended at the end of the financial year, shall lapse and be written off: Provided, that upon cause being shown to the satisfaction of the Governor in Council, he may, by Order in Council to be made before the first of August of each year, extend the time for finally closing the account of any appropriation, for a period of not more than three months from the end of the financial year,—after the expiration of which extended time, and not before, the balance of such appropriation shall lapse and be written off.

Balances unused.

Proviso: for extension of time for closing accounts of appropriation.

Accounts of appropriation of supply grants to be prepared by department

37. On or before the thirty-first day of October in every year, accounts of the appropriation of the several supply grants comprised in the Appropriation Act for the year ending thirtieth June then last, or of any other Act, shall be prepared by the several Departments, and
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be transmitted for examination to the Auditor-General and to the Deputy of the Minister of Finance, and when certified and reported upon, as hereinafter directed, they shall be laid before the House of Commons; and such accounts shall be called the "Appropriation Accounts" of the moneys expended for the services to which they may respectively relate; and the Treasury Board shall determine by what Departments such accounts shall be prepared and rendered to the Auditor-General, and the Auditor-General shall certify and report upon such accounts, as hereinafter directed; and each account shall be examined under direction of the Auditor-General, by such officer or clerk in his office as he may direct; and such officer or clerk shall certify to the due examination of such account, and the Auditor-General shall certify that the account has been examined under his direction and is correct: Provided always, and it is the intention of this Act that the Treasury Board shall direct that the Department charged with the expenditure of any vote under the authority of the Governor in Council, shall prepare the appropriation account thereof: Provided also, that the term "Department," when used in this Act in connection with the duty of preparing the said appropriation accounts, shall be construed as including any public officer or officers to whom the duties may be assigned by the Treasury Board.

and transmitted for examination.

Treasury Board to say by what departments.

Examination by Auditor-General and certificate.

Proviso.

Proviso: term "Department" interpreted.

38. The Department charged with the duty of preparing the appropriation account of a grant shall, if required to do so by the Auditor-General, transmit to him, together with the annual appropriation account of such grant, a balance sheet so prepared as to show the debtor and creditor balances in the ledger of such Department on the day when the said appropriation account was closed, and to verify the balances appearing upon the annual appropriation account: Provided always, that the Auditor-General may, if he thinks fit, require the said Department to transmit to him, in lieu of such balance sheet, a certified statement showing the actual disposition of the balances appearing upon the annual appropriation account on the last day of the period of such account.

Duty of departments preparing appropriation accounts.

Proviso: another statement may be required by Auditor-General.

39. The Treasury Board may alter the period at or to which any accountant for public moneys, public officer, corporation or institution, is required to render any account or to make any return, whenever in their opinion such alteration will facilitate the correct preparation of the public accounts or estimates for the financial year, anything in any Act to the contrary notwithstanding.

Treasury Board may alter times for accounting.

40. The deputy heads of the several Departments or the officers, clerks, or other persons charged with the expenditure of public moneys, shall respectively audit the details of the accounts of the several services in the first instance, and be responsible for the correctness of such audit.

Deputy-Heads &c., to audit details.

Explanation as to balances to accompany accounts.

41. Every appropriation account, when rendered to the Auditor-General, shall be accompanied by an explanation showing how the balance or balances on the grant or grants included in the previous account have been adjusted, and shall also contain an explanatory statement of any excess of expenditure over the grant or grants included in such account; and such statement, as well as the appropriation account, shall be signed by such Department.

Examination of appropriation accounts by Auditor-General.

42. Every appropriation account shall be examined by the Auditor-General, on behalf of the House of Commons; and in the examination of such accounts, the Auditor-General shall ascertain, first, whether the payments which the accounting department has charged to the grant are supported by vouchers or proofs of payment; and second, whether the money expended has been applied to the purpose or purposes for which such grant was intended to provide: Provided always, and it is hereby enacted, that whenever the said Auditor-General shall be required by the Minister of Finance to ascertain whether the expenditure included, or to be included, in an appropriation account, or any portion of such expenditure, is supported by the proper authority, the Auditor-General shall examine such expenditure with that object, and shall report to the Minister of Finance any expenditure which may appear, upon such examination, to have been incurred without such authority; and if the Minister of Finance should not, thereupon, see fit to sanction such unauthorized expenditure, it shall be regarded as being not properly chargeable to a Parliamentary grant, and shall be reported to the House of Commons, in the manner hereinafter provided.

Proviso: examination as to whether any expenditure was authorized.

Report to House of Commons if unauthorized.

Auditor-General to have free access to Books of Account.

43. In order that such examinations may, as far as possible, proceed, *pari passu*, with the cash transactions of the several accounting departments, the Auditor-General shall have free access, at all convenient times, to the books of account and other documents relating to the accounts of such departments, and may require the several departments concerned to furnish him, from time to time, or at regular periods, with accounts of the cash transactions of such departments respectively up to such times or periods.

Auditor-General to test castings and computations.

44. In conducting the examination of the vouchers relating to the appropriation of the grants for the several services sanctioned by the appropriation Act of the year, or by any Act of Parliament, the Auditor-General shall test the accuracy of the castings and computations of the several items of such vouchers; but if he is satisfied that the accounts bear evidence that the vouchers have been completely checked, examined, and certified as correct in every respect, and that they have been allowed, and passed by the proper departmental officers, he may admit the same as satisfactory evidence

May admit vouchers if satisfied of correctness.

evidence

dence of payment in support of the charges to which they may relate: Provided always, that if the Minister of Finance should desire any such vouchers to be examined by the Auditor-General in greater detail, the Auditor-General shall cause such vouchers to be subjected to such a detailed examination as the Minister of Finance may think fit to prescribe.

Proviso: if Minister of Finance requires further examination.

45. If during the progress of the examination by the Auditor-General hereinbefore directed any objection should arise to any item to be introduced into the appropriation account of any grant, such objections shall, notwithstanding such account shall not have been rendered to him, be immediately communicated to the Department concerned; and if the objections should not be answered to his satisfaction by such Department, they shall be referred by him to the Treasury Board, and the Treasury Board shall determine in what manner the items in question shall be entered in the annual appropriation account.

Objections arising to be communicated to department accounting.

46. In reporting as hereinbefore directed for the information of the House of Commons, the result of the examination of the appropriation accounts, the Auditor-General shall call attention to every case in which cheques have been issued without his certificate, or in which it may appear to him that a grant has been exceeded, or that money received by a Department from other sources than the grants for the year to which the account relates has not been applied or accounted for according to the directions of Parliament, or that a sum charged against a grant is not supported by proof of payment, or that a payment so charged did not occur within the period of the account, or was for any other reason not properly chargeable against the grant.

Auditor-General, in reporting to Parliament, to call attention to excess of expenditure, &c.

47. If the Minister of Finance does not, within the time prescribed by this Act, present to the House of Commons any report made by the Auditor-General on the appropriation accounts, or any other accounts, the Auditor-General shall forthwith present such report.

To present his report if Minister of Finance does not present it.

48. Besides the appropriation accounts of the grants of Parliament, the Auditor-General shall examine and audit, if required to do so by the Minister of Finance, and in accordance with any regulations that may be prescribed for his guidance in that behalf by the Treasury Board the following accounts, viz: the accounts of all receipts of revenues forming the Consolidated Revenue Fund of Canada; the accounts current with the several banks and financial agents of the Dominion; the accounts relating to the issue or redemption of loans; the accounts with the several Indian tribes, known as the Indian Fund; the accounts with the several Provinces forming the Dominion of Canada; the accounts with

Auditor-General to examine and audit certain other accounts if required.

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Accounts with Imperial Government, &c.

the Imperial Government, and any other public accounts which, though not relating directly to the receipts or expenditure of the Dominion of Canada, the Treasury Board may direct.

By whom such accounts shall be rendered.

49. The accounts which, by the last preceding section the Minister of Finance is empowered to subject to the examination of the Auditor-General, shall be rendered to him by the Departments or officers directed so to do by the Minister of Finance; and the term "Accountant" when used in this and the following sections of this Act with reference to any such accounts, shall be taken to mean the Department or officer that may be so required by the Minister of Finance to render the same; and every public officer into whose hands public moneys, either in the nature of revenue or fees of office, shall be paid by persons bound by law or regulation to do so, or by subordinate or other officers whose duty it may be to pay such moneys, wholly, or in part, into the account of the Receiver General, or to apply the same to any public service, shall, at such times and in such form as the Treasury Board shall determine, render an account of his receipts and payments to the Auditor-General; and it shall be the duty of the Clerk of the Queen's Privy Council for Canada to inform the Auditor-General of the appointment of every such officer.

Term "Accountant" interpreted.

Duty of Clerk of Queen's Privy Council as to appointments.

Examination to be made with as little delay as possible. Statement by Auditor-General when examination is completed.

50. The Auditor-General shall examine the several accounts transmitted to him with as little delay as possible, and when the examination of each account shall be completed he shall make a statement thereof in such form as he may deem fit, and if it appears from the statement so made up of any account being an account current, that the balance thereon agrees with the Accountant's balance, or if it appears from any account rendered by an Accountant, as well as from the statement of such account by the Auditor-General that the Accountant is "even and quit," the Auditor-General is hereby required to sign and pass such statement of account so made up by him as aforesaid: Provided always, that in all other cases whatever, the Auditor-General having made up the statement of account as hereinbefore directed, shall transmit the same to the Minister of Finance, who, having considered such statement, shall return it to him, with his certificate attached thereto, directing him to sign and pass the account, either conformably to the statement thereof, or with such alterations as he may deem just and reasonable; and a statement of the account made up by the Auditor-General in accordance with such certificate from the Minister of Finance shall then be signed and passed by him: Provided further, that a list of all accounts which the Auditor-General may have signed and passed (such list to be so prepared as to show thereon the charge, discharge and balance of each account respectively,) shall be submitted by him

Proviso: statement to be sent to Minister of Finance who shall examine it, &c.

Proviso: list of accounts examined to be submitted to Treasury

him to the Treasury Board twice in every year, that is to say, Board, and when. not later than the first week of February, and the first week of August.

51. As soon as any account has been signed and passed by the Auditor-General, he shall transmit to the Accountant a certificate, in which the total amounts of the sums forming, respectively, the charge and discharge of such account, and the balance, if any, remaining due to or by such accountant, shall be set forth; and every such certificate shall be signed by him, and shall be valid and effectual to discharge the Accountant, as the case may be, either wholly or from so much of the amount with which he may have been chargeable, as he may appear by such certificate to be discharged from: Provided always, that when any account, not being an account current has been signed and passed by the Auditor-General with a balance due thereon to the Crown, he shall not make out or grant any such certificate as aforesaid until the Accountant has satisfied him, either that he has discharged the full amount of such balance, and any interest that may, as hereinafter provided, be payable thereon, or that he has been relieved from the payment thereof, or of so much thereof as has not been paid, by an Order in Council passed on a report from the Treasury Board.

Certificate to Accountant and what to show:—its effect.

Proviso: no certificate unless Auditor-General is satisfied as to balance.

52. In all cases where the Auditor-General is required by the Minister of Finance to examine and audit the accounts of the receipt, expenditure, sale, transfer, or delivery of any securities, stamps, Canadian or other Government stock or annuities, provisions or stores, the property of Her Majesty, he shall, on the examination of such accounts being completed, transmit a statement thereof, or a report thereon to the Minister of Finance, who shall, if he thinks fit, signify his approval of such accounts; and the Auditor-General on receipt of such approval shall thereupon transmit to the Accountant a certificate in a form to be from time to time determined by the Auditor-General, which shall be to such Accountant a valid and effectual discharge from so much as he may thereby appear to be discharged from.

Statement required after examination and audit as to securities, stamps, &c.

Approval of Minister of Finance and discharge of Accountant.

53. The Auditor-General shall have full power and authority to examine any person on oath or affirmation on any matter pertinent to any account submitted to him for audit; such oath or affirmation may be administered by him to any person whom he may desire to examine.

Power to examine persons on oath.

54. The Auditor-General may apply, in term or in vacation, to any Judge of the Supreme Court or Exchequer Court of Canada or Superior Court for the Province of Quebec, or of any one of the superior courts of common law in any of the Provinces of Ontario, Nova Scotia or New Brunswick, Manitoba,

Auditor-General may obtain writs of subpoena.

Manitoba, British Columbia or Prince Edward Island, or of the Territories, for an order that a subpœna be issued from the court, commanding any person therein named to appear before him at the time and place mentioned in such subpœna, and then and there to testify to all matters within his knowledge relative to any account submitted to him, and (if so desired) to bring with him and produce any document, paper or thing which he may have in his possession relative to any such account as aforesaid; and such subpœna shall issue accordingly upon the order of such judge: and any such witness may be summoned from any part of Canada whether within or without the ordinary jurisdiction of the court issuing the subpœna: any reasonable travelling expenses shall be paid to any witness so subpœnaed at the time of such service.

And of *duces tecum*.

Examination of witnesses.

Expenses.

Auditor-General may issue commissions to take evidence.

Powers of Commissioners.

55. If, by reason of the distance at which any person, whose evidence is required by the said Auditor-General, resides from the seat of government, or for any other cause, the Auditor-General deems it advisable, he may issue a commission, under his hand and seal, to any officer or person therein named, empowering him to take such evidence, and report the same to him; and such officer or person, being first sworn before some Justice of the Peace faithfully to execute the duty entrusted to him by such commission, shall, with regard to such evidence, have the same powers as the Auditor-General would have had if such evidence had been taken before him, and may, in like manner, apply to and obtain from any judge of any of the courts aforesaid, a subpœna for the purpose of compelling the attendance of any person, or the production of any document, paper or thing before him; and such subpœna shall issue accordingly on the order of such judge; or such subpœna may issue on the application of the Auditor-General to compel such attendance, or the production of any document, paper or thing before such Commissioner.

Penalty on persons summoned failing to attend, or produce papers, &c.,

and punishment as for contempt of Court.

56. If any person summoned, in the manner hereinbefore provided, to attend before the said Auditor-General or any Commissioner appointed as aforesaid, fails, without valid excuse, to attend accordingly,—or, being commanded to produce any document, paper or thing in his possession, fails to produce the same,—or refuses to be sworn or to answer any lawful and pertinent question put to him by the Auditor-General or by such Commissioner, such person shall, for each such offence, forfeit the sum of one hundred dollars to the Crown, for the public uses of the Dominion, to be recovered in any manner in which debts due to the Crown can be recovered, and may likewise be dealt with by the court out of which the subpœna issued, as having refused to obey the process of such court, and as being guilty of a contempt thereof.

57. Every Accountant, on the termination of his charge as such Accountant, or in the case of a deceased Accountant his representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge to the public officer authorized to receive the same; and in all cases in which it shall appear to the Auditor-General that balances of public money have been improperly and unnecessarily retained by an accountant, he shall report the circumstances of such cases to the Minister of Finance, who shall take such measures as to him may seem expedient for the recovery by legal process, or by other lawful ways and means, of the amount of such balance or balances, together with interest, upon the whole or on such part of such balance or balances, for such period of time, and at such rate as to the Minister of Finance may appear just and reasonable

Balances to be paid over in case of termination of charge, de- cease, &c.

Report if im- properly re- tained, and proceedings for recovery.

LIABILITY OF ACCOUNTANTS,—CIVILLY.

58. If any corporation, officer or person refuses or neglects to transmit any account, statement or return, with the proper vouchers, to the officer or department to whom he is lawfully required to transmit the same, on or before the day appointed for the transmission thereof, such corporation, officer or person shall, for such refusal or neglect, forfeit and pay to the Crown, for the public uses of the Dominion, the sum of one hundred dollars, to be recovered, with costs, as a debt due to the Crown, and in any court and in any way in which debts to the Crown can be recovered: And in any action for the recovery of such sum, it shall be sufficient to prove, by any one witness or other evidence, that such account, statement or return ought to have been transmitted by the defendant, as alleged on the part of the Crown, and the onus of proving that the same was so transmitted shall rest upon the defendant.

Penalty for not account- ing as re- quired by law.

Evidence in action, and onus of proof.

59. Whenever the Minister of Finance has reason to believe that any officer or person has received money for the Crown, or for which he is accountable to the Crown, or has in his hands any public money applicable to any purpose, and has not paid over or duly applied and accounted for the same,—he may direct a notice to such officer, or person, or to his representative in case of his death, requiring him, within a time to be therein named, from the service of such notice, to pay over, or apply and account for such money to the Minister of Finance, or to the officer to be mentioned in the notice, and to transmit to him the proper vouchers that he has so done.

Notice to per- sons neglect- ing to pay over.

60. If any officer or person fails to pay over, apply or account for any such money, and to transmit such vouchers as aforesaid within the time limited by the notice served on him,—the Minister of Finance shall state an account as

Proceedings against per- son refusing to obey the notice.

between

between such officer or person and the Crown in the matter to which the notice relates, charging interest from the service thereof, and shall deliver a copy thereof to Her Majesty's Attorney General of Canada; and such copy shall be sufficient evidence to support any information or other proceeding for the recovery of the amount therein shewn to be in the hands of the defendant, as a debt due to the Crown, saving to the defendant the right to plead and give in evidence all such matters as may be legal and proper for his defence; and the defendant shall be liable to the costs of such information or proceeding, whatever be the judgment therein, unless he proves that before the time limited in such notice, he paid over or applied and duly accounted for the money therein mentioned, and transmitted the proper vouchers with such account, or unless he be sued for the same in a representative character, and is not personally liable for such money, or to render such account.

Evidence in case.

Costs.

Proceedings in case of insufficient vouchers.

61. Whenever any such officer or person as aforesaid has transmitted an account, either before or after notice as aforesaid, but without vouchers or with insufficient vouchers for any sum for which he therein takes credit,—the Minister of Finance may notify such officer or person, in the manner mentioned in the next preceding section but one, to transmit vouchers, or sufficient vouchers, within such period as the Minister of Finance may deem fit after the service of the notice; and if such vouchers are not transmitted within that time, the Minister of Finance may state an account against such officer or person, disregarding the sums for which he has taken credit, but for which he has transmitted no vouchers or insufficient vouchers, and may deliver a copy of such account to Her Majesty's Attorney General of Canada; and such copy shall be sufficient evidence to support an information or other proceeding for the recovery of the amount therein shewn to be in the hands of the defendant, saving to the defendant the right to plead and give in evidence all such matters as may be legal and proper for his defence; but such defendant shall be liable to the costs of the information or proceeding, whatever be the judgment therein, unless the vouchers by him transmitted within the time limited by the notice served on him, or before such service, are found of themselves sufficient for his defence, and for his discharge from all sums demanded of him.

Evidence

Costs.

Proceedings in case public money appears by books of Accountant to have been received, and has not been paid over.

62. If at any time it appears clearly, by the books or accounts kept by or in the office of any officer or person employed in the collection or management of the revenue or in accounting for the same, or by his written acknowledgment or confession,—that such officer or person hath by virtue of his office or employment received moneys belonging to Her Majesty, and amounting to a sum certain, which he hath

hath refused or neglected to pay over to the officer duly appointed to receive the same, and in the manner and at the time lawfully appointed,—then upon affidavit of the facts, by any officer cognizant thereof, and thereunto authorized by the Governor in Council, made before a justice or judge of any court having jurisdiction in civil matters to the amount of the sums so ascertained as aforesaid,—such justice or judge shall cause to be issued against and for the seizure and sale of the goods, chattels and lands of the officer or person so in default as aforesaid, such writ or writs as might have issued out of such court, if the bond given by him had been put in suit, and judgment had been thereupon obtained in favor of Her Majesty, for a like sum, and any delay by law allowed between judgment and execution had expired; and such writ or writs shall be executed by the sheriff or other proper officer, and such sum as aforesaid shall be levied under them with costs, and all further proceedings shall be had, as if such judgment as aforesaid had been actually obtained.

Seizure and sale of defaulter's goods.

63. In all cases when any estate belonging to a public accountant is sold under any writ of extent or any decree or order of any court of law, and the purchaser thereof, or of any part thereof, has paid his purchase money into the hands of any public accountant authorized to receive the same, such purchaser shall be wholly exonerated and discharged from all further claims of Her Majesty, for or in respect of any debt arising upon the account of such accountant, although the purchase money so paid be not sufficient in amount to discharge the whole of such debt.

Payment of price of property sold under writ of extent to discharge all further claim of Her Majesty thereon.

64. If any officer or person has received public money for the purpose of applying it to any specific purpose, and has not so applied it within the time or in the manner provided by law,—or if any person having held any public office and having ceased to hold the same, has in his hands any public money received by him as such officer for the purpose of being applied to any specific purpose to which he has not so applied it,—such officer or person shall be deemed to have received such money for the Crown for the public uses of the Dominion, and may be notified by the Treasury Board to pay such sum back to the Minister of Finance; and the same may be recovered from him as a debt to the Crown, in any manner in which debts to the Crown may be recovered,—and an equal sum may, in the meantime, be applied to the purpose to which such sum ought to have been applied.

Public money unapplied to the purposes for which it was granted to be paid back.

Recovery if not paid.

65. If, by reason of any malfeasance, or of any gross carelessness or neglect of duty, by any officer or person employed in the collection or management of the revenue or in collecting

Liability for loss occasioned by malfeasance.

sance or culpable neglect. collecting or receiving any moneys belonging to the Crown, for the public uses of the Dominion, any sum of money is lost to the Crown,—such officer or person shall be accountable for such sum as if he had collected and received the same, and it may be recovered from him on proof of such malfeasance, gross carelessness or neglect, in like manner as if he had so collected and received it.

Other Crown remedies not affected.

66. Nothing in this Act shall weaken or impair any remedy which the Crown has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown, for the public uses of the Dominion, and in the possession of any officer or person whomsoever, by virtue of any other Act or law.

LIABILITY CRIMINALLY.

Punishment of officers.

67. Any officer, or any person acting in any office or employment, connected with the collection or management of the revenue who—

Receiving bribes, &c.

1. Shall receive any compensation or reward for the performance of any official duty, except as by law prescribed ; or—

Colluding to defraud the Crown,

2. Shall conspire or collude with any other person to defraud the Crown, or shall make opportunity for any person to defraud the Crown ; or—

or in breach of law.

3. Shall designedly permit any violation of the law by any other person ; or—

Making false entries, &c.

4. Shall wilfully make or sign any false entry in any book, or wilfully make or sign any false certificate or return in any case, in which he is by law or regulation required to make any entry, certificate or return ; or—

Not giving information of fraud on revenue, &c.

5. Having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against the Crown, under any revenue law of Canada, shall fail to report, in writing, such knowledge or information to his next superior officer ; or—

Receiving reward for condoning an offence.

6. Shall demand or accept, or attempt to collect, directly or indirectly, as payment, or gift, or otherwise, any sum of money, or other thing of value, for the compromise, adjustment, or settlement of any charge or complaint for any violation, or alleged violation of law, except as expressly authorized by law or by the authority of the Department, of which he is an officer, to do,—

Shall be dismissed from office, and shall be held to be guilty of a misdemeanor, and shall, on conviction, be liable to a fine not exceeding five hundred dollars, and to imprisonment for any term not exceeding one year.

Misdemeanor.
Punishment.

68. If any person, directly or indirectly, promises, offers, or gives, or causes or procures to be promised, offered, or given, any money, goods, right in action, bribe, present, or reward, or any promise, contract, undertaking, obligation or security for the payment or delivery of any money, goods, right in action, bribe, present or reward, or any other valuable thing whatever, to any officer, or any person acting in any office or employment connected with the collection or management of the revenue, with intent—

Offering
bribes to
revenue
officers: for
certain pur-
poses.

1. To influence his decision or action on any question or matter which may then be pending, or may by law be brought before him in his official capacity; or—

To influence
his decision.

2. To induce such officer or person to commit, or aid or abet in committing any fraud on the revenue, or to connive at, collude in, or allow or permit any opportunity for the commission of any such fraud,—

To induce
him to con-
nive at fraud.

Such person, and any officer or person who shall in anywise accept or receive any such moneys, goods, right in action, bribe, present or reward, or any promise, contract, undertaking, obligation or security for the payment or delivery thereof, or any other valuable thing whatever, or any part of the same respectively, shall be guilty of a misdemeanor, and be liable, on conviction, to a fine not exceeding three times the amount so offered or accepted, and to imprisonment for any term not exceeding one year: and any officer or person convicted under this section shall forfeit his office or place; and any person convicted under this section shall be for ever disqualified to hold any office of trust, honor or profit, under the Crown.

Punishment
of persons
offering and
of officers re-
ceiving the
same.

Misdemeanor.

Imprison-
ment.

Forfeiture of
office and dis-
qualification.

69. Any officer, or any person acting in any office or employment, connected with the collection of the revenue, who is or becomes, directly or indirectly, interested in the manufacture or production of any article subject to excise, or who trades in any article subject to excise duties, shall incur a penalty not exceeding five hundred dollars nor less than fifty dollars, which shall be recoverable in any Court having jurisdiction in civil cases to the amount thereof.

Becoming
interested in
manufacture
of excisable
articles.

Penalty.

70. All books, papers, accounts and documents of what kind soever, and by whom and at whose cost soever the paper and materials thereof have been procured or furnished, —kept or used by, or received or taken into the possession of any officer or person employed or having been employed in

Books of
account,
papers,
moneys, &c.,
to belong to
Her Majesty.

the

the collection or management of the revenue or in accounting for the same, by virtue of his employment as such,—shall be deemed to be chattels belonging to Her Majesty,—and all moneys or valuable securities received or taken into his possession by virtue of his employment shall be deemed to be moneys and valuable securities belonging to Her Majesty :

Punishment for embezzling any such article, or any money, &c.

Felony.

How punished.

2. If any such officer or person at any time fraudulently embezzles any such chattel, money or valuable security,—(and any refusal or failure to pay over or deliver up any such chattel, money or valuable security to any officer or person who, being duly authorized by the Governor in Council, demands the same, shall be a fraudulent embezzlement thereof.)—he shall be deemed to have feloniously stolen the same, and may be indicted and proceeded against, and being convicted thereof shall be liable to be punished in the same manner as any servant who, having fraudulently embezzled any chattel, money or valuable security, received or taken into his possession by virtue of his employment, for or on the account of his master, and being in law deemed to have feloniously stolen the same, may be indicted, proceeded against and punished :

Other remedies of Her Majesty not impaired.

3. Nothing herein contained shall prevent, lessen or impeach any remedy which Her Majesty or any other party has against such offender or his sureties, or against any other party whomsoever ; but nevertheless the conviction of any such offender shall not be received in evidence in any suit, or action at law or in equity, against him.

MISCELLANEOUS PROVISIONS.

Before whom oaths or affirmations may be taken, &c.

Affirmation may be substituted for oath by Governor in Council.

71. In all cases wherein proof on oath or by affirmation or declaration is required by any law relating to the collection or management of the revenue or to the accounting for the same, or is necessary for the satisfaction or consideration of the Governor in Council in any matter relating to the collection or management of the revenue or to the accounting for the same, and no person or officer is specially named as the officer or person before whom the same is to be made,—it may be made before any Collector or chief officer of the customs for the port or place where such proof is required, or before the persons acting for them respectively, or before such other officer or person as may be appointed to receive the same by the Governor General ; and such officers and persons shall administer such oath or affirmation or receive such declaration : and in any case or class of cases where an oath is required by this Act or by any law in force, in any matter relating to the collection or management of the revenue or the accounting for the same, the Governor in Council, if he deems it fit, may authorize the substitution for such oath, of

a solemn affirmation or of a declaration, which shall then avail to all intents and purposes as such oath would have done.

72. Upon all examinations and inquiries made by order of the Governor in Council, for ascertaining the truth as to any fact relative to any matter concerning the collection or management of the revenue, or the accounting for the same, or the conduct of officers or persons employed therein,—and upon like examination and inquiries made by the Collector of customs, or by the chief officer employed in the collection and management of the revenue, in or at any port, district or place, or by any person or officer authorized by the Governor in Council to make such examinations and inquiries, any person to be examined as a witness shall deliver his testimony on oath, to be administered to him by the officer or person making the examination or inquiry :

Inquiries concerning Revenue matters.

Examination on oath.

2. And any person wilfully making any false statement, in any such examination upon oath (or in any solemn affirmation or declaration substituted as aforesaid for an oath) whether such oath be required by this Act or by any other law relating to the revenue, shall be deemed guilty of wilful and corrupt perjury, or of a misdemeanor punishable in the same manner as wilful and corrupt perjury, and shall, on conviction, be liable to be punished accordingly.

False statements, &c., punishable as perjury.

73. In all cases in which an Accountant may be dissatisfied with any disallowance or charge in his accounts made by the Auditor-General, such Accountant shall have a right of appeal to the Treasury Board, who, after such further investigations as they may consider equitable, whether by *visd voce* examination or otherwise, may make such order, directing the relief of the appellant, wholly or in part from the disallowance or charge in question, as shall appear to them to be just and reasonable, and the Auditor-General shall govern himself accordingly.

Appeal to Treasury Board by Accountant dissatisfied.

REMISSION OF DUTIES, FORFEITURES, &C.

74. And whereas it is expedient that the Executive Government should be empowered to relax the strictness of the laws relative to the collection of the revenue, in cases where, without such relaxation, great public inconvenience, or great hardship and injustice to individuals, could not be avoided : Therefore,

Recital.

1. The Governor in Council, whenever he deems it right and conducive to the public good, may remit any duty or toll payable to Her Majesty, imposed and authorized to be imposed by any Act of the Parliament of Canada, or by any Act or Ordinance of the legislature of the late Province of Canada, or of any

Governor in Council may remit duties, forfeitures, &c., in certain cases.

- any of the Provinces of Nova Scotia, New Brunswick, British Columbia or Prince Edward Island, or of the Territories, in force in the Dominion of Canada, and relating to any matter within the scope of the powers of the Parliament thereof, or any forfeiture or pecuniary penalty imposed or authorized to be imposed by any such Act, for any contravention of the laws relating to the collection of the revenue, or to the management of any public work producing toll or revenue, although any part of such forfeiture or penalty be given by law to the informer or prosecutor, or to any other party. And such remission may be total or partial, conditional or unconditional, and may be granted either before or after, or pending any suit or proceeding for the recovery of any duty, toll, penalty or forfeiture, and either before or after any payment thereof has been made or enforced by process or execution; and such remission may be exercised by forbearance from instituting any suit or proceeding for the recovery of any duty, toll, penalty or forfeiture, or if the same have been already instituted, then by the delay, stay, or discontinuance of any such suit or proceeding, or by the forbearance to enforce, or by the stay or abandonment of any execution or process upon any judgment, or by the entry of satisfaction upon any judgment, or by the refund of any sum or sums of money paid to the Receiver General for such duty, toll, penalty or forfeiture, or whereof payment has been enforced by any execution or process upon any judgment as aforesaid: Provided always, that no duties of customs or excise, paid to Her Majesty on any goods, shall be remitted or refunded on account of such goods having, after the payment of such duties, been lost or destroyed by fire or other unavoidable accident:
- How such remission may be made.**
- Stay of proceedings.**
- Refund.**
- Proviso: as to goods destroyed by accident.**
- Effect of conditional remission.**
- Failure to perform condition.**
- Recommendation by the Treasury Board.**
- Returns to Parliament.**
2. If the remission be conditional, the condition, if accepted by the party to whom the remission is accorded, shall be lawful and valid, and the performance thereof, or the remission only, if unconditional, shall have the same effect as if the remission had been made after the duty, toll, penalty or forfeiture had been sued for and recovered; and if the condition be not performed, it may be enforced, or all proceedings may be had, as if there had been no remission:
 3. No remission shall be made in any case unless such case has been considered, and the remission, whether total or partial, conditional or unconditional, has been recommended by the Treasury Board, and sanctioned and ordered by the Governor in Council:
 4. A detailed statement of all remissions and refunds of any tolls or duties shall be annually submitted to the several branches of the Parliament of Canada, within the first fifteen days of the next ensuing session thereof.

75. If the Governor General directs that the whole or any part of any penalty imposed by any law relating to the revenue be remitted or returned to the offender, such remission or return shall have the effect of a pardon for the offence for which the penalty is incurred, which shall thereafter have no legal effect prejudicial to the party to whom such remission is granted :

Effect of remission as pardon.

2. Her Majesty's Attorney General of Canada may sue for and recover in Her Majesty's name any penalty or forfeiture imposed by any law relating to the revenue, before any court or other judicial authority before which such penalty or forfeiture is recoverable under such law, or may direct the discontinuance of any suit for any such penalty, by whom or in whose name soever the same has been brought,—and in such case, the whole of such penalty or forfeiture shall belong to Her Majesty for the public uses of Canada, unless the Governor in Council do, as he may if he sees fit, allow any portion thereof to the seizing officer or other person by whose information or aid the penalty or forfeiture has been recovered.

Recovery of penalties and forfeitures.

REPEAL AND EFFECT OF REPEAL.

76. All commissions and appointments of any officers or persons employed in the collection or management of the revenue or in accounting for the same, issued or made before the passing of this Act, shall continue in force, unless and until revoked or altered by competent authority, and the nature of the duties and local extent of the powers of each office, shall, unless and until they be expressly altered, and so far as they are not inconsistent with any Act of the Parliament of Canada, remain the same as if granted or made under the authority of this Act, subject always to the provisions and enactments thereof ; and all bonds which have been given by such officers or persons, or their sureties, shall remain in full force and effect.

Commissions and appointments, &c., to remain in force.

And bonds.

77. Chapter five of the Acts passed in the thirty-first year of Her Majesty's reign, and the Act passed in the thirty-third year of Her Majesty's reign, chapter eight, and the Act passed in the thirty-fourth year of Her Majesty's reign, chapter eleven, and the Act passed in the thirty-ninth year of Her Majesty's reign, chapter two, are hereby repealed with so much of chapter thirty-two of the Acts passed in the thirty-first year of Her Majesty's reign, or of chapter four of the Acts passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, or of chapters seven and ten of the Acts passed in the session held in the thirty-third year of Her Majesty's reign, or of chapter six of the Acts passed in the session held in the thirty-fourth year of Her Majesty's reign, or of any other Act

Repeal of 31 V., c. 5 ; 33 V., c. 8 ; 34 V., c. 11 ; 39 V., c. 2 ; and so much of 31 V., c. 32 ; 32-33 V., c. 4 ; 33 V., cc. 7 and 10, and 34 V., c. 6, as may be inconsistent with this Act.

or law in force in the Dominion of Canada, as is inconsistent with this Act, or makes any provision in any matter provided for by this Act, other than such as is hereby made, shall be and is repealed, in so far as relates to matters subject to the control of the Parliament of Canada, subject always to the provisions of "*The Interpretation Act*" as to the effect of such repeal.

31 V., c. 1, s. 7, pars. 35, 36, 37.

Commencement of Act.

78. This Act shall come into force upon, from and after such day as the Governor General may, by proclamation, direct.

CHAP. 8.

An Act further to amend the Act intituled "*An Act respecting the Public Works of Canada.*"

[Assented to 10th May, 1878.]

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. 12 amended.

Short-hand writer may be employed to take down evidence in arbitration cases.

1. The Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting the Public Works of Canada,*" is hereby amended by adding the following words to the forty-second section thereof:—"With the consent of the Minister or his agent, and of the opposite party, the testimony of the said witnesses may be taken down in shorthand by a stenographer, who shall be previously sworn before one of the arbitrators faithfully to take down and transcribe the testimony, and who shall, at the conclusion of the examination of a witness, read over the same to him; and such testimony shall, when transcribed in ordinary writing, and signed by the witness, if he can write, and if not, then attested by the stenographer, form the record of his testimony."

As to costs

2. The expenses incurred under this Act, in any case, shall be costs therein, and taxed and paid as such; and this Act shall apply to cases pending at the time of its passing, and to cases referred to the said Arbitrators under any Act amending the Act first above cited.

Parties having claims arising out of public work for the Dominion or any Province may

3. If any person or body corporate now has or shall hereafter have any supposed claim upon the Government of Canada for property taken or for alleged direct or consequent damage to property arising from the construction or connected with the execution of any public work undertaken,

taken, commenced or performed at the expense of the said Government, or of the Government of the late Province of Canada, or of Nova Scotia, or of New Brunswick, or of Prince Edward Island, or of British Columbia, or for the defence of Canada, or any claim arising out of or connected with the execution or fulfilment, or on account of deductions made for the non-execution or non-fulfilment of any contract for the construction of any public work, or arising out of any death or any injury to person or property on any railway, canal or public work under the control and management of the Department of Public Works, such person or body corporate may give notice of such claim to the Minister of Public Works, stating the particulars thereof and how the same has arisen; and in case the Minister, from want of sufficient or reliable information as to the facts relating to the claim, or on account of conflicting statements of facts, does not consider the case one in which a tender of satisfaction should be made, he may refer the claim to one or more of the official arbitrators for examination and report, both as to the matters of fact involved and as to the amount of damages, if any, sustained; and thereupon the arbitrator or arbitrators to whom the claim has been referred shall have all the powers in reference thereto as he or they would have if such claim had been one coming within the purview of the said Act intitled "*An Act respecting the Public Works of Canada,*" and had been referred after tender of satisfaction made; but the arbitrators' duty in such case shall be confined to reporting his or their findings upon the questions of fact and upon the amount of damages, if any, sustained and the principles upon which such amount has been computed.

notify Minister of Public Works.

Who may, in certain cases, refer the claims to arbitration without previous tender.

Powers of arbitrator or arbitrators limited in such case to report.

CHAP. 9.

An Act respecting the Duty on Malt.

[Assented to 10th May, 1878.]

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

Preamble.

1. The Customs duty imposed on British and Foreign malt by the Act fortieth Victoria, chapter eleven, section two, or by any former Act, is hereby repealed.

Present duty repealed.

2. Malt when imported into Canada shall be immediately placed in a suitable bonding warehouse, provided at the cost of the importer, and approved as suitable for the purpose by a duly authorized revenue officer.

Malt imported to be immediately bonded.

To be under
excise regu-
lations.

3. Malt warehoused as herein provided 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 when taken for consumption, shall be subject to the same duty as malt made in Canada.

Malt not so
bonded to be
forfeited.

4. Malt imported into Canada and not immediately warehoused as herein required, shall be seized by any officer of the revenue having a knowledge thereof, and shall be forfeited to the Crown.

CHAP. 10.

An Act to amend the law relating to Stamps on Promissory Notes and Bills of Exchange.

[Assented to 10th May, 1878.]

Preamble.

WHEREAS doubts have arisen as to the proper time for affixing and cancelling stamps on bills of exchange, drafts and promissory notes drawn or made out of Canada, but payable within the same; and it is desirable to remove such doubts as well as to provide for certain unforeseen cases: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Mode of com-
plying with
the law as to
a bill, &c.,
drawn out of
but payable
within
Canada.

1. It shall be sufficient in the case of any bill of exchange, draft or promissory note drawn or made without Canada but payable within Canada, in order to comply with the law, for any bank, broker, holder or party to such instrument, at the time of the acceptance, or endorsement thereof, to affix thereto and cancel the proper single stamps therefor; and the date of cancellation to be marked thereon shall be the true date of such cancellation, and such date need not agree with the date of the instrument.

Certain pro-
visions as to
validity by
double stamps
extended to
bills, &c.,
drawn out of
but payable
in Canada.

2. The provisions whereby validity may be given to bills of exchange, drafts and promissory notes when drawn or made within Canada, by the payment of double duty thereon, shall for the same purposes and to the same effect, extend to such instruments when drawn or made without Canada but payable in Canada, when stamps to the amount of double duty upon such instruments shall be affixed and cancelled in the same mode as stamps in payment of double duty are affixed and cancelled to such instruments when made or drawn within Canada.

As to Bills,
&c., found
among effects
of deceased
persons.

3. In the case of a bill of exchange, draft or promissory note found amongst the securities of a deceased person, unstamped, it shall be sufficient, in order to give validity thereto,

thereto, for the executor or administrator, to affix and cancel double stamps thereon, with the date of such cancellation and with the initials of the party cancelling the same.

4. In the case of a suit to recover upon, or a defence of set-off upon a lost or destroyed bill of exchange, draft or promissory note, where there is no evidence that such instrument had been properly stamped, and when the validity of the instrument in question is contested on the ground of insufficient stamps or want of stamps, the court having cognizance of the suit, may at any stage of the proceeding, in order to give validity to the same, allow double stamps for the requisite amount to be affixed to the record, or to any other paper or proceeding in the cause, and cancelled by or on behalf of the party interested in maintaining the validity of the instrument, plaintiff or defendant, as the case may be.

As to lost or destroyed bills, &c.

5. Every instrument liable to stamp duty shall be admitted in evidence in any criminal proceeding, although it may not have the stamp required by law impressed thereon or affixed thereto.

Unstamped instruments admissible in evidence in criminal cases.

6. After a note or instrument requiring to be stamped under this Act has been settled or paid, no penalty shall be enforced against any party thereto, or against any person or corporation who had been the holder thereof, by reason of such note or instrument having been insufficiently stamped, or the stamps thereon insufficiently effaced; unless it be proved, that the party from whom a penalty is demanded, was aware before, or at the date of the maturity of such note or instrument, of the defect in the stamping thereof, or in the effacing of the stamps thereon, and did not thereupon affix double stamps thereto, in the manner provided by this Act. And the reception of such note or instrument by any party to such note or instrument, or by the holder thereof, whether such holder be a corporation or not, or by any employer or agent of such party or holder, shall not be evidence sufficient to justify a conviction or such penalty.

In what case only penalty shall be enforced as to unstamped bills, &c., after payment or settlement thereof.

7. Neither the said Act nor any Act amending the same nor this Act shall be construed to require that any stamp be impressed on or affixed to any instrument executed *en brevet* or otherwise before a Notary in his official capacity.

No stamps required on notarial instruments.

8. This Act shall be read and construed as if forming part of the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign and chaptered nine, intituled "*An Act to impose duties on Promissory Notes and Bills of Exchange.*"

Act to be construed as one with 31 V., c. 9.

CHAP. II.

An Act to amend the Act thirty-seventh Victoria, chapter eight, intituled "An Act to impose license duties on compounders of spirits; to amend the Act respecting the Inland Revenue, and to prevent the adulteration of Food, Drink and Drugs."

[Assented to 10th May, 1878.]

Preamble.

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

Section 23 of 37 V. c. 8, amended.

1. Section twenty-three of the Act passed in the thirty-seventh year of Her Majesty's reign, and chaptered eight, is hereby amended by striking out all after the words "any drug which is adulterated" in the seventh line, and substituting the following: "And every person who shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance and quality of the article demanded by such purchaser, shall for every such offence on conviction of the same, incur and pay a penalty of one hundred dollars, together with the costs attending such conviction; and if any person so convicted shall afterwards commit a like offence, he shall incur and pay a penalty of two hundred dollars, and in either case the adulterated or fraudulent articles shall be forfeited to the Crown: Provided that an offence shall not be deemed to be committed under this section in the following cases:—

Penalty for selling a purchaser an article other than that he believed he was buying.

"(1) When any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or to conceal the inferior quality thereof.

Proviso: Exception.

Ingredient not injurious, necessarily added.

Proprietary medicines.

"(2) When the drug or food is a proprietary medicine or is the subject of a patent in force, and is supplied in the state required by the specification of the patent.

Extraneous substance unavoidably mixed.

"(3) When the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation."

Butter containing certain ingredients to be branded, &c., or label delivered with it.

2. Every person who shall manufacture for sale or who shall offer or expose for sale any article or substance in semblance of butter, but not the legitimate produce of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals not produced from milk enters

as

as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word "oleo-margarine," and in case of retail sale of such article or substance in parcels, the seller shall, in all cases, deliver therewith to the purchaser a written or printed label bearing plainly written or printed thereon the words "oleo-margarine."

3. Every person who shall knowingly sell or offer to sell, or have in his or her possession with intent to sell, contrary to the provisions of the second section of this Act, any of the said articles or substances required by the said section to be stamped, marked or labelled, without having the vessel or package containing it so stamped, marked or labelled, as therein stated, or in case of retail sale, without delivery of a stamp or label, as required by the said section, shall, for each offence, incur a penalty of one hundred dollars.

Penalty for contravention of sect. 2.

4. This Act shall be construed as one Act with the Act hereby amended and the Act thereby amended, and the three Acts may be cited together as "*The Inland Revenue Acts of 1867, 1874 and 1878.*"

Construction of Act and short title.

CHAP. 12.

An Act to amend the Law respecting Deck Loads.

[Assented to 10th May, 1878.]

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

Preamble.

1. So much of the Act of the Parliament of Canada, passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act respecting Deck Loads,*" as would make it unlawful for any master of a ship, at certain seasons, to carry live stock, on or above any part of the upper deck of such ship, is hereby repealed; and the words "any cargo of any description to any height exceeding three feet above deck," in the second section of the said Act, shall not include or apply to live stock.

Part of 36 V c. 56 repealed as to live stock carried on deck.

CHAP. 13.

An Act to authorize the advance of certain sums to the Province of Manitoba, in aid of the Public Schools therein.

[Assented to 10th May, 1878.]

Preamble.
25 V. c. 23,
cited.

WHEREAS by "*The Dominion Lands Act*," certain sections of the Public Lands in each Township in the Province of Manitoba are set apart to be thereafter sold, in order to form a fund for the maintenance of Public Schools in the Province, and the Government of Manitoba has asked that the said lands may be transferred to the Province, to be sold for the purpose aforesaid, or that a sum of money, for the repayment whereof the said lands shall be pledged, may be annually advanced by authority of Parliament for the said purpose; and whereas by reason of the probable great augmentation in the value of the said lands by the increase of population in Manitoba, it is not desirable that they should be disposed of at the present time, and it is nevertheless expedient in the meantime to aid the cause of education in the Province: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Advance to
Manitoba
authorized in
aid of schools.

1. The Governor in Council may authorize the advance of a sum or sums not exceeding in the whole ten thousand dollars, in each of the three fiscal years, 1878-9, 1879-80 and 1880-1, to the Province of Manitoba, in aid of the Public Schools therein.

Advance,
repayment
and interest.

2. The said sums may be so advanced out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and shall be repaid to the said Fund, with interest at the rate of five per cent. per annum, out of the first proceeds of the sale of the lands mentioned in the preamble; and all moneys advanced or received under this Act shall be accounted for in like manner as moneys expended or received for the Public Service of Canada.

Account to
be rendered.

CHAP. 14.

An Act to amend "An Act respecting conflicting claims to lands of occupants in Manitoba."

[Assented to 10th May, 1878.]

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

Preamble.

1. Section seven of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act respecting conflicting claims to lands of occupants in Manitoba,*" is hereby repealed and the following substituted therefor:—

Sect. 7 of 38 V., c. 53, repealed.

"7. The commissioners shall not receive or proceed upon any claim until the party by whom or on whose behalf the same is made, or if such party consists of more than one person, then until some one of such persons, has made and produced before the Commissioners an affidavit or affirmation in writing, signed by him, that to the best of his knowledge and belief his claims are well founded, that he is not aware of any adverse claims (if he knows of none), and that there is no other person in possession; or if he is aware of any adverse claim, or that there is any other person in possession, that he has, at least one month before the making of such affidavit or affirmation, caused to be served upon the party making, having, or supposed to have, such adverse claim, or who is in possession as aforesaid, a notice in writing of his claim and of his intention to bring the same before the Commissioners at the time appointed by them for hearing the claims of the respective parties; and a copy of such notice shall be affixed to the affidavit or affirmation."

New section substituted. Affidavit to be made and notice given to adverse party before claim shall be proceeded on by the commissioners.

2. The Commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of law in civil cases; and any wilfully false statement made by any witness on oath or solemn affirmation before the Commissioners shall be a misdemeanor, and shall be punishable in the same manner as wilful and corrupt perjury; but no party or witness shall be compelled to answer any question that he would not be compelled to answer in a court of law in a civil case.

Power to compel attendance of witnesses, &c.

Perjury.

Proviso.

CHAP. 15.

An Act to provide for the creation and registration of Homestead Exemption Estates in the Territories of Canada.

[Assented to 10th May, 1878.]

Preamble.

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

Who may register a homestead and of what extent.

1. Any man, being the owner of an estate in fee simple, or for life, in land situate in the Territories of Canada, with a dwelling house thereon occupied by him, may register as a homestead an extent of such land not exceeding eighty acres, if in a rural locality, or the lot on which such dwelling house stands, if in an incorporated city, town or village, in the office for the Registry of Titles to Lands for the place in which the land lies, describing the property clearly in the instrument for effecting such registration : Provided, that if the estate of such owner be only for life, it shall be so stated in the instrument of registration, and in such case the exemptions hereinafter provided shall apply only to such estate, which shall be understood by the word "homestead" when used in this Act.

Proviso : as to estate for life.

Duration and amount of homestead exemption.

2. The homestead so registered shall, while the homestead registration continues under the provisions of this Act, be wholly exempt from seizure or sale under execution, or under any Act respecting insolvency, for any debt of such owner contracted after such registration, provided the value of the homestead does not then exceed two thousand dollars, and if its value exceeds that amount then it shall be so exempt to that amount, except—

Exceptions.

Purchase money, &c.

(1.) For the amount of any mortgage given to secure the purchase money of the property, or any debt to the Crown on the purchase thereof, or being a lien thereon ;

Taxes.

(2.) For the amount of any taxes due thereon.

Registration by married man and its effect.

3. In case the proprietor of any homestead is married, he may make an affidavit before the Registrar or his Deputy, or before some Justice of the Peace or Commissioner for taking affidavits, in the form of Schedule A to this Act, and the Registrar thereupon shall enter the wife's name upon the certificate of title to such homestead, and the wife shall thereupon become a joint owner of a life interest therein ; Provided always, that if the wife has committed adultery and has separated from her husband, then upon the husband

Proviso : if wife is guilty

husband producing an exemplification of the judgment from the court, having jurisdiction in an action of criminal conversation, of the fact of adultery having been proven, the Registrar shall then cancel the wife's name from the register and from the certificate of title; and after her name is so cancelled, she shall have no estate or interest in such homestead.

of adultery and is separated.

Her right forfeited.

4. The homestead shall not be alienated by such owner, being a married man, except the transfer be executed by his wife, joining with him, unless her estate or interest has been forfeited; or if the wife be dead and there be a minor child or children of such owner, then with the express approval in writing of a Stipendiary Magistrate for any of the Territories or of a judge of some court of record for the place where the homestead is situate; and any devise thereof by such owner shall only take effect subject to the provisions hereinafter made.

In what manner only the homestead may be alienated or devised.

5. After the decease of the owner, the homestead if held in fee simple and not alienated as aforesaid, and subject to the exceptions in section two, shall go to his widow for life, and if he leaves no widow, or after her decease, or if her right is forfeited under section three of this Act, to his minor child, or children, for his, her or their use respectively, so long as they or any of them shall continue minors, and shall be exempt from liability for any debt contracted by any of them except as aforesaid.

How homestead in fee simple shall go on decease of owner.

6. If any creditor, assignee in insolvency or other party representing the creditors of the registered owner of a homestead exempted from liability for the debt claimed, is of opinion that the homestead is of greater value than two thousand dollars, such owner, if he be married, with the written consent of his wife, may agree upon a value with such creditor or representative of creditors, and upon the portion of the homestead which shall represent the excess of such value over two thousand dollars, and which can be conveniently set off and divided from the remainder, and in case of such agreement such proportion only shall be sold in satisfaction as aforesaid: but if they do not agree upon such value and portion, then the whole homestead shall be liable to be sold in satisfaction as aforesaid, upon payment of the sum of two thousand dollars by the creditor or party representing creditors to the registered owner, with the written consent of his wife, unless her estate has been forfeited,—or if she do not give her consent then into some Government Savings Bank to be drawn out only on the written order of such owner and his wife, or of the survivor of them and with the same exemptions from liability for debts as the homestead had. Upon the death of the registered owner, the home-

Provision in case of agreement with a creditor who thinks the homestead worth more than \$4,000.

If there be no such agreement.

If the owner be deceased.

stead,

stead, if held in *foesimple*, may be sold in satisfaction of his debts as aforesaid, subject to the rights of his widow and minor children or child therein.

Application for registration and affidavit in support thereof.

7. The instrument by which the Registrar is required to register a homestead shall be in the form of Schedule B to this Act or to the like effect, and the truth of the statements therein made shall be declared to before a Justice of the Peace, who shall attest the same, and the allegations made in such instrument by the applicant for registration shall be verified upon oath or solemn declaration by at least one credible witness, whose affidavit or declaration shall be appended to or endorsed upon the requisition for a homestead registration, and shall be in the form given in Schedule C to this Act; and any wilfully false statement so declared to by the applicant for registration or sworn or declared to by the witness, shall be punishable as wilful and corrupt perjury, and shall, as shall any fraud committed for the purpose of obtaining such registration, render the same void and of no effect.

False statement to be perjury.

Entry of homestead right on certificate of registrar.—

8. Whenever all the lands embraced in any certificate of title granted under the Registration Act, are registered as a homestead, the Registrar shall enter a memorial in the register book and upon the certificate of title, in the words "registered as a homestead," giving the date, hour, and minute when the application for registration was filed; and if the proprietor of any lands exceeding eighty acres in extent registers a part of such lands as a homestead, a description of the part to be registered, with a diagram thereof, shall be entered in the register book and on the certificate of title.

If the land extends to more than eighty acres.

Right of widow when husband dies intestate.

9. Where the husband dies intestate, his widow may retain her life estate in the homestead, or the share of her husband's property which descends to her by the law of the Territories relating thereto, but not both.

And if the husband leaves a will.

10. Where the husband dies testate, his widow may take that share of her husband's estate to which she is entitled by descent, or the property devised to her, or her life estate in the homestead, but not more than one of them; and in any case where she elects to take by descent or devise, she shall notify the Registrar of the Registration District in which the homestead lands are situate in the form of Schedule D to this Act, or as near thereto as may be; and the Registrar shall recall the certificate of title, and he shall cancel the homestead estate upon the certificate of title and in the register book, marking the date, hour and minute of such cancellation.

Homestead rights on wife's lands.

11. All the provisions of this Act shall apply to lands of which a woman is the owner, and on which she resides, and the

the husband may acquire the same rights in the lands of the wife by registration effected by her under this Act as the wife acquires in the lands of the husband, by registration effected by him, and subject to the same conditions and rights of her minor child or children.

12. The Governor in Council may, from time to time, make such alterations in or additions to the Schedules of this Act as the system of registration for the time being may render necessary, but any alterations or additions so made shall be published in the *Canada Gazette*. Governor in Council may amend schedules.

13. The word "Territories" in this Act shall be held to include the North-West Territories, the District of Keewatin, and generally all the possessions of Canada not included within the limits of any Province. Interpretation.

14. This Act may be cited as "*The Homestead Exemption Act, 1878.*" Short title.

SCHEDULE A.

AFFIDAVIT OR DECLARATION OF MARRIAGE.

I, A. B., of Township Range in the Territories
or Province of , make oath (or solemn declaration) and say that I was married to C. D. at
on the day of A.D. 18 , who is now living,
and who is years of age.

A. B.

Sworn or declared before me,

E. F.

Legal additions.

On the day of
in the year 18 .

SCHEDULE B.

REQUISITION TO REGISTER AS A HOMESTEAD.

To the Registrar of

Take notice that I hereby require you to register as a homestead under the Act of the Parliament of Canada, intituled (*title of this Act*) the property hereinafter mentioned, of which I am the owner in fee simple (or for life)—that is to say:—(*here describe the property clearly, its location, boundaries, extent, &c.*) now occupied by me, and on which there is a dwelling-house in which I (or I and my wife H. B.) now reside; and I solemnly declare that the value of the said property (or of my life estate therein) does not, to the best of my knowledge and belief, exceed two thousand dollars.

In

In faith whereof I have signed this notice and have declared solemnly to the truth of the statements made therein, at
 in this day of 18

A. B.

Declared before me and signed }
 by the said A. B., in my presence, }
 C. D., of &c. }

Legal additions.

On the day of
 in the year 18

SCHEDULE C.

AFFIDAVIT OR DECLARATION OF WITNESS TO REGISTRATION.

I, E. F., of Township Range make oath (or solemnly declare) and say :—That I know the above named A. B., that he (or she) is the person named as proprietor in the certificate of title to the said lands (or if the owner of a life estate, the person named in the encumbrance or in the transfer thereof as the case may be); and that the value of the said property does not to the best of my knowledge and belief exceed two thousand dollars.

E. F.

Sworn (or declared) before me, and signed by the said E. F. in my presence.

C. D., of &c.

Legal additions.

On the day of
 in the year 18

SCHEDULE D.

APPLICATION TO HAVE HOMESTEAD CANCELLED.

To the Registrar of

Take notice that I, A. B., have elected under the authority of the Act of the Parliament of Canada, intituled (*title of this Act*) to take the property devised to me by my late husband, C. D., in his last will and testament, bearing date of (*here insert date of will—or the property which descends to me from my late husband who died—here insert date of husband's death*) in preference to my homestead estate in (*here describe the property clearly, its location, boundaries, &c.*)

In

In faith whereof I have signed this notice freely and
without undue influence, on this day of
18 .

A. B.

Signed by the said A. B. }
in my presence, C.D., }
of &c. }

Legal additions.

On the day of
in the year 18

 CHAP. 16.

An Act respecting the Traffic in Intoxicating Liquors.

[Assented to 10th May, 1878.]

WHEREAS it is very desirable to promote temperance in Preamble.
the Dominion, and that there should be uniform
legislation in all the Provinces respecting the traffic in
intoxicating liquors:

Therefore Her Majesty, by and with the advice and con-
sent of the Senate and House of Commons of Canada,
enacts as follows:

PRELIMINARY.

1. This Act may be cited as "*The Canada Temperance* Short title.
Act, 1878."

2. In this Act, the expression "intoxicating liquor" means Interpreta-
and comprehends any and every spirituous or malt liquor, tion.
and every wine, and any and every combination of liquors
or drinks that is intoxicating; and the word "county"
includes every town, township, parish and other division or
municipality, except a city, within the territorial limits of
the county, and also a union of counties where united for
municipal purposes.

3. Sections one, two, three, four, five, six, seven, eight, Repeal of cer-
nine and ten of the Act of the legislature of the late tain sections
Province of Canada, passed in the session thereof held in of Act of the
the twenty-seventh and twenty-eighth years of Her Majesty's Province of
reign, and chaptered eighteen, and to be cited as "*The* Canada, 27 &
Temperance Act of 1864," are hereby repealed from and after 28 V., c. 18, as
the passing of this Act, as to every municipality within the to municipali-
limits of the said late Province of Canada in which no by- ties in which
law passed and approved, or adopted and passed, under no by-law has
the authority and for the enforcement of the said Act,— been passed.

(a.) Is then in force, or—

(b.) Is then only not in force for want of the delivery of a copy thereof to the proper officer, or—

(c.) Is then suspended as to its operation until the expiration of the then existing licenses :

And as to municipalities in which a by-law has been passed.

2. And as to every municipality within the limits of the said late Province of Canada in which a by-law passed and approved, or adopted and passed, under the authority and for the enforcement of the said Act is at the time of the passing of this Act,—

(a.) In force, or—

(b.) Only not in force for want of the delivery of a copy thereof to the proper officer, or—

(c.) Suspended as to its operation until the expiration of the then existing licenses,—

the said sections one, two, three, four, five, six, seven, eight, nine and ten of the said Act shall be repealed upon, from and after the day next following the day on which such by-law is repealed under the provisions of the said Act, or of this Act :

Proviso : If such municipality is included in a county or city in which the second part of this Act is brought into force.

Provided always that if such municipality be included in the limits of, or have the same limits as any county or city in which the second part of this Act is brought into force before the repeal of such by-law, then such by-law shall thereupon *ipso facto* become and be null and void and of no effect whatever, and the said sections one, two, three, four, five, six, seven, eight, nine and ten of the said Act shall be repealed upon, from and after the day on which the said second part of this Act comes into force and takes effect in such county or city ; but no repeal of the said Act under the provisions of this section shall affect any act done or any right or right of action existing, accruing, accrued or established, or any proceedings commenced, or any penalty or forfeiture incurred under its provisions before the time when such repeal takes effect.

Proviso.

FIRST PART.

PROCEEDINGS FOR BRINGING THE SECOND PART OF THIS ACT INTO FORCE.

Form of petition to Governor-General.

4. Any petition to the Governor General in Council for the bringing of the second part of this Act into force in any county or city may be in the form in Schedule A to this Act, or in words to the same effect.

5. Such petition may be embodied as in Schedule A to this Act, in a notice in writing addressed to the Secretary of State for Canada and signed by electors qualified and competent to vote at the election of a member of the House of Commons in the county or city, to the effect that the signers desire that the votes of all of such electors, hereinafter termed electors, be taken for and against the adoption of the petition.

Form of notice of desire to have votes of electors taken.

6. Together with, or in addition to, every such notice, there shall be laid before the Secretary of State evidence that there are appended to it the genuine signatures of at least one-fourth in number of all the electors in the county or city named in it, and that such notice has been deposited in the office of the Sheriff or Registrar of Deeds of or in the county or city, for public examination, by any parties, for ten days preceding its being laid before the Secretary of State; and that two weeks previous notice of such deposit had been given in two newspapers published in or nearest to the county or city, and by at least two insertions in each paper.

Evidence of notice being given by one-fourth of electors.

7. In case it appears by evidence to the satisfaction of the Governor General in Council that any such notice has been appended to it the genuine signatures of one-fourth or more of all the electors in the county or city named in it, and has been duly deposited as aforesaid, after notice as aforesaid, His Excellency in Council may issue a proclamation under this part of this Act.

In that case a proclamation may issue.

8. Such proclamation shall be inserted at least three times in the *Canada Gazette*, and three times in the Official Gazette of the Province in which the county or city is situated.

Proclamation to be published.

9. In such proclamation there may be set forth:—

What to be set forth in proclamation.

(a.) The notice in full, with the proposed petition embodied in it;

(b.) The number of the signatures to the notice;

(c.) The day on which the poll for taking the votes of the electors for and against the petition will be held;

(d.) That such votes will be taken between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, and by ballot;

(e.) The name of the Sheriff, Registrar, or other person appointed Returning Officer for the purpose of taking, on that day, the votes of the electors for and against the petition, and of afterwards summing up the same and making a return of the result to the Governor General in Council;

(f.) The power of the Returning Officer to appoint a Deputy Returning Officer at and for each polling place or station ;

(g.) The place where, and the day and hour when, the Returning Officer will appoint persons to attend at the various polling stations, and at the final summing up of the votes on behalf of the persons interested in, and promoting or opposing respectively, the adoption of the petition ;

(h.) The place where, and the day and hour when, the votes of the electors will be summed up, and the result of the polling declared by the Returning Officer ;

(i.) The day on which, in the event of the petition being adopted by the electors, the second part of this Act will go into force in the county or city in question ;

And any such further particulars with reference to the taking and summing up of the votes of the electors as the Governor General in Council may see fit to insert therein :

No polling on certain days. 2. But no polling of votes under this Act shall be held in any city, county or district on the same day that any election may take place in such city, county or district for members to serve in the Parliament of Canada or in any of the Local Legislatures of the Dominion.

Who may be appointed returning officer. 10. Either the Sheriff or the Registrar of Deeds, or one of the Sheriffs, or one of the Registrars of Deeds for the county or city, or for a portion of the county or city in which the poll is to be held, or the nearest Sheriff or Registrar, or any other person may be appointed Returning Officer in any case under this part of this Act ; and the naming of any person in any proclamation issued under this Act shall be a sufficient appointment, and sufficient evidence of the appointment of such person as Returning Officer for the purposes mentioned in the proclamation.

Returning officer to take oath of office. 11. On receiving a copy of the proclamation, the Returning Officer shall forthwith endorse thereon the date at which he shall have received the same ; and before taking any further action thereon he shall take before a Justice of the Peace the oath of office in the form of Schedule B to this Act.

Qualification of voters. 12. All persons qualified to vote at the election of a member of the House of Commons, in the county or city to which any proclamation issued under this Act relates, on the day on which a poll is held in compliance with such proclamation, and no others, shall be qualified to vote and to have their votes polled on that day, for or against the adoption of the petition mentioned in such proclamation.

13. The Returning Officer shall ascertain from the lists of voters, which, under the provisions of this Act, are to be used at the polling of votes—and, in any county or city where there are voters entitled to vote but there are no lists of voters, from such other information as may be within his reach—the number of, or probable number of persons qualified to vote in each town, parish, township, local municipality or other locality in the county, or ward in the city where voters are so entitled to vote; and if such town, parish, township, local municipality or other locality or such ward, has not been subdivided for electoral purposes into polling districts by the Legislature, or by the local authorities under the legislation of the Province wherein such county or city is situate, or by the Returning Officer at the then last election of a member of the House of Commons in the county or city, he shall subdivide such town, parish, township, local municipality or other locality in the county, or ward in the city, into polling districts in a convenient manner, so that there shall be at least one polling district for every two hundred voters; and he shall also fix a polling station in a central and convenient place in each polling district; and the Returning Officer may, in his discretion, grant such additional polling places in such polling districts as the extent of the district and the remoteness of any body of its voters from the polling place may render necessary, although the voters thereof may be less than the number above specified :

Returning officer to ascertain who are qualified to vote.

To subdivide localities into polling districts.

And fix a polling station, or more, in each polling district.

2. The Returning Officer shall then, eight days at least before the day on which the poll for taking the votes of the electors for and against the petition is to be held, by a notice under his hand, indicate, with reference to the holding of such poll, the several polling stations fixed by him, and the territorial limits to which they shall respectively apply, and shall cause the said notice to be posted up at four of the most prominent and conspicuous places in each polling district.

Returning officer to post up notices indicating polling stations and limits of polling districts.

14. It shall further be the duty of every person so appointed Returning Officer :—

Further duties of returning officer.

Firstly : To appoint, by a commission under his hand, in the form Schedule C to this Act, one Deputy Returning Officer for each polling district comprised in the county or city, who shall, before acting as such, take before the Returning Officer or a Justice of the Peace the oath of office in the form, Schedule D to this Act ;

Deputies.

Secondly : To furnish each Deputy Returning Officer with a copy of the list or of such portion of the list of voters as contains the names, arranged alphabetically, of the electors qualified to vote at the election of a member of the House of Commons at the polling station for which he is appointed,—

Lists of voters.

appointed,—such copy being first certified by himself or by the proper custodian of the lists from which such copies are taken ;

Ballot boxes. *Thirdly* : To deliver to each Deputy Returning Officer, eight days at least before the polling day, a ballot box to receive the ballot papers of the voters,—which ballot box shall be made of some durable material, with one lock and key, and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom without the box being unlocked ;

Ballot papers. *Fourthly* : To furnish each Deputy Returning Officer with a sufficient number of ballot papers (all being of the same description, and as nearly as possible alike) to supply the number of voters on the list of such polling district, and with the necessary materials for voters to mark their ballot papers ;

Directions. *Fifthly* : To furnish to each Deputy Returning Officer at least ten copies of printed directions for the guidance of voters in voting,—which printed directions the Deputy Returning Officer shall, before or at the opening of the poll, on the day of polling, cause to be posted up in some conspicuous places outside of the polling station, and also in each compartment of the polling station.

Obtaining lists of voters. **15.** The Returning Officer shall obtain the different lists of voters, or copies or extracts thereof, from the Registrars, City or Town Clerks, Clerks of the Peace or such other officers as may by law be the proper custodians of such lists, or of duly certified duplicates or copies thereof ; and the lists of voters which would be used at an election of a Member of the House of Commons in the same district at the same time shall be the lists of voters which shall be used at every polling of votes under the provisions of this Act ; and every such officer who shall omit or refuse to furnish such lists, copies or extracts of the voters' lists within a reasonable time to the Returning Officer requiring the same, shall incur a penalty of not less than two hundred and not exceeding two thousand dollars.

Penalty for refusing to furnish lists.

If ballot box be not furnished.

16. Whenever the Returning Officer fails to furnish to the Deputy Returning Officer in any polling district the ballot box, within the time prescribed by this Act, it shall be the duty of such Deputy Returning Officer in such polling district to cause one to be made.

Form of ballot papers.

17. The ballot of each voter shall be a printed paper in this Act called a ballot paper, with a counterfoil, and the ballot paper and counterfoil shall be according to the form of Schedule E to this Act.

18. The printed directions to be furnished to the Deputy Returning Officers shall be according to the form of Schedule F to this Act. Form of directions.

19. At the place and time named for that purpose in the proclamation, the Returning Officer shall by an instrument in writing signed by him appoint from and out of such persons as may apply to him to be so appointed one person to attend at each polling station, and two persons to attend at the final summing up of the votes as agents on behalf of the persons interested in and desirous of promoting the adoption of the petition, and one person to attend at each polling station, and two persons to attend at the final summing up of the votes as agents on behalf of the persons interested in and desirous of opposing the adoption of the petition. Appointment of agents in each interest.

20. Before any person is so appointed he shall make and subscribe before the Returning Officer or any Deputy Returning Officer a declaration, in the form of Schedule G to this Act, to the effect that he is interested in and desirous of promoting, or of opposing (as the case may be) the adoption of the petition. Form of oath of person to be appointed agent.

21. Every person so appointed, before being admitted to the polling station, or to the final summing up of the votes, as the case may be, shall produce to the Deputy Returning Officer his written appointment. Agent to produce appointment.

22. In the absence of any person authorized as aforesaid to attend at any polling station, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing before the Deputy Returning Officer at the polling station, or the Returning Officer at the final summing up of the votes, as the case may be, a declaration in the form G to this Act, be admitted to the polling station, or to the final summing up of the votes, as the case may be, to act for the person so absent. Appointment and oath of substitute for agent.

23. Where in this part of this Act any expressions are used, requiring or authorizing any act to be done, or inferring that any act or thing is to be done in the presence of the agents of the persons interested, such expressions shall be deemed to refer to the presence of such agents as may be authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing be otherwise duly done, invalidate in any wise the act or thing done. Provision respecting attendance of agents.

THE POLL.

24. On the day and at the hour fixed by proclamation as aforesaid, a poll shall be held at each polling station in the county or city, and the votes shall be taken by ballot.

25. The poll shall be held in each polling district in a room or building of convenient access, with an outside door, for the admittance of the voters, and having, if possible, another door through which they may leave after having voted. One or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot paper.

26. Each Deputy Returning Officer shall open the poll assigned to him at the hour of nine of the clock in the morning and keep the same open until five of the clock in the afternoon; and shall, during that time, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling place.

27. In addition to the Deputy Returning Officer such persons as may have been appointed or admitted under this Act, as agents, and no others, shall be permitted to remain in the room where the votes are given, during the time the poll remains open.

28. Every agent on being admitted to the polling station shall take the oath to keep secret the space in which any of the voters may have marked his ballot paper in his presence, as hereinafter required; such oath shall be in the form of Schedule H to this Act.

29. At the hour fixed for opening the poll the Deputy Returning Officer shall, in the presence of such of the electors and agents as may be present, open the ballot box and ascertain that there are no ballots or other papers in the same, after which the box shall be locked, and the Deputy Returning Officer shall keep the key thereof.

30. Immediately after the ballot box shall have been locked as above provided, the Deputy Returning Officer shall call upon the electors to vote.

31. Each elector shall vote at the polling station of the polling district in which he is qualified to vote and no other; and it shall be the duty of the Deputy Returning Officer to secure the admittance of every elector into the polling station, and to see that he is not impeded or molested at or about the polling station.

32. The Returning Officer, on the request of any elector entitled to vote at one of the polling stations, who shall be appointed Deputy Returning Officer, or who shall be appointed to attend as agent at a polling station other than the one where he is entitled to vote, shall give to such elector a certificate that such elector is entitled to vote at such polling of votes at the polling station where such elector shall be stationed during the polling day, and on the production of such certificate such elector shall have the right to vote at the polling station where he shall be placed during the polling day, instead of at the polling station of the polling district where he would otherwise have been entitled to vote: But no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such Deputy Returning Officer, or agent during the day of polling.

Provision as to deputy returning officer or agent entitled to vote.

Proviso.

33. Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, shall declare his name, surname and addition, which shall be entered or recorded in the voters' list to be kept for that purpose by the Deputy Returning Officer, and, if the same be found on the list of electors for the polling district of such polling station, he shall receive from the Deputy Returning Officer a ballot paper on the back of which such Deputy Returning Officer shall have previously put his initials, so placed that when the ballot is folded they can be seen without opening it, and on the counterfoil to which he shall have placed a number corresponding to that opposite the voter's name on the voters' list: Provided that such elector, if required by the Deputy Returning Officer, or by any elector or agent, as aforesaid, present, shall, before receiving his ballot paper, take the oath or oaths of qualification required by the laws in force in the Province where the election is held, from a voter at the election of a member of the House of Assembly of that Province; the words "House of Commons of Canada" being in such case substituted for "House of Assembly" or such other change being made as to make the oath applicable to the election of a member of the House of Commons of Canada.

Proceedings preparatory to voting.

Proviso: elector may be sworn.

34. If the county or city be one in or for which the election law of the Province where such county or city is situate does not require lists of voters to be made to entitle them to vote, then in such case any elector claiming his ballot paper, shall declare his name, surname, addition and qualification, which shall be entered on a list kept for that purpose by the Deputy Returning Officer; and before receiving his ballot paper such elector may be required by the Deputy Returning Officer, or by any elector or agent present to take the oath of qualification required by the law in force in such Province from a voter at the election of a member of the House of

Declaration and form of oath of voter where no lists of voters are required by law.

of

of Assembly; the words "House of Commons of Canada" being in such case substituted for "House of Assembly," or such other change being made as may be required to make the oath applicable to the election of a member of the House of Commons of Canada.

Mode of voting.

35. The elector, on receiving the ballot paper shall forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross in any part of the upper space if he votes for the petition, and in any part of the lower space if he votes against the petition, after which he shall fold it up so that the initials on the back can be seen without opening it, and hand it to the Deputy Returning Officer, who shall, without unfolding it, ascertain by examining his initials and the number upon the counterfoil, that it is the same that he furnished to the elector, and shall first detach and destroy the counterfoil, and shall then immediately, and in the presence of the elector, place the ballot paper in the ballot box.

Electors to vote without delay.

36. Every elector shall vote without undue delay, and shall quit the polling station so soon as his ballot paper has been put into the ballot box.

Ballot paper not to be taken out of station.

37. No elector shall be allowed to take his ballot paper out of the polling station; and whoever shall do so shall thereby incur a penalty not exceeding two hundred dollars, and not less than fifty dollars.

Case of voter who cannot mark ballot paper.

38. The Deputy Returning Officer, on the application of any voter who is unable to read or incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the sworn agents in the polling station, and of no other person, and by placing such ballot paper in the ballot box.

List of such voters to be kept.

39. And the Returning Officer shall cause a list to be kept of the names of voters whose ballot papers have been so marked, in pursuance of the next preceding section, with the reason why each ballot paper was so marked. And whenever the Deputy Returning Officer shall not understand the language spoken by any elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector, with reference to all matters required to enable such elector to vote.

Interpreter.

Entry of names of electors voting on voters' lists.

40. The Deputy Returning Officer shall enter on the voters' list, to be kept by him (in the form of Schedule I to this Act), opposite the name of each elector voting, the word "*Voted*," as soon as his ballot paper shall have been deposited in the ballot box. He shall also enter on the same list the word

word

word "*Sworn*" or "*Affirmed*" opposite the name of each elector to whom the oath or affirmation of qualification shall have been administered, and the words "*Refused to be sworn*" or "*Refused to affirm*" opposite the name of each elector who has refused to take the oath or to affirm.

41. When no lists of voters are required by the law in force in the county or city for which the voting takes place, then the Deputy Returning Officer shall cause the name, surname and addition of every voter to be entered on a list to be made and kept for that purpose; upon which list shall be entered the word "*Voted*" opposite the name of each voter who shall have voted; or "*Sworn*" or "*Affirmed*" or "*Refused to be sworn*" or "*Refused to affirm*," as the case may be, as above provided.

Where no voters' lists required by law such names to be entered on a list made for the purpose.

42. No voter having refused to take the oath or affirmation of qualification required as aforesaid by this Act, when requested so to do shall receive a ballot paper or be admitted to vote.

Case of voter refusing to swear or affirm.

43. No person shall vote more than once at the same polling of votes under the provisions of this Act.

No elector to vote more than once.

44. If a person, representing himself to be a particular elector named on the register or list of voters, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath in the form of Schedule J to this Act, and otherwise establishing his identity to the satisfaction of the Deputy Returning Officer, shall be entitled to receive a ballot paper, on which the Deputy Returning Officer shall put his initials, together with a number corresponding to a number entered on the list of voters opposite the name of such voter, and he shall thereupon be entitled to vote as any other elector:

Case of elector in whose name another has voted.

The name of such voter shall be entered on the list of voters, and a note shall be made of his having voted on a second ballot issued under the same name, and of the oath or affirmation of qualification having been required and made, as well as of any objections made by any of the agents.

Entry on list.

45. A voter who has inadvertently dealt with the ballot paper given him, in such manner that it cannot be conveniently used, may, on delivering the same to the Deputy Returning Officer, obtain another ballot paper in the place of that so delivered up.

Elector spoiling his ballot paper may obtain another.

46. Immediately after the close of the poll, the Deputy Returning Officer shall, in the presence of the agents, and if the agents are absent, then in the presence of at least three electors,

Counting of votes by deputy returning officer.

electors, open the ballot-box and proceed to count the number of votes given for and against the petition. In doing so he shall reject all ballot papers which are not similar to those supplied by the Deputy Returning Officer; and all those upon which there is any writing or mark by which the voter could be identified.

Duty of deputy returning officer after counting the votes.

47. The other ballot papers being counted, and lists kept of the number of votes given for and of the number of votes given against the petition, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for and the votes given against the petition, respectively, shall be put into separate envelopes or parcels, and those rejected shall also be put into a different envelope or parcel; and all these parcels, being endorsed so as to indicate their contents, shall be put back into the ballot-box.

Objection to ballot papers.

48. The Deputy Returning Officer shall take a note of any objection made by any agent or any elector present to any ballot paper found in the ballot-box, and shall decide any question arising out of the objection; and the decision of such Deputy Returning Officer shall be final, subject only to reversal on a scrutiny as hereinafter provided.

To be numbered and initialled.

49. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Deputy Returning Officer.

Statement to be enclosed in ballot box for returning officer.

50. The Deputy Returning Officer shall make out a statement of the accepted ballot papers, of the number of votes given each way, of the rejected ballot papers, of the spoiled and returned ballot papers, and of those unused and returned by him; and he shall make and keep by him a copy of such statement, and enclose in the ballot-box the original statement, together with the voters' lists and a certified statement, at the foot of each list, of the total number of electors who voted on each such list, and such other lists and documents as may have been used at such election. The ballot-box shall then be locked and sealed, and shall be delivered to the Returning Officer, who shall receive or collect the same, and in case of his being unable to do so, then to one or more persons specially appointed for that purpose by the Returning Officer, and who shall, on delivering the ballot boxes to the Returning Officer, take the oath in Schedule K to this Act.

Delivery to returning officer.

Oath of person appointed to deliver ballot box.

Oath to be annexed to statement.

51. The Deputy Returning Officer shall take the oath in form, Schedule L to this Act, which shall be annexed to the statement above mentioned.

Certificates to agents.

52. The several Deputy Returning Officers, on being requested so to do, shall deliver to each of the agents, or in the

the absence of such agents, to the electors present representing them, a certificate of the number of votes given in each interest, and of the number of rejected ballot papers.

53. The Returning Officer at the place, day and hour appointed by the proclamation, and after having received all the ballot boxes, shall proceed to open them in the presence of the agents if present, and of at least three electors if the agents are not present, and to add together the number of votes given in each interest, from the statements contained in the ballot boxes returned by the Deputy Returning Officers.

Summing up of votes by returning officer.

54. In case the ballot boxes should not have all been returned on the day fixed for adding up the number of votes given, the Returning Officer shall adjourn the proceedings to a subsequent day, such subsequent day not being more than a week later than the day originally fixed, for the purpose of adding up the votes.

Adjournment if ballot boxes are missing.

55. In case the ballot boxes or any of them have been destroyed or lost, or for any other reason are not forthcoming within the delay so fixed, the Returning Officer shall ascertain the cause of the disappearance of such ballot boxes, and shall call on each of the Deputy Returning Officers whose ballot boxes are missing, or on any other person having the same, for the lists, statements and certificates, or copies of the lists, statements and certificates of the number of votes given in each interest required by this Act, the whole verified on oath,—which oath the Returning Officer is hereby authorized to administer; and in case such lists or statements, or copies thereof, cannot be obtained, he shall ascertain by such evidence as he may be able to obtain the total number of votes given in each interest at the several polling places, and he shall make his return accordingly, and shall mention specially in his report to be sent with the return, the circumstances accompanying the disappearance of the ballot boxes, and the mode by which he ascertained the number of votes given in each interest.

Provision in case of loss of ballot boxes.

Special mention in return.

56. In case one-half or more of all the votes polled are against the petition, the same shall be held not to have been adopted; and the Returning Officer shall make his return to the Governor General in Council accordingly.

Petition not adopted.

57. In case more than half of all the votes polled are for the petition, the same shall be held to have been adopted; and the Returning Officer shall make his return to the Governor General in Council accordingly.

Petition adopted.

58. Within two weeks after the summing up of the votes, if no judge has appointed a day or place within the county

Return to be sent to

or

Secretary of State.

or city for entering into a scrutiny of the ballot papers, as hereinafter provided for,—and in case of such a scrutiny being entered into, then forthwith after the judge has determined whether the majority of the votes given was or was not in favour of the petition, the Returning Officer shall transmit his return to the Secretary of State, and shall send with it a report of his proceedings, in which he shall make any observations he may think proper as to the state of the ballot boxes or ballot papers as received by him; and in the event of a judge having determined, after a scrutiny of the ballot papers, that the majority of the votes given was or was not in favour of the petition, such return shall be based upon, and shall be conformable to such decision.

What to be transmitted with return.

59. The Returning Officer shall also transmit to the Secretary of State, with his return, the original statements of the several Deputy Returning Officers, referred to in section fifty of this Act, together with the voters' lists used in the several polling districts, and any other lists and documents used or required at such election, or which may have been transmitted to him by the Deputy Returning Officers:

Transmission of return.

2. Such return and report shall be sent through the Post Office, after being registered.

Property of ballot boxes, &c.

60. The property of the ballot boxes, ballot papers, and marking instruments procured for or used at any polling of votes under this Act, shall be in Her Majesty.

SCRUTINY.

A scrutiny may be had on application to a Judge.

61. If, within one week after the Returning Officer has summed up the votes and declared the result of the voting, any elector applies upon petition to any Judge of the Superior Court sitting in the District, if in the Province of Quebec; or to the Judge of the proper District or County Court, if in the Province of British Columbia; or to the Judge of the proper County Court, if in any other Province, after giving such notice of the application and to such persons as the judge directs, and shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers; and the petitioner enters into a recognizance before the judge in the sum of one hundred dollars, with two sureties (to be allowed as sufficient by the judge upon affidavit of justification) in the sum of fifty dollars each, conditioned to prosecute the petition with effect, and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner,—the judge shall appoint a day and place within the county or city for entering into the scrutiny.

62. On the day and at the hour and place appointed, the Returning Officer shall attend before the judge with the ballot papers in his custody, and the judge, upon inspecting the ballot papers and hearing such evidence as he may deem necessary, and on hearing the parties, or such of them who may attend, or their counsel, shall, in a summary manner, determine whether the majority of the votes given was or was not in favour of the petition to the Governor General in Council :

Proceedings upon such application.

2. At least one week's notice of the scrutiny shall be given by the petitioner to such persons as the judge directs.

Notice of scrutiny.

63. The decision of the judge shall be final, and the costs shall be in his discretion, or he may apportion the costs as to him seems just.

Decision final; costs.

PENALTIES.

64. No person shall—

Certain acts prohibited.

Firstly : Forge or counterfeit or fraudulently alter, deface or fraudulently destroy any ballot paper or the initials of the Deputy Returning Officer signed thereon ; or—

Secondly : Without authority supply any ballot paper to any person ; or—

Thirdly : Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in ; or—

Fourthly : Fraudulently take out of the polling place any ballot paper ; or—

Fifthly : Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the poll :

No person shall attempt to commit any offence specified in this section :

Attempts.

Any contravention of this section shall be a misdemeanor ; and any person found guilty thereof shall be punishable, if he be a Returning Officer, Deputy Returning Officer or other officer engaged at the polling, by a fine not exceeding one thousand dollars or by imprisonment for any term less than two years, with or without hard labour, in default of paying such fine ; and if he be any other person, by a fine not exceeding five hundred dollars, or by imprisonment for any term not exceeding six months, with or without hard labour, in default of paying such fine.

Contravention misdemeanor, and how to be punished.

Contra-
vention by elec-
tion officer,
how punish-
ed.

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

Provisions for
maintenance
of secrecy.

66. Every officer and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at such polling place; and shall not communicate before the poll is closed to any person any information as to whether any person on the voters' list has or has not applied for a ballot paper or voted at that polling place:

Interference.

2. No officer or agent, and no person whatsoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to how any voter at such polling place is about to vote or has voted:

Communicat-
ing informa-
tion.

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

Secrecy at
counting of
votes.

4. Every officer and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and shall not attempt to ascertain at such counting, or communicate any information obtained at such counting, as to how any vote is given in any particular ballot paper:

Inducing
voters to dis-
play their
ballots.

5. No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person how he has so marked his vote:

Punishment
for contraven-
tion.

6. Any contravention of this section shall be punishable by a fine not exceeding two hundred dollars, or by imprisonment for any term not exceeding six months, with or without hard labour, in default of paying such fine.

Personation
defined.

67. A person shall, for all purposes of this Act, be deemed to be guilty of the offence of personation, who, at any polling of votes under this Act, applies for a ballot paper in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, or who having voted once at any such polling applies at the same polling for a ballot paper in his own name.

Punishment
for person-

68. The offence of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation

tion by any person, shall be punishable by a fine not exceeding two hundred dollars, and by imprisonment for a term not exceeding six months.

69. The offence of personation shall be deemed to be a corrupt practice within the meaning of this Act.

Personation
a corrupt
practice.

70. No polling of votes under this Act shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, under the provisions of this Act, or of any mistake in the use of the forms contained in the schedules to this Act, if it appears to the tribunal having cognizance of the question that the polling of votes was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the polling.

Mistakes of
form only not
fatal.

PRESERVATION OF THE PEACE.

71. Every Returning Officer and every Deputy Returning Officer from the time he shall have taken the oath of office until the day after the summing up of the votes, shall be a conservator of the peace, invested with all the powers appertaining to a Justice of the Peace.

Returning
officer and
deputy re-
turning officer
to be conser-
vators of the
peace.

72. Such Returning Officer or Deputy Returning Officer may require the assistance of Justices of the Peace, constables or other persons present, to aid him in maintaining peace and good order at such polling; and may also, on a requisition made in writing by any agent, or by any two electors, swear in such special constables as he deems necessary.

May require
assistance of
special con-
stables.

73. Such Returning Officer or Deputy Returning Officer may arrest or cause to be arrested by verbal order, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the polling, and may cause such person to be imprisoned under an order signed by him until any period not later than the close of the poll.

May arrest
disturbers of
the peace.

74. The Returning Officer or Deputy Returning Officer may, during any day whereon any poll is begun, holden or proceeded with, require any person within half a mile of the polling station, to deliver to him any fire-arm, sword, staff, bludgeon or other offensive weapon in the hands or personal possession of such person, and any person refusing to deliver such weapon shall be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding three months in default of payment of such fine.

May demand
offensive
weapons.

Punishment
for battery.

75. Every person convicted of a battery, committed during any day whereon any poll is begun, holden, or proceeded with, within the distance of two miles of the place where such poll is begun, holden or proceeded with, shall be deemed guilty of an aggravated assault, and shall be punished accordingly.

Entering poll-
ing district
armed.

76. Except the Returning Officer or his Deputy, or one of the constables, or special constables appointed by the Returning Officer, or his Deputy, for the orderly conduct of the poll and the preservation of the public peace thereat, no person, who hath not had a stated residence in the polling district for at least six months next before the day of such polling, shall come during any part of the day upon which the poll is to remain open, into such polling district armed with offensive weapons of any kind, as fire-arms, swords, staves, bludgeons or the like; nor shall any person who-soever, being in such polling district, arm himself, during any part of the day, with any such offensive weapons, and thus armed, approach within the distance of one mile of the place where the poll for such polling district is held, unless called upon to do so by lawful authority.

Approaching
polling sta-
tion armed.

GENERAL PROVISIONS.

Treating elec-
tors forbid-
den.

77. No person shall at any polling, either provide or furnish drink or other refreshment at the expense of such person, to any elector during such polling, or pay for, procure or engage to pay for, any such drink or other refreshment.

Flags, &c.,
not to be
furnished or
carried.

78. No person shall furnish or supply any ensign, standard or set of colours, or any other flag, to or for any person or persons whomsoever, with the intent that the same should be carried or used in any county or city on any day of polling under this Act, or within eight days before such day, or during the continuance of such polling, by such person or any other, as a party flag to distinguish the bearer thereof and those who may follow the same as the supporters of the opinions entertained, or supposed to be entertained, by such person in either interest; nor shall any person, for any reason, carry or use any such ensign, standard, set of colours or other flag as a party flag in either interest, within any county or city on the day of any such polling, or within eight days before such day, or during the continuance of such polling.

Punishment
for contraven-
tion.

79. Every person offending against any of the provisions of the three next preceding sections, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding one hundred dollars, or imprisonment not exceeding three months, or by both, in the discretion of the court.

80. No intoxicating, spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, or shop or other place within the limits of any polling district, during the whole of any day on which any poll is begun, holden or proceeded with under a penalty of one hundred dollars for every offence; and the offender shall be subject to imprisonment, not exceeding six months, at the discretion of the judge or court, in default of payment of such fine.

Sale, &c., of liquor on polling day prohibited.

Punishment.

PREVENTION OF CORRUPT PRACTICES.

81. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

Certain acts to be deemed bribery.

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

Giving or lending money.

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

Procuring office or employment

(3.) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, or to prevent, or endeavour to prevent, the adoption of any petition under the provisions of this Act, or to procure, or endeavour to procure the vote of any elector at any poll under this Act, or to prevent, or endeavour to prevent, any elector from voting at any poll under this Act;

Gifts or promises to induce or to prevent the adoption of the second part of this Act.

(4.) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or prevents, or engages, or promises or endeavours to procure or prevent the adoption of any petition under the provisions of this Act, or the vote of any voter at any poll under this Act

Accepting the same.

Paying money to be used in bribery.

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

Punishment for bribery.

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of two hundred dollars, to any one who shall sue for the same, with full costs of suit : Provided always, that the actual personal expenses of any agent in either interest, his expenses for actual professional services performed, and *bonâ fide* payments for the fair cost of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

Certain acts by voters to be deemed bribery.

82. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly :—

Receiving gifts or promises during polling.

(1.) Every voter who, before or during any polling of votes under this Act, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any poll under this Act ;

And after the polling.

(2.) Every person who, after any poll under this Act, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any poll under this Act :

Punishment for such offences.

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of two hundred dollars to any person who shall sue for the same, together with full costs of suit.

Offence of treating defined.

83. Every person who corruptly, by himself or by or with any person, or by any other ways or means on his behalf, at any time either before or during any polling of votes under this Act, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment, or provision to or for any person, in order to procure or prevent, or for having procured or prevented, the adoption of any petition under the provisions of this Act, or for the purpose of corruptly influencing such person,

person, or any other person, to give, or refrain from giving, his vote at such polling of votes, shall be deemed guilty of the offence of treating, and shall forfeit the sum of two hundred dollars to any person who shall sue for the same, with full costs of suit, in addition to any other penalty to which he may be liable therefor under any other provision of this Act. Penalty.

84. And the giving or causing to be given to any voter on the day of polling on account of such voter having voted or being about to vote, any meat, drink or refreshment, or any money or ticket to enable such voter to procure refreshment, shall be deemed an unlawful act, and the person so offending shall forfeit the sum of ten dollars for each offence to any person suing for the same, with full costs of suit. Giving meat or drink to electors to be deemed an unlawful act.
Penalty.

85. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any poll under this Act, or who by abduction, duress or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any poll under this Act, shall be deemed to have committed the offence of undue influence, and shall be guilty of a misdemeanor, and shall also forfeit the sum of two hundred dollars to any person suing for the same, with full costs of suit. Threats of violence, &c., forbidden.
Undue influence.
Penalty.

86. And whereas doubts may arise as to whether the hiring of teams and vehicles to convey voters to and from the polls, and the paying of railway fares and other expenses of voters, be or be not according to law, it is declared and enacted, that the hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any agent or other person in either interest, to convey any voter or voters to or from the poll, or to or from the neighbourhood thereof, at any polling of votes under this Act, or the payment by any agent or other person in either interest, of the travelling and other expenses of any voter, in going to or returning from any polling of votes under this Act, are and shall be unlawful acts; and the person so offending shall forfeit the sum of one hundred dollars to any person who shall sue for the same; and any voter hiring any horse, cab, cart, waggon, sleigh, carriage or other conveyance for any such agent, for the purpose of conveying any voter or voters to or from the polling place or places, shall, *ipso facto*, be disqualified. Recital of doubts.
Paying for conveyance of voters to poll illegal.

Penalty. fled from voting at such polling of votes under this Act, and for every such offence shall forfeit the sum of one hundred dollars to any person suing for the same.

Subornation of perjury or personation. **87.** Every agent or other person in either interest, who corruptly, by himself or by or with any other person on his behalf, compels or induces or endeavours to induce any person to personate any voter, or to take any false oath in any matter wherein an oath is required under this Act, shall be guilty of a misdemeanor, and shall, in addition to any other punishment to which he may be liable for such offence, be liable to forfeit the sum of two hundred dollars to any person suing for the same.

Certain offences to be corrupt practices. **88.** The offences of bribery, treating, or undue influence or any of such offences, as defined by this Act, personation or the inducing any person to commit personation, or any wilful offence against any one of the seven next preceding sections of this Act shall be corrupt practices within the meaning of the provisions of this Act.

No excuse of privilege, &c., allowed for not answering questions in proceedings touching polling of votes under this Act. **89.** No person shall be excused from answering any question put to him in any action, suit or other proceeding in any court, or before any judge, commissioner or other tribunal touching or concerning any polling of votes under this Act, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner, or president of the tribunal shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answers to the satisfaction of the judge, commissioner or tribunal.

Contracts or promises relating to polling of votes under this Act to be void. **90.** Every executory contract or promise or undertaking, in any way referring to, arising out of, or depending upon, any polling of votes under this Act, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law; but this provision shall not enable any person to recover back any money paid for lawful expenses connected with such polling.

PENALTIES AND PUNISHMENTS GENERALLY.

Penalty for neglect of duty by an election officer. **91.** Any Returning Officer or Deputy Returning Officer, who refuses or neglects to perform any of the obligations or formalities required of him by this Act, shall for each such refusal or neglect forfeit the sum of two hundred dollars to any person suing for the same.

92. All penalties and forfeitures (other than fines in cases of misdemeanor) imposed by this part of this Act, shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt or information, in any of Her Majesty's courts in the Province in which the cause of action arose, having competent jurisdiction; and in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common gaol of the place, for any term less than two years, unless such fine and costs be sooner paid.

Enforcement of penalties.

93. It shall be sufficient for the plaintiff, in any action or suit given by this Act, to state in the declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence for which the action or suit is brought, and that the defendant hath acted contrary to this Act.

What it shall suffice to state in declaration.

94. Every prosecution for any misdemeanor under this part of this Act, and every action, suit or proceeding for any pecuniary penalty given by this Act to the person suing for the same, shall be commenced within the space of six months next after the act committed, and not afterwards (unless the same be prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court), and being commenced shall be proceeded with and carried on without wilful delay.

Time for bringing action or suit limited.

EFFECTS OF DECISIONS BY VOTES OF ELECTORS.

95. When in any county or city one half or more of all the votes polled have been against the adoption of any petition embodied as aforesaid in any notice and in any proclamation, under this, the first part of this Act, no similar petition shall be put to the vote of the electors of such county or city for a period of three years from the day on which such vote was taken.

Effect of non-adoption of petition.

96. When any petition embodied as aforesaid in any notice and in any proclamation under this, the first part of this Act has been adopted by the electors of the county or city named therein and to which the same relates, the Governor General in Council may, at any time after the expiration of sixty days from the day on which the same was adopted, by Order in Council published in the *Canada Gazette*, declare that the second part of this Act shall be in force and take effect in such county or city upon, from and after the day on which the annual or semi-annual licences for the sale of spirituous liquors then in force in such county or city 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

If petition be adopted, the second part of this Act may be brought into force by Order in Council.

Proviso.

the

the like day in the then following year : and upon, from and after that day the second part of this Act shall become and be in force and take effect in such county or city accordingly.

No such Order in Council to be revoked for three years, and then only on similar petition, notice and other proceedings.

97. No Order in Council issued under the provisions of this Act shall be revoked until after the expiration of three years from the day of the coming into force under it of the second part of this Act, nor unless nor until a petition to the Governor General praying for such revocation has been embodied in a notice in writing addressed to the Secretary of State of Canada and signed by one-fourth or more of the whole number of the electors then qualified and competent to vote at the election of a member of the House of Commons in the county or city named in such Order in Council, and such proceedings have been had thereon as are by this Act required to be had on a notice and petition for the bringing of the second part of this Act into force, and more than one-half of all the votes polled have been found to be for the petition for the revocation of such Order in Council ; and each and all of the provisions of the preceding sections of this Act shall apply (*mutatis mutandis*) to every case of a petition and notice for the revocation of an Order in Council under this section, and to the proceedings to be had and taken thereon, and the powers to be exercised and the offences that may be committed, and the penalties that may be incurred, in the course of and in connection with such proceedings.

Application of provisions of the preceding sections.

PROVISION FOR THE REPEAL OF BY-LAWS PASSED UNDER THE TEMPERANCE ACT OF 1864.

Proceedings for repeal of by-law under 27-28 V., c. 18.

98. In case a petition to the Governor General in Council praying for the repeal of a by-law passed by the Council of any county or city in Ontario or Quebec under the authority and for the enforcement of the said "*The Temperance Act of 1864.*" is embodied in a notice addressed to the Secretary of State of Canada and signed by one fourth or more of the electors of such county or city, and such proceedings are had thereon as are by this Act required to be had on a notice and petition for bringing the second part of this Act into force, and more than one half of the votes polled are found to be for the petition, the Governor General in Council may, by Order in Council, repeal such by-law, and, thereupon, such by-law shall become and be repealed upon, from and after the day of the publication of such Order in Council in the *Canada Gazette*, and each and all the provisions of the preceding sections of this Act shall apply (*mutatis mutandis*) to every case of a petition and notice for the repeal of a by-law under this section, and to the proceedings to be had and taken thereon, and the powers to be exercised, and the offences that may be committed, and the penalties that may be incurred in the course of and in connection with such proceedings.

Application of provisions of preceding sections.

SECOND PART.

PROHIBITION OF TRAFFIC IN INTOXICATING LIQUORS.

99. From the day on which this part of this Act comes into force and takes effect in any county or city, and for so long thereafter as the same continues in force therein, no person, unless it be for exclusively sacramental or medicinal purposes, or for *bonâ fide* use in some art, trade or manufacture, under the regulation contained in the fourth sub-section of this section, or as hereinafter authorized by one of the four next sub-sections of this section, shall, within such county or city, by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly, on any pretence or upon any device, sell or barter, or in consideration of the purchase of any other property give, to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage and part of which is spirituous or otherwise intoxicating :

No liquor to be sold, &c., when and where this part of this Act is in force, except for certain purposes.

2. And neither any license issued to any distiller or brewer, —nor yet any license for retailing on board any steamboat or other vessel, brandy, rum, whisky, or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors, —nor yet any license for retailing on board any steamboat or other vessel, wine, ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whisky, or other spirituous liquors, —nor yet any other description of license whatever, — shall in any wise avail to render legal any act done in violation of this section :

Licenses to be of no effect.

3. Provided always that the sale of wine for exclusively sacramental purposes shall be made by druggists and vendors as hereinafter provided, only on the certificate of a clergyman affirming that the wine is required for sacramental purposes :

Proviso: Sales for sacramental purposes.

4. Provided also, that the sale of intoxicating liquor for exclusively medicinal purposes or for *bonâ fide* use in some art, trade or manufacture, shall be lawful only by such druggists and other vendors as may be thereto specially licensed by the Lieutenant Governor in each Province, the number not to exceed one in each township or parish, nor two in each town ; and in cities not exceeding one for every four thousand inhabitants ; such sale, when for medicinal purposes, to be in quantities of not less than one pint, to be removed from the premises and to be made only on the certificate of a medical man having no interest in the sale by the druggist or vendor, affirming that such liquor has been prescribed for the person named therein ; and when such sale is for its use in some art, trade or manufacture, the same to be made only on a certificate signed by two

And for medicinal and mechanical purposes.

Certificate to be produced.

Justices

Justices of the Peace of the *bona fides* of the application, accompanied by the affirmation of the applicant, that the liquor is to be used only for the particular purposes set forth in the affirmation; and it shall be the duty of the druggist or other vendor to file the certificates and keep a register of all such sales, indicating the name of the purchaser and the quantity sold, and to make an annual return of all such sales on the thirty-first day of December in every year to the Collector of Inland Revenue within whose revenue division the county or city is situated :

Annual return to be furnished.

Proviso :
Distiller or brewer, &c., may sell liquor of his own manufacture in wholesale quantities and to certain persons only.

5. Provided also, that any producer of cider in the county, or any licensed distiller or brewer, having his distillery or brewery within such county or city may thereat expose and keep for sale such liquor as he shall have manufactured thereat, and no other; and may sell the same thereat, but only in quantities not less than ten gallons, or in the case of ale or beer not less than eight gallons at any one time, and only to druggists and others licensed as aforesaid or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoining county or city in which the second part of this Act is then in force, and to be wholly removed and taken away in quantities not less than ten gallons, or in the case of ale or beer not less than eight gallons at a time :

As to sales by vine-growing companies.

6. Provided also, that any incorporated company authorized by law to carry on the business of cultivating and growing vines and of making and selling wine and other liquors produced from grapes, having their manufactory within such county or city, may thereat expose and keep for sale such liquor as they shall have manufactured thereat, and no other; and may sell the same thereat, but only in quantities not less than ten gallons at any one time, and only to druggists and others, licensed as aforesaid, or to such persons as they have good reason to believe will forthwith carry the same beyond the limits of the county or city and of any adjoining county or city in which the second part of this Act is then in force, and to be wholly removed and taken away in quantities not less than ten gallons at a time :

As to sales by manufacturers of pure native wines.

7. Provided also, that manufacturers of pure native wines made from grapes grown and produced by them in the Dominion of Canada, may, when authorized to do so by license from the Municipal Council or other authority having jurisdiction where such manufacture is carried on, sell such wines at the place of manufacture in quantities of not less than ten gallons at one time, except when sold for sacramental or medicinal purposes, when any number of gallons from one to ten may be sold :

8. Provided also, that any merchant or trader exclusively in wholesale trade, and duly licensed to sell liquor by wholesale, having his store or place for sale of goods within such county or city, may thereat keep for sale and sell intoxicating liquor, but only in quantities not less than ten gallons at any one time, and only to druggists and others licensed as aforesaid, or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoining county or city in which the second part of this Act is then in force, to be wholly removed and taken away in quantities not less than ten gallons at a time :

Proviso :
Merchants
and traders
may sell
liquor in
wholesale
quantities
and to cer-
tain persons
only.

9. In any prosecution against a producer, distiller, brewer, manufacturer, merchant or trader under this section, it shall be incumbent on the defendant to furnish satisfactory evidence of having good reason for believing that such liquor would be forthwith removed beyond the limits of the county or city, and of any adjoining county or city in which the second part of this Act is then in force, for consumption outside the same.

Burthen of
proof of
reasons of
belief of in-
tention to
remove the
liquor sold.

THIRD PART

PENALTIES AND PROSECUTIONS FOR OFFENCES AGAINST THE SECOND PART.

100. Whoever, by himself, his clerk, servant or agent, exposes or keeps for sale, or directly or indirectly, on any pretence or by any device, sells, or barter, or in consideration of the purchase of any other property, gives, to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage and a part of which is spirituous or otherwise intoxicating, in violation of the second part of this Act, shall be liable on summary conviction to a penalty of not less than fifty dollars for the first offence, and not less than one hundred dollars for the second, offence and to be imprisoned for a term not exceeding two months for the third and for every subsequent offence ; and whoever, in the employment or on the premises of another, so exposes or keeps for sale, or sells, or barter, or gives in violation of the said second part of this Act, shall be held equally guilty with the principal, and shall be liable on summary conviction to the same penalty or punishment. And all intoxicating liquors in respect to which any such offence has been committed, and all kegs, barrels, cases, bottles, packages or receptacles of any kind whatever in which the same are contained shall be forfeited.

Punishment
of sale, &c.,
in violation
of second
part of this
Act.

Forfeiture.

101. Any prosecution for any such penalty or punishment may be brought by or in the name of the Collector of Inland Revenue within whose official division the offence was committed,— or by or in the name of any person.

By whom
penalties may
be sued for.

Excise officer
bound to
prosecute.

102. It shall be, the duty of such Collector of Inland Revenue to bring such prosecution, whenever he shall have reason to believe that any such offence has been committed, and that a prosecution therefor can be sustained, and would not subject him to any undue measure of responsibility in the premises.

Before whom
such prosecu-
tions may be
brought.
In Quebec.

103. Such prosecution may be brought—

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 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 Ontario.

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 a Police Magistrate, then before such Police Magistrate, or in his absence, then 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.

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.

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.

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.

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 Is-
land.

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.

104. 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 Justice shall sit or take part therein.

If before certain magistrates no other justice to sit.

105. 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 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.

If prosecution before two justices, summons shall be signed by one of them.

106. Every such prosecution shall be commenced within three months after the alleged offence, and shall be heard and determined in a summary manner, either upon the confession of the defendant, or upon the evidence of a witness or witnesses.

Limitation of prosecution.

107. Every offence against the second part of this Act may be prosecuted in the manner directed by the "*Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*," so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions and to the judicial and other officers before whom the same are hereby authorized to be brought, in the same manner as if they were incorporated in this Act, and as if all such judicial and other officers were named in the said Act.

Provisions of 32 & 33 V., c. 31, to be applicable to such prosecutions.

108. In case a credible witness proves upon oath before the Stipendiary, Police or Sitting Magistrate, Commissioner of a Parish Court, Recorder, Judge of the Sessions of the Peace, Justices of the Peace, Sheriff or Mayor, or before one of the Justices of the Peace before whom any prosecution for an offence against the provisions of the second part of this Act is brought, that there is reasonable cause to suspect that any intoxicating liquor in respect to which such offence has been committed, is in any dwelling-house, store, shop, warehouse, outhouse, garden, yard, croft or other place or places, such Stipendiary, Police or Sitting Magistrate, Commissioner of a Parish Court, Recorder, Judge of the Sessions of the Peace, Justices of the Peace, Sheriff or Mayor, may grant a warrant to search such dwelling-house, store, shop, warehouse, outhouse, garden, yard, croft or other place or places, for such intoxicating liquor, and if the same, or any part thereof, be then found, to bring the same before him; and any information to obtain a warrant under this section may be in the form of Schedule M. to this Act; and any search-warrant under this section may be in the form of Schedule N. to this Act.

Magistrate, &c., may grant a warrant to search for liquor, on receiving certain information on oath.

Convicting Magistrate, &c., may order that liquor seized on a search warrant be destroyed.

109. When any person is convicted of any offence against the provisions of the second part of this Act, the Stipendiary, Police or Sitting Magistrate, Commissioner of a Parish Court, Recorder, Judge of the Sessions of the Peace, Justices of the Peace, Sheriff or Mayor, before whom such person is convicted, may adjudge and order, in addition to any other penalty or punishment, that the intoxicating liquor in respect to which the offence was committed, and which has been brought before him in virtue of a search-warrant as aforesaid (whether the same be or be not the property of such person), or not more than twenty gallons thereof if there be more of it than twenty gallons, be forfeited, and that any and all kegs, barrels, cases, boxes, bottles, packages and other receptacles of any kind whatever found containing the same, or not more than twenty gallons thereof if there be more of it than twenty gallons, be broken up and utterly destroyed, and the said intoxicating liquor, or not more than twenty gallons thereof if there be more of it than twenty gallons, poured out, spilled, wasted and utterly destroyed; and thereupon such barrels, kegs, cases, boxes, bottles, packages and other receptacles of any kind whatever, to the extent aforesaid, may be forthwith broken up and utterly destroyed, and the said intoxicating liquor, or not more than twenty gallons thereof if there be more of it than twenty gallons, poured out, spilled, wasted and utterly destroyed, by the constable or peace officer who executed the search-warrant under which the same was found, or in whose custody the same was afterwards placed by the convicting Magistrate, Commissioner, Recorder, Judge, Justices, Sheriff or Mayor.

Penalty for tampering with witnesses.

110. Any person who, either before or after the summons of any witness in any such case, tampers with such witness, or by any offer of money, or by threat or otherwise, directly or indirectly, induces or attempts to induce any such person to absent himself or herself or to swear falsely, shall be liable to a penalty of fifty dollars for each such offence.

Certiorari and appeal taken away in certain cases.

111. No conviction, judgment or order, in any such case, shall be removed by *certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record; nor shall any appeal whatever be allowed from any such conviction, judgment or order, to any Court of General Quarter Sessions, or other Court whatever when the conviction has been made by a Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff, Police Magistrate, Sitting Magistrate or Commissioner of a Parish Court.

Compound-ing offence and penalty therefor.

112. Any person who, having violated any of the provisions of this Act or of any Provincial Act which is now or may be from time to time in force in any Province respecting the issue of licenses for the sale of fermented or spirituous liquors,

liquors, or of "*The Temperance Act of 1864*," 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 be guilty of an offence under this Act, and on conviction thereof, shall be imprisoned at hard labour in the common gaol of the county or district in which the offence was committed, for any period not exceeding three months.

113. 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 an offence under this Act, and on conviction thereof, shall be imprisoned in the common gaol of the county or district in which the offence was committed, for any period not exceeding three calendar months.

Punishment of parties to compromise.

114. Any person who, on any prosecution under any of the said Acts tampers with a witness, either before or after he is summoned or appears as such witness on any trial or proceeding under any such 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 liable to a penalty of fifty dollars for each offence.

Penalty for tampering with witnesses.

115. In describing offences respecting the sale or other unlawful disposal of spirituous, fermented or other intoxicating liquor, or the keeping thereof for sale, in any information, summons, conviction, warrant or proceeding under the said Temperance Act or under this Act, it shall be sufficient to state the unlawful sale, barter, disposal or keeping of intoxicating liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold, bartered or disposed of; and it shall not be necessary to state the quantity of liquor so sold, bartered, disposed of or kept, 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, and it shall not be necessary in any such summons, conviction, warrant, or proceeding to negative the circumstances, the existence of which would make the act complained of lawful, but upon any such circumstances being proved in evidence the defendant shall be acquitted; and this provision shall apply whether such circumstances are stated by way of exception in the section under which the offence is laid or in a substantive section or otherwise.

What it shall suffice to state in describing offences.

Certain facts need not be alleged.

Amendment of information and adjournment.

116. In the event of any variance between the information and evidence adduced in support thereof, the Justices or Magistrate or other officer may amend or alter such information, and may substitute for the offence charged therein any other offence against the provisions of the said "*Temperance Act of 1864*," or of this Act; but if it appears that the defendant has been materially misled by such variance, the said Justices or Magistrate or other officer shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

Variance or defect of form not to affect conviction.

117. No conviction or warrant enforcing the same or other process or proceeding under either of the said Acts shall be held insufficient or invalid by reason of any variance between the information or 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 such Act, within the jurisdiction of the Justices or Magistrate, or other officer who made or signed the same, and provided there is evidence to prove such offence, and no greater penalty is imposed than is authorized by such Act.

Application to quash conviction to be decided upon the merits.

118. Upon any application to quash such conviction or warrant enforcing the same, or other process or proceeding, or to discharge any person in custody under such warrant, whether such application is made in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the court to which or judge to whom such appeal is made or to which or to whom 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 such court or judge may, in any case, amend the same if necessary; 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 any conviction, warrant, process or proceeding, so affirmed or affirmed and amended may be enforced, in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

The keeping of liquor for sale shall be inferred under certain circumstances.

119. When in any house, shop, room or other place in any municipality in which any prohibitory by-law passed under the provisions of "*The Temperance Act of 1864*," or of this Act, is in force, a bar, counter, beer pumps, kegs or any other appliances or preparations similar to those usually found in taverns and shops where spirituous or fermented liquors are accustomed to be sold or trafficked in are found, and spirituous, fermented or other intoxicating

cating liquor is also found in such house, shop, room or place, such liquor shall be deemed to have been kept for sale contrary to the provisions of such 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 keeps therein such liquor for sale.

120. In proving the sale or barter or other unlawful disposal of liquor for the purpose of any proceeding relative to any offence under the said "*The Temperance Act of 1864*," or under this Act, it shall not be necessary to show that any money actually passed, or any liquor was actually consumed, if the Justices, Magistrate or other officer or court hearing the case, is or are satisfied that a transaction in the nature of a sale or barter or other unlawful disposal actually took place.

Passing of money need not be proved.

121. In any prosecution under the said Temperance Act or under this Act, for the sale or barter or other unlawful disposal of intoxicating liquor, 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 or other officer 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.

What evidence shall be necessary for a conviction.

122. The proceedings upon any information for committing an offence against any of the provisions of this Act, in case of a previous conviction or convictions being charged, shall be as follows:—

Proceedings upon information for second or subsequent offence.

1. The Justices or Magistrate or other officer 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 Justices or Police Magistrate or other officer shall then inquire concerning such previous conviction or convictions;

Subsequent offence to be first inquired into, and then previous convictions.

2. The number of such previous convictions shall be provable by the production of a certificate under the hand of the convicting Justices or Magistrate, or Officer, or of the Clerk of the Peace, without proof of his signature or official character, or by other satisfactory evidence;

Proof of previous convictions.

Conviction may be for first offence only.

3. 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 ;

Conviction for several offences on same day.

4. 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 recoverable in the case of offences committed on different days, and after information laid for a first offence ;

Amendment of second conviction in event of first being set aside.

5. 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 Magistrate or other officer, by whom such second or subsequent conviction was made, may, by summons under his or their hand, require the person convicted to appear at a time and place to be named in such summons, and may thereupon, upon proof of the due service of such summons, 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 ;

What shall be deemed a conviction for a second or subsequent offence.

6. In case any person who has been convicted of a contravention of any provision of the second part of this Act is afterwards convicted of an offence against such provision or against any other provision of the said part, such conviction shall be deemed a conviction for a second offence within the meaning of section one hundred of this Act, and may be dealt with and punished accordingly, although the two convictions may be for acts of different descriptions ; and in case any such person is afterwards again convicted of a contravention of any provision of the said part, whether similar or not to the previous offences, such conviction shall in like manner be deemed a conviction for a third offence, within the meaning of section one hundred of this Act, and may be dealt with and punished accordingly.

Wife or husband competent witnesses.

123. On the trial of any proceeding, matter or question under any of the Acts in the one hundred and twelfth section of this Act mentioned or under this Act, the person opposing or defending or the wife or husband of such person opposing or defending shall be competent and compellable to give evidence in such proceeding, matter or question.

Sect. 34 of 27-28 Vict., c. 18, repealed ; new section.

124. Section thirty-four of the said Temperance Act is hereby repealed and the following substituted therefor :

“ **34.**

"34. In Ontario, all the said penalties, or any portion of them which may be recovered, shall be paid to the convicting Justice, Justices or Magistrate in the case, and shall by him or them, in case the Inspector of Licenses or any officer appointed under the authority of the Lieutenant Governor, is the prosecutor or complainant, be paid to the Inspector and by him applied as the Lieutenant Governor may direct, and in case such Inspector or officer is not the prosecutor or complainant, then the same shall be paid to the Treasurer of the Municipality wherein the offence was committed.

Application of penalty in Ontario.

"(2.) The Council of every municipality shall set apart not less than one-third part of such fines or penalties received by the said municipality for a fund to secure the prosecution for infractions of this Act."

Formation of fund to enforce this Act.

SCHEDULES.

A.

Forms of Notice and Petition for the bringing of the second part of this Act into force.

To the Honorable the Secretary of State of Canada.

Sir,—We the undersigned electors of the county (or city) of _____ request you to take notice that we propose presenting the following petition to His Excellency the Governor General, namely :—

To His Excellency the Governor General of Canada in Council.

The petition of the electors of the county (or city) of _____, qualified and competent to vote at the election of a member of the House of Commons in the said county (or city),—

Respectfully sheweth that your Petitioners are desirous that the second part of "*The Canada Temperance Act, 1878,*" should be in force and take effect in the said county (or city).

Wherefore your Petitioners humbly pray that Your Excellency will be pleased, by an Order in Council under the ninety-sixth section of the said Act, to declare that the second part of the said Act shall be in force and take effect in the said county (or city).

And your Petitioners will ever pray, &c.

And that we desire that the votes of all the electors of the said county (or, city) be taken for and against the adoption of the said petition.

B.

Oath of the Returning Officer.

I, the undersigned, A. B., Returning Officer, under "*The Canada Temperance Act, 1878.*" for the county (or city) of _____, solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in that capacity, without partiality fear, favour or affection. So help me God.

(Signature) A. B.
Returning Officer.

Certificate of Returning Officer having taken Oath of Office.

I, the undersigned, hereby certify that on the _____ day of the month of _____, 18____, A. B., the Returning Officer, under "*The Canada Temperance Act, 1878.*" for the county (or city) of _____, took and subscribed before me, the oath (or affirmation) of office, in such case required of a Returning Officer, by section eleven of "*The Canada Temperance Act, 1878*"

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

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

C.

Commission of a Deputy Returning Officer.

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

Know you, that in my capacity of Returning Officer, under "*The Canada Temperance Act, 1878.*" for the county (or city) of _____, I have appointed, and do hereby appoint you to be Deputy Returning Officer for the polling district number _____, of the said county (or city) of _____, there to take the votes of the electors by ballot, according to law, at the polling station, to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the poll, under the said Act, for the said polling district on the day of _____, at nine o'clock in the forenoon, at (*here describe particularly the place in which the poll is to be held*), and there to keep the said poll open during the hours prescribed by law, and to take at the said polling place, by _____ ballot,

ballot, in the manner by law provided, the votes of the electors voting at the said polling place, and after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot box sealed with your seal, and enclosing the ballots, voters' list, and other documents required by law, together with this commission.

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

(Signature) A. B.,
Returning Officer.

D.

Oath of Deputy Returning Officer.

I, the undersigned, G. H., appointed Deputy Returning Officer for the polling district, No. _____, of the county (or city) of _____, solemnly swear (or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my said capacity of Deputy Returning Officer, without partiality, fear, favour, or affection. So help me God.

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

Certificate of a Deputy Returning Officer having taken the oath of Office.

I, the undersigned, hereby certify that on the day of the month of _____, G. H., Deputy Returning Officer for the polling district No. _____, of the county (or city) of _____, took and subscribed the oath (or affirmation) of office, required in such case of a Deputy Returning Officer, by section fourteen of "The Canada Temperance Act, 1878."

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

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

E.

E.

Form of Ballot Paper.

18

Voting on the Petition to the Governor General for the bringing into force of the second part of "The Canada Temperance Act, 1878."

For the Petition. +

Against the Petition.

+ +

N.B.—The crosses are for illustration.

N.B.—The crosses are for illustration.

The dotted line will be a line of perforation for easily detaching the counterfoil.

F.

Directions for the Guidance of Electors in Voting.

The voter will go into one of the compartments, and with a pencil there provided, place a cross, thus ×, in the upper space if he votes for the adoption of the petition, and in the lower space if he votes against the adoption of the petition.

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

If

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

If the voter places on the ballot paper more than one mark, or places any mark on it by which he can afterwards be identified, his vote will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or fraudulently puts any other paper into the ballot box than the ballot paper given him by the Deputy Returning Officer, he will be subject to be punished by fine or by imprisonment for a term not exceeding six months, with or without hard labor.

G.

Form of Declaration of Agent.

I, the undersigned E. F., solemnly declare that I am desirous of promoting (*or opposing*) the adoption of a petition to the Governor General for the bringing into force in the said county (*or city*) of the second part of "*The Canada Temperance Act, 1878.*"

(Signature) A. B.

Made and declared at
A.D., , before me.

this day of

{C. D.,
Returning Officer

H.

Form of Oath of Secrecy.

I, the undersigned E. F., Agent for the electors of the county (*or city*) of , interested in promoting (*or opposing*) the adoption of a petition to the Governor General for the bringing into force in the said county (*or city*) of the second part of "*The Canada Temperance Act, 1878.*" solemnly swear (*or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm, promise and declare,*) that I will keep secret the way in which any of the voters at
the

the polling station in the polling district No. , may have marked his ballot in my presence, at this polling of votes for or against such petition ; So help me God.

(Signature)

E. F.

Sworn (or affirmed) at
A.D., , before me.

this day of

A. B.,
Returning Officer,
(or) C. D.

I

Form of Voters' List.

Number of the Voters.	Names of the Voters.	Their legal addition.	Their place of residence.	Owners.	Tenants or occupants.	Residence or other qualification.	Objections.	Sworn or affirmed.	Voters refusing to be sworn or affirmed.	Voters voting after others voted in their names.

NOTE.—The qualification need not be inserted except where there are no Provincial lists of voters.

J.

Oath of identity by voter receiving a ballot paper after another has voted in his name.

I solemnly swear, (or, if he be one of the persons permitted to by law to affirm in civil cases, solemnly affirm) that I am A.B., of (as on the voters' list) whose name is entered on the voters' list now shown me. So help me God.

K.

K.

Oath of Messenger sent to collect the Ballot Boxes.

I, A. B., of _____, messenger appointed by C. D., Returning Officer, for the county (or city) of _____, in the Province of _____, do solemnly swear that the several boxes to the number of _____ now delivered by me to the said Returning Officer, have been handed to me by the several Deputy Returning Officers at the present polling of votes in the said county (or city, or by—*here insert the names of the Deputy Returning Officers who have delivered said boxes*), that they have not been opened by me, nor any other person, and that they are in the same state as they were when they came into my possession. (*Should any change have taken place, the deponent shall vary his deposition by fully stating the circumstances*).

(Signature) A. B.

Sworn (or affirmed) and subscribed before me, at _____ this day of _____, in the year 18 _____.

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

L.

Oath of the Deputy Returning Officer after the closing of the Poll.

I, the undersigned, Deputy Returning Officer for the polling district, No. _____, of the county (or city) of _____, do solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that to the best of my knowledge and belief, the voters' list kept for the said polling district under my direction, hath been so kept correctly; and that the total number of votes polled in the said list is _____, and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the polling station in the said polling district as the said votes were taken thereat; that I have faithfully counted the votes given for each interest, in the manner by law provided, and performed all duties required of me by law, and that the report, packets of ballot papers, and other documents required by law to be returned by me to the Returning Officer, have been faithfully and truly prepared

pared and placed within the ballot box, as this oath (or affirmation) will be, to the end that the said ballot box being first carefully sealed with my seal, may be transmitted to the Returning Officer according to law.

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

Sworn before me at _____, in the County of _____,
, this _____ day of _____, 18 _____.

(Signature) X. Y.,
Justice of the Peace.
or A. B.,
Returning Officer.

— .
M.

Information to obtain a Search Warrant.

CANADA,
PROVINCE OF
DISTRICT (or, County, or, as the
case may be) of } _____

The information of K. L. of the _____ of _____ in the said District (or, County, &c. *yeoman*), taken this _____ day of _____ in the year of Our Lord _____, before me W. S., Esq., one of Her Majesty's Justices of the Peace, in and for the District (or, County, or, United Counties, or as the case may be) of _____, who saith that he hath just and reasonable cause to suspect and doth suspect, that intoxicating liquor in respect to which an offence against the second part of "*The Canada Temperance Act, 1878,*" hath been committed, is concealed in the (*dwelling house, &c.*) of P. Q. of _____ in the said District (or County, &c.) (*here add the causes of suspicion and the particulars of the offence whatever they may be.*)

Wherefore he prays that a Search Warrant may be granted him to search the (*dwelling house, &c.*) of the said P.Q. as aforesaid for the said intoxicating liquor.

Sworn (or affirmed) on the day and year first above mentioned, at _____ in the said District (or, County, &c) of _____, before me.

(Signature) W. S.,
J.P.

N.

Form of Search Warrant.

CANADA,
 PROVINCE OF
 DISTRICT (or, County, or, as the
 case may be) of

}

To all or any of the Constables, or other Peace Officers, in
 the District (or, County, or, as the case may be) of .

Whereas, K. L., of the of in the said
 District (or, County, &c.) hath this day made oath before me
 the undersigned, one of Her Majesty's Justices of the Peace
 in and for the said District (or, County, &c.) of that
 he hath just and reasonable cause to suspect, and doth
 suspect, that intoxicating liquor in respect to which an
 offence against the second part of " *The Canada Temperance
 Act., 1878* " hath been committed, to wit, in respect to which
 (here describe the offence, in the words of the information)
 is concealed in the (dwelling-house, &c.) of one P. Q. of
 in the said District (or, County, &c.) of

These are, therefore, in the name of Our Sovereign Lady the
 Queen, to authorize and require you, and each and every of
 you, with necessary and proper assistance, to enter in the
 day time into the said (dwelling-house &c.) of the said P.Q.,
 and there diligently search for the said intoxicating liquor ;
 and if the same, or any part thereof, shall be found upon
 such search, that you bring the intoxicating liquor so found,
 or gallons thereof, if there be more than twenty gallons so
 found, and also all barrels, kegs, cases, boxes, packages and
 other receptacles of any kind whatever containing the same
 before me to be disposed of and dealt with according to
 law.

Given under my hand and seal at in the said
 District (or County, &c) this day of in the
 year of Our Lord

(Seal)

W. S.,
J P.

CHAP. 17.

An Act for the better prevention of crimes of violence in certain parts of Canada, until the end of the next Session of Parliament.

[Assented to 10th May, 1878.]

Preamble.

WHEREAS, in consequence of the prevalence of crimes of violence in certain parts of Canada, it is necessary to make temporary provision for the better prevention thereof: Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :---

Interpretation clause.

1. In this Act the term "Proclaimed District" means a place to which this Act may have been applied by a proclamation issued thereunder; and the term "arm" includes any gun, rifle, revolver, pistol, or other fire-arm, or air-gun, and any part of any such weapon, and any bullet, gun-powder, cartridge, or ammunition, and any sword, sword-blade, bayonet, pike, pike-head, spear, spear-head, dirk, dagger, bowie-knife or other instrument intended for cutting or stabbing; and any steel or metal knuckles, skull-cracker or slung-shot, and any other such deadly or dangerous weapon.

Governor in Council may apply this Act by proclamation to any district.

2. Whenever, in the judgment of the Governor in Council, it shall be necessary for the better prevention of crimes of violence that this Act should apply to any county, city or town, or other municipal or judicial district, in any Province or Territory of Canada, the Governor in Council may, by proclamation to be published in the *Canada Gazette*, declare that, from and after a day to be named therein, this Act shall apply to such county, city, town, or other municipal or judicial district; and the Governor in Council may at any time, by proclamation to be published in the *Canada Gazette*, revoke such first mentioned proclamation.

May revoke the proclamation.

Effect of proclamation.

3. From and after the day named in, and during the continuance in force of such first-mentioned proclamation, it shall not be lawful for any person, not being a Justice of the Peace, or an officer, soldier, sailor or volunteer, in Her Majesty's service, while on duty, or a constable or other peace officer, or a person licensed under this Act, to carry or have within the proclaimed district, elsewhere than in his own dwelling-house, shop, warehouse or counting-house, any arm; and any person carrying or having any arm contrary to this provision, shall be guilty of a misdemeanor, and shall be liable, on conviction thereof, to imprisonment in any gaol or place of confinement for a term not exceeding twelve months.

Certain persons only to carry or have arms in the district.

Punishment of offenders.

4. It shall be lawful for any person whomsoever to seize and apprehend any person who shall be found carrying any arm within the proclaimed district contrary to this Act, and to deliver such person, as soon as may be, into the custody of a constable or other peace officer, in order to his being forthwith conveyed before some competent judicial authority to be dealt with according to law.

Offender may be arrested, &c.

5. It shall be lawful for any Justice of the Peace, constable or other peace officer, to search any person whom he may suspect to be carrying any arm within the proclaimed district, contrary to this Act, and to seize and take from such person any arm so carried, and to keep and detain the same for the use of Her Majesty.

Suspected persons may be searched.

6. Any Justice of the Peace may, on the oath of a credible witness, that he believes that arms are kept in any house or place within the proclaimed district in order to their being carried within the proclaimed district, contrary to the provisions of the third section of this Act, issue his warrant to any constable or peace officer to search for and seize the same; and such constable or peace officer or any person in his aid may search for, and if arms are found in such house or place, may seize and detain the same.

Justice of the Peace may grant warrant to search for arms.

And to seize them if found.

7. In case admission to such house or place be not granted after demand, such constable or peace officer as aforesaid and any person in his aid may, at any time between sunrise and sunset, enter the same by force in order to make such search and seizure.

Entry by force in case of resistance.

8. Unless the person in whose house or place the same are found do, within four days next after the seizure, prove to the satisfaction of the justice that they were not in such house or place in order to their being carried within the proclaimed district contrary to the provisions of the third section of this Act, they shall be kept and detained for the use of Her Majesty; otherwise they shall be restored to such person.

Forfeiture of arms kept for unlawful use.

9. The Governor in Council may, from time to time, appoint one or more proper persons to grant at his or their discretion a license or licenses in the form in the Schedule to this Act contained, to have and carry any arm within the proclaimed district: and such person or persons may, from time to time, revoke any such license; and a copy of the order of revocation shall be delivered to or left at the last known place of abode of every person whose license is thereby revoked; and thereupon his license shall cease and determine.

Persons may be appointed to grant licenses to have or carry arms.

Revocation of license.

Offenders may be tried and punished under 32, 33 V., c. 31.

10. Whosoever is charged with having committed any offence against the provisions of the third section of this Act may be tried and dealt with by three Justices of the Peace, or by any functionary or tribunal invested by the proper legislative authority, with power to do alone such acts as are usually required to be done by two or more Justices of the Peace in pursuance of the Act passed in the session held in the thirty-second and thirty third years of Her Majesty's reign, Chapter Thirty-one, intituled "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders.*"

Proof of proclamation.

11. The production of a printed copy of the *Canada Gazette*, purporting to be printed by the Queen's Printer, containing any proclamation under this Act, shall be conclusive evidence of the issuing and publication of such proclamation.

Arm to be detained for Her Majesty's use.

12. It shall be the duty of the court or justice before whom any person is convicted under section three of this Act, to keep and detain for the use of Her Majesty, the arm for the carrying or having which the person is convicted.

Act not to prevent liability under any other Act. Proviso.

13. Nothing in this Act contained shall prevent any person from being liable under any other Act or otherwise to any other punishment than is provided for any offence by this Act; so, however, that no person be punished twice for the same offence.

Copies of proclamation with abstract of Act to be sent to Sheriff.

And posted up.

Penalty for neglect.

Proviso.

14. Printed copies of every proclamation issued under this Act, having at the foot thereof a printed abstract of the provisions of this Act, shall be forthwith transmitted by the Secretary of State to the sheriff of the judicial district in which the proclaimed district is comprised; and the sheriff shall forthwith post up the same, or cause it to be posted up, at twenty-five of the most prominent and conspicuous places throughout the proclaimed district; and any sheriff who refuses or neglects to perform the duty hereby imposed on him shall, for such refusal or neglect, forfeit the sum of five hundred dollars to any person suing for the same: Provided always, that it shall not be necessary, on the trial of any person for an offence under the third section of this Act, to prove the posting of such copies.

Copies of proclamation, &c., to be laid before Parliament.

15. A copy of every proclamation issued under this Act, and statements of the names of all persons (a) authorized to issue licenses under this Act, (b) licensed thereunder, (c) whose licenses have been revoked, shall be laid before the Senate and House of Commons as soon as may be thereafter.

Application
of Act
limited.

4. Except as in the next preceding section mentioned, this Act shall not apply to any prosecution where any other crime than common assault is charged in the information or indictment.

CHAP. 19.

An Act respecting persons imprisoned in default of giving sureties to keep the peace.

[Assented to 10th May, 1878.]

Preamble.

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

Notice re-
specting per-
sons remain-
ing so impris-
oned for two
weeks, to be
given by
gaoler or
warden to
the proper
judge or
functionary,
who may dis-
charge or
make other
order re-
specting such
persons.

1. Whenever any person having been required to enter into a recognizance with sureties to keep the peace and be of good behaviour, has, on account of his default therein, remained imprisoned in any gaol or prison for the period of two weeks, the sheriff, gaoler or warden shall, in the Provinces of Ontario or Quebec, give notice, in writing, of the facts to the Judge or Chairman, or other person authorized to act as Judge or Chairman of the Court of General Sessions of the Peace for the county, district or place, wherein the gaol or prison is situate, or in the Province of Quebec, to a judge of any other court for the time being discharging the functions of such court of General Sessions for such District, and in the Provinces of New Brunswick, Nova Scotia, Prince Edward Island or British Columbia, to a Judge of the Supreme Court, or to the Judge of the County Court of the county or district wherein the gaol or prison is situate, and in the Province of Manitoba to a Judge of the Court of Queen's Bench, and in the North-West Territories to a Stipendiary Magistrate; and the said judge or chairman or other person so notified, may thereupon, or at a subsequent time, upon notice to the complainant or otherwise, order the discharge of such person, or may make such other order respecting him as might be made by the Court of General Sessions of the Peace in the Provinces of Ontario and Quebec, or by the Supreme Court in the Provinces of New Brunswick, Nova Scotia, Prince Edward Island or British Columbia, or by the Court of Queen's Bench in the Province of Manitoba; and in the North-West Territories the Stipendiary Magistrate may make such other order respecting such person as might, had the person been imprisoned in the Province of Ontario, have been made by the Court of General Sessions of the Peace.

CHAP. 20.

An Act to amend section sixty-eight of "The Penitentiary Act of 1875."

[Assented to 10th May, 1878.]

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

1. The sixty-eighth section of the Act of the Parliament of Canada, passed in the thirty-eighth year of Her Majesty's reign, chapter forty-four, intituled "*An Act respecting Penitentiaries and the Inspection thereof, and for other purposes*," is hereby amended by striking out of the twelfth, thirteenth and fourteenth lines the words "seventy-eight" and inserting in lieu thereof the words "seventy-nine," and by adding to the said section the following words:—"The Governor in Council may from time to time limit the number of persons sentenced in New Brunswick or Nova Scotia to imprisonment with hard labor for less than one year who are to be received or imprisoned in the respective Penitentiaries of those Provinces, regard being had in fixing such limit to the number of persons imprisoned whose sentences are not less than two years and to the accommodation for prisoners afforded by the Penitentiary building."

Preamble.
Sect. 63 of 38 V., c. 44, amended.

New provision added to the said section: as to penitentiaries in N.B. and N.S.

CHAP. 21.

An Act to make provision for the winding up of insolvent incorporated Fire or Marine Insurance Companies.

[Assented to 10th May, 1878.]

WHEREAS it is expedient to make provision for the winding up of insolvent incorporated Fire or Marine Insurance Companies: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything contained in "*The Insolvent Act of 1875*" the provisions of the said Act shall apply to Fire or Marine Insurance Companies incorporated by the Parliament of Canada, or, either before or after the Union, by the Legislature of any of the Provinces of which Canada is composed, subject to the modifications contained in the one hundred

Preamble.

Insolvent Act 1875;—how to apply to Insurance Companies.

hundred and forty-seventh section of the said Act and to the following additional modifications, which apply to the case of such companies only.

Interpreta-
tion.

2. The Judge or Prothonotary of the Superior or County Court, in the County, Province or District in which the company has its chief place of business, shall be the judge having primary jurisdiction.

When appli-
cation for
writ of
attachment
or assignment
may be made.

3. No application for a writ of attachment and no assignment of the estate shall be made until after the company has, whether before or since the passing of this Act, become insolvent by failure to pay any undisputed claim arising or loss insured against, for the space of sixty days after being due and payable, or, if disputed, after final judgment and tender of a valid legal discharge, and, in either case, if the company be licensed under the Acts respecting Insurance, after notice served on the Minister of Finance, as provided by the sixteenth section of an Act respecting Insurance, passed in the thirty-eighth year of Her Majesty's reign, and chaptered twenty.

Notice to
Minister of
Finance.

Adjournment
of proceed-
ings by judge.

4. The judge may adjourn proceedings upon any application for a writ of attachment for a time not exceeding six months from the time at which the company became insolvent, and, if the company became insolvent before the passing of this Act, then for a time not exceeding six months from the passing hereof.

Preliminary
enquiry may
be ordered.

5. The judge may order that the preliminary enquiry authorized by the first sub-section of the said one hundred and forty-seventh section shall be made by a person or persons other than an official assignee, to be by him named on the application of the parties, and the person or persons so named shall have all the rights and discharge all the duties appertaining to the official assignee in connection with such enquiry; and the judge may extend the time for report upon such enquiry to a period not exceeding thirty days from the date of the order for enquiry.

Time for
report.

Business to
cease on
insolvency.

6. Nothing herein or in the said Insolvent Act contained shall be held to authorize the making of any policy or contract of insurance after the issue of a writ of attachment, or the making of an assignment.

An insurance
company may
be receiver.

7. An incorporated Fire or Marine Insurance Company may be appointed a receiver or creditors' assignee, and in case of such appointment may act through one or more of its principal officers to be approved by the judge.

Publication
of notices
to creditors.

8. After the first notice to creditors, publication in the *Canada Gazette* and in two newspapers issued at or nearest the place

place where the head office is situate, of notice of any proceeding of which, under the Insolvent Act, creditors should be notified, shall be deemed sufficient notice to holders of policies or contracts for insurance in respect of which no notice of loss has been received.

9. Nothing shall be done under the fifteenth sub-section of the said one hundred and forty-seventh section save upon order of the court or judge. Order of court in certain cases.

10. The appeal provided for by the one hundred and twenty-eighth section of "*The Insolvent Act of 1875*" shall extend to all orders, judgments or decisions of the judge. Appeal.

11. The assignee shall have the powers vested in a receiver under the provisions of the said one hundred and forty-seventh section, and the judge may charge the assignee with the duties which under the said Act he can impose on a receiver. Duties of assignee.

12. Holders of policies or contracts for insurance on which no loss has accrued shall be entitled to claim as creditors for any loss which may accrue during the continuance of the risk within six months after the issue of the writ of attachment or the making of the assignment; and, in case no such loss accrues, or in case (whether or not any such loss accrues) they have, after the issue of the writ of attachment, or the making of the assignment, re-insured without the consent of the company, then for a part of the premium paid proportionate to the period of their policies or contracts respectively unexpired at the end of the said term of six months; and such claims shall rank with judgments obtained and claims accrued in the distribution of the assets: Provided always, that whenever the company, or the holder of the policy or contract of insurance, exercises any right which it or he may have to cancel the policy or contract, the holder of the policy or contract shall be entitled to claim as a creditor for the sum which, under the terms of the policy or contract is due to him upon such cancellation. Claims of policy holders in certain cases of loss after insolvency. Proviso: if policy be cancelled.

13. Notwithstanding the provisions of the said Act respecting insurance, any deposit held by the Receiver General for policy holders, shall, in cases arising after the fifth day of April, one thousand eight hundred and seventy-eight, be applied and distributed by the Assignee, under this Act, among the persons entitled to claim thereon under the said Act respecting insurance, and for that purpose the Assignee, Court and Judge, respectively, shall have all the powers conferred on the Assignee and Court, respectively, prescribed by the said Act respecting insurance: Provided always, that notwithstanding anything contained in the said Act, the holders of policies or contracts Application by assignee of sums deposited with the Government. Proviso: as to policy holders in Canada.

Proviso: if policy be cancelled.

Proviso.

Proviso: as to assignee appointed under Act of 1875, after 5th April, 1878.

Statement of creditors to be prepared by the assignee.

And of collocation.

Proviso: for contestation.

Re-insurance may be arranged for, under resolution of creditors.

contracts for insurance in Canada shall be entitled to claim against the said deposit under the said Act and this section, for any loss which may accrue during the continuance of the risk within six months after the issue of the writ of attachment or the making of the assignment; and, in case no such loss accrues, for a part of the premium paid proportionate to the period of their policies or contracts respectively, unexpired at the end of the said term of six months: Provided however, that whenever the company or the holder of a policy or contract of insurance in Canada exercises any right which it or he may have to cancel the policy or contract, the holder of the policy or contract shall be entitled to claim against the said deposit for the sum which, under the terms of the policy or contract, is due to him upon such cancellation: Provided further, that all such claims as aforesaid shall rank on the deposit with judgments obtained and claims accrued in respect of policies in Canada: Provided further, that in any case in which an assignee may have been appointed under the said Act, after the fifth day of April, one thousand eight hundred and seventy-eight, such assignee shall, from and after the passing of this Act, cease to act, and shall, on the appointment of an Assignee, under this Act, transfer to him all papers and documents in his possession relating to the assignment.

14. The Assignee shall, without the filing of any claim, notice or evidence, or the taking of any action by any such person as is in the twelfth or thirteenth section referred to, make a statement of all the persons appearing by the books and records and the reports of the officers of the company, to be creditors or claimants under either or both of the said sections, and of the amounts due to each such person thereunder, and every such person shall be collocated and rank as and be entitled to the rights of a creditor or claimant for such amount, without filing any claim, notice or evidence, or taking any action: Provided always, that any such collocation may be contested by any party interested, and that any person not collocated, or dissatisfied with the amount for which he is collocated, may file his claim in the manner provided by the Insolvent Act.

15. The Assignee may, in pursuance of any resolution which has been passed for the purpose at a meeting of creditors (at which meeting every creditor, in respect of an unearned premium, may vote, although his claim may be less than one hundred dollars), and which resolution has been approved by the court or judge, arrange with any incorporated insurance company certified by the Superintendent of Insurance to be in good standing, for the re-insurance by such company of the outstanding risks of the insolvent company, and for the assumption by such company of the whole or any part of the other liabilities of the insolvent company; and

and in case of such arrangement the assignee may pay or transfer to such company such of the assets of the insolvent company as may be agreed on as the consideration for such assumption, and in such case the arrangement for reinsurance shall be in lieu of the claim for unearned premium: Provided always, that any remaining assets of the insolvent company shall be retained by the assignee as a security to the creditors for the payment of their claims, and shall, if necessary, be so applied, and shall not be returned to the company save on the order of the court or judge after the satisfaction of such claims.

Proviso: as to remaining assets.

16. If the Company be licensed under the Acts respecting Insurance, it shall be the duty of the receiver and assignee to report to the Superintendent of Insurance once in every six months, or oftener as the Superintendent may require, on the condition of the affairs of the Company, with such further particulars as the Superintendent may require.

Report to Superintendent of Insurance.

CHAP. 22.

An Act to amend the law respecting Building Societies carrying on business in the Province of Ontario.

[Assented to 10th May, 1878.]

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

Preamble.

1. The members of any Permanent Building Society carrying on business in the Province of Ontario, entitled to vote, may, at any time, by a resolution, to be passed by a majority of two-thirds of the votes of such members present or represented by proxy at any special or general meeting, (for which meeting notice of such intended resolution shall be duly given), determine that all shares thereafter subscribed for in such Society shall be fixed and permanent capital and not liable to be withdrawn therefrom; and any share thereafter subscribed for in such Society shall be fixed and permanent capital and not withdrawable therefrom, but transferable in the same manner as other shares in such Society.

How permanent societies in Ontario may make shares thereafter subscribed for permanent capital and not withdrawable.

2. The Directors of any such Society may fix the amount to be paid on the subscription of any such shares, which amount shall not be less than twenty per cent. on the shares subscribed, and the premium (if any) which shall

Directors may fix amount payable on subscription or as premiums on such shares.

And pay
dividends by
way of
periodical
profits
Proviso.

be paid thereon, and when such premium shall be payable ; and it shall be in the discretion of the Directors, from time to time, to call up the balance of any such shares, at such time or times as they think best. And any such Society may, from time to time, pay dividends by way of annual or other periodical profits, upon the amounts paid on such shares. In all other respects such shares shall be subject to the general provisions respecting shares in Permanent Building Societies carrying on business in the Province of Ontario.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's
Most Excellent Majesty.

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NOTE.—*The only Public Act reserved was "An Act to repeal section twenty-three of 'The Merchant Shipping Act, 1876,' as to ships in Canadian waters."*
