Index.

Bills of the Senate.

B. An Act to amend "The Canada Civil Service Act, 1883."

C. An Act to amend and consolidate the Acts relating to the Superannuation of persons employed in the Civil Service of Canada.

D. An Act for the relief of Peter Nicholson.

E. An Act respecting The Northern Railway Company of Canada.

F. An Act to amend the Act to incorporate the North-Western Bank.

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

H. An Act further to amend The Interpretation Act.

I. An Act to incorporate "The Canadian Rapid Telegraph Company (Limited)."

J. An Act to amend and consolidate the laws relating to Revisionaries.

K. An Act respecting booms & other works constructed in navigable waters whether under the authority of Provincial Acts or otherwise.
(See Bill Y., amending this)

L. An Act to amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies, and Trading Corporations."

M. An Act for the protection of Settlers on Dominion Lands in Manitoba and the North West Territories.

N. An Act respecting certain Offences against the State.

O. An Act to amend the Patent Act of 1872.

P. An Act to make provision for the taking of evidence in relation to Criminal matters pending in Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals.

Q. An Act respecting the High Court of Justice for Ontario.

R. An Act respecting County Court Judges in the Province of Ontario.

S.

T. An Act relating to Bills of Exchange and Promissory Notes in the Province of Prince Edward Island.

U. An Act to amend the law respecting Lotteries.

V. An Act to legalize proceedings taken for the naturalization of certain aliens in the Province of Manitoba.

W. An Act to amend the Act thirty-sixth Victoria, chapter four, intituled "*An Act to provide for the establishment of "The Department of the Interior"*, and to amend "*The Indian Act*, 1880."

X. An Act to amend an Act of the present Session, intituled "*An Act to incorporate the Railway Trust and Construction Company of Canada, (limited).*"

Y. An Act to amend an Act of the present Session respecting booms and other works constructed in navigable waters, whether under the authority of Provincial Acts or otherwise.

(see Bill K.)

B.

BILL.

An Act to amend "The Canada Civil Service Act 1882."

[NOTE.—The Clauses in Italics are printed for information only and are intended to be inserted in the House of Commons.]

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

1. The third section of "The Canada Civil Service Act 1882," is repealed and the following section enacted in lieu thereof:— Sect. 3 of 45 V., c. 4 repealed and another substituted.

"**3.** A Board of Examiners shall, from time to time, be appointed by the Governor in Council, who for the purposes of this Act shall be known and are hereinafter referred to as "The Board," consisting of three members one of whom shall be secretary of the Board, who shall be authorized to examine all candidates for admission to the Civil Service of Canada, and to give certificates of qualification to such persons as are found qualified, according to such regulations as shall be authorized by the Governor in Council for the guidance of the Board." Board of Examiners of candidates for the service.

2. *The fifth section of the said Act is repealed and the following section enacted in lieu thereof:—* Sect. 5 *ibid* repealed and another substituted.

["**5.** *The Secretary of the Board shall be paid a salary not exceeding one thousand dollars per annum. He shall render such services as the nature of the office reqnires, and as may from time to time be prescribed by Order in Council. The other members of the Board shall be paid five dollars per diem when actually engaged in their work not, however, to exceed sixty days in any one year.*] Salary and duties of Secretary.

["2. *The members of the Board shall, on authority of an Order in Council, be paid their actual travelling expenses incurred while so engaged in their work.*] Remuneration of other members.

["3. *Such persons as may be selected by the Board to assist them in the conduct of examinations may receive such sum not exceeding five dollars per diem as may be fixed by Order in Council.*"] Remuneration of assistant examiners.

3. *The sixth section of the said Act is repealed and the following section enacted in lieu thereof:—* Sect. 6 *ibid* repealed and another substituted.

["**6.** *The Board of Examiners may obtain the assistance of persons who have had experience in the education of the youth* Who may be employed as

assistant examiners.

of the Dominion, and with such assistance shall hold or cause to be held periodical examinations for admission to the Civil Service, in the cities of Halifax, St. John, New Brunswick, Charlottetown, Quebec, Montreal, Ottawa, Toronto, Hamilton, London, Winnipeg, Victoria and such other places as may be determined by Order in Council. It shall not be necessary to hold each examination in all the said places, but the times and places at which the examinations shall be held, shall be determined from time to time by Order in Council. Examinations as far as possible shall be in writing. Their cost shall be defrayed out of moneys previously voted by Parliament for that pnrpose."]

Where and when examinations to be held.

Sect. 7 *ibid* repealed and another substituted.

4. The seventh section of the said Act is hereby repealed and the following section enacted in lieu thereof :—

"**7.** Except as herein otherwise provided,—

Conditions of appointment and promotion.

(*a.*) All appointments to the Civil Service shall be during pleasure, and no person shall be appointed or promoted to any place below that of a Deputy Head of a Department until he has passed the examination and served the probationary term hereinafter mentioned, nor until he has obtained the certificates required by this Act.

Limits of age for inside division.

(*b.*) No person shall be appointed to any place in the first or inside Departmental Division of the Civil Service below that of a Deputy Head, on probation or otherwise, whose age exceeds thirty-five years, or who has not attained, in case the appointment is to a place below that of a third class clerk, the full age of fifteen years, or in other cases, the full age of eighteen years."

Sect. 13 *ibid* repealed and another substituted.

The thirteenth section of the said Act is repealed and the following section enacted in lieu thereof :—

Chief clerks salaries.

["**13.** *The minimum salary paid to a Chief Clerk shall be one thousand eight hundred dollars, with an annual increase of fifty dollars up to twenty-four hundred dollars.*]

Proviso : as to increase.

["2. *No salary shall be increased under the provision of this section before the first day of July next.*"]

Sect. 34 *ibid* repealed and another substituted.

6. The thirty-fourth section of the said Act is repealed and the following section enacted in lieu thereof :—

"**34.** When the Deputy Head of a Department in which a vacancy occurs, reports that, for reasons set forth in such report,—

Office requiring professional or technical qualifications

(*a.*) The qualifications requisite for such office or employment are wholly or in part professional or technical ; and

(*b*) That it would be for the public interest that the examination herein provided for should, as regards such vacancy, be wholly or partially dispensed with; and— Report of deputy head, what it must show.

2. If the Head of the Department concurs in such report, the Governor in Council may, without reference to the age of the person, select and appoint such person as may be deemed best fitted to fill the vacancy, subject to such examination as may have been suggested in the report; and such appointment shall be made from the Civil Service if any be found available. Selection and appointment, how made.

3. City Postmasters and Collectors and Preventive Officers in the Customs and Inland Revenue Departments may be appointed without examination and without reference to the rules for promotion herein prescribed. Exceptions in certain departments.

4. The qualifying examination may be dispensed with in the case of temporary or supernumerary officers or servants actually employed at the time this Act comes into force, if the Deputy Head, with the concurrence of the Head of the Department, reports that the officer or servant has the requisite qualifications for the place to be filled by him. And with regard to certain persons now temporarily employed.

7. The thirty sixth section of the said Act is repealed and the following section enacted in lieu thereof :— Sect. 36 *ibid* repealed and another substituted.

36. Promotion in either Division of the Civil Service shall be by examination, under regulations made by the Governor in Council : Promotion to be by examination.

"2. Except as herein otherwise provided such examination shall be open to any person employed in the Department in which the vacancy to be filled by promotion exists, in either Division of the Service, who holds a position below that to which the promotion is to be made ; and— To whom examination open.

" 3. Shall be in such subjects as, after consultation with the chief officer of the Department in which the promotion is to be made, may be decided upon by the Board as best adapted to test the fitness of the candidates for the vacant office." Subjects of examination.

" 4. Where the vacancy to be filled by promotion exists in the Inside Division the examination shall not be open to persons employed in the Outside Division who at the date of their first appointment were of a greater age than thirty-five years." Limit as to age of candidate from outside division.

8. The thirty-ninth section of the said Act is repealed and the following section enacted in lieu thereof :— Sect. 39 *ibid* repealed and another substituted.

"**39**. Except as herein otherwise provided when any vacancy occurs in one of the higher classes, in either Division, the Head of the Department shall select from the list made, as herein directed, for promotion thereto, the person Vacancies in the higher classes, how filled.

whom, having due reference to any special duties incident to the office, to the qualification and fitness shown by the candidates respectively, during their examination, and to the record of their previous conduct in the Service, he may consider best fitted for the office: Provided, that when no person employed in the Department is found suitable for promotion therein, an examination shall be held of persons employed in the service of other Departments with a view to the promotion being made as far as practicable from the Service

Proviso: if no fit person is found in the department.

Salaries, how fixed.

[**9**. *The officers, clerks and employees mentioned in Schedule B of the said Act shall be paid according to the scale thereby established. The salaries of officers, clerks and employees in the Second or Outside Division of Departments other than the Customs, Inland Revenue and Post Office Departments shall, subject to the provisions of any Act relating thereto, be fixed in each case by Order in Council.*]

Part of Schedule B, 45 V., c. 4, repealed.

[**10**. *That part of Schedule B to the said Act which relates to "Departments Generally" is repealed.*]

Interpretation of reference to 31 V., c. 34.

10. Whenever in any Act now in force reference is made to "The Canada Civil Service Act, 1868," the same shall be taken and deemed to be a reference to "The Canada Civil Service Act, 1882" and shall be construed accordingly.

Oaths to be taken by certain persons.

11. Immediately after the passing of this Act, the Deputy Heads of Departments and all officers, chief clerks, clerks, messengers, sorters and packers of the Civil Service who have not already done so, and every Deputy Head, officer, chief clerk, clerk, messenger, sorter or packer hereafter appointed, as soon after his appointment as conveniently may be, shall take and subscribe the oath of allegiance and also the oath contained in Schedule A of this Act, or such other oath as may by some other Act be in that behalf provided.

What oaths to be taken.

And before whom.

2. The Clerk of the Queen's Privy Council for Canada shall take and subscribe the oaths before the Governor General or some one appointed by him to take the same.

At Ottawa.

3. In case of persons residing or coming to reside at Ottawa, the oaths shall be taken and subscribed before the Clerk of the Queen's Privy Council.

Elsewhere.

4. In other cases the oaths may be taken and subscribed before a Justice of the Peace or other proper authority who shall forward the same to the Clerk of the Queen's Privy Council

Oaths to be registered.

5. The Clerk of the Queen's Privy Couucil shall keep a Register of all such oaths.

Exchange of positions when and

12. An exchange of positions between two officers serving in different Departments or in different divisions of the

same Department, may, by Order in Council, be authorized or directed to be made without examination of either officer.

how, may be authorized.

13. A vacancy which would otherwise be filled by a first appointment, after an examination, may, by Order in Council and without an examination, be filled by a transfer from another division of the Department in which the vacancy exists, or from another Department; Provided that the transfer shall be made without increasing the salary of the person transferred, and that no person shall be transferred from an Outside to an Inside Division, whose age at the date of his first appointment exceeded thirty-five years.

Vacancy may be filled by transfer in certain cases.

Proviso: as to increase of salary and transfer from outside to inside division.

[14. *Schedule "B" of the said Act is amended as follows:—*

(a) *Strike out so much of the Schedule as relates to Customs and Inland Revenue, and insert in lieu thereof the following:—*

Schedule B, 45 V., c. 4, amended as to Customs and Inland Revenue.

CUSTOMS.

		Scale of Salaries.		
Inspectors	*salary from*	$1,600	*to*	2,500
Collectors	"	400	*to*	4,000
Surveyors	"	1,200	*to*	2,500
Chief Clerks	"	1,200	*to*	2,000
Clerks	"	400	*to*	1,200
Chief Landing Waiters	"	800	*to*	1,200
Landing Waiters	"	400	*to*	1,000
Gaugers	"	600	*to*	1,200
Chief Lockers	"	800	*to*	1,200
Lockers	"	400	*to*	800
Tide Surveyors	"	800	*to*	1,000
Tide Waiters	"	400	*to*	600
Messengers	"	200	*to*	500
Appraisers	"	800	*to*	2,000
Assistant Appraisers	"	600	*to*	1,500

INLAND REVENUE.

Chief Inspector	$		2,800
Inspectors	1,600	*to*	2,500
Collectors	500	*to*	2,200
Deputy Collectors	400	*to*	1,500
Clerks (Accountants)	600	*to*	1,200
Special Class Excisemen			1,200
First, Second and Third-Class Excisemen	600	*to*	1,000
Probationary Excisemen			500
Messengers	200	*to*	500

(b.) *Strike out so much of the Schedule as relates to Railway Mail Clerks, and insert the following in lieu thereof:—*

Also as to Railway Mail Clerks.

Railway Mail Clerks.

—	On Appointment.		After 2 years service in any class of Railway Mail Clerks.		After 5 years service in any class of Railway Mail Clerks.		After 10 years service in any class of Railway Mail Clerks.	
	Day Service.	Night Service.	Day Service.	Night Service.	Day Service.	Night Service.	Day Service.	Night Service.
	$	$	$	$	$	$	$	$
Chief Clerks	1,000	.....	1,200	.....	1,350	.....	1,500	.....
1st Class	720	880	800	1,000	880	1,100	960	1,200
2nd Class	600	720	640	800	720	880	800	1,000
3rd Class	480	600	520	640	560	700	640	800

To Clerks other than Chief Clerks, in addition to regular salary an allowance not exceeding half a cent per mile for every mile travelled on duty in the Post Office cars.]

Interpretation of Act.

15. This Act shall be read as one with "The Canada Civil Service Act, 1882."

SCHEDULE A.

Oath to be taken.

"I (*A. B.*), solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as and that I will not ask, or receive any sum of money, services, recompense or matter or thing whatsoever, directly or indirectly, in return for what I have done or may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by law or by an Order of the Governor in Council. * * * * So help me God."

Additional oath in certain cases.

In the case of the Clerk of the Privy Council, and all officers under him, and in the case of any officer of whom the Governor-in-Council shall require the same, there shall be added to the oath at the asterisks the words following:—

Provision for secrecy.

"And that I will not without due authority in that behalf disclose or make known any matter or thing which shall come to my knowledge by reason of my employment as (*as the case may be*)."

1st Session, 5th Parliament, 46 Victoria

B

BILL.

An Act to amend "The Canada Service Act, 1882."

Received and read, first time, Wednesday, February, 1883.

Second reading, Monday, 26th February, 1883.

HON. SIR A. CAMPBELL

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1883.

B

An Act to amend "The Canada Civil Service Act 1882.'

[*The clauses in brackets are proposed to be inserted in Committee.*]

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

1. The third section of "The Canada Civil Service Act 1882," is repealed and the following section enacted in lieu thereof :—

"**3.** A Board of Examiners shall, from time to time, be appointed by the Governor in Council, who for the purposes of this Act shall be known and are hereinafter referred to as "The Board," consisting of three members one of whom shall be secretary of the Board, and shall be authorized to examine all candidates for admission to the Civil Service of Canada, and to give certificates of qualification to such persons as are found qualified, according to such regulations as shall be authorized by the Governor in Council for the guidance of the Board."

[**2.** *The fifth section of the said Act is repealed and the following section enacted in lieu thereof :—*

["**5.** *The Secretary of the Board shall be paid a salary not exceeding one thousand dollars per annum. He shall render such services as the nature of the office requires, and as may from time to time be prescribed by Order in Council. The other members of the Board shall be paid five dollars per diem when actually engaged in their work not, however, to exceed sixty days in any one year.*]

["2. *The members of the Board shall, on authority of an Order in Council, be paid their actual travelling expenses incurred while so engaged in their work.*]

["3. *Such persons as may be selected by the Board to assist them in the conduct of examinations may receive such sum not exceeding five dollars per diem as may be fixed by Order in Council.*"]

[**3.** *The sixth section of the said Act is repealed and the following section enacted in lieu thereof :—*

[“6. *The Board of Examiners may obtain the assistance of persons who have had experience in the education of the youth of the Dominion, and with such assistance shall hold or cause to be held periodical examinations for admission to the Civil Service, in the cities of Halifax, St. John, New Brunswick, Charlottetown, Quebec, Montreal, Ottawa, Toronto, Hamilton, London, Winnipeg, Victoria and such other places as may be determined by Order in Council. It shall not be necessary to hold each examination in all the said places, but the times and places at which the examinations shall be held, shall be determined from time to time by Order in Council. Examinations as far as possible shall be in writing. Their cost shall be defrayed out of moneys previously voted by Parliament for that pnrpose.*”]

4. The seventh section of the said Act is hereby repealed and the following section enacted in lieu thereof :—

“7. Except as herein otherwise provided,—

(*a.*) All appointments to the Civil Service shall be during pleasure, and no person shall be appointed or promoted to any place below that of a Deputy Head of a Department until he has passed the examination and served the probationary term hereinafter mentioned, nor until he has obtained the certificates required by this Act.

(*b.*) No person shall be appointed to any place in the first or inside Departmental Division of the Civil Service below that of a Deputy Head, on probation or otherwise, whose age exceeds thirty-five years, or who has not attained, in case the appointment is to a place below that of a third class clerk, the full age of fifteen years, or in other cases, the full age of eighteen years, and for this purpose the limit of age mentioned in sub-section (a) of section twenty-six of the said Act shall be reduced to fifteen instead of eighteen as therein stated.”

[5 *The thirteenth section of the said Act is repealed and the following section enacted in lieu thereof :—*

[“13. *The minimum salary paid to a Chief Clerk shall be one thousand eight hundred dollars, with an annual increase of fifty dollars up to twenty-four hundred dollars.*]

[“2. *No salary shall be increased under the provision of this section before the first day of July next.*”]

6. The thirty-fourth section of the said Act is repealed and the following section enacted in lieu thereof :—

"34. When the Deputy Head of a Department in which a vacancy occurs, reports that, for reasons set forth in such report,—

(*a.*) The qualifications requisite for such office or employment are wholly or in part professional or technical; and

(*b.*) The requisite qualifications are not possessed by any person then in the service of that Department; and,

(*c.*) That it would be for the public interest that the examination herein provided for should, as regards such vacancy, be wholly or partially dispensed with; and—

2. If the Head of the Department concurs in such report, the Governor in Council may, without reference to the age of the person, select and appoint such person as may be deemed best fitted to fill the vacancy, subject to such examination as may have been suggested in the report; and such appointment shall be made from the Civil Service if any be found available.

3. City Postmasters and Collectors and Preventive Officers in the Customs and Inland Revenue Departments may be appointed without examination and without reference to the rules for promotion herein prescribed.

4. The qualifying examination may be dispensed with in the case of temporary or supernumerary officers or servants actually employed at the time this Act comes into force, if the Deputy Head, with the concurrence of the Head of the Department, reports that the officer or servant has the requisite qualifications for the place to be filled by him.

7. The thirty sixth section of the said Act is repealed and the following section enacted in lieu thereof:—

36. Promotion in either Division of the Civil Service shall be by examination, under regulations made by the Governor in Council:

"2. Except as herein otherwise provided such examination shall be open to any person employed in the Department in which the vacancy to be filled by promotion exists, in either Division of the Service, who holds a position below that to which the promotion is to be made; and—

"3. Shall be in such subjects as, after consultation with the chief officer of the Department in which the promotion is to be made, may be decided upon by the Board as best

adapted to test the fitness of the candidates for the vacant office."

"4. Where the vacancy to be filled by promotion exists in the Inside Division the examination shall not be open to persons employed in the Outside Division who at the date of their first appointment were of a greater age than thirty-five years."

"5. In the case of attorneys, barristers, engineers, architects, actuaries and land surveyors, the examination may be dispensed with on a report from the Deputy Head, concurred in by the Head of the Department, that it is not necessary."

8. The thirty-ninth section of the said Act is repealed and the following section enacted in lieu thereof:—

"**39**. Except as herein otherwise provided when any vacancy occurs in one of the higher classes, in either Division, the Head of the Department shall select from the list made, as herein directed, for promotion thereto, the person whom, having due reference to any special duties incident to the office, to the qualification and fitness shown by the candidates respectively, during their examination, and to the record of their previous conduct in the Service, he may consider best fitted for the office: Provided, that when no person employed in the Department is found suitable for promotion therein, an examination shall be held of persons employed in the service of other Departments with a view to the promotion being made as far as practicable from the Service

[**9**. *The officers, clerks and employees mentioned in Schedule B of the said Act shall be paid according to the scale thereby established. The salaries of officers, clerks and employees in the Second or Outside Division of Departments other than the Customs, Inland Revenue and Post Office Departments shall, subject to the provisions of any Act relating thereto, be fixed in each case by Order in Council.*]

[2. *That part of Schedule B to the said Act which relates to "Departments Generally" is repealed.*]

10 Whenever in any Act now in force reference is made to "The Canada Civil Service Act, 1868," the same shall be taken and deemed to be a reference to "The Canada Civil Service Act, 1882" and shall be construed accordingly.

11. Immediately after the passing of this Act, the Deputy Heads of Departments and all officers, chief clerks, clerks, messengers, sorters and packers of the Civil Service who have not already done so, and every Deputy Head, officer,

chief clerk, clerk, messenger, sorter or packer hereafter appointed, as soon after his appointment as conveniently may be, shall take and subscribe the oath of allegiance and also the oath contained in Schedule A of this Act, or such other oath as may by some other Act be in that behalf provided.

2. The Clerk of the Queen's Privy Council for Canada shall take and subscribe the oaths before the Governor General or some one appointed by him to take the same.

3. In case of persons residing or coming to reside at Ottawa, the oaths shall be taken and subscribed before the Clerk of the Queen's Privy Council.

4. In other cases the oaths may be taken and subscribed before a Justice of the Peace or other proper authority who shall forward the same to the Clerk of the Queen's Privy Council

5. The Clerk of the Queen's Privy Couucil shall keep a Register of all such oaths.

12. An exchange of positions between two officers serving in different Departments or in different divisions of the same Department, may, by Order in Council, be authorized or directed to be made without examination of either officer.

13. A vacancy which would otherwise be filled by a first appointment, after an examination, may, by Order in Council and without an examination, be filled by a transfer from another division of the Department in which the vacancy exists, or from another Department; Provided that the transfer shall be made without increasing the salary of the person transferred, and that no person shall be transferred from an Outside to an Inside Division, whose age at the date of his first appointment exceeded thirty-five years.

[**14.** *Schedule "B" of the said Act is amended as follows :—*

(a) *Strike out so much of the Schedule as relates to Customs and Inland Revenue, and insert in lieu thereof the following :—*

CUSTOMS

			Scale of Salaries.		
Inspectors	*salary from*	$1,600	*to*	2,500
Collectors	"	400	*to*	4,000
Surveyors	"	1,200	*to*	2,500
Chief Clerks	"	1,200	*to*	2,000
Clerks	"	400	*to*	1,200

Chief Landing Waiters - -	*salary from*	$800	*to*	1,200
Landing Waiters - - -	"	400	*to*	1,000
Gaugers - - - - - -	"	600	*to*	1,200
Chief Lockers - - -	"	800	*to*	1,200
Lockers - - - - - -	"	400	*to*	800
Tide Surveyors - - -	"	800	*to*	1,000
Tide Waiters - - - -	"	400	*to*	600
Messengers - - - -	"	200	*to*	500
Appraisers - - - - -	"	800	*to*	2,000
Assistant Appraisers - -	"	600	*to*	1,500

INLAND REVENUE.

Chief Inspector - - - - - - -	$		2,800
Inspectors - - - - - - - - -	1,600	*to*	2,500
Collectors - - - - - - - - - -	500	*to*	2,200
Deputy Collectors - - - - - -	400	*to*	1,500
Clerks (Accountants) - - - - - -	600	*to*	1,200
Special Class Excisemen - - - -			1,200
First, Second and Third-Class Excisemen -	600	*to*	1,000
Probationary Excisemen - - - -			500
Messengers - - - - - - - - - -	200	*to*	500

X " To which may be added for surveys of important manufactories an additional salary for the special class Excisemen who perform that duty, not exceeding $200 per annum.

Railway Mail Clerks.

—	On Appointment.		After 2 years service in any class of Railway Mail Clerks.		After 5 years service in any class of Railway Mail Clerks.		After 10 years service in any class of Railway Mail Clerks.	
	Day Service.	Night Service.	Day Service.	Night Service.	Day Service.	Night Service.	Day Service.	Night Service.
	$	$	$	$	$	$	$	$
Chief Clerks.....	1,000	.....	1,200	.....	1,350	.....	1,500	.....
1st Class.....	720	880	800	1,000	880	1,100	960	1,200
2nd Class.....	600	720	640	800	720	880	800	1,000
3rd Class.....	480	600	520	640	560	700	640	800

To Clerks other than Chief Clerks, in addition to regular salary an allowance not exceeding half a cent per mile for every mile travelled on duty in the Post Office cars.]

15. This Act shall be read as one with "The Canada Civil Service Act, 1882."

SCHEDULE A.

"I (*A. B.*), solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as and that I will not ask, or receive any sum of money, services, recompense or matter or thing whatsoever, directly or indirectly, in return for what I have done or may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by law or by an Order of the Governor in Council. * * * * So help me God."

In the case of the Clerk of the Privy Council, and all officers under him, and in the case of any officer of whom the Governor-in-Council shall require the same, there shall be added to the oath at the asterisks the words ~~following~~ contained in Schedule B thereto.:—

Insert in place subsection 2, page 5

"And that I will not without due authority in that behalf disclose or make known any matter or thing which shall come to my knowledge by reason of my employment as (*as the case may be*)."

C.

BILL.

An Act to amend and consolidate the Acts relating to the Superannuation of persons employed in the Civil Service of Canada.

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

1. The Civil Service for the purposes of this Act shall include and consist of— Who t deeme Servar

1. All officers, clerks and employés in or under the several Departments of the Executive Government who are paid a yearly salary, and to whom "*The Canada Civil Service Act*, 1882," applies, and who in case they were or are appointed after the coming into force of that Act were or are appointed in conformity with its provisions. Those whom c. 4, a

2. All such officers, clerks and employés of the second or outside division of the Civil Service, to whom "*The Canada Civil Service Act*, 1882," does not apply, and who are employed in an established capacity, and paid a yearly salary as the Governor in Council may, from time to time, designate. Certa sons i Outsi vice.

3. The permanent officers and servants of the Senate and House of Commons, who for the purposes of this Act shall be held to be in the Civil Service of Canada, saving always all legal rights and privileges of either House as respects the appointment or removal of its officers and servants or any of them. Office serva Sena Com

4. All persons now contributing to the Superannuation Fund. Pres tribu

5. All persons to whom the Acts relating to superannuation hereby repealed are by some other Act not repealed declared to apply. And

[2. *The Governor in Council may grant to any person having served in an established capacity in the Civil Service for ten years or upwards, and having attained the age of sixty* Con and allo

Maximum $\frac{35}{50}$.

thereof, and in like manner a further addition of one-fiftieth of such average salary for each additional year of service up to thirty-five years, when an annual allowance of thirty-five fiftieths may be granted, but no addition shall be made for any service beyond thirty-five years; if the service has not been continuous, the period or periods during which such service has been interrupted shall not be counted, and the Order in Council made in such case shall be laid before Parliament at its then or then next session.]

Breaks in service not to count.

Governor in Council may add to service of persons appointed on account of special qualifications.

[3. *The Governor in Council may, in the case of any person who entered the Civil Service after the age of thirty years, as being possessed of some peculiar professional or other qualifications or attainments required for the office to which he was appointed, and not ordinarily to be acquired in the public service, add to the actual number of years service of such person, such further number not exceeding ten, as may be considered equitable, for reasons stated in the Order in Council made in the case; and such additional number of years shall be taken as part of term of service on which the superannuation allowance of such person shall be computed, the Order in Council in any such case being laid before Parliament, at its then or then next Session.*]

Preliminary inquiry by Treasury Board on certain points is made requisite.

4. The superannuation of any civil servant shall be preceded by an enquiry by the Treasury Board,—

(*a*) Whether the person it is proposed to superannuate is eligible within the meaning of this Act; and—

(*b*) Whether his superannuation will result in benefit to the service, and is therefore in the public interest; or—

(*c*) Whether it has become necessary in consequence of his mental or physical infirmity.

2. And no civil servant shall be superannuated unless the Treasury Board reports that he is eligible within the meaning of this Act and that such superannuation will be in the public interest.

2 per cent. deducted from salaries above $600, 1 per cent. from salaries below $600.

[5. *Towards making good the superannuation allowances hereinbefore mentioned, an abatement shall be made from the salary of each person in the Civil Service to whom this Act applies, at the rate of two per centum per annum on such salary, if it be six hundred dollars or upwards, and of one and a quarter per centum per annum thereon, if it be less than six hundred dollars, and the sum so deducted shall form part of the Consolidated Revenue Fund, but such abatement shall be made only during the first thirty-five years of service.*]

10 years' contribution requisite for full allowance.

[6. *The full superannuation allowance as aforesaid shall only be granted to persons who have been subject to the said abatement during ten years or upwards; the superannuation allowance of any person who has not paid it, or has paid it for a less period, being subject to a diminution of one per centum*

for every year less than ten during which he has not paid it; except that the superannuation allowance of any person hereafter retiring, shall not be subject to any such diminution by reason of his not having paid the abatement hereinbefore mentioned, during any year or years after his first thirty five years of service.]

Diminution for less period of contribution.

Except when person has served 35 years.

[*7. Retirement shall be compulsory on any person to whom the superannuation allowance hereinbefore mentioned shall be offered, and such offer shall not be considered as implying any censure upon the person to whom it is made; nor shall any person be considered as having any absolute right to such allowance, but it shall be granted only in consideration of good and faithful service during the time upon which it is calculated, and nothing herein contained shall be understood as impairing or affecting the right of the Governor to dismiss or remove any person from the Civil Service.*]

Compulsory retirement.

Allowance conditional on good service.

Right of dismissals not impaired.

[*8. If the Head of a Department reports with respect to any person employed in his Department, and about to be superannuated, from any cause other than that of ill-health or age, that the service of such person has not been satisfactory, the Governor in Council may grant such person a superannuation allowance being less than that to which he would have otherwise been entitled, as to him may seem fit.*]

Diminution when Deputy Head reports unsatisfactory service.

[*9. If any person to whom this Act applies, is constrained from any infirmity of mind or body to quit the Civil Service before the period at which a superannuation allowance might be granted him, the Governor in Council may allow him a gratuity not exceeding one month's pay for each year of his service; and if any such person is so constrained to quit the service before such period, by reason of severe bodily injury received without his own fault in the discharge of his public duty, the Governor in Council may allow him a gratuity not exceeding three months' pay for every two years service, or a superannuation allowance not exceeding one-fifth of his average salary during the then last three years.*]

Gratuity when allowance not earned.

Gratuity in case of bodily injury.

[*10. If any person to whom this Act applies is removed from office in consequence of the abolition thereof, in order to the improvement of the organization of the department to which he belongs or is removed or retired from office to promote efficiency or economy in the Civil Service, the Governor in Council may grant him such gratuity or superannuation allowance as will fairly compensate him for his loss of office, not exceeding such as he would have been entitled to if he had retired in consequence of permanent infirmity of body or mind, after adding ten years to his actual term of service*]

Provision for abolition of office, reduction of staff, &c.

11. Any person receiving a superannuation allowance, and being under the age of sixty years, and not disabled by bodily or mental infirmity shall be liable to be called upon to fill, in any part of Canada, any public office or situation for which his previous services render him eligible, and not lower in rank or emolument than that from which he retired; and, if he refuse or neglect so to do, he shall forfeit his said allowance.

Pensioners under 60 liable to serve if required under penalty of loss of allowance.

Service before Confederation to be counted.

12. Service in an established capacity in any of the public departments of the Government or offices of the Legislature of any of the Provinces now included in the Dominion of Canada, before the coming in force of *The British North America Act*, 1867, by any person who has thereafter entered the Civil Service of Canada shall be reckoned in computing his period of service for the purpose of this Act.

Discretion of Governor in Council as to application of Act.

13. In any case of doubt the Governor in Council may, by general or special regulations, determine to what persons the provisions of this Act do or do not apply, and the conditions on which, and the manner in which, they shall apply in any case or class of cases.

Moneys, how raised.

[**14.** *The allowances and gratuities granted under this Act, shall be payable out of the Consolidated Revenue Fund of Canada.*]

Annual return to be made to Parliament.

15. The Minister of Finance shall lay before Parliament a return of all superannuations and retiring allowances in the Civil Service within the year, giving the name and rank of each person superannuated or retired, his salary, the allowance granted to him on retirement, the cause of his superannuation and whether the vacancy has been subsequently filled, and if so, whether by promotion or by a new appointment, and the salary of the new appointee.

Existing allowances continued.

[**16.** *All superannuation allowances fixed and granted under the Acts hereby repealed are confirmed.*]

17. The following Acts and parts of Acts are hereby repealed:—

Repealing Section.

33 Vic, c. 4, intituled: *An Act for better ensuring the efficiency of the Civil Service of Canada, by providing for the Superannuation of persons employed therein, in certain cases.*

36 Vic., c. 32, intituled: *An Act to amend the Civil Service Superannuation Act.*

38 Vic., c. 9, intituled *An Act to further amend the Civil Service Superannuation Act.*

Section 54 and sub-section 3 of section 55, of *The Canada Civil Service Act*, 1882.

Short title.

18. This Act may be cited as "*The Civil Service Superannuation Act*, 1883."

1st Session, 5th Parliament, 46 Victori

C

BILL.

An Act to amend and consolid
Acts relating to the Superann
of persons employed in the
Service of Canada.

Received and read first time, Wed
14th February, 1883.

Second reading, Monday, 26th Februar

Hon. Sir Alexander Campb

OTTAWA:

Printed by MacLean, Roger &

1883.

C.

An Act to amend and consolidate the Acts relating to the Superannuation of persons employed in the Civil Service of Canada.

[*The clauses in brackets are proposed to be inserted in Committee.*]

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

1. The Civil Service for the purposes of this Act shall include and consist of—

1. All officers, clerks and employés in or under the several Departments of the Executive Government who are paid a yearly salary, and to whom "*The Canada Civil Service Act*, 1882," applies, and those who in case they were or are appointed after the coming into force of that Act were or are appointed in conformity with its provisions.

2. All such officers, clerks and employés of the second or outside division of the Civil Service, to whom "*The Canada Civil Service Act*, 1882," does not apply, and who are employed in an established capacity, and paid a yearly salary as the Governor in Council may, from time to time, designate.

3. The permanent officers and servants of the Senate and House of Commons, and the permanent officers and servants employed in the Library of Parliament, who for the purposes of this Act shall be held to be in the Civil Service of Canada, saving always all legal rights and privileges of either House as respects the appointment or removal of its officers and servants or any of them.

4. All persons now contributing to the Superannuation Fund.

5. All persons to whom the Acts relating to superannuation hereby repealed are by some other Act not repealed declared to apply.

[2. *The Governor in Council may grant to any person having served in an established capacity in the Civil Service for ten years or upwards, and having attained the age of sixty years, or being incapacitated by bodily infirmity from properly*

performing his duties, a superannuation allowance, calculated on his average yearly salary during the then last three years, and not exceeding the following rates, that is to say:—If he has served for ten years, but less than eleven years, an allowance of ten-fiftieths of such average salary, and if for eleven years and under twelve years an annual allowance of eleven-fiftieths thereof, and in like manner a further addition of one-fiftieth of such average salary for each additional year of service up to thirty-five years, when an annual allowance of thirty-five fiftieths may be granted, but no addition shall be made for any service beyond thirty-five years; if the service has not been continuous, the period or periods during which such service has been interrupted shall not be counted, and the Order in Council made in such case shall be laid before Parliament at its then or then next session.]

[3. *The Governor in Council may; in the case of any person who entered the Civil Service after the age of thirty years, as being possessed of some peculiar professional or other qualifications or attainments required for the office to which he was appointed, and not ordinarily to be acquired in the public service, add to the actual number of years service of such person, such further number not exceeding ten, as may be considered equitable, for reasons stated in the Order in Council made in the case; and such additional number of years shall be taken as part of term of service on which the superannuation allowance of such person shall be computed, the Order in Council in any such case being laid before Parliament, at its then or then next Session.*]

4. The superannuation of any civil servant shall be preceded by an enquiry by the Treasury Board,—

(*a*) Whether the person it is proposed to superannuate is eligible within the meaning of this Act; and—

(*b*) Whether his superannuation will result in benefit to the service, and is therefore in the public interest; or—

(*c*) Whether it has become necessary in consequence of his mental or physical infirmity.

2. And no civil servant shall be superannuated unless the Treasury Board reports that he is eligible within the meaning of this Act and that such superannuation will be in the public interest.

[5. *Towards making good the superannuation allowances hereinbefore mentioned, an abatement shall be made from the salary of each person in the Civil Service to whom this Act applies, at the rate of two per centum per annum on such salary, if it be six hundred dollars or upwards, and of one and a quarter per centum per annum thereon, if it be less than six hundred dollars, and the sum so deducted shall form part of the*

Consolidated Revenue Fund, but such abatement shall be made only during the first thirty-five years of service.]

[**6**. *The full superannuation allowance as aforesaid shall only be granted to persons who have been subject to the said abatement during ten years or upwards; the superannuation allowance of any person who has not paid it, or has paid it for a less period, being subject to a diminution of one per centum for every year less than ten during which he has not paid it; except that the superannuation allowance of any person hereafter retiring, shall not be subject to any such diminution by reason of his not having paid the abatement hereinbefore mentioned, during any year or years after his first thirty-five years of service.*]

[**7**. *Retirement shall be compulsory on any person to whom the superannuation allowance hereinbefore mentioned shall be offered, and such offer shall not be considered as implying any censure upon the person to whom it is made; nor shall any person be considered as having any absolute right to such allowance, but it shall be granted only in consideration of good and faithful service during the time upon which it is calculated, and nothing herein contained shall be understood as impairing or affecting the right of the Governor to dismiss or remove any person from the Civil Service.*]

[**8**. *If the Head of a Department reports with respect to any person employed in his Department, and about to be superannuated, from any cause other than that of ill-health or age, that the service of such person has not been satisfactory, the Governor in Council may grant such person a superannuation allowance being less than that to which he would have otherwise been entitled, as to him may seem fit.*]

[**9**. *If any person to whom this Act applies, is constrained from any infirmity of mind or body to quit the Civil Service before the period at which a superannuation allowance might be granted him, the Governor in Council may allow him a gratuity not exceeding one month's pay for each year of his service; and if any such person is so constrained to quit the service before such period, by reason of severe bodily injury received without his own fault in the discharge of his public duty, the Governor in Council may allow him a gratuity not exceeding three months' pay for every two years service, or a superannuation allowance not exceeding one-fifth of his average salary during the then last three years.*]

[**10**. *If any person to whom this Act applies is removed from office in consequence of the abolition thereof, in order to the improvement of the organization of the department to which he belongs or is removed or retired from office to promote efficiency or economy in the Civil Service, the Governor in*

Council may grant him such gratuity or superannuation allowance as will fairly compensate him for his loss of office, not exceeding such as he would have been entitled to if he had retired in consequence of permanent infirmity of body or mind, after adding ten years to his actual term of service.] 5

11. Any person receiving a superannuation allowance, and being under the age of sixty years, and not disabled by bodily or mental infirmity shall be liable to be called upon to fill, in any part of Canada, any public office or situation for which his previous services render him eligible, and not 10 lower in rank or emolument than that from which he retired; and, if he refuse or neglect so to do, he shall forfeit his said allowance.

12. Service in an established capacity in any of the public departments of the Government or offices of the 15 Legislature of any of the Provinces now included in the Dominion of Canada, before such Province became a portion of the Dominion, by any person who has thereafter entered the Civil Service of Canada shall be reckoned in computing his period of service for the purpose of this Act. 20

13. In any case of doubt the Governor in Council may, by general or special regulations, determine to what persons the provisions of this Act do or do not apply, and the conditions on which, and the manner in which, they shall apply in any case or class of cases. 25

[**14.** *The allowances and gratuities granted under this Act, shall be payable out of the Consolidated Revenue Fund of Canada.*]

15. The Minister of Finance shall lay before Parliament, within fifteen days after the commencement of each session, 30 a return of all superannuations and retiring allowances in the Civil Service within the year, giving the name and rank of each person superannuated or retired, his salary, his age, length of service, the allowance granted to him on retirement, the cause of his superannuation and whether the 35 vacancy has been subsequently filled, and if so, whether by promotion or by a new appointment, and the salary of the new appointee.

[**16.** *All superannuation allowances fixed and granted under the Acts hereby repealed are confirmed.*] 40

17. The following Acts and parts of Acts are hereby repealed:—

33 Vic, c. 4, intituled: *An Act for better ensuring the efficiency of the Civil Service of Canada, by providing for the Superannuation of persons employed therein, in certain cases.* 45

36 Vic., c 32, intituled: *An Act to amend the Civil Service Superannuation Act.*

38 Vic., c 9, intituled *An Act to further amend the Civil Service Superannuation Act.*

5 Section 54 and sub-section 3 of section 55, of *The Canada Civil Service Act*, 1882.

18. This Act may be cited as "*The Civil Service Superannuation Act*, 1883."

BILL.

An Act for the relief of Peter Nicholson.

WHEREAS Peter Nicholson, of Prince Arthur's Landing, in the Province of Ontario and Dominion of Canada, Collector of Customs, has, by his petition, set forth that he is a British Subject, and that a marriage was in due form of law, had and solemnized between himself and Rosetta Nicholson, formerly Rosetta Saxton, on the sixth day of October, in the year of Our Lord, one thousand eight hundred and seventy, at the city of Toronto, in the Province of Ontario; that on or about the eighteenth day of August, in the year of Our Lord, one thousand eight hundred and seventy-six, the said petitioner and the said Rosetta Nicholson, by mutual consent, agreed to separate, and the said Rosetta Nicholson has ever since continued to live apart from the said Peter Nicholson; that for over four years last past the said Rosetta Nicholson has lived, and now lives, in adultery in the city of Detroit in the United States of America with one Jones, and has borne children to the said Jones; and whereas the said Peter Nicholson has prayed that the said marriage may be dissolved and be declared to be henceforth null and void, and that he may be enabled to contract marriage with any other woman with whom he might lawfully contract marriage in case the said marriage had not been solemnized; and whereas the said Peter Nicholson has made proof of the facts above recited; and it is expedient that the prayer of the said petitioner 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: - Preamble.

1. The said marriage between the said Peter Nicholson and the said Rosetta Nicholson, his wife, is hereby dissolved, and shall, from henceforth, be null and void, and the same is hereby declared, adjudged and enacted to be null and void to all intents and purposes whatsoever. His marriage annuled.

2. The said Peter Nicholson may hereafter contract matrimony with any other woman with whom he might lawfully marry in case the said marriage had not been solemnized. He may marry again.

1st Session, 5th Parliament, 46 Victoria, 1883.

D

BILL.

An Act for the relief of Peter Nicholson.

Received and read first time, Monday, 19th February, 1883.

Second reading, Wednesday, 7th March, 1883

Honorable Mr. KAULBACH.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

E.

BILL.

An Act respecting The Northern Railway Company of Canada.

Preamble.

WHEREAS the second Preference Bonds of the Northern Railway Company of Canada, hereinafter called the Company, forming part of the loan capital of the Company and amounting to the sum of two hundred and eighty three thousand nine hundred pounds, sterling, will mature and become payable on the 1st day of August 1884, and it is necessary to provide for their payment at maturity; And whereas the present yearly interest upon the said second Preference Bonds amounts to the sum of seventeen thousand and thirty four pounds sterling: And whereas for the purpose of paying off and redeeming the said Bonds and also to provide for the improvement generally of the Company's business without increasing its annual charges, it is advisable that the Company be authorized to create and issue, subject to the limitations hereinafter expressed, perpetual debenture stock or terminable bonds to form part of the loan capital of the Company, for any sum or sums of money, and whether the same shall thereby exceed the said capital amount of the said second Preference Bonds or otherwise, but so however that the total annual interest or dividend payable thereon shall not exceed the said sum of seventeen thousand and thirty four pounds sterling being the amount of the present annual interest payable upon the said second Preference Bonds as aforesaid; And whereas the Company has petitioned that an Act may be passed to authorize and create such issue and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Issue of perpetual debenture stock authorized.

1. The Directors of the Company may borrow and raise by the creation and issue of perpetual debenture stock such sum or sums of money as they may deem expedient for the payment and redemption of the whole or part of the said second Preference Bonds at maturity, and for the general purposes of the Company: Provided however that the total yearly interest payable on the perpetual debenture stock by this Act authorized shall not at any time exceed the said sum of seventeen thousand and thirty four pounds sterling, being the amount of the present yearly interest payable upon the said second Preference Bonds.

Interest not to exceed £17,034 sterling.

Powers to directors to regulate such issue.

2. The Directors may, from time to time, make such regulations as they may deem expedient in reference to the terms and conditions of issue, the transfer and registration in Canada or elsewhere, and the payment of interest on the perpetual debenture stock by this Act authorized. 5

Alternative powers to issue terminable bonds.

3. If and so far as the power herein contained of creating and issuing perpetual debenture stock shall not be exercised, the Directors of the Company may borrow and raise by the creation and issue of terminable bonds such sum or sums of money as they may deem expedient for the payment and 10 redemption of the said second Preference Bonds at maturity, and for the general purposes of the Company; provided however that the nominal amount of such terminable bonds shall not exceed the nominal amount of the said second Preference Bonds, in lieu of which they shall be created 15 and issued; and provided also that the total yearly interest payable on such perpetual debenture stock and terminable bonds, or on such terminable bonds alone, as the case may be, shall not at any time exceed the said sum of seventeen thousand and thirty four pounds sterling, being the 20 amount of the present yearly interest payable upon the said second Preference Bonds

Proviso: as to amount.

Interest not to exceed £17,034 sterling.

Privileges of such stock or bonds.

4. The said perpetual debenture stock or terminable bonds as the case may be when so created and issued shall upon the payment and redemption of the said second Preference 25 Bonds take the place of and be entitled to all the privileges and priorities of the said second Preference Bonds and shall constitute a second charge upon the undertaking of the Company its real and personal property tolls and revenues, and the holders of such perpetual debenture stock, or ter- 30 minable bonds, as the case may be, shall be deemed to be and shall have all the rights of stockholders, within the meaning of the several sections of the several Acts mentioned and referred to in the fifty-first section of "The Northern Railway Company Act, 1875," the amounts of 35 stock deemed to be held by them being equal to the nominal amounts of their perpetual debenture stock or terminable bonds, as the case may be, respectively.

Holders to have shareholders rights as defined by 38 V., c. 65, s. 51.

Company may purchase lands and acquire rights of way.

5. The Company may purchase, take and hold at convenient places along the line of their Railway or 40 its branches, or of any Railway leased by the Company or along the line of any Railway worked jointly with the Railway of the Company such lot and lots of land or parcels thereof as the Directors of the Company may think advisable or necessary for the use and convenience of 45 the same and the traffic thereof and for providing facilities therefor and for supplying ballast and other materials necessary for the keeping of the said lines of Railway respectively in sufficient repair, with power to acquire the right of way to any such lot or lots which may at any time be 50 acquired for the purposes above mentioned.

Existing powers to apply thereto.

6. For the purposes of the next preceding section the Company shall have and may exercise all the rights privi-

leges and powers given them with respect to their main line of Railway by the several acts relating to the Company and all the provisions of the said acts relating to the expropriation acquiring and taking of lands shall apply
5 thereto.

1st Session, 5th Parliament, 46 Victoria, 1883.

E

BILL.

An Act respecting the Northern Railway Company of Canada.

Received and read first time, Friday, 2nd March, 1883.

Second reading, Tuesday, 6th March, 1883.

HON. MR. ALLAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

thirds of the stock and bondholders of the Company present, and voting in person or by proxy at any meeting called for the purpose.

6. The Company may purchase, take and hold at convenient places along the line of their Railway or its branches, or of any Railway leased by the Company or along the line of any Railway worked jointly with the Railway of the Company; such lot and lots of land or parcels thereof as ~~the Directors of the Company~~ may ~~think advisable or~~ necessary for the use and convenience of the same and the traffic thereof and for providing facilities therefor and for supplying ballast and other materials necessary for the keeping of the said lines of Railway respectively in sufficient repair, with power to acquire the right of way to any such lot or lots which may at any time be acquired for the purposes above mentioned.

7. For the purposes of the next preceding section the Company shall have and may exercise all the rights privileges and powers given them with respect to their main line of Railway by the several acts relating to the Company and all the provisions of the said acts relating to the expropriation, acquiring and taking of lands shall apply thereto.

terms and conditions of issue, the transfer and registration in Canada or elsewhere, and the payment of interest on the perpetual debenture stock by this Act authorized.

3. If and so far as the power herein contained of creating and issuing perpetual debenture stock shall not be exercised, the Directors of the Company may borrow and raise by the creation and issue of terminable bonds such sum or sums of money as they may deem expedient for the payment and redemption of the said second Preference Bonds at maturity, and for the general purposes of the Company; provided however that the nominal amount of such terminable bonds shall not exceed the nominal amount of the said second Preference Bonds, in lieu of which they shall be created and issued; and provided also that the total yearly interest payable on such perpetual debenture stock and terminable bonds, or on such terminable bonds alone, as the case may be, shall not at any time exceed the said sum of seventeen thousand and thirty four pounds sterling, being the amount of the present yearly interest payable upon the said second Preference Bonds.

4. The said perpetual debenture stock or terminable bonds as the case may be when so created and issued shall upon the payment and redemption of the said second Preference Bonds take the place of and be entitled to all the privileges and priorities of the said second Preference Bonds and shall constitute a second charge upon the undertaking of the Company its real and personal property tolls and revenues, and the holders of such perpetual debenture stock, or terminable bonds, as the case may be, shall be deemed to be and shall have all the rights of stockholders, within the meaning of the several sections of the several Acts mentioned and referred to in the fifty-first section of "The Northern Railway Company Act, 1875," the amounts of stock deemed to be held by them being equal to the nominal amounts of their perpetual debenture stock or terminable bonds, as the case may be, respectively.

Provided

5. The Company may enter into agreements with any Company or Companies with which, under the second section of the Act passed in the forty-first year of Her Majesty's reign, chapter twenty-six, it may have power to enter into agreements, for the leasing and other purposes therein mentioned, to guarantee the payment of the interest upon the bonds, debentures, or other securities of such other Company or Companies wholly or partly instead of paying rent, and may thereupon guarantee the payment of the said interest directly to the purchasers or holders of the said bonds, debentures or other securities: Provided, however, that no such agreement to guarantee shall take effect until it shall have been submitted to and receive the approval of two-

E.

An Act respecting The Northern Railway Company of Canada.

WHEREAS the second Preference Bonds of the Northern Railway Company of Canada, hereinafter called the Company, forming part of the loan capital of the Company and amounting to the sum of two hundred and eighty three thousand nine hundred pounds, sterling, will mature and become payable on the 1st day of August 1884, and it is necessary to provide for their payment at maturity; And whereas the present yearly interest upon the said second Preference Bonds amounts to the sum of seventeen thousand and thirty four pounds sterling: And whereas for the purpose of paying off and redeeming the said Bonds and also to provide for the improvement generally of the Company's business without increasing its annual charges, it is advisable that the Company be authorized to create and issue, subject to the limitations hereinafter expressed, perpetual debenture stock or terminable bonds to form part of the loan capital of the Company, for any sum or sums of money, and whether the same shall thereby exceed the said capital amount of the said second Preference Bonds or otherwise, but so however that the total annual interest or dividend payable thereon shall not exceed the said sum of seventeen thousand and thirty four pounds sterling being the amount of the present annual interest payable upon the said second Preference Bonds as aforesaid; And whereas the Company has petitioned that an Act may be passed to authorize and create such issue and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Directors of the Company may borrow and raise by the creation and issue of perpetual debenture stock such sum or sums of money as they may deem expedient for the payment and redemption of the whole or part of the said second Preference Bonds at maturity, and for the general purposes of the Company: Provided however that the total yearly interest payable on the perpetual debenture stock by this Act authorized shall not at any time exceed the said sum of seventeen thousand and thirty four pounds sterling, being the amount of the present yearly interest payable upon the said second Preference Bonds.

2. The Directors may, from time to time, make such regulations as they may deem expedient in reference to the

F.

BILL.

An Act to amend the Act to incorporate the North-Western Bank.

WHEREAS the North-Western Bank was duly incorporated by an Act passsed in the forty-fifth year of Her Majesty's reign, chaptered sixty-two; and whereas Jeremiah H. Long, Joshua Richardson, Aaron Ross, Robert John Gunn, William Northwood, John Rice, Andrew Northwood, F. Marx, George Young Smith, and others, provisional directors thereof, have, by their petition, prayed that the said Act be amended, and that the name and chief office of the said Bank be changed as hereinafter mentioned, and that the time limited by the sixth section of the said Act be extended, and that the rights and privileges of the said Bank under the said Act of incorporation be continued: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The corporate name of the said Bank is hereby changed to "The British Canadian Bank." Corporate name changed

2. The chief office of the said Bank shall be either at the city of Winnipeg or at the city of Toronto, as the directors of the said Bank may desire. Head office, where to be.

3. The time limited by the sixth section of the Act hereinabove mentioned, is hereby extended to the further period of twelve months from the passing of the present Act. Time for obtaining certificate from Treasury Board extended,

1st Session, 5th Parliament, 46 Victoria, 1883.

F

BILL.

An Act to amend the Act to incorporate the North-Western Bank.

Received and read, first time, Friday, 9th March, 1883.

Second reading, Monday, 12th March, 1883.

Honorable Mr. ALLAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

7.

An Act to amend the Act to incorporate the North-Western Bank.

WHEREAS the North-Western Bank was duly incorporated by an Act passsed in the forty-fifth year of Her Majesty's reign, chaptered sixty-two; and whereas Jeremiah H. Long, Joshua Richardson, Aaron Ross, Robert John Gunn, William Northwood, John Rice, Andrew Northwood, F. Marx, Geo ge Young Smith, and others, provisional directors thereof, have, by their petition, prayed that the said Act be amended, and that the name and chief office of the said Bank be changed as hereinafter mentioned, and that the time limited by the sixth section of the said Act be extended, and that the rights and privileges of the said Bank under the said Act of incorporation be continued: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The corporate name of the said Bank is hereby changed to "The British Canadian Bank;" but such change shall not affect the rights and obligations of the Bank, and all actions, suits or proceedings may be continued or commenced by or against the Bank, by its new name, that might have been continued or commenced by or against the Bank by its former name.

2. The chief office of the said Bank shall be at the city of Toronto.

3. The time limited by the sixth section of the Act hereinabove mentioned, is hereby extended to the further period of twelve months from the passing of the present Act.

G.

BILL.

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

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

1. Sub-section twenty-seven of section seventy-two of the said Act is repealed, and the following sub-section is enacted in lieu thereof: 38 V., c. 7, s. 72 § 27 repealed and new one substituted.

27. To post for transmission or delivery by or through the post any obscene or immoral book, pamphlet, picture, print, engraving, lithograph, photograph or other publication matter or thing of an indecent, immoral, seditious, disloyal, scurrilous or libellous character, or any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which, there are words, devices, matters or things of the character aforesaid, or any letter or circular concerning an illegal lottery, so-called gift concert, or other similar enterprize offering prizes or concerning schemes devised and intended to deceive and defraud the public for the purpose of obtaining money under false pretences, shall be a misdemeanor. Posting of immoral books and pictures, &c. And of advertisements of swindling enterprises, to be a misdemeanor.

1st Session, 5th Parliament, 46 Victoria, 1883.

G

BILL.

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

Received and read, first time, Monday, 12th March, 1883.

Second reading, Wednesday, 14th March, 1883.

The Hon. Sir ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.,

1883.

G

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

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

1. Sub-section twenty-seven of section seventy-two of the said Act is repealed, and the following sub-section is enacted in lieu thereof:

27. To post for transmission or delivery by or through the post any obscene or immoral book, pamphlet, picture, print, engraving, lithograph, photograph or other publication matter or thing of an indecent, immoral, seditious, disloyal, scurrilous or libellous character, or any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which, there are words, devices, matters or things of the character aforesaid, or any letter or circular concerning an illegal lottery, so-called gift concert, or other similar enterprize offering prizes or concerning schemes devised and intended to deceive and defraud the public for the purpose of obtaining money under false pretences, shall be a misdemeanor.

92

BILL.

An Act further to amend "The Interpretation Act."

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

1. Section five of the said Act is hereby repealed, and the following section enacted in lieu thereof:— 31 V., c. 1 s. 5 repealed, and another substituted.

5. "An Act of the Parliament of Canada may be amended, altered or repealed by any Act to be passed in the same Session thereof. Act may be amended by another Act of same session.

"The repeal of any Act or part of an Act shall not revive any Act or provision of law repealed by such Act or part of an Act, or prevent the effect of any saving clause therein." Effect of repeal of repealing Act.

2. The sixteenth and thirty-fifth clauses of section seven are hereby repealed, and the following sub-sections enacted in lieu thereof:— 31 V., c. 1, s. 7, ss. 16 and 35 repealed and new sub-sections enacted.

"*Sixteenthly.*—The word 'oath' shall be construed as "meaning a solemn affirmation, whenever the context ap- "plies to any person and case by whom and in which a "solemn affirmation may be made instead of an oath, and in "like cases the word 'sworn' shall include the word "'affirmed'; and where by an Act of Parliament or by a "rule of the Senate or House of Commons, or by an order, "regulation or commission made or issued by the Governor- "in-Council, an oath is authorized or directed to be made, "taken or administered, such oath may be administered and "a certificate of its having been made, taken or administered, "may be given by any one named in any such Act, rule, "order, regulation or commission, or by a Judge of any "Court, a notary public, a Justice of the Peace or a commis- "sioner for taking affidavits having authority or jurisdiction "within the place where the oath is administered; and the "wilful making of any false statement in any such oath or "affirmation shall be wilful and corrupt perjury; and the "wilful making of any false statement in any declaration "required or authorized by an Act of Parliament, shall be a "misdemeanor punishable as wilful and corrupt perjury."

"Oath." "Sworn." Who may administer and certify to oaths. Perjury.

"*Thirty-fifthly.*—Where any Act is repealed wholly or in "part and other provisions are substituted, all officers, persons, "bodies politic or corporate, acting under the old law, shall "continue to act as if appointed under the new law, until "others are appointed in their stead; and all proceedings

Effect of repeal of Act on persons acting under it.

"taken under the old law shall be taken up and continued "under the new law, when not inconsistent therewith; and "all penalties and forfeitures may be recovered and all pro-"ceedings had in relation to matters which have happened "before the repeal, in the same manner as if the law were "still in force, pursuing the new provisions as far as they "can be adapted to the old law."

Not to affect certain proceedings.

'Where any Act is repealed wholly or in part, and other "provisions are substituted, all by-laws, orders, regulations, "rules and ordinances made under the repealed Act shall "continue good and valid so far as they are not inconsistent "with the substituted Act, enactment or provision, until "they are annulled or others made in their stead.

Nor by-laws, &c.

"And where any Act or part of an Act is repealed, and "other provisions are substituted by way of amendment, "revision or consolidation, any reference in any unrepealed "Act, or in any rule, order or regulation made thereunder "to such repealed Act or enactment, shall, as regards any "subsequent transaction, matter or thing, be held and con-"strued to be a reference to the provisions of the substituted "Act or enactment relating to the same subject matter as "such repealed Act or enactment: Provided always that "where there is no provision in the substituted Act or "enactment relating to the same subject matter, the repealed "Act or enactment shall stand good, and be read and con-"strued as unrepealed, in so far, but in so far only, as may "be necessary to support, maintain or give effect to such "unrepealed Act, rule, order, or regulation."

Construction of references to substituted enactments.

Proviso: when the repealed enactment is to stand good.

1st Session, 5th Parliament, 46 Victoria, 1883.

H

BILL.

An Act further to amend "The Interpretation Act."

Received and read, first time, Tuesday, 13th March, 1883.

Second reading, Friday, 16th March, 1883.

HON. SIR A. CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

H.

An Act further to amend "The Interpretation Act."

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

1. Section five of the said Act is hereby repealed, and the following section enacted in lieu thereof:—

5. "An Act of the Parliament of Canada may be amended, altered or repealed by any Act to be passed in the same Session thereof.

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

2. The sixteenth and thirty-fifth clauses of section seven are hereby repealed, and the following sub-sections enacted in lieu thereof:—

"*Sixteenthly.*—The word 'oath' shall be construed as "meaning a solemn affirmation, whenever the context ap-"plies to any person and case by whom and in which a "solemn affirmation may be made instead of an oath, and in "like cases the word 'sworn' shall include the word "'affirmed'; and where by an Act of Parliament or by a "rule of the Senate or House of Commons, or by an order, "regulation or commission made or issued by the Governor-"in-Council, an oath is authorized or directed to be made, "taken or administered, such oath may be administered and "a certificate of its having been made, taken or administered, "may be given by any one named in any such Act, rule, "order, regulation or commission, or by a Judge of any "Court, a notary public, a Justice of the Peace or a commis-"sioner for taking affidavits having authority or jurisdiction "within the place where the oath is administered; and the "wilful making of any false statement in any such oath or "affirmation shall be wilful and corrupt perjury; and the "wilful making of any false statement in any declaration "required or authorized by an Act of Parliament, shall be a "misdemeanor punishable as wilful and corrupt perjury."

"*Thirty-fifthly.*—Where any Act is repealed wholly or in "part and other provisions are substituted, all officers, persons, "bodies politic or corporate, acting under the old law, shall "continue to act as if appointed under the new law, until "others are appointed in their stead; and all proceedings

"taken under the old law shall be taken up and continued
"under the new law, when not inconsistent therewith; and
"all penalties and forfeitures may be recovered and all pro-
"ceedings had in relation to matters which have happened
"before the repeal, in the same manner as if the law were 5
"still in force, pursuing the new provisions as far as they
"can be adapted to the old law."

"Where any Act is repealed wholly or in part, and other
"provisions are substituted, all by-laws, orders, regulations,
"rules and ordinances made under the repealed Act shall 10
"continue good and valid so far as they are not inconsistent
"with the substituted Act, enactment or provision, until
"they are annulled or others made in their stead.

"And where any Act or part of an Act is repealed, and
"other provisions are substituted by way of amendment, 15
"revision or consolidation, any reference in any unrepealed
"Act, or in any rule, order or regulation made thereunder
"to such repealed Act or enactment, shall, as regards any
"subsequent transaction, matter or thing, be held and con-
"strued to be a reference to the provisions of the substituted 20
"Act or enactment relating to the same subject matter as
"such repealed Act or enactment: Provided always that
"where there is no provision in the substituted Act or
"enactment relating to the same subject matter, the repealed
"Act or enactment shall stand good, and be read and con- 25
"strued as unrepealed, in so far, but in so far only, as may
"be necessary to support, maintain or give effect to such
"unrepealed Act, rule, order, or regulation."

I.

(See next Bill.)

BILL.

An Act to incorporate "The Canadian Rapid Telegraph Company (Limited.)

WHEREAS recent discoveries in electrical science have effected great improvements in the means, speed and accuracy of transmitting signals by electricity, and whereas the persons hereinafter mentioned and others have, by their petition, prayed to be incorporated for the purpose of utilizing such discoveries in the improvement of electrical communication between the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Josiah Wood, M.P., of Sackville, N. B.; the Honorable Peter Mitchell, M.P., of Montreal; the Honorable J. S. Carvell, Senator, of Charlottetown, P. E. I.; John Ings, of Charlottetown; John S. Maclean, of Halifax, N. S.; the Honorable Samuel Prowse, of P. E. I.; P. J. Brown, Ingersoll, Ont.; L. H. Davies, M.P., Charlottetown, P.E.I., John L. Harris, of Moncton, N.B., and all shareholders in the Company hereby incorporated shall be a corporation by the name of "The Canadian Rapid Telegraph Company (Limited)." Corporators.

2. The Company shall have power:— Powers of Company.

1. To establish, by any electrical means whatsoever, a system of telegraphic and telephonic communication between any places in all or any of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island.

2. To connect such system with any similar system established in any other Province of the Dominion of Canada.

3. If the consent of the Governor General in Council be first obtained, to connect such system with any telegraph or telephone line in Canada.

4. To construct, purchase, lease, work or agree for the use of any land line of telegraph or telephone in the said three Provinces.

5. To do every act or thing whatsoever which reasonably comes within the scope and purposes of the above powers, or is necessary to carry them out.

Saving of existing rights as to cables.

3. Nothing herein shall be construed so as to interfere with any exclusive right of laying or working electric telegraph cables that may now be possessed by any existing telegraph company.

Head office.

4. The head office of the Company shall be at Charlottetown, Prince Edward Island. 5

First Directors.

5. The persons named in the first section of this Act shall be the first Directors of the Company.

Capital.

6. The capital stock of the Company shall be one hundred thousand dollars, in shares of one hundred dollars each. 10

Increase of capital.

7. The directors of the Company, at any time after the whole capital stock of the Company has been taken up, and fifty per cent thereon has been paid in, but not sooner, may make a by-law for increasing the capital stock of the Company to any amount which they may consider requisite 15 in order to the due carrying out of the objects of the Company.

Allotment of increase.

2. Such by-law shall declare the number of the shares of the new stock, and may prescribe the manner in which the same shall be allotted; and in default of its so doing the 20 control of such allotment shall be held to be vested absolutely in the Directors.

1st Session, 5th Parliament, 46 Victoria, 1883.

I

BILL.

An Act to incorporate "The Canadian Rapid Telegraph Company (Limited).

Received and read first time, Tuesday, 13th March, 1883.

Second reading, Tuesday, 20th March, 1883.

(PRIVATE BILL.)

Hon. Mr. CARVELL.

OTTAWA:
Printed by MACLEAN, ROGER & Co.,
1883.

BILL.

An Act to incorporate "The Canadian Rapid Telegraph Company (Limited)."

(Reprinted as again amended in the Select Standing Committee of the Senate on Railways, Telegraphs and Harbours. The amendments are shown in italics.)

Preamble.

WHEREAS recent discoveries in electrical science have effected great improvements in the means, speed and accuracy of transmitting signals by electricity, and whereas the persons hereinafter mentioned and others have, by their petition, prayed to be incorporated for the purpose of utilizing such discoveries in the improvement of electrical communication *in Canada*, and whereas it is expedient to grant the prayer of their petition, *and also to authorize them to erect, maintain and operate lines of telegraph in Canada:* Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporators.

1. Josiah Wood, M.P., of Sackville, N. B.; the Honorable Peter Mitchell, M.P., of Montreal; the Honorable J. S. Carvell, Senator, of Charlottetown, P. E. I.; John Ings, of Charlottetown; John S. Maclean, of Halifax, N. S.; the Honorable Samuel Prowse, of P. E. I.; P. J. Brown, Ingersoll, Ont.; L. H. Davies, M.P., Charlottetown, P.E.I., John L. Harris, of Moncton, N.B., and all shareholders in the Company hereby incorporated shall be a corporation by the name of "The Canadian Rapid Telegraph Company (Limited)."

Powers of Company.

2. The Company shall have power:—

1. To establish, by any electrical means whatsoever, a system of telegraphic and telephonic communication between any places *in Canada*.

2. To connect such system with any similar system established in any other Province of the Dominion of Canada.

3. If the consent of the Governor General in Council be first obtained, to connect such system with any telegraph or telephone line in Canada.

4. To construct, purchase, lease, work or agree for the use of any land line of telegraph or telephone *in Canada*.

Sauing of existing rights as to cables.

3. Nothing herein shall be construed so as to interfere with any exclusive right now possessed by any existing telegraph or cable company.

Head office.

4. The head office of the Company shall be at *Moncton, New Brunswick, until and unless some other place shall be fixed by by-law.* 5

First Directors.

5. The persons named in the first section of this Act shall be the first Directors of the Company.

Capital.

6. The capital stock of the Company shall be one hundred thousand dollars, in shares of one hundred dollars each. 10

Increase of capital.

7. The directors of the Company, at any time after the whole capital stock of the Company has been taken up, and fifty per cent thereon has been paid in, but not sooner, may make a by-law for increasing the capital stock of the Company to any amount which they may consider requisite 15 in order to the due carrying out of the objects of the Company.

Allotment of increase.

2. Such by-law shall declare the number of the shares of the new stock, and may prescribe the manner in which the same shall be allotted; and in default of its so doing the 20 control of such allotment shall be held to be vested absolutely in the Directors.

Powers and restrictions as to building lines.

Provisos: as to public rights of travel, and as to bridges.

Arbitration as to lands.

8. *The Company may erect, maintain and keep up its lines along the side of or across any public highways, bridges, water courses or other such places, or under any navigable* 25 *waters, either wholly in Canada or dividing Canada from any other country, provided the said lines do not interfere with the public right of travelling, and provided always, that nothing herein contained shall be construed to confer on the Company the right of building a bridge over any navigable water; and* 30 *may enter upon any public lands or places, and survey and set off such parts thereof as may be necessary for the said lines; and may take from any part of the ungranted and unoccupied Crown Lands of the Dominion, having first obtained the consent of the Crown, any posts or building materials necessary* 35 *to make or repair the lines or any buildings in connection therewith; and may also carry its lines across all bridges and over all rivers; and in case of disagreement between the Company and any owner or occupier of lands which the Company may take for the purposes aforesaid, or in respect to any* 40 *damage done by constructing the lines, the Company and such owner or occupier shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision on the matter in difference of any two of them in writing shall be final; and if the said owner or occupier, or the agent of the Company,* 45 *neglects or refuses to choose an arbitrator within four days after notice in writing, and upon proof of personal service of such notice, or if such two arbitrators when duly chosen disagree in the choice of a third arbitrator, in any such case the Minister of Public Works of Canada may nominate any* 50 *such arbitrator, or such third arbitrator, as the case may be*

who shall possess the same power as if chosen in the manner above provided :

(2.) *Wheresoever any of the Company's lines pass through any wood, the Company may cut down the trees and underwood for the space of fifty feet on each side of the said lines, but shall not cut down or mutilate any tree planted or left standing for shade or ornament or any fruit tree.*

Power to cut down trees.

Proviso: as to shade trees

9 *In cities, towns and incorporated villages the Company shall not use or erect any pole higher than forty feet above the surface of the street, nor carry any line of poles along any street without the consent of the Muncipal Council or Corporation having jurisdiction over the street. The poles shall be as nearly as possible straight and perpendicular, and shall in cities be painted if so required by any by-law of the Council or Corporation. Where lines of telegraph are already constructed, no poles shall be erected by the Company along the same side of the street where such poles are already erected, unless with the consent of the Council or Corporation, having jurisdiction over the streets : The said Company shall not cut down or mutilate any tree planted or left standing for shade or ornament : The opening up of streets for the erection of poles or for carrying the wires underground shall be done under the direction and supervision of the engineer or such other officer as the Council or Corporation may appoint, and in such manner as the Council or Corporation may direct, and the surface of the street shall, in all cases, be restored to its former condition by and at the expense of the Company.*

Requirements as to poles and wires.

Consent of Council requisite.

Shade trees.

Opening of streets.

(2.) *Whenever in case of fire it becomes necessary for its extinction or the preservation of property that the wires shall be cut, the cutting under such circumstances of any of the wires of the Company under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to claim or demand compensation for any damages so incurred.*

Proviso: as to cutting lines in case of fires.

(3.) *The penalty of each violation of this section shall be not less than ten nor more than one hundred dollars, to be recovered with costs of suit by the person aggrieved.*

Penalty.

(4.) *No Act of Parliament requiring the Company, in case efficient means are devised for carrying telephone wires under ground, to adopt such means, and abrogating the right given by this section, to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act.*

Proviso: in case means of carrying wires underground are devised.

10. *The Directors of the Company may from time to time fix and regulate the charges to be made by the Company for the sending and delivery of messages over its lines or cables, but such charges shall be subject to the approval of the Governor General in Council, and he may, whenever he deems fit, cause the same to be altered.*

Charges subject to Governor in Council.

(2.) *Provided, however, that the rate charged for the transmission of a message of ten body words over the land lines of the Company in Canada, or any part thereof, shall not be more than twenty-five cents, and that the charge for each body word beyond ten in such message shall not be more than one cent; and provided also that the additional rate charged for the transmission of messages by sub-marine cable or otherwise howsoever across any strait or arm of the sea, shall not exceed that hereby authorized for the transmission of messages over the Company's land lines.* 5 10

Order of sending messages.

11. *It shall be the duty of the Company (subject to the provisions in the next following section) to transmit all messages in the order in which they are received, under a penalty of not less than twenty nor exceeding one hundrad dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order, reserving to the injured party his remedy for any damage for the same.* 15

What messages entitled to prefernce.

12. *Messages in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or despatches shall always be transmitted in preference to any other message or despatch, if required by any person connected with the administration of justice or any person thereunto authorized by the Secretary of State of Canada.* 20

Damages for malicious mischief to lines or works.

13. *If any person wilfully or maliciously breaks, throws down or destroys any wire, post, erection, machine, device or work belonging to the Company, or erected or made by virtue of this Act, or does any other wilful act, hurt or mischief to disturb, hinder or prevent the carrying into execution, supporting or maintaining of any of the works, every such person shall forfeit and pay to the Company treble the value of the damage proved by the oath of two or more credible witnesses to have been done, such damage, together with costs of suit in that behalf, to be recovered by summary proceeding before two or more Justices of the Peace for the district or county in which the offence has been committed, or in any court of law of competent jurisdiction; and in case of default of payment such offender shall be imprisoned for such time, not exceeding six months, as the Court or Justices, deem fit.* 25 30 35 40

Penalty for wilful mischief.

14. *Notwithstanding anything in the next preceding section contained and without prejudice to any of its remedial or other provisions, if any person wilfully or maliciously obstructs or damages any line, works, buildings, machinery or other property of the Company, he shall be guilty of a misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, or by a fine not exceeding eight hundred dollars, and in case of default to pay such fine, then to imprisonment for not more than one year.* 45

Limit of time to begin undertaking.

15. *If the works of the Company are not commenced within two years from the passing of this Act, then this Act shall be null and void.* 50

16. *The Company shall be subject to all the conditions imposed, and shall have all the powers and privileges conferred on telegraph companies which are not inconsistent with this Act, by the sixty-seventh Chapter of the Consolidated Statutes of the late Province of Canada, and by the Act passed in the thirty-eighth year of Her Majesty's reign, intituled, "An Act to regulate the Construction and Maintenance of Marine Electric Telegraphs."*

Certain Acts to apply.

1st Session, 5th Parliament, 46 Victoria, 1883.

I

BILL.

An Act to incorporate "The Canadian Rapid Telegraph Company (Limited)."

(Reprinted as amended in the Select Standing Committee of the Senate on Railways, Telegraphs and Harbours.

Hon. Mr. CARVELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

An Act to incorporate "The Canadian Rapid Telegraph Company (Limited)."

WHEREAS recent discoveries in electrical science have effected great improvements in the means, speed and accuracy of transmitting signals by electricity, and whereas the persons hereinafter mentioned and others have, by their petition, prayed to be incorporated for the purpose of utilizing such discoveries in the improvement of electrical communication in Canada, and whereas it is expedient to grant the prayer of their petition, and also to authorize them to erect, maintain and operate lines of telegraph in Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Josiah Wood, M.P., of Sackville, N. B.; the Honorable Peter Mitchell, M.P., of Montreal; the Honorable J. S. Carvell, Senator, of Charlottetown, P. E. I.; John Ings, of Charlottetown; John S. Maclean, of Halifax, N. S.; the Honorable Samuel Prowse, of P.E.I.; P. J. Brown, Ingersoll, Ont.; L. H. Davies, M.P., Charlottetown, P.E.I., John L. Harris, of Moncton, N.B., and all shareholders in the Company hereby incorporated shall be a corporation by the name of "The Canadian Rapid Telegraph Company (Limited)."

2. The Company shall have power:—

1. To establish, by any electrical means whatsoever, a system of telegraphic and telephonic communication between any places in Canada.

2. To connect such system with any similar system established in any other Province of the Dominion of Canada.

3. If the consent of the Governor General in Council be first obtained, to connect such system with any telegraph or telephone line in Canada.

4. To construct, purchase, lease, work or agree for the use of any land line of telegraph or telephone in Canada.

3. Nothing herein shall be construed so as to interfere with any exclusive right now possessed by any existing telegraph or cable company.

4. The head office of the Company shall be at Moncton,

New Brunswick, until and unless some other place shall be fixed by by-law.

5. The persons named in the first section of this Act shall be the first Directors of the Company.

6. The capital stock of the Company shall be one hundred thousand dollars, in shares of one hundred dollars each. 5

7. The directors of the Company, at any time after the whole capital stock of the Company has been taken up, and fifty per cent thereon has been paid in, but not sooner, may make a by-law for increasing the capital stock of the Company to any amount which they may consider requisite in order to the due carrying out of the objects of the Company. 10

2. Such by-law shall declare the number of the shares of the new stock, and may prescribe the manner in which the same shall be allotted; and in default of its so doing the control of such allotment shall be held to be vested absolutely in the Directors. 15

8. The Company may erect, maintain and keep up its lines along the side of or across any public highways, bridges, water courses or other such places, or under any navigable waters, either wholly in Canada or dividing Canada from any other country, provided the said lines do not interfere with the public right of travelling, and provided always, that nothing herein contained shall be construed to confer on the Company the right of building a bridge over any navigable water; and may enter upon any public lands or places, and survey and set off such parts thereof as may be necessary for the said lines; and may take from any part of the ungranted and unoccupied Crown Lands of the Dominion, having first obtained the consent of the Crown, any posts or building materials necessary to make or repair the lines or any buildings in connection therewith; and may also carry its lines across all bridges and over all rivers; and in case of disagreement between the Company and any owner or occupier of lands which the Company may take for the purposes aforesaid, or in respect to any damage done by constructing the lines, the Company and such owner or occupier shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision on the matter in difference of any two of them in writing shall be final; and if the said owner or occupier, or the agent of the Company neglects or refuses to choose an arbitrator within four days after notice in writing, and upon proof of personal service of such notice, or if such two arbitrators when duly chosen disagree in the choice of a third arbitrator, in any such case the Minister of Public Works of Canada 20 25 30 35 40 45

may nominate any such arbitrator, or such third arbitrator, as the case may be, who shall possess the same power as if chosen in the manner above provided:

Wheresoever any of the Company's lines pass through any wood, the Company may cut down the trees and underwood for the space of fifty feet on each side of the said lines, but shall not cut down or mutilate any tree planted or left standing for shade or ornament or any fruit tree; they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction whenever required so to do to the owners or proprietors of or to the persons interested in the woods in which trees or underwood shall be cut down, or for all damages to be by them sustained in or by the execution of the powers granted by this Act.

9. In cities, towns and incorporated villages the Company shall not use or erect any pole higher than forty feet above the surface of the street, nor carry any line of poles along any street without the consent of the Municipal Council or Corporation having jurisdiction over the street. The poles shall be as nearly as possible straight and perpendicular, and shall in cities be painted if so required by any by-law of the Council or Corporation. Where lines of telegraph are already constructed, no poles shall be erected by the Company along the same side of the street where such poles are already erected, unless with the consent of the Council or Corporation having jurisdiction over the streets: The said Company shall not cut down or mutilate any tree planted or left standing for shade or ornament: The opening up of streets for the erection of poles or for carrying the wires underground shall be done under the direction and supervision of the engineer or such other officer as the Council or Corporation may appoint, and in such manner as the Council or Corporation may direct, and the surface of the street shall, in all cases, be restored to its former condition by and at the expense of the Company.

Whenever in case of fire it becomes necessary for its extinction or the preservation of property that the wires shall be cut, the cutting under such circumstances of any of the wires of the Company under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to claim or demand compensation for any damages so incurred.

The penalty of each violation of this section shall be not less than ten nor more than one hundred dollars, to be recovered with costs of suit by the person aggrieved.

No Act of Parliament requiring the Company, in case effi-

cient means are devised for carrying telephone wires under ground, to adopt such means, and abrogating the right given by this section, to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act. 5

10. The Directors of the Company may from time to time fix and regulate the charges to be made by the Company for the sending and delivery of messages over its lines or cables, but such charges shall be subject to the approval of the Governor-General in Council and he may, whenever he deems 10 fit, cause the same to be altered.

(2) Provided, however, that the rate charged for the transmission of a message of twenty body words over the lines of the Company between any two points in Canada, shall not be more than twenty-five cents, and that the charge for each 15 body word beyond twenty in such message shall not be more than one cent.

11. It shall be the duty of the Company (subject to the provisions in the next following section) to transmit all messages in the order in which they are received, under a pen- 20 alty of not less than twenty nor exceeding one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order, reserving to the injured party his remedy for any damage for the same.

12. Messages in relation to the administration of justice, 25 the arrest of criminals, the discovery or prevention of crime, and Government messages or despatches shall always be transmitted in preference to any other message or despatch, if required by any person connected with the administration of justice or any person thereunto authorized by the Secretary of State of Canada. 30

13. If any person wilfully or maliciously breaks, throws, down or destroys any wire, post, erection, machine, device or work belonging to the Company, or erected or made by virtue of this Act, or does any other wilful act, hurt or mischief to disturb, hinder or prevent the carrying into execu- 35 tion, supporting or maintaining of any of the works, every such person shall foreit and pay to the Company treble the value of the damage proved by the oath of two or more credible witnesses to have been done, such damage, together with costs of suit in that behalf, to be recovered by 40 summary proceeding before two or more Justices of the Peace for the district or county in which the offence has been committed, or in any court of law of competent jurisdiction; and in case of default of payment such offender shall be imprisoned for such time, not exceeding six months 45 as the Court or Justices deem fit.

14. Notwithstanding anything in the next preceding section contained and without prejudice to any of its remedial or other provisions, if any person wilfully or maliciously obstructs or damages any line, works, buildings, machinery or other property of the Company, he shall be guilty of a misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, or by a fine not exceeding eight hundred dollars, and in case of default to pay such fine, then to imprisonment for not more than one year.

15. If the works of the Company are not *bona fide* commenced and proceeded with within one year from the passing of this Act, then this Act shall be null and void.

16. The Company shall be subject to all the conditions imposed, and shall have all the powers and privileges conferred upon telegraph companies which are not inconsistent with this Act, by the sixty-seventh Chapter of the Consolidated Statutes of the late Province of Canada, and by the Act passed in the thirty-eighth year of Her Majesty's reign, intituled, "*An Act to regulate the Construction and Maintenance of Marine Electric Telegraphs.*" Provided that it shall not be lawful for the Company to amalgamate with any Company or Association, or to enter into any agreement for participation of profits with any person, Company or Association, or for the union or consolidation of the capital stock of the Company with that of any other Company, or to sell, lease or otherwise dispose of the works of the Company or of the rights conferred by this Act to any person, Company or Association.

BILL.

An Act to amend and consolidate the Laws relating to Penitentaries.

[NOTE—The words and clauses in brackets are printed to make the measure intelligible. They will be stricken out on the Third Reading, and will be offered for the acceptance of the House of Commons when the Bill is in Committee in that House.]

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

1. All the penitentiaries in Canada and such other prisons, hospitals, asylums and other public institutions as may, from time to time, be designated for that purpose by the Governor in Council, by proclamation in the *Canada Gazette*, and all prisoners and other persons confined therein and inmates thereof, shall be under the control of the Minister of Justice, who shall exercise over them complete administrative power. Penitentiaries, prisons &c. to be under control of Minister of Justice.

2. The penitentiary situate near the city of Kingston, in the Province of Ontario, to be known as the Kingston Penitentiary; the penitentiary situate at St. Vincent de Paul, in the Province of Quebec, to be known as the St. Vincent de Paul Penitentiary; the penitentiary situate at Dorchester, in the Province of New Brunswick, to be known as the Dorchester Penitentiary; the Penitentiary situate in the County of Lisgar, in the Province of Manitoba, to be known as the Manitoba Penitentiary; and the penitentiary situate in the District of New Westminister, in the Province of British Columbia, to be known as the British Columbia Penitentiary, together with all the land appertaining to the same respectively, according to the respective metes and bounds thereof as now known and defined, and all the buildings and property thereon belonging to the same, are, all and each of them, hereby declared to be penitentiaries of Canada. Penitentiaries enumerated and described.

3. The Dorchester Penitentiary shall be the penitentiary for the Provinces of New Brunswick, Nova Scotia and Prince Edward Island, for the confinement and reformation of persons, male and female, lawfully convicted of crime before any court of criminal jurisdiction in any of said Provinces, and sentenced to confinement for life, or for a term not less than two years; and such person shall be imprisoned therein accordingly. Penitentiary for Lower Provinces to be at Dorchester, N.B.

What convicts to be imprisoned at Dorchester, N.B.

4. No person sentenced to imprisonment for less than two years shall be sentenced to the Dorchester Penitentiary; but this shall not prevent the reception and imprisonment therein of any prisoners lawfully sentenced for any period of time, and liable to imprisonment therein, by any military, naval, or militia court-martial, under any Act of Her Majesty's Imperial Parliament, or of the Parliament of Canada. 5

Governor in Council may establish tracts of land as penitentiaries, and may declare any lands established as penitentaries not to be so.

5. It shall be lawful for the Governor in Council, at any time hereafter, if he sees fit, to declare by proclamation, to be published in the *Canada Gazette*, that any tract of land within the Dominion, of which the boundaries shall be particularly defined in the proclamation, is a penitentiary, and is to be so held within the meaning of this Act; and it shall be lawful for the Governor in Council, by any proclamation published as aforesaid, to declare that any tract of land established as a penitentiary by the second section of this Act or by any other law, or by proclamation under this section, shall, from and after a certain day to be named in such proclamation, cease to be a penitentiary; and such tract of land shall cease to be a penitentiary accordingly. 10 15 20

What shall be included as part of a penitentiary.

6. Every penitentiary now established, and every penitentiary hereafter to be established by virtue of this Act shall be held to include all carriages, waggons, sleighs or other vehicles for land carriage, and all boats, scows or other vessels for water carriage, being property belonging to such penitentiary, or employed by hire or otherwise in its service; and likewise any wharf at or near the said penitentiary, although not within the limits mentioned in the proclamation establishing the same, but used for the accommodation of such craft when so employed in or about any work or labour connected with such penitentiary. 25 30

Streets, roads, &c., when to be part of a penitentiary.

Escapes.

7. Every street, highway, or public thoroughfare of any kind, along or across which it may be necessary that convicts should pass in going to and returning from their work, shall, while so used, be considered as a portion of the tract of land forming the penitentiary; and any escape, or attempt at escape, and any rescue, or aid in rescue, shall be held as if such escape or attempt at escape, and such rescue or aid in rescue had taken place within the prison walls or penitentiary limits. 35 40

Inspector, with Minister's approval, may make tram-roads.

Notice to municipality.

8. It shall be lawful for the Inspector, with the approval of the Minister of Justice, to authorize the Warden of any penitentiary, to construct rail or tram roads to communicate between any part of the penitentiary and another, and to carry the same across, upon or along any public road or street intervening, in such manner, however, as to cause the least possible inconvenience to passengers or carriages using such road or street: but it shall not be lawful for the Warden of such penitentiary to break ground upon any public road or street for the purpose of constructing such rail or tram roads, in virtue of such order by the Inspector, until after the lapse of one month after a copy of such order, certified by the said Warden, shall have been served upon the 45 50

officer or person charged with the care or supervision of such public road, together with a plan showing the line which such rail or tram roads are to occupy.

9. From the time this Act takes effect the construction and repairs of buildings and other works in the penitentiaries shall take place under the control of the Department of Public Works.

Construction and repair of buildings to be under Public Works Dept.

INSPECTOR.

10 It shall be lawful for the Governor in Council to appoint some fit and proper person to be Inspector of all penitentiaries and of such other prisons, hospitals, asylums and other public institutions as may, from time to time, be designated by the Governor in Council; the Inspector who shall hold office during pleasure, shall be an officer of the Department of Justice, and as such Inspector shall act as the representative of the Minister of Justice.

Governor in Council to appoint Inspector, who is to represent Minister of Justice.

11. The said Inspector shall, under direction from the Minister of Justice, visit, examine and report to him upon the state and management of all the penitentiaries, and all suggestions which the Wardens thereof may have made for their improvement.

Inspector to visit Penitentiaries and report to Minister.

12. The said Inspector shall keep an exact record of all minutes of inspection made by him in the inspection books of the various institutions, together with all his proceedings in connection therewith, and shall transmit, after each visit of inspection, a copy thereof under his hand to the Minister of Justice.

To keep minutes of his proceedings and transmit copy to Minister.

13. The said Inspector shall, by virtue of his office, without any property qualification, be a Justice of the Peace for any and every district, county, city or town of Canada, but shall have power to act in matters connected with the Criminal Law of Canada only.

To be a Justice of the Peace.

14. The Inspector shall have power, and it shall be his duty to make rules and regulations for the management, discipline and police of the penitentiaries, and for the duties and conduct of the Wardens thereof, and of every other officer or class of officers or servants employed therein, and for the diet, clothing, maintenance, employment, instruction, discipline, correction, punishment and reward of convicts imprisoned therein, and to annul, alter or amend the same from time to time, subject to the approval of the Governor in Council,—which rules and regulations so approved, the Wardens of the penitentiaries, and every other officer and servant employed in or about the same, shall be bound to obey: Provided always, that until such rules and regulations are made as aforesaid, the rules and regulations existing in each penitentiary at the passing of this Act shall remain in force.

To make rules and regulations, &c., subject to approval of Governor in Council.

Proviso: as to existing rules.

To make an annual report to Minister, to be laid before Parliament.

What report to contain.

15. It shall be the duty of the Inspector to make to the Minister of Justice an annual report on or before the first day of December in each year, to be laid before Parliament at the then next Session,—which report shall contain a full and accurate report on the state, condition and management of the penitentiaries under his control and supervision, and inspected during the preceding fiscal year, together with such suggestions for the improvement of the same as he may deem necessary and expedient, and accompanied by copies of the annual reports of the officers of the penitentiaries, and by such financial and statistical statements and tables as the books kept by them may supply,—and which report shall also comprise and embrace the following particulars, viz.:—

Statistics, facts and suggestions.

1. Such statistical information in respect to each penitentiary, and the whole in condensed form, as is embraced in the registers of such penitentiaries, together with any facts which may have come to his knowledge with respect to the working of the criminal laws and penal system of the Dominion, or any injustice or hardship which, in his opinion has arisen therefrom, and such suggestions for the improvement or amendment of the same, and for the prevention of crime or the reformation of criminals, as he may deem expedient;

Inventory and valuation of property.

2. An inventory and valuation of all the property belonging to the penitentiaries respectively, moveable and immoveable,—distinguishing the estimated value of the several descriptions of property;

Receipts, expenditure and statement of debts.

3. A detailed statement showing the money receipts of the penitentiaries, and the sources from which they have been derived; also the expenditures, together with a statement of all debts due by the penitentiaries, showing the names of the parties to whom each is due, and showing also the debts, if any, due to the institution, with the amount and nature of each debt;

Estimates for ensuing year.

4. An estimate of the expense of the penitentiaries for the ensuing year,—distinguishing the ordinary from the extraordinary.

Officers to furnish information by 1st October, annually.

5. The Wardens and other officers shall furnish to the Inspector, all information necessary for the preparation of his Report on or before the first day of October in each year.

Special reports as to improvements and repairs.

16. In case the Inspector finds at any time that any penitentiary is out of repair, or does not possess the proper and requisite sanative arrangements, or has become unsafe or unfit for the confinement of prisoners, or that the same does not afford sufficient space or room for the number of prisoners confined therein, or the requisite amount of shop and yard space for the proper industrial employment of the prisoners, he shall forthwith report the fact to the Minister of Justice, and shall at the same time furnish a copy of such report for the Minister of Public Works.

EXAMINATIONS AND INVESTIGATIONS.

17. For the better enabling the Inspector efficiently to discharge the duties herein set forth, or at any time assigned to him by the Minister of Justice, he shall have power— Special powers of Inspector.

1. At all times to enter into, and remain within any penitentiary or other public institution placed under his control as aforesaid, and have access to every part and portion of the same, and to examine all papers, documents, vouchers, records and books of every kind belonging thereto; Entry and examination of papers, &c.

2. To investigate the conduct of any officer or servant employed in or about any penitentiary, or other such public institution as aforesaid, or of any person found within the precincts thereof: and for that purpose the Inspector shall have power to summon before him any person by *subpœna* issued by him, and to examine such person upon oath—which oath the said Inspector shall have power to administer, whether the fact relate to a breach of the law of the land or of the rules of the prison, or to any matter affecting the interests of the institution—and to compel the production of papers and writings before him; and if any person duly summoned neglects or refuses to appear at the time and place specified in the *subpœna* upon him legally served, or refuses to give evidence or to produce the papers demanded of him, the Inspector may cause the said person by warrant under his hand, to be taken into custody and to be imprisoned in the common gaol of the locality, as for contempt of court, for a period not exceeding fourteen days. Inquiries into conduct of officers, &c. Administering oaths. Summoning witnesses and compelling attendance.

18. It shall be lawful for the Minister of Justice to appoint, at any time when he may deem it necessary, a person or persons to make a special report on the state and management of any penitentiary; and in such case the person or persons so appointed shall have, in order to enable him or them to make such special report, the powers given to the Inspector by the next preceding section. Minister of Justice may cause special reports to be made by others than Inspector.

ACCOUNTANT OF PENITENTIARIES.

19. The Governor in Council may appoint a fit and proper person to be the Accountant of Penitentiaries, who shall be an officer of the Department of Justice. He shall be charged generally with the direction, inspection and audit of the books, accounts, money transactions, and financial affairs of the penitentiaries, and shall have such other powers as may be assigned to him by the order of the Governor in Council, and he shall perform such other duties as shall be required of him by the Minister of Justice. Accountant of penitentiaries to be officer of Dept. of Justice. His duties.

2. He shall audit the accounts of the penitentiaries and transmit the same duly certified as to correctness to the Minister of Justice. It shall also be his duty to inquire into the money transactions and financial affairs of the penitentiaries, prisons, hospitals, asylums or other public institutions supported wholly or in part by the Dominion. To audit accounts and certify them to Minister, and to enquire into money matters.

To have powers of Inspector under sect. 17.

3. He shall have all the power given to the Inspector by section seventeen of this Act.

WARDENS AND OTHER OFFICERS.

What officers the Governor in Council may appoint for such penitentiary.

20. It shall be lawful for the Governor in Council to appoint for any penitentiary a Warden, a Deputy Warden (who in the absence or incapacity of the Warden shall exercise all the functions of the Warden), a Protestant Chaplain, an Assistant Protestant Chaplain when required, a Roman Catholic Chaplain, an Assistant Roman Catholic Chaplain when required, a Surgeon, and an Accountant, all of whom shall hold their offices during pleasure; but the Inspector shall have power summarily to suspend any of the above named officers for misconduct, until the circumstances of the case, of which the Minister of Justice shall be at once notified, have been decided upon by him; and the Inspector may, until such decision has been so intimated, cause any officer so suspended to be removed beyond the precincts of the prison; and generally, the Inspector shall have power, and it shall be his duty, to recommend the removal of any of the above named officers whom he may deem incapable, inefficient or negligent in the execution of his duty, or whose presence in the penitentiary he considers detrimental to the interests thereof.

Power of Inspector to suspend any officer.

General power of Inspector as to officers.

Minister of Justice to appoint certain officers.

21. It shall be lawful for the Minister of Justice to appoint for any penitentiary, a Schoolmaster, a Schoolmistress, a Storekeeper, a Steward, a Chief Keeper (who in the absence or incapacity of the Deputy Warden, shall exercise all the functions of such Deputy Warden), an Engineer, a Matron, a Deputy Matron, and such and so many trade instructors as may, from time to time, be required to hold their offices during pleasure; but the Warden shall have power summarily to suspend for misconduct any of the officers named in this section, until the next visit of the Inspector, when he shall submit to him a report of the circumstances of the case, to be dealt with as to him may seem meet.

Power of warden to suspend any of them.

Warden may appoint certain officers, guards, &c. and suspend or dismiss them.

22. It shall be lawful for the Warden to appoint for any penitentiary, an Assistant Deputy Matron and a Clerk, and such and so many keepers and guards and other servants as by order of the Inspector may be authorized, for the proper protection and care of the institution, and to suspend any of them for neglect of duty, for such time as he shall see fit, or dismiss them, without further charge than that of inefficiency in his opinion, but such suspension or dismissal shall be reported forthwith to the Inspector.

As to pay in case of suspension.

23. The pay of every officer so suspended by the Inspector or by the Warden, shall cease during the period of his suspension; but the Minister of Justice shall nevertheless have power to direct payment of the same, if he sees fit.

Warden may impose fines for neglect of duty.

24. It shall be be lawful for the Warden to impose a fine payable in money, upon any officer or servant appointed by him or the Minister of Justice, for any act of negligence or

carelessness by him committed, of such reasonable amount, not exceeding one month's pay, as the said Warden under the circumstances of the case may think fit; with the approval of the Minister of Justice, he may under the circumstances impose a like fine on officers appointed by the Governor in Council.

Warden to be chief executive officer.

His power as such.

25. The Warden of a penitentiary shall be the chief executive officer of the same; and as such shall have the entire executive control and management of all its concerns, subject to the rules and regulations duly established, and the written instructions of the Inspector authorized by the Minister of Justice; and in all cases not provided for, and where the said Inspector cannot readily be consulted, the Warden shall act in such manner as he shall deem most advantageous for the penitentiary; and he *shall* be held responsible for the faithful and efficient administration of the affairs of every department of the institution: he shall reside in the penitentiary; and shall receive such allowance of fuel and light as the Governor in Council may see fit to make.

To reside in penitentiary.

Allowance of fuel and light.

Warden and permanent officers &c. to be exempt from militia service.

26. The Warden and every officer and servant employed permanently in a penitentiary shall, during his continuance in office, be exempt from serving as a militiaman, except within the bounds of the penitentiary.

What officers to give bonds and sureties of office.

27. Every Warden, Accountant, Storekeeper, Steward, and every such other officer as may from time to time be designated by order of the Governor in Council, shall give and enter into a bond or bonds in such sum, and with sufficient surety or sureties, as may be approved of by the Governor in Council or by the Minister of Justice, for the faithful performance of the duties of his office according to law, which bonds shall be filed in the office of the Secretary of State of Canada.

Oaths of allegiance and office.

28. Every Warden, and every other officer and servant employed permanently in a penitentiary, shall severally take and subscribe in a book to be kept for that purpose by the Accountant in his office, the oath of allegiance to Her Majesty, and the following oath of office, viz.:—

Form of oath of office.

"I (A. B.) do promise and swear that I will faithfully diligently and justly serve and perform the office and duties of in the Penitentiary, to the best of my abilities; and that I will carefully observe and carry out all the regulations of the prison. So help me God:"

Before whom.

Which oaths the Inspector or Warden is hereby authorized to administer.

Inspector, warden, &c. not to be contractors.

29. No Inspector, Warden, or other officer or servant employed in a penitentiary, shall, either in his own name or in the name of, or in connection with any other person, provide, furnish or supply any materials, goods or provisions for the use of any penitentiary, nor shall be concerned directly

Penalty.

or indirectly in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting the sum of five hundred dollars, with full costs of suit, to any person who may sue for the same in any of Her Majesty's Courts in the Province in which such penitentiary is situated. 5

Warden, &c. not to exercise any other calling.

30. No Warden, officer or servant, except the Surgeon and Chaplain, shall be allowed to carry on any trade or calling of profit or emolument other than his office in the penitentiary; nor shall any officer buy from or sell to or for any convict (except under section sixty-six) anything whatever; or take 10 or receive for his or her own use, or for that of any other person, any fee or gratuity or emolument from any convict or visitor or any other person; nor shall he, without the consent of the Minister, employ any convict in working for him

Nor to buy or sell from or to convicts, &c., &c.

[31. *It shall be lawful for the Governor in Council, from time* 15 *to time, to fix the sums to be annually paid to the Warden and the other officers and servants of any penitentiary established under the provisions of this Act,—regard being had to the number of convicts confined therein, and the consequent responsibility attaching to their offices respectively, and to the length* 20 *of service and amount of labor devolved upon them; but such salaries shall not exceed the sums specified in Schedule A.*]

Warden to be a corporation sole, &c.

32. The Warden shall be a corporation sole known by the name of the "Warden of the Penitentiary," (designating the place as named in this Act, or named in 25 any proclamation establishing it as a penitentiary), and by that name he and his successors shall have perpetual succession, and may sue and be sued, may plead and be pleaded unto in any of Her Majesty's courts.

Contracts, dealings, personal property, &c. to be in his name.

33. All dealings and transactions on account of any peni- 30 tentiary, and all contracts for goods, wares or merchandize necessary for maintaining and carrying on the institution, or for the sale of goods prepared or manufactured in or by the institution, shall be entered into and carried out in the corporate name of the Warden; and all personal property 35 belonging to the same shall be held in the corporate name of the Warden for behoof of Her Majesty.

Real property, how vested and managed.

34. The real property of every penitentiary, as well as all the other property thereto belonging, shall remain vested in Her Majesty, but the Warden and his successors in office 40 shall have the custody and care thereof under the provisions of this Act; and all such property, real and personal, shall be exempt from all taxes.

Arbitration in case of difference between warden and contractors, &c.

35. Whenever any difference may arise between the Warden, and any person having dealings with him on 45 account of the penitentiary, such difference may, by order of the Inspector and the consent of the party in difference, be referred either to one arbitrator, selected by the Warden and the party in difference, whose decision shall be final; or to three arbitrators, one of whom shall be named by the War- 50 den, and another by such other person, and a third by the

two so named as aforesaid ; and the award of any two of them shall be final.

36. The Warden of a penitentiary shall exercise due diligence in enforcing the payment of debts due to the penitentiary, and with as little expense as possible to the institution ; but he may, on the report of the Inspector, sanctioned by the Governor in Council, accept of such security from any debtor on granting time, or such composition in full settlement, as may be thought conducive to the interests of the institution.

Warden to collect debts.

discretion as to this.

37. All books of account and other books, bills, registers, returns, receipts, bills of parcels and vouchers, and all other papers and documents of every kind relating to the affairs of the penitentiary, shall be considered the property of the institution, and shall remain therein ; and the Warden shall preserve therein at least one set of copies of all official reports made to the Parliament respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions abroad, he shall be furnished by the Clerk of the House of Commons with fifty copies of such reports as are printed by order of the House, and so soon as they are printed.

Books, documents, &c., to be property.

Set of reports to be kept.

By whom these furnished.

38. The Warden and Accountant shall transmit monthly to the Accountant of Penitentiaries a statement of the receipts and expenditures for the preceding month verified under oath in the manner following :—

Warden and accountant to transmit monthly state of accounts under oath.

Form of oath.

I, Warden, and I, Accountant, of the Penitentiary, make oath and say, that the foregoing statement of receipts and expenditures on account of the said penitentiary for the month of 18 is true and correct.

Sworn before me at the day of A.D., 18

Inspector, or as the case may be.

Storekeeper's oath.

I, Storekeeper of the Penitentiary, make oath and say that the articles mentioned in the foregoing statement as purchased for the said penitentiary for the month of 18 were duly received.

Sworn before me at the day of A D. 18

Inspector or as the case may be.

which oath may be administered by the Inspector or the Accountant of Penitentiaries, or by any Justice of the Peace, Notary Public, or Commissioner for taking affidavits.

PRIVILEGED VISITORS.

Who shall have the right of visiting.

39. The following persons, other than the Inspector or person or persons specially appointed by the Minister of Justice may visit any penitentiary at pleasure, namely,—the Governor General of Canada, the Lieutenant-Governor of any of the Provinces composing the Dominion of Canada, any Member of the Privy Council of Canada. any Member of the Executive Council of any of the said Provinces, any Member of the Parliament of Canada or of any of the Local Legislatures, any Judge of any Court of Record in Canada or in any of the said Provinces, and any Queen's Counsel; but no other person shall be permitted to enter within the walls wherein the prisoners are confined, except by the special permission of the Warden, and under such regulations as the Inspector may prescribe.

CONVEYANCE, RECEIPT AND REMOVAL OF CONVICTS.

What shall be sufficient authority for conveying convicts.

40. The Sheriff or Deputy Sheriff of any county or district, or any bailiff, constable, or other officer, or other person, by his direction or by the direction of a court, or any officer appointed by Government and attached to the staff of a penitentiary for that purpose, may convey to the penitentiary named in the sentence, any convict sentenced or liable to be imprisoned therein, and shall deliver him to the Warden thereof, without any further warrant than a copy of the sentence taken from the minutes of the Court before which the convict has been tried, and certified by a judge or by the clerk or acting clerk of such court.

When brought from any other penitentiary or gaol.

41. In all cases where a prisoner is ordered by competent authority to be conveyed to any penitentiary from any other penitentiary, or from a reformatory prison, or from a common gaol, there shall be delivered to the Warden of the penitentiary receiving such prisoner, along with all other necessary documents, a certificate signed by the medical officer of the institution from which such prisoner has been taken, and countersigned by the Warden, if the prisoner has been taken from a penitentiary or a reformatory prison, or by the Sheriff or his deputy if from a common gaol, declaring that such prisoner is free from any putrid, infectious or cutaneous disease, and that he is fit to be removed.

Duty of warden as to receiving and detaining convicts.

42. The Warden shall receive into the penitentiary every convict legally certified to him as sentenced to imprisonment therein, and shall there detain him, together with those already lawfully confined therein, subject to all the rules, regulations, and discipline, thereof, until the term for which he has been sentenced be completed, or until he is otherwise discharged in due course of law.

Governor may authorize removal from or to any penitentiary.

43. It shall be lawful for the Governor, by warrant signed by the Secretary of State of Canada, or by such other officer as may be, from time to time, authorized by the Governor in Council, to direct the removal of any convict from any one penitentiary to another; and the Warden of the peniten-

tiary having the custody of any convict so ordered to be removed, shall, when required so to do, deliver up the said convict to the constable or other officer or person who shall produce the said warrant, together with a copy, attested by 5 the said Warden, of the sentence and date of conviction of such convict as given to him on reception of such convict into his custody; and the constable or other officer or person shall give a receipt to the Warden for the convict, and shall thereupon, with all convenient dispatch, convey and deliver 10 up such convict, with the said attested copy, into the custody of the Warden of the penitentiary mentioned in the warrant, who shall give a receipt in writing for every convict so received into his custody, to such constable or other officer or person, as his discharge; and the convict shall be kept in 15 custody in the penitentiary to which he has been so removed, until his removal to another penitentiary, or until the termination of his sentence, or until his pardon or release, or discharge by law.

Proceeding in such case.

44. The Sheriff or other officer or other person employed 20 by competent authority, to convey any convict to any penitentiary to which such convict is ordered to be taken, either by sentence of a court or by order of the Secretary of State, or other officer, as in the next preceding section mentioned, may secure and convey him through any county or district 25 through which he may have to pass in any of the Provinces of Canada; and until the convict has been delivered to the Warden of such penitentiary, such Sheriff, officer or person shall have, in all territorial divisions or parts of Canada through which it may be necessary to convey such convict, 30 the same authority and power over and with regard to such convict, and to command the assistance of any person in preventing his escape, or in recapturing him in case of an escape, as the Sheriff of the territorial division, in which he was convicted, would himself have in conveying him from 35 one part to another of that locality.

Powers of Sheriff or officer conveying convicts to a penitentiary.

Assistance in case of escape.

45. In any case, in which sentence of death has been passed upon any convict, by any court in Canada, and the Governor, on behalf of Her Majesty, has been pleased to commute such sentence for imprisonment for life, or for any 40 term of years, such commutation shall have the same effect as the judgment of a competent court legally sentencing such convict to such imprisonment for life or other term, would have; and the Sheriff, or other officer, or other person having such convict in custody, on receipt of a letter from 45 the Secretary of State, or such other officer as aforesaid, notifying him of the fact of such commutation, and directing him to convey such convict to a penitentiary therein named, shall forthwith convey such convict thereto, and shall have the same rights and powers in conveying such convict to 50 such penitentiary, as if the conveyance took place by virtue of the sentence of a competent court.

Power to convey a convict whose sentence has been commuted, and effect of commutation.

46. In order to commute any sentence of death as aforesaid for imprisonment for life, or for a term of years, it shall not be held to be necessary, nor to have been at any time

What shall be sufficient authority to the warden in such case.

necessary, for the purpose of commuting such sentence, or of authorizing the conveyance of a prisoner to any penitentiary, or for his reception and detention therein for the commuted period, that a copy of any pardon should be or should have been in the possession of the Warden of such penitentiary; a letter, signed by the Secretary of State, or such other officer as aforesaid, notifying the Warden of the fact of such commutation, and of the term of years or life term for which the sentence has been commuted, shall be and shall have been sufficient authority for the Warden to receive such convict into the penitentiary, and to deal with him as if he had been sentenced by a competent court to confinement therein for the period or life term in the said letter mentioned.

TRANSFER OF JUVENILE OFFENDERS FROM AND TO REFORMATORY PRISONS.

Juvenile offenders found incorrigible may be removed from reformatory to penitentiary.

47. In any case where a juvenile offender has been ordered by competent authority to be imprisoned in any reformatory prison, and after his being imprisoned therein has become incorrigible, and is so certified by the Warden and one of the Chaplains, it shall be lawful for the Lieutenant-Governor of the Province in which the reformatory prison is situate, by a warrant under his hand, addressed to the Warden of such reformatory prison, setting forth the sentence or order by which the juvenile offender was imprisoned therein, and the fact that he is incorrigible, to direct that such juvenile offender be removed to any penitentiary named in the said warrant: and the said Warden, or any other officer of the prison, or any other person authorized by him, shall have the same powers in conveying such juvenile offender to such penitentiary as are hereinbefore given to a Sheriff or other person in like cases:

And dealt with as if sentenced to the penitentiary.

And it shall be lawful for the Warden of the penitentiary therein named, to receive such juvenile offender and deal with him for the unexpired term of the sentence or order by which he was ordered to be imprisoned in such reformatory prison, as if he had been sentenced to such penitentiary by a competent court: Provided that along with the said offender there be delivered to the Warden of the penitentiary a copy of the said sentence or order, attested by the Warden of the reformatory prison, and also an order from the Lieutenant-Governor aforesaid, directing the Warden of such penitentiary to receive such juvenile offender.

Juvenile offenders may be transferred to reformatory prison.

48. The Governor, may, at any time, in his discretion, by warrant under his hand, cause any convict in a penitentiary, whose sentence is for not less than two years, and who may appear to the Inspector to be under sixteen years of age, and susceptible of reformation, to be transferred to the reformatory prison, if any there be, of the Province where such convict was sentenced, for the remainder of his term of imprisonment.

TREATMENT OF CONVICTS.

49. In the treatment of convicts in a penitentiary, the following general rules shall be observed:— General rules

1. Every convict shall, during the term of his confinement, be clothed at the expense of the penitentiary in suitable prison garments; Clothing.

2. He shall be fed on a sufficient quantity of wholesome food; Food.

3. He shall be provided with a bed and pillow with sufficient covering, varied according to the season; Bedding.

4. Every convict shall be kept in a cell by himself at night and during the day when not employed, except in case of sickness. Solitary confinement when not employed.

50. Convict labour may be of two categories:— Kinds of convict labour.

1. Obligatory, viz: Every convict, except during sickness or other incapacity, shall be kept constantly at hard labor, the kind of which shall be determined by the Warden, every day not exceeding ten hours, exclusive of hours for meals or school, except Sunday, Good Friday, Christmas Day, and such other days as the Governor may set apart for days of fasting or thanksgiving, and such days as may be designated in the rules made by the Inspector in that behalf: Provided that no Roman Catholic convict shall be compelled to labor on any of the obligatory holidays of his Church; that is to say, Circumcision, Epiphany, Annunciation, Corpus Christi, Saint Peter and Saint Paul, All Saints, Conception and Ascension, or other festival days of obligation; Obligatory. Holidays.

2. Voluntary, viz: A convict of exemplary conduct may be allowed by the Warden, if he sees fit, to work over hours at such work as can be conveniently done in the institution, and at such rates as shall be fixed by the Inspector, the value of which overwork, at such rates, may either be paid to the convict's family during his imprisonment, should he so desire it, or be credited to him in the books of the Institution to be paid him on his discharge, subject, however, to any general rules which the Inspector may make upon the subject; Voluntary. Over hours, and payment thereof.

The convicts may be employed either in labor or at trades under the control of the Government, or their labor may be let out to a company or private person, offering the requisite guarantees. Letting out labour of convicts.

FEMALE PRISON AND PRISONERS.

51. The female convicts shall be kept distinct and secluded from the male convicts, and shall be under the charge of a matron, with such and so many female officers as the Inspector may, from time to time, see fit to order to be employed, Female convicts to be separated from males and to be un-

der female officers.

—reference being had to the number of such convicts, and the kinds of work in which they may be engaged.

PENAL CELLS.

Recital.

52. Whereas no system of discipline in a penitentiary can be effectual for punishment, or for reformation of the criminal, unless it be combined with strict separate confinement during some period of the time for which the court has sentenced him to be imprisoned, and it is therefore expedient that provision should be made in all the penitentiaries named in this Act, and in all others hereafter to be established by virtue of this Act, for the separate confinement of every convict for a certain period of the time mentioned in the sentence of the court by which he has been tried; therefore—

Separate confinement.

Penal cells may be constructed.

It shall be lawful for the Governor, whenever he shall deem it expedient, to order that such and so many penal cells shall be constructed from time to time at any penitentiary, as he may see fit.

SHORTENING OF SENTENCE.

Rewards for good conduct and diligence.

Inspector to make rules.

Record to be kept.

Remission of time, not more than five days per month of good conduct.

53. In order to encourage convicts to good behaviour diligence and industry, and to reward them for the same, it shall and may be lawful for the Inspector of penitentiaries to make rules and regulations, under which a correct record may be kept of the daily conduct of every convict in any penitentiary, noting his industry, diligence and faithfulness in the performance of his work, and the strictness with which he observes the prison rules—with a view to permit such convict, under the prison rules, to earn a remission of a portion of the time for which he is sentenced to be confined, not exceeding five days for every month during which he shall have been exemplary in industry, diligence and faithfulness in his work, and shall not have violated any of the prison rules:

Remission in case of sickness.

If any convict be prevented from labor by sickness or any other infirmity, not intentionally produced by himself, he shall be entitled, by good conduct, to two and a half days remission from his sentence every month.

OFFENCES AND PUNISHMENTS.

Escape during conveyance to be felony.

Punishment.

Breaking prison.

Escape at work, &c., to be felony.

54. Every prisoner who, being ordered to be detained in any penitentiary, escapes from the person or persons having the lawful custody of such prisoner, when being conveyed thereto, or when being conveyed from one penitentiary to another, shall be guilty of felony, and being convicted thereof, shall have not less than two years added to the original term of his imprisonment; and any prisoner who at any time breaks prison or escapes, or attempts to escape from the custody of any officer, guard or other servant of the penitentiary while at work, or passing to or from work, either within or beyond the prison walls or penitentiary limits, shall be

guilty of felony and on conviction thereof shall be punished by an addition not exceeding three years to the term of his imprisonment, besides forfeiting the whole of the period of remission of sentence herein mentioned, which he may have earned, and he may also be again confined in the penal prison or solitary cells, if any, attached to such penitentiary as in the prison rules may be prescribed. Punishment.

55. Every prisoner in any penitentiary who, at any time, attempts to break prison, or who forcibly breaks out of his cell, or makes any breach therein with intent to escape therefrom, whether successful or not, shall be guilty of a felony and on conviction thereof, be punished by an addition not exceeding one year, to the term of his imprisonment, besides forfeiting the whole of the period of remission of sentence earned by him, and being again confined as in the next preceding section mentioned. Attempt to break out of prison or cell to be felony. Punishment.

56. If any convict, confined in any penitentiary, assaults any officer or servant employed therein, he shall be guilty of at least an aggravated assault, and shall also forfeit the whole of the period of remission of sentence which he may have previously earned, and shall be again confined, as in the fifty-fourth section mentioned. Assaulting officers, &c. to be felony. Punishment.

57. Every person who rescues or attempts to rescue any prisoner, while being conveyed to any penitentiary, or while being imprisoned therein, or while being conveyed from one penitentiary to another, or while passing to or from work at or near any penitentiary, and every person who, by supplying arms, tools or instruments of disguise or otherwise in any manner aids any such prisoner in any escape or attempt at escape, shall be guilty of felony, and shall be liable to be imprisoned in a penitentiary for anp term not exceeding five years and not less than two years or to be imprisoned in any gaol or place of confinement for any term less than two years with or without hard labour, and with or without solitary confinement Rescue or attempt to rescue to be felony. Supplying tools, disguises, &c., to be felony. Punishment.

58. Every person having the custody of any such prisoner as aforesaid, or being employed by the person having such custody, as a keeper, turnkey, guard or assistant, who carelessly allows any such convict to escape, shall be guilty of a misdemeanour, and, on conviction thereof, shall be liable to fine or imprisonment or to both, at the discretion of the court; and every such person as aforesaid, who knowingly or wilfully allows any such convict to escape, shall be guilty of felony, and shall be liable to be imprisoned in a penitentiary for any term not exceeding five years and not less than two years or to be imprisoned in any gaol or place of confinement for any term less than two years with or without hard labour, and with or without solitary confinement. Keepers, &c. allowing prisoners to escape. Punishment. Wilfully allowing escape to be felony. Punishment.

59. Every officer, guard or servant of any penitentiary, or any other person who brings in or carries out, or endeavours to bring in or carry out, or knowingly allows to be brought in or carried out to or from any convict, or carries to any Allowing money, spirits tobacco, letters, &c. to be brought

into the penitentiary, &c.

convict while employed outside the prison walls, any money, clothing, provisions, tobacco, spirits, letters, papers or other articles whatsover not allowed by the rules of the said prison, shall, if an officer or servant of the prison, be guilty of a misdemeanour, and may, if thought fit by the Warden or Deputy Warden, be apprehended and carried before a Justice of the Peace,—who is hereby empowered to hear and determine any such offence in a summary way; and every such officer, guard or servant or other person, upon conviction of such offence before a Justice of the Peace, shall be liable to pay a penalty not exceeding one hundred dollars, or, in the discretion of the justice, to be imprisoned in the common gaol, there to be kept at hard labour for any term not exceeding three months.

Misdemeanor.

Punishment.

Prison Offences.

Inspector to make list of prison offences.

No talking allowed.

Posting up list.

60. The Inspector shall draw up a list of prison offences, by way of general warning to the convicts as to their conduct in the prison, among which it shall specially be declared that no convict shall be permitted to speak to another convict upon any pretence whatever, nor to any officer or guard, or other servant of the institution, except with respect to the work at which he is employed, and then only in the fewest words and in a respectful manner. Such list of offences shall be printed, and a copy of the same placed in every cell of the penitentiary.

Inspector, with approval, to make rules for discipline and correction.

Corporal punishment.

Investigation.

Surgical certificate, &c.

Not more than 60 lashes.

61. It shall be lawful for the Inspector, subject to the approval of the Minister of Justice, to make and, from time to time, to alter rules for the discipline and correction of convicts confined in any penitentiary as hereinbefore provided; but in case any convict is accused of having committed any offence which, if proved, would be followed by the infliction of corporal punishment or a remand to the penal prison, where such penal prison is established, it shall be the duty of the Warden to make investigation upon oath into the facts of the case, before awarding such punishment or remand, and to make a minute of the evidence taken by him, to be forwarded forthwith to the Inspector: Provided also that the Surgeon of the penitentiary shall have certified that the prisoner is in a physical condition to bear such punishment, and that the Surgeon shall be present during its infliction, and that no more than sixty lashes shall be inflicted upon any prisoner for any such offence.

Trespasses.

Punishment of persons trespassing on penitentiary grounds

62. Any person who is found trespassing upon any grounds, buildings, yards, offices or other premises whatsoever belonging or pertaining to any penitentiary, or who enters the same, not being an officer or servant of the said prison, or authorized by leave of the Warden, shall, upon conviction thereof before a Justice of the Peace for the city, county or district in which such penitentiary may be situate, be adjudged to pay a fine not exceeding for the first offence ten dollars,—to be recovered in the usual way; or in default

of payment, the offender may be sent to the common gaol, with or without hard labour, for any period not exceeding one month ; and for a second or subsequent offence, the offender may be fined in any sum not exceeding fifty dollars, to be recovered in the same usual way, or in default shall be liable to imprisonment, with or without hard labour, for a period not exceeding three calendar months.

63. No raft, boat, vessel or craft of any kind, shall moor or anchor within three hundred feet of the shore or wharf bounding the lands of any penitentiary towards any lake, arm of the sea, bay or river, without the permission of the Warden thereof being first had and obtained ; and any person violating the provisions of this section shall, upon conviction thereof before a Justice of the Peace, be subject to a penalty of twenty dollars, to be levied in the usual manner upon such raft, boat, vessel or craft, in whomsoever the property thereof may be, as well as on the offender's own goods and chattels ; and in default of payment of the same with the costs of suit, he shall be imprisoned at hard labour for a period not exceeding two months.

Penalty on vessels mooring, &c. within 300 feet of shore or wharf bounding penitentiary.

Liquors.

64. No spirituous or fermented liquors shall, on any pretence whatever, be brought into the penitentiary for the use of any officer or person in the institution (except the Warden or Deputy Warden if the latter shall be resident therein) or for the use of any convict confined therein,except under the rules of the institution ; and any person giving any spirituous or fermented liquor or tobacco or snuff or cigars to any convict, except under the rules of the institution, or conveying the same to any conviet, shall forfeit and pay the sum of forty dollars to the Warden to be by him recovered in any court of competent jurisdiction, [*and placed to the credit of the Receiver General*]

No spirits allowed in penitentiary except for warden or deputy.

Giving liquor or tobacco, &c to convicts.

Penalty.

DISCHARGE OF CONVICTS.

65. No convict shall be discharged from a penitentiary on the termination of his sentence, or otherwise, if labouring under any contagious or infectious disease ; nor, unless at his own request, during the months of November, December, January, February or March, nor if laboring under any acute or dangerous disease ; but he shall be permitted to remain in the penitentiary until he recovers from such disease, or until the first day of April following the termination of his sentence : Provided always that a convict remaining from any cause in a penitentiary after the termination of his sentence, shall be under the same discipline and control as if his sentence were still unexpired ;

Convicts not to be discharged at certain times, nor under certain circumstances, except at their own request.

Proviso.

2. On the first day of April a list shall be made of all the prisoners whose sentences have expired during the five preceding months, and who may be still in prison, according to the dates when their sentences expired ; and according to such order they shall be discharged, one convict on the said

Order of discharge of convicts in April.

first day of April, and one on every day thereafter, until the whole shall have been discharged;

Sentence expiring on Sunday.

3. Whenever the term of any prisoner's sentence expires on a Sunday, he shall be discharged on the Saturday preceding, unless he desire to remain until the Monday following; 5

Clothing and money to convicts discharged.

4. Every convict under sentence for life or for not less than two years, upon his discharge, either by expiration of sentence, or otherwise, shall be furnished at the expense of the penitentiary with a suit of clothing other than prison 10 clothing, and with such sum of money as shall be sufficient to pay his travelling expenses to the place at which he received his sentence, and such other sum in addition, not exceeding twenty dollars, as the Warden may deem proper: should any sum remain at his credit for earnings for over- 15 work, such sum shall be paid to him at such times, and in such amounts as the prison rules may direct: Provided that, should the Warden be of opinion that a convict, on being discharged, does not intend *bonâ fide* to return to the place at which he received his sentence, but intends to go to some 20 other place, nearer the penitentiary, then such convict shall be furnished with such less sum of money as shall, in the Warden's opinion, be sufficient to pay his travelling expenses to such nearer place.

Money for over work.

Proviso.

PRISONERS' EFFECTS.

Articles found on convict on entry to be kept for him.

66. Every article found upon the person of a convict at 25 the time of his reception into the penitentiary, which may be considered worthy of preservation, shall be taken from him and a description thereof entered in a book to be kept for that purpose; and if the convict does not see fit otherwise to dispose of it at the time, it shall be carefully put 30 away until the day of his discharge, when it shall be delivered up to him again in the state in which it may then be; but the Warden shall not be liable for any deterioration which may have taken place in such article in the interval. If at the time of his reception the convict desires to dispose 35 of any such article and it is so disposed of, a memorandum of the fact shall be noted in the said book, and signed by the proper officer having charge of the said book, and also by the convict; and any money received therefor shall be placed to his credit. 40

May be sold if he desires to dispose of any.

CORONER'S INQUESTS.

Who to summon coroner and when.

67. Whenever a convict dies in a penitentiary, and the Inspector, or the Warden, or the Surgeon, or a Chaplain, have or any one of them has reason to believe, that the death of such convict arose from any other than ordinary causes, it shall be their duty or his duty to call upon a coroner having 45 jurisdiction, to hold an inquest upon the body of such deceased convict; and upon such requisition by one or more of the officers above named, the said coroner shall hold such inquest, and, for that end, he and the jury and all other per-

sons necessarily attending such inquest, shall have admittance to the prison for that purpose.

DECEASED CONVICTS.

68. The body of every convict who dies in a penitentiary shall, if claimed by the relatives of the deceased, be given up to and shall be taken away by them; but if not so claimed, the body may be delivered up to an Inspector of Anatomy, duly appointed under any Act authorizing such appointment, or to the Professor of Anatomy in any college wherein medical science is taught; or if not so delivered shall be decently interred at the expense of the institution.

How body of convict to be disposed of.

INSANE CONVICTS.

69. The Governor in Council may, at any time, and from time to time, in his discretion, direct the Warden of the Kingston Penitentiary to set apart a portion thereof for the reception, confinement and treatment of insane convicts; and the portion so set apart shall be used for such purposes accordingly, and shall be known as the Insane Ward of the penitentiary.

Portion of Kingston penitentiary to be known as insane ward.

70. Should it at any time appear to a Surgeon of a penitentiary that any convict confined therein is insane and ought to be removed to the insane ward, he shall report the same in writing to the Warden, and on such report the Warden shall forthwith remove such convict to the insane ward.

Surgeons to report cases of insanity among convicts.

71. If at any time before the termination of the sentence of such convict it be certified to the Warden by the Surgeon that such convict has recovered his reason, and is in a fit state to be removed from the insane ward, the Warden shall remove such convict from the insane ward.

If insane convict becomes sane

72. If the term of imprisonment of any convict expires while detained in the insane ward as insane, he may nevertheless continue to be detained therein pending the proceedings authorized by this Act.

If insane when his term expires.

73. In such case the Surgeon shall forthwith certify to the Warden whether the person is sane or insane.

Surgeon to certify in such case.

74. If the Surgeon certifies that the person is sane, he shall be forthwith discharged.

And sane convict to be discharged.

75. If the Surgeon certifies that the person is insane, the Warden shall report the fact to the Inspector; and the Secretary of State shall, thereupon communicate the fact to the Lieutenant-Governor of the Province within which the person was sentenced, in order to his removal to a place of safe keeping.

Report in order to removal of insane convict.

76. The Lieutenant-Governor may, thereupon, order the removal of the person to a place of safe keeping within the

Lt. Governor to order removal.

Province, and he shall, upon such order, be delivered to the person or persons therein designated, for transport to such place, and he shall remain and be detained there or in such other place of safe-keeping as the Lieutenant-Governor may, from time to time, order, until it appears to the Lieutenant-Governor that he has become of sound mind,—when the Lieutenant-Governor may order him to be discharged; but if, at any time after his removal to such place of safe-keeping, and before his complete recovery, the Lieutenant-Governor thinks fit to order that he shall be given up to any person by him named, he shall be given up accordingly.

Provisions if arrangements have been made for safe keeping of convict in Ontario.

77. In case the Lieutenant-Governor of the Province within which any such person was sentenced, shall have made arrangements with the Lieutenant-Governor of Ontario for the safe keeping of any such person in Ontario, and such arrangements shall have been communicated to the Secretary of State by the Lieutenant-Governors of the Provinces concerned, the Secretary of State shall, in the case of any such person, communicate under the seventy-fifth section of this Act, with the Lieutenant-Governor of Ontario, who shall in such cases have all the powers given by the seventy-sitxh section.

Provision if Lt. Governor does not provide for removal under s 76.

78. In case the Lieutenant-Governor shall not, within two months after the Secretary of State shall have communicated, as provided by the seventy-fifth section, cause the person to be removed, under the seventy-sixth section, the Secretary of State may, on the recommendation of the Minister of Justice, direct him to be removed for safe keeping to the gaol in which he was last confined previous to his transfer to the penitentiary, or to any other gaol in the Province within which he was sentenced; and, after such removal, all the provisions of the seventy-sixth section shall apply to his case.

Question of sanity, how decided.

79. In case any question shall arise as to the sanity of any convict, the Minister of Justice may order an enquiry and report to be made by one or more medical men, in conjunction with the Surgeon, and may, upon such report, direct such action as may be necessary in order to the execution of this Act.

Repeal.

80. The Acts and parts of Acts mentioned in Schedule B. are hereby repealed, or shall remain repealed, as the case may be.

Short title.

81. This Act may be cited as "*The Penitentiary Act*, 1883"

[SCHEDULE A.

Warden, not exceeding		$3,000
and not less than	$1,000	
Deputy Warden, not exceeding		1,400
and not less than	600	

Chief Keeper, not exceeding		$900
and not less than	$500	
Chaplain, not exceeding		1,200
and not less than	400	
Assistant Chaplain, not exceeding		500
and not less than	300	
Surgeon, not exceeding		1,800
and not less than	400	
Accountant, not exceeding		1,000
and not less than	500	
Schoolmaster, not exceeding		600
and not less than	250	
Storekeeper, not exceeding		900
and not less than	400	
Steward, not exceeding		700
and not less than	400	

(*If the above two offices be combined, the salary may be that of the Storekeeper.*)

Chief Trade Instructor, not exceeding		1,100
and not less than	700	
Trade Instructor, not exceeding		750
and not less than	500	
Hospital Keeper, not exceeding		750
and not less than	500	
Engineer, not exceeding		900
and not less than	500	
Farmer and Gardener, not exceeding		650
and not less than	500	
Keeper, not exceeding		600
and not less than	400	
Guard, not exceeding		600
and not less than	350	
Messenger, not exceeding		600
and not less than	400	
Teamster, not exceeding		400
and not less than	300	
Other Male Servants, not exceeding per day		1
Matron, not exceeding		550
and not less than	250	
Deputy Matron, not exceeding		350
and not less than	200	
Assistant Deputy Matron, not exceeding		250
and not less than	175	
Schoolmistress, not exceeding		250
and not less than	120	

SCHEDULE B.

Reference to Act.	Title of Act.	Extent of Repeal
	Consolidated Statutes of the late Province of Canada.	
C. 110	An Act respecting Inspectors of Public Asylums, Hospitals, the Provincial Penitentiary of Canada, and of all common gaols and other prisons.	The whole
C. 111	An Act respecting the Provincial Penitentiary of Canada.	The whole
	Revised Statutes of Nova Scotia, Third Series.	
Part 1, Title 5, c. 22	Of the Penitentiary	The whole.
	Revised Statutes of New Brunswick.	
Part 1, Title 16, c. 91.	Of the Provincial Penitentiary	The whole.
	Acts of the Parliament of Canada.	
31 V., c. 75	An Act respecting Penitentiaries, and the Directors thereof, and for other purposes.	The whole.
33 V., c. 30	An Act to amend the Penitentiary Act of 1868.	The whole.
36 V., c. 52	An Act to extend the Act passed in the thirty-third year of Her Majesty's Reign, intituled: "An Act to amend the Penitentiary Act of 1868."	The whole.
38 V., c. 44	An Act respecting Penitentiaries and the inspection thereof, and for other purposes	The whole.
39 V., c. 24	An Act to provide for the appointment of Assistant Inspectors of Penitentiaries in Manitoba and British Columbia.	The whole.
40 V., c. 38	An Act respecting the transfer of Rockwood Asylum to the Province of Ontario, and to amend the "Penitentiary Act of 1875."	The whole except Sections 1, 14 and 15.
41 V., c. 20	An Act to amend section sixty-eight of "The Penitentiary Act of 1875."	The whole.
42 V., c. 42	An Act to amend "The Penitentiary Act of 1875."	The whole except Section 3.
43 V., c. 6	An Act respecting Dorchester Penitentiary.	The whole.

1st Session, 5th Parliament, 46 Victoria, 1883.

J

BILL.

An Act to amend and consolidate the Laws relating to Penitentiaries.

Received and read, first time, Thursday, 15th March, 1883.

Second reading, Tuesday, 20th March, 1883.

HON. SIR A. CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1883.

An Act to amend and consolidate the Laws relating to Penitentiaries.

[NOTE.—The words and clauses in brackets are proposed to be inserted in Committee of the Whole.]

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

1. All the penitentiaries in Canada and such other prisons, hospitals, asylums and other public institutions as may, from time to time, be designated for that purpose by the Governor in Council, by proclamation in the *Canada Gazette*, and all prisoners and other persons confined therein and inmates thereof, shall be under the control of the Minister of Justice, who shall exercise over them complete administrative power.

2. The Minister of Justice shall submit to the Governor an annual report upon all the penitentiaries, prisons, and other institutions under his control, to be laid before both Houses of Parliament within twenty-one days from the commencement of each Session, showing the state of each penitentiary, prison or other institution, and the amounts received and expended in respect thereof, with such further information as may be requisite.

2. The penitentiary situate near the city of Kingston, in the Province of Ontario, to be known as the Kingston Penitentiary; the penitentiary situate at St. Vincent de Paul, in the Province of Quebec, to be known as the St. Vincent de Paul Penitentiary; the penitentiary situate at Dorchester, in the Province of New Brunswick, to be known as the Dorchester Penitentiary; the Penitentiary situate in the County of Lisgar, in the Province of Manitoba, to be known as the Manitoba Penitentiary; and the penitentiary situate in the District of New Westminster, in the Province of British Columbia, to be known as the British Columbia Penitentiary, together with all the land appertaining to the same respectively, according to the respective metes and bounds thereof as now known and defined, and all the buildings and property thereon belonging to the same, are, all and each of them, hereby declared to be penitentiaries of Canada.

3. The Dorchester Penitentiary shall be the penitentiary for the Provinces of New Brunswick, Nova Scotia and Prince Edward Island, for the confinement and reformation of persons, male and female, lawfully convicted of crime before any court of criminal jurisdiction in any of the said Pro-

vinces, and sentenced to confinement for life, or for a term not less than two years ; and such persons shall be imprisoned therein accordingly.

4. No person sentenced to imprisonment for less than two years shall be sentenced to the Dorchester Penitentiary ; but this shall not prevent the reception and imprisonment therein of any prisoners lawfully sentenced for any period of time, and liable to imprisonment therein, by any military, naval, or militia court-martial, under any Act of Her Majesty's Imperial Parliament, or of the Parliament of Canada.

5. It shall be lawful for the Governor in Council, at any time hereafter, if he sees fit, to declare by proclamation, to be published in the *Canada Gazette*, that any tract of land within the Dominion, of which the boundaries shall be particularly defined in the proclamation, is a penitentiary, and is to be so held within the meaning of this Act ; and it shall be lawful for the Governor in Council, by any proclamation published as aforesaid, to declare that any tract of land established as a penitentiary by the second section of this Act or by any other law, or by proclamation under this section, shall, from and after a certain day to be named in such proclamation, cease to be a penitentiary ; and such tract of land shall cease to be a penitentiary accordingly.

6. Every penitentiary now established, and every penitentiary hereafter to be established by virtue of this Act, shall be held to include all carriages, waggons, sleighs or other vehicles for land carriage, and all boats, scows or other vessels for water carriage, being property belonging to such penitentiary, or employed by hire or otherwise in its service ; and likewise any wharf at or near the said penitentiary, although not within the limits mentioned in the proclamation establishing the same, but used for the accommodation of such craft when so employed in or about any work or labour connected with such penitentiary.

7. Every street, highway, or public thoroughfare of any kind, along or across which it may be necessary that convicts should pass in going to and returning from their work, shall, while so used, be considered as a portion of the tract of land forming the penitentiary ; and any escape, or attempt at escape, and any rescue, or aid in rescue, shall be held as if such escape or attempt at escape, and such rescue or aid in rescue had taken place within the prison walls or penitentiary limits.

8. It shall be lawful for the Inspector, with the approval of the Minister of Justice, to authorize the Warden of any penitentiary, to construct rail or tram roads to communicate between any part of the penitentiary and another, and to

carry the same across, upon or along any public road or street intervening, in such manner, however, as to cause the least possible inconvenience to passengers or carriages using such road or street: but it shall not be lawful for the War-
5 den of such penitentiary to break ground upon any public road or street for the purpose of constructing such rail or tram roads, in virtue of such order by the Inspector, until after the lapse of one month after a copy of such order, certified by the said Warden, shall have been served upon the
10 officer or person charged with the care or supervision of such public road, together with a plan showing the line which such rail or tram roads are to occupy.

9. From the time this Act takes effect the construction and repairs of buildings and other works in the peniten-
15 tiaries shall take place under the control of the Department of Public Works.

INSPECTOR.

10. It shall be lawful for the Governor in Council to appoint some fit and proper person to be Inspector of all penitentiaries and of such other prisons, hospitals, asylums
20 and other public institutions as may, from time to time, be designated by the Governor in Council; the Inspector who shall hold office during pleasure, shall be an officer of the Department of Justice, and as such Inspector shall act as the representative of the Minister of Justice.

25 **11.** The said Inspector shall, under direction from the Minister of Justice, visit, examine and report to him upon the state and management of all the penitentiaries, and all suggestions which the Wardens thereof may have made for their improvement.

30 **12.** The said Inspector shall keep an exact record of all minutes of inspection made by him in the inspection books of the various institutions, together with all his proceedings in connection therewith, and shall transmit, after each visit of inspection, a copy thereof under his hand to the Minister
35 of Justice.

13. The said Inspector shall, by virtue of his office, without any property qualification, be a Justice of the Peace for any and every district, county, city or town of Canada, but shall have power to act in matters connected with the Criminal
40 Law of Canada only.

14. The Inspector shall have power, and it shall be his duty to make rules and regulations for the management, discipline and police of the penitentiaries, and for the duties and conduct of the Wardens thereof, and of every other
45 officer or class of officers or servants employed therein, and

for the diet, clothing, maintenance, employment, instruction, discipline, correction, punishment and reward of convicts imprisoned therein, and to annul, alter or amend the same from time to time, subject to the approval of the Governor in Council,—which rules and regulations so approved, the Wardens of the penitentiaries, and every other officer and servant employed in or about the same, shall be bound to obey: Provided always, that until such rules and regulations are made as aforesaid, the rules and regulations existing in each penitentiary at the passing of this Act shall remain in force.

15. It shall be the duty of the Inspector to make to the Minister of Justice an annual report on or before the first day of December in each year, which report shall contain a full and accurate report on the state, condition and management of the penitentiaries under his control and supervision, and inspected during the preceding fiscal year, together with such suggestions for the improvement of the same as he may deem necessary and expedient, and accompanied by copies of the annual reports of the officers of the penitentiaries, and by such financial and statistical statements and tables as the books kept by them may supply,—and which report shall also comprise and embrace the following particulars, viz.:—

1. Such statistical information in respect to each penitentiary, and the whole in condensed form, as is embraced in the registers of such penitentiaries, together with any facts which may have come to his knowledge with respect to the working of the criminal laws and penal system of the Dominion, or any injustice or hardship which, in his opinion has arisen therefrom, and such suggestions for the improvement or amendment of the same, and for the prevention of crime or the reformation of criminals, as he may deem expedient;

2. An inventory and valuation of all the property belonging to the penitentiaries respectively, moveable and immoveable,—distinguishing the estimated value of the several descriptions of property;

3. A detailed statement showing the money receipts of the penitentiaries, and the sources from which they have been derived; also the expenditures, together with a statement of all debts due by the penitentiaries, showing the names of the parties to whom each is due, and showing also the debts, if any, due to the institution, with the amount and nature of each debt;

4. An estimate of the expense of the penitentiaries for the ensuing year,—distinguishing the ordinary from the extraordinary.

5. The Wardens and other officers shall furnish to the Inspector all information necessary for the preparation of his Report on or before the first day of October in each year.

16. In case the Inspector finds at any time that any penitentiary is out of repair, or does not possess the proper and requisite sanative arrangements, or has become unsafe or unfit for the confinement of prisoners, or that the same does not afford sufficient space or room for the number of prisoners confined therein, or the requisite amount of shop and yard space for the proper industrial employment of the prisoners, he shall forthwith report the fact to the Minister of Justice, and shall at the same time furnish a copy of such report for the Minister of Public Works.

EXAMINATIONS AND INVESTIGATIONS.

17. For the better enabling the Inspector efficiently to discharge the duties herein set forth, or at any time assigned to him by the Minister of Justice, he shall have power—

1. At all times to enter into, and remain within any penitentiary or other public institution placed under his control as aforesaid, and have access to every part and portion of the same, and to examine all papers, documents, vouchers, records and books of every kind belonging thereto;

2. To investigate the conduct of any officer or servant employed in or about any penitentiary, or other such public institution as aforesaid, or of any person found within the precincts thereof: and for that purpose the Inspector shall have power to summon before him any person by *subpœna* issued by him, and to examine such person upon oath—which oath the said Inspector shall have power to administer, whether the fact relate to a breach of the law of the land or of the rules of the prison, or to any matter affecting the interests of the institution—and to compel the production of papers and writings before him; and if any person duly summoned neglects or refuses to appear at the time and place specified in the *subpœna* upon him legally served, or refuses to give evidence or to produce the papers demanded of him, the Inspector may cause the said person by warrant under his hand, to be taken into custody and to be imprisoned in the common gaol of the locality, as for contempt of court, for a period not exceeding fourteen days.

18. It shall be lawful for the Minister of Justice to appoint, at any time when he may deem it necessary, a person or persons to make a special report on the state and management of any penitentiary; and in such case the person or persons so appointed shall have, in order to enable him or them to make such special report, the powers given to the Inspector by the next preceding section.

19. The Governor in Council may appoint a fit and proper person to be the Accountant of Penitentiaries, who shall be an officer of the Department of Justice. He shall be charged generally with the direction, inspection and audit of the books, accounts, money transactions, and financial affairs of the penitentiaries, and shall have such other powers as may be assigned to him by the order of the Governor in Council, and he shall perform such other duties as shall be required of him by the Minister of Justice.

2. He shall audit the accounts of the penitentiaries and transmit the same duly certified as to correctness to the Minister of Justice. It shall also be his duty to inquire into the money transactions and financial affairs of the penitentiaries, prisons, hospitals, asylums or other public institutions supported wholly or in part by the Dominion.

3. He shall have all the power given to the Inspector by section seventeen of this Act.

WARDENS AND OTHER OFFICERS.

20. It shall be lawful for the Governor in Council to appoint for any penitentiary a Warden, a Deputy Warden (who in the absence or incapacity of the Warden shall exercise all the functions of the Warden), a Protestant Chaplain, an Assistant Protestant Chaplain when required, a Roman Catholic Chaplain, an Assistant Roman Catholic Chaplain when required, a Surgeon, and an Accountant, all of whom shall hold their offices during pleasure; but the Inspector shall have power summarily to suspend any of the above named officers for misconduct, until the circumstances of the case, of which the Minister of Justice shall be at once notified, have been decided upon by him; and the Inspector may, until such decision has been so intimated, cause any officer so suspended to be removed beyond the precincts of the prison; and generally, the Inspector shall have power, and it shall be his duty, to recommend the removal of any of the above named officers whom he may deem incapable, inefficient or negligent in the execution of his duty, or whose presence in the penitentiary he considers detrimental to the interests thereof.

21. It shall be lawful for the Minister of Justice to appoint for any penitentiary, a Schoolmaster, a Schoolmistress, a Storekeeper, a Steward, a Chief Keeper (who in the absence or incapacity of the Deputy Warden, shall exercise all the functions of such Deputy Warden), an Engineer, a Matron, a Deputy Matron, and such and so many trade instructors as may, from time to time, be required to hold their offices

during pleasure; but the Warden shall have power summarily to suspend for misconduct any of the officers named in this section, until the next visit of the Inspector, when he shall submit to him a report of the circumstances of the case, to be dealt with as to him may seem meet.

22. It shall be lawful for the Warden to appoint for any penitentiary, an Assistant Deputy Matron and a Clerk, and such and so many keepers and guards and other servants as by order of the Inspector may be authorized, for the proper protection and care of the institution, and to suspend any of them for neglect of duty, for such time as he shall see fit, or dismiss them, without further charge than that of inefficiency in his opinion, but such suspension or dismissal shall be reported forthwith to the Inspector.

23. The pay of every officer so suspended by the Inspector or by the Warden, shall cease during the period of his suspension; but the Minister of Justice shall nevertheless have power to direct payment of the same, if he sees fit.

24. It shall be be lawful for the Warden to impose a fine payable in money, upon any officer or servant appointed by him or the Minister of Justice, for any act of negligence or carelessness by him committed, of such reasonable amount, not exceeding one month's pay, as the said Warden under the circumstances of the case may think fit; with the approval of the Minister of Justice, he may under like circumstances impose a like fine on officers appointed by the Governor in Council.

25. The Warden of a penitentiary shall be the chief executive officer of the same; and as such shall have the entire executive control and management of all its concerns, subject to the rules and regulations duly established, and the written instructions of the Inspector authorized by the Minister of Justice; and in all cases not provided for, and where the said Inspector cannot readily be consulted, the Warden shall act in such manner as he shall deem most advantageous for the penitentiary; and he shall be held responsible for the faithful and efficient administration of the affairs of every department of the institution: he shall reside in the penitentiary; and shall receive such allowance of fuel and light as the Governor in Council may see fit to make.

26. The Warden and every officer and servant employed permanently in a penitentiary shall; during his continuance in office, be exempt from serving as a militiaman, except within the bounds of the penitentiary.

27. Every Warden Accountant, Storekeeper, Steward, and every such other officer as may from time to time be designated by order of the Governor in Council, shall give and enter into a bond or bonds in such sum, and with sufficient surety or sureties, as may be approved of by the Governor in Council or by the Minister of Justice, for the faithful performance of the duties of his office according to law, which bonds shall be filed in the office of the Secretary of State of Canada.

28. Every Warden, and every other officer and servant employed permanently in a penitentiary, shall severally take and subscribe in a book to be kept for that purpose by the Accountant in his office, the oath of allegiance to Her Majesty, and the following oath of office, viz :—

"I (A. B.) do promise and swear that I will faithfully, diligently and justly serve and perform the office and duties of in the Penitentiary, to the best of my abilities ; and that I will carefully observe and carry out all the regulations of the prison. So help me God :"

Which oaths the Inspector or Warden is hereby authorized to administer.

29. No Inspector, Warden, or other officer or servant employed in a penitentiary, shall, either in his own name or in the name of, or in connection with any other person, provide, furnish or supply any materials, goods or provisions for the use of any penitentiary, nor shall be concerned directly or indirectly in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting the sum of five hundred dollars, with full costs of suit, to any person who may sue for the same in any of Her Majesty's Courts in the Province in which such penitentiary is situated.

30. No Warden, officer or servant, except the Surgeon and Chaplain, shall be allowed to carry on any trade or calling of profit or emolument other than his office in the penitentiary ; nor shall any officer buy from or sell to or for any convict (except under section sixty-six) anything whatever ; or take or receive for his or her own use, or for that of any other person, any fee or gratuity or emolument from any convict or visitor or any other person ; nor shall he, without the consent of the Minister, employ any convict in working for him.

[**31**. *It shall be lawful for the Governor in Council, from time to time, to fix the sums to be annually paid to the Warden and the other officers and servants of any penitentiary established under the provisions of this Act,—regard being had to the number of convicts confined therein, and the consequent respon-*

sibility attaching to their offices respectively, and to the length of service and amount of labor devolved upon them; but such salaries shall not exceed the sums specified in Schedule A.]

32. The Warden shall be a corporation sole known by the name of the "Warden of the Penitentiary," (designating the place as named in this Act, or named in any proclamation establishing it as a penitentiary), and by that name he and his successors shall have perpetual succession, and may sue and be sued, may plead and be pleaded unto in any of Her Majesty's courts.

33. All dealings and transactions on account of any penitentiary, and all contracts for goods, wares or merchandize necessary for maintaining and carrying on the institution, or for the sale of goods prepared or manufactured in or by the institution, shall be entered into and carried out in the corporate name of the Warden; and all personal property belonging to the same shall be held in the corporate name of the Warden for behoof of Her Majesty.

34. The real property of every penitentiary, as well as all the other property thereto belonging, shall remain vested in Her Majesty, but the Warden and his successors in office shall have the custody and care thereof under the provisions of this Act; and all such property, real and personal, shall be exempt from all taxes.

35. Whenever any difference may arise between the Warden, and any person having dealings with him on account of the penitentiary, such difference may, by order of the Inspector and the consent of the party in difference, be referred either to one arbitrator, selected by the Warden and the party in difference, whose decision shall be final; or to three arbitrators, one of whom shall be named by the Warden, and another by such other person, and a third by the two so named as aforesaid; and the award of any two of them shall be final.

36. The Warden of a penitentiary shall exercise due diligence in enforcing the payment of debts due to the penitentiary, and with as little expense as possible to the institution; but he may, on the report of the Inspector, sanctioned by the Governor in Council, accept of such security from any debtor on granting time, or such composition in full settlement, as may be thought conducive to the interests of the institution.

37. All books of account and other books, bills, registers, returns, receipts, bills of parcels and vouchers, and all other papers and documents of every kind relating to the affairs of the penitentiary, shall be considered the property of the

institution, and shall remain therein; and the Warden shall preserve therein at least one set of copies of all official reports made to the Parliament respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions abroad, he shall be furnished by the Clerk of the House of Commons with fifty copies of such reports as are printed by order of the House, and so soon as they are printed.

38. The Warden and Accountant shall transmit monthly to the Accountant of Penitentiaries a statement of the receipts and expenditures for the preceding month verified under oath in the manner following:—

I, Warden, and I, Accountant, of the Penitentiary, make oath and say, that the foregoing statement of receipts and expenditures on account of the said penitentiary for the month of 18 is true and correct.

Sworn before me at the day of A.D., 18

Inspector, or as the case may be.

I, Storekeeper of the Penitentiary, make oath and say that the articles mentioned in the foregoing statement as purchased for the said penitentiary for the month of 18 were duly received.

Sworn before me at the day of A.D. 18

Inspector or as the case may be.

which oath may be administered by the Inspector or the Accountant of Penitentiaries, or by any Justice of the Peace, Notary Public, or Commissioner for taking affidavits.

PRIVILEGED VISITORS.

39. The following persons, other than the Inspector or person or persons specially appointed by the Minister of Justice may visit any penitentiary at pleasure, namely,— the Governor General of Canada, the Lieutenant-Governor of any of the Provinces composing the Dominion of Canada, any Member of the Privy Council of Canada. any Member of the Executive Council of any of the said Provinces, any Member of the Parliament of Canada or of any of the Local Legislatures, any Judge of any Court of Record in Canada or in any of the said Provinces, and any Queen's Counsel;

but no other person shall be permitted to enter within the walls wherein the prisoners are confined, except by the special permission of the Warden, and under such regulations as the Inspector may prescribe.

CONVEYANCE, RECEIPT AND REMOVAL OF CONVICTS

40. The Sheriff or Deputy Sheriff of any county or district, or any bailiff, constable, or other officer, or other person, by his direction or by the direction of a court, or any officer appointed by Government and attached to the staff of a penitentiary for that purpose, may convey to the penitentiary named in the sentence, any convict sentenced or liable to be imprisoned therein, and shall deliver him to the Warden thereof, without any further warrant than a copy of the sentence taken from the minutes of the Court before which the convict has been tried, and certified by a judge or by the clerk or acting clerk of such court.

41. In all cases where a prisoner is ordered by competent authority to be conveyed to any penitentiary from any other penitentiary, or from a reformatory prison, or from a common gaol, there shall be delivered to the Warden of the penitentiary receiving such prisoner, along with all other necessary documents, a certificate signed by the medical officer of the institution from which such prisoner has been taken, and countersigned by the Warden, if the prisoner has been taken from a penitentiary or a reformatory prison, or by the Sheriff or his deputy if from a common gaol, declaring that such prisoner is free from any putrid, infectious or cutaneous disease, and that he is fit to be removed.

42. The Warden shall receive into the penitentiary every convict legally certified to him as sentenced to imprisonment therein, and shall there detain him, together with those already lawfully confined therein, subject to all the rules, regulations, and discipline, thereof, until the term for which he has been sentenced be completed, or until he is otherwise discharged in due course of law.

43. It shall be lawful for the Governor, by warrant signed by the Secretary of State of Canada, or by such other officer as may be, from time to time, authorized by the Governor in Council, to direct the removal of any convict from any one penitentiary to another; and the Warden of the penitentiary having the custody of any convict so ordered to be removed, shall, when required so to do, deliver up the said convict to the constable or other officer or person who shall produce the said warrant, together with a copy, attested by the said Warden, of the sentence and date of conviction of such convict as given to him on reception of such convict into his custody; and the constable or other officer or person

shall give a receipt to the Warden for the convict, and shall thereupon, with all convenient dispatch, convey and deliver up such convict, with the said attested copy, into the custody of the Warden of the penitentiary mentioned in the warrant, who shall give a receipt in writing for every convict so received into his custody, to such constable or other officer or person, as his discharge; and the convict shall be kept in custody in the penitentiary to which he has been so removed, until his removal to another penitentiary, or until the termination of his sentence, or until his pardon or release, or discharge by law.

44. The Sheriff or other officer or other person employed by competent authority, to convey any convict to any penitentiary to which such convict is ordered to be taken, either by sentence of a court or by order of the Secretary of State, or other officer, as in the next preceding section mentioned, may secure and convey him through any county or district through which he may have to pass in any of the Provinces of Canada; and until the convict has been delivered to the Warden of such penitentiary, such Sheriff, officer or person shall have, in all territorial divisions or parts of Canada through which it may be necessary to convey such convict, the same authority and power over and with regard to such convict, and to command the assistance of any person in preventing his escape, or in recapturing him in case of an escape, as the Sheriff of the territorial division, in which he was convicted, would himself have in conveying him from one part to another of that locality.

45. In any case, in which sentence of death has been passed upon any convict, by any court in Canada, and the Governor, on behalf of Her Majesty, has been pleased to commute such sentence to imprisonment for life, or for any term of years, such commutation shall have the same effect as the judgment of a competent court legally sentencing such convict to such imprisonment for life or other term, would have; and the Sheriff, or other officer, or other person having such convict in custody, on receipt of a letter from the Secretary of State, or such other officer as aforesaid, notifying him of the fact of such commutation, and directing him to convey such convict to a penitentiary therein named, shall forthwith convey such convict thereto, and shall have the same rights and powers in conveying such convict to such penitentiary, as if the conveyance took place by virtue of the sentence of a competent court.

46. In order to commute any sentence of death as aforesaid to imprisonment for life, or for a term of years, it shall not be held to be necessary, nor to have been at any time necessary, for the purpose of commuting such sentence, or of authorizing the conveyance of a prisoner to any peniten-

tiary, or for his reception and detention therein for the commuted period, that a copy of any pardon should be or should have been in the possession of the Warden of such penitentiary; a letter, signed by the Secretary of State, or such other officer as aforesaid, notifying the Warden of the fact of such commutation, and of the term of years or life term to which the sentence has been commuted, shall be and shall have been sufficient authority for the Warden to receive such convict into the penitentiary, and to deal with him as if he had been sentenced by a competent court to confinement therein for the period or life term in the said letter mentioned.

TRANSFER OF JUVENILE OFFENDERS FROM AND TO REFORMATORY PRISONS.

47. In any case where a juvenile offender has been ordered by competent authority to be imprisoned in any reformatory prison, and after his being imprisoned therein has become incorrigible, and is so certified by the Warden and one of the Chaplains, it shall be lawful for the Lieutenant-Governor of the Province in which the reformatory prison is situate, by a warrant under his hand, addressed to the Warden of such reformatory prison, setting forth the sentence or order by which the juvenile offender was imprisoned therein, and the fact that he is incorrigible, to direct that such juvenile offender be removed to any penitentiary named in the said warrant: and the said Warden, or any other officer of the prison, or any other person authorized by him, shall have the same powers in conveying such juvenile offender to such penitentiary as are hereinbefore given to a Sheriff or other person in like cases:

And it shall be lawful for the Warden of the penitentiary therein named, to receive such juvenile offender and deal with him for the unexpired term of the sentence or order by which he was ordered to be imprisoned in such reformatory prison, as if he had been sentenced to such penitentiary by a competent court: Provided that along with the said offender there be delivered to the Warden of the penitentiary a copy of the said sentence or order, attested by the Warden of the reformatory prison, and also an order from the Lieutenant-Governor aforesaid, directing the Warden of such penitentiary to receive such juvenile offender.

48. The Governor, may, at any time, in his discretion, by warrant under his hand, cause any convict in a penitentiary, whose sentence is for not less than two years, and who may appear to the Inspector to be under sixteen years of age, and susceptible of reformation, to be transferred to the reformatory prison, if any there be, of the Province where such convict was sentenced, for the remainder of his term of imprisonment.

49 In the treatment of convicts in a penitentiary, the following general rules shall be observed :—

1. Every convict shall, during the term of his confinement, be clothed at the expense of the penitentiary in suitable prison garments ; **5**

2. He shall be fed on a sufficient quantity of wholesome food ;

3. He shall be provided with a bed and pillow with sufficient covering, varied according to the season ;

4. Every convict shall be kept in a cell by himself at night **10** and during the day when not employed, except in case of sickness.

50. Convict labour may be of two categories :—

1. Obligatory, viz : Every convict, except during sickness or other incapacity, shall be kept constantly at hard labor, **15** the kind of which shall be determined by the Warden, every day not exceeding ten hours, exclusive of hours for meals or school, except Sunday, Good Friday, Christmas Day, and such other days as the Governor may set apart for days of fasting or thanksgiving, and such days as may be designated **20** in the rules made by the Inspector in that behalf: Provided that no Roman Catholic convict shall be compelled to labor on any of the obligatory holidays of his Church ; that is to say, Circumcision, Epiphany, Annunciation, Corpus Christi, Saint Peter and Saint Paul, All Saints, Conception and **25** Ascension, or other festival days of obligation ;

2. Voluntary, viz : A convict of exemplary conduct may be allowed by the Warden, if he sees fit, to work over hours at such work as can be conveniently done in the institution, **30** and at such rates as shall be fixed by the Inspector, the value of which overwork, at such rates, may either be paid to the convict's family during his imprisonment, should he so desire it, or be credited to him in the books of the Institution to be paid him on his discharge, subject, however, to any **35** general rules which the Inspector may make upon the subject ;

The convicts may be employed either in labor or at trades under the control of the Government, or their labor may **40** be let out to a company or private person, offering the requisite guarantees.

FEMALE PRISON AND PRISONERS.

51. The female convicts shall be kept distinct and secluded from the male convicts, and shall be under the charge of a matron, with such and so many female officers as the Inspector may, from time to time, see fit to order to be employed, —reference being had to the number of such convicts, and the kinds of work in which they may be engaged.

PENAL CELLS

52. Whereas no system of discipline in a penitentiary can be effectual for punishment, or for reformation of the criminal, unless it be combined with strict separate confinement during some period of the time for which the court has sentenced him to be imprisoned, and it is therefore expedient that provision should be made in all the penitentiaries named in this Act, and in all others hereafter to be established by virtue of this Act, for the separate confinement of every convict for a certain period of the time mentioned in the sentence of the court by which he has been tried; therefore—

It shall be lawful for the Governor, whenever he shall deem it expedient, to order that such and so many penal cells shall be constructed from time to time at any penitentiary, as he may see fit.

SHORTENING OF SENTENCE.

53. In order to encourage convicts to good behaviour diligence and industry, and to reward them for the same, it shall and may be lawful for the Inspector of penitentiaries to make rules and regulations, under which a correct record may be kept of the daily conduct of every convict in any penitentiary, noting his industry, diligence and faithfulness in the performance of his work, and the strictness with which he observes the prison rules—with a view to permit such convict, under the prison rules, to earn a remission of a portion of the time for which he is sentenced to be confined, not exceeding five days for every month during which he shall have been exemplary in industry, diligence and faithfulness in his work, and shall not have violated any of the prison rules: Provided always that when any convict shall have earned and have at his credit any of the several numbers of days of remission hereinafter respectively mentioned, it shall be lawful to allow him for every subsequent month during which his industry, diligence, faithfulness in his work and observance of the prison rules, shall continue satisfactory, the following increased rates of remission,—(that is to say)

a. When he shall have thirty days' remission at his credit, seven days and one-half day's remission may be allowed him for every month thereafter.

b. When he shall have one hundred and twenty days' remission at his credit, ten days' remission may be allowed him for every month thereafter.

If any convict be prevented from labor by sickness or any other infirmity, not intentionally produced by himself, he shall be entitled, by good conduct, to one-half the remission from his sentence every month to which he would otherwise be entitled.

OFFENCES AND PUNISHMENTS.

54. Every prisoner who, being ordered to be detained in any penitentiary, escapes from the person or persons having the lawful custody of such prisoner, when being conveyed thereto, or when being conveyed from one penitentiary to another, shall be guilty of felony, and being convicted thereof, shall have not less than two years added to the original term of his imprisonment; and any prisoner who at any time breaks prison or escapes, or attempts to escape from the custody of any officer, guard or other servant of the penitentiary while at work, or passing to or from work, either within or beyond the prison walls or penitentiary limits, shall be guilty of felony and on conviction thereof shall be punished by an addition not exceeding three years to the term of his imprisonment, besides forfeiting the whole of the period of remission of sentence herein mentioned, which he may have earned, and he may also be again confined in the penal prison or solitary cells, if any, attached to such penitentiary as in the prison rules may be prescribed.

55. Every prisoner in any penitentiary who, at any time, attempts to break prison, or who forcibly breaks out of his cell, or makes any breach therein with intent to escape therefrom, whether successful or not, shall be guilty of a felony and on conviction thereof, be punished by an addition not exceeding one year, to the term of his imprisonment, besides forfeiting the whole of the period of remission of sentence earned by him, and being again confined as in the next preceding section mentioned.

56. If any convict, confined in any penitentiary, assaults any officer or servant employed therein, he shall be guilty of at least an aggravated assault, and shall also forfeit the whole of the period of remission of sentence which he may have previously earned, and shall be again confined, as in the fifty-fourth section mentioned.

57. Every person who rescues or attempts to rescue any prisoner, while being conveyed to any penitentiary, or while being imprisoned therein, or while being conveyed from one penitentiary to another, or while passing to or from work at or near any penitentiary, and every person who, by supplying arms, tools or instruments of disguise or otherwise in any manner aids any such prisoner in any escape or attempt at escape, shall be guilty of felony, and shall be liable to be imprisoned in a penitentiary for any term not exceeding five years and not less than two years or to be imprisoned in any gaol or place of confinement for any term less than two years with or without hard labour, and with or without solitary confinement

58 Every person having the custody of any such prisoner as aforesaid, or being employed by the person having such custody, as a keeper, turnkey, guard or assistant, who carelessly allows any such convict to escape, shall be guilty of a misdemeanour, and, on conviction thereof, shall be liable to fine or imprisonment or to both, at the discretion of the court; and every such person as aforesaid, who knowingly or wilfully allows any such convict to escape, shall be guilty of felony, and shall be liable to be imprisoned in a penitentiary for any term not exceeding five years and not less than two years or to be imprisoned in any gaol or place of confinement for any term less than two years with or without hard labour, and with or without solitary confinement.

59. Every officer, guard or servant of any penitentiary, or any other person who brings in or carries out, or endeavours to bring in or carry out, or knowingly allows to be brought in or carried out to or from any convict, or carries to any convict while employed outside the prison walls, any money, clothing, provisions, tobacco, spirits, letters, papers or other articles whatsover not allowed by the rules of the said prison, shall, if an officer or servant of the prison, be guilty of a misdemeanour, and may, if thought fit by the Warden or Deputy Warden, be apprehended and carried before a Justice of the Peace—who is hereby empowered to hear and determine any such offence in a summary way; and every such officer, guard or servant or other person, upon conviction of such offence before a Justice of the Peace, shall be liable to pay a penalty not exceeding one hundred dollars, or, in the discretion of the justice, to be imprisoned in the common gaol, there to be kept at hard labour for any term not exceeding three months.

Prison Offences.

60. The Inspector shall draw up a list of prison offences, by way of general warning to the convicts as to their conduct in the prison, among which it shall specially be

declared that no convict shall be permitted to speak to another convict upon any pretence whatever, nor to any officer or guard, or other servant of the institution, except with respect to the work at which he is employed, and then only in the fewest words and in a respectful manner. Such list of offences shall be printed, and a copy of the same placed in every cell of the penitentiary.

61. It shall be lawful for the Inspector, subject to the approval of the Minister of Justice, to make and, from time to time, to alter rules for the discipline and correction of convicts confined in any penitentiary as hereinbefore provided ; but in case any convict is accused of having committed any offence which, if proved, would be followed by the infliction of corporal punishment or a remand to the penal prison, where such penal prison is established, it shall be the duty of the Warden to make investigation upon oath into the facts of the case, before awarding such punishment or remand, and to make a minute of the evidence taken by him, to be forwarded forthwith to the Inspector : Provided also that the Surgeon of the penitentiary shall have certified that the prisoner is in a physical condition to bear such punishment, and that the Surgeon shall be present during iits infliction, and that no more than sixty lashes shall be nflicted upon any prisoner for any such offence.

Trespasses.

62. Any person who is found trespassing upon any grounds, buildings, yards, offices or other premises whatsoever belonging or pertaining to any penitentiary, or who enters the same, not being an officer or servant of the said prison, or authorized by leave of the Warden, shall, upon conviction thereof before a Justice of the Peace for the city, county or district in which such penitentiary may be situate, be adjudged to pay a fine not exceeding for the first offence ten dollars,—to be recovered in the usual way ; or in default of payment, the offender may be sent to the common gaol, with or without hard labour, for any period not exceeding one month ; and for a second or subsequent offence, the offender may be fined in any sum not exceeding fifty dollars, to be recovered in the same usual way, or in default shall be liable to imprisonment, with or without hard labour, for a period not exceeding three calendar months.

63. No raft, boat, vessel or craft of any kind, shall moor or anchor within three hundred feet of the shore or wharf bounding the lands of any penitentiary towards any lake, arm of the sea, bay or river, without the permission of the Warden thereof being first had and obtained ; and any person violating the provisions of this section shall, upon conviction thereof before a Justice of the Peace, be subject to a

penalty of twenty dollars, to be levied in the usual manner upon such raft, boat, vessel or craft, in whomsoever the property thereof may be, as well as on the offender's own goods and chattels ; and in default of payment of the same with the costs of suit, he shall be imprisoned at hard labour for a period not exceeding two months.

Liquors.

64. No spirituous or fermented liquors shall, on any pretence whatever, be brought into the penitentiary for the use of any officer or person in the institution (except the Warden or Deputy Warden if the latter shall be resident therein) or for the use of any convict confined therein,except under the rules of the institution ; and any person giving any spirituous or fermented liquor or tobacco or snuff or cigars to any convict, except under the rules of the institution, or conveying the same to any convict, shall forfeit and pay the sum of forty dollars to the Warden to be by him recovered in any court of competent jurisdiction, [*and placed to the credit of the Receiver General.*]

DISCHARGE OF CONVICTS.

65. No convict shall be discharged from a penitentiary on the termination of his sentence, or otherwise, if labouring under any contagious or infectious disease ; nor, unless at his own request, during the months of November, December, January, February or March, nor if laboring under any acute or dangerous disease ; but he shall be permitted to remain in the penitentiary until he recovers from such disease, or until the first day of April following the termination of his sentence : Provided always that a convict remaining from any cause in a penitentiary after the termination of his sentence, shall be under the same discipline and control as if his sentence were still unexpired ;

2. On the first day of April a list shall be made of all the prisoners whose sentences have expired during the five preceding months, and who may be still in prison, according to the dates when their sentences expired ; and according to such order they shall be discharged, one convict on the said first day of April, and one on every day thereafter, until the whole shall have been discharged ;

3. Whenever the term of any prisoner's sentence expires on a Sunday, he shall be discharged on the Saturday preceding, unless he desire to remain until the Monday following ;

4. Every convict under sentence for life or for not less than two years, upon his discharge, either by expiration of

sentence, or otherwise, shall be furnished at the expense of the penitentiary with a suit of clothing other than prison clothing, and with such sum of money as shall be sufficient to pay his travelling expenses to the place at which he received his sentence, and such other sum in addition, not exceeding twenty dollars, as the Warden may deem proper: should any sum remain at his credit for earnings for overwork, such sum shall be paid to him at such times, and in such amounts as the prison rules may direct: Provided that, should the Warden be of opinion that a convict, on being discharged, does not intend *bon fide* to return to the place at which he received his sentence, but intends to go to some other place, nearer the penitentiary, then such convict shall be furnished with such less sum of money as shall, in the Warden's opinion, be sufficient to pay his travelling expenses to such nearer place.

PRISONERS' EFFECTS.

66. Every article found upon the person of a convict at the time of his reception into the penitentiary, which may be considered worthy of preservation, shall be taken from him and a description thereof entered in a book to be kept for that purpose; and if the convict does not see fit otherwise to dispose of it at the time, it shall be carefully put away until the day of his discharge, when it shall be delivered up to him again in the state in which it may then be; but the Warden shall not be liable for any deterioration which may have taken place in such article in the interval. If at the time of his reception the convict desires to dispose of any such article and it is so disposed of, a memorandum of the fact shall be noted in the said book, and signed by the proper officer having charge of the said book, and also by the convict; and any money received therefor shall be placed to his credit.

CORONER'S INQUESTS.

67. Whenever a convict dies in a penitentiary, and the Inspector, or the Warden, or the Surgeon, or a Chaplain, have or any one of them has reason to believe, that the death of such convict arose from any other than ordinary causes, it shall be their duty or his duty to call upon a coroner having jurisdiction, to hold an inquest upon the body of such deceased convict; and upon such requisition by one or more of the officers above named, the said coroner shall hold such inquest, and, for that end, he and the jury and all other persons necessarily attending such inquest, shall have admittance to the prison for that purpose.

DECEASED CONVICTS.

68. The of body every convict who dies in a penitentiary shall, if claimed by the relatives of the deceased, be given

up to and shall be taken away by them; but if not so claimed, the body may be delivered up to an Inspector of Anatomy, duly appointed under any Act authorizing such appointment, or to the Professor of Anatomy in any college wherein medical science is taught; or if not so delivered shall be decently interred at the expense of the institution.

INSANE CONVICTS.

69. The Governor in Council may, at any time, and from time to time, in his discretion, direct the Warden of the Kingston Penitentiary to set apart a portion thereof for the reception, confinement and treatment of insane convicts; and the portion so set apart shall be used for such purposes accordingly, and shall be known as the Insane Ward of the penitentiary.

70. Should it at any time appear to a Surgeon of a penitentiary that any convict confined therein is insane and ought to be removed to the insane ward, he shall report the same in writing to the Warden, and on such report the Warden shall forthwith remove such convict to the insane ward.

71. If at any time before the termination of the sentence of such convict it be certified to the Warden by the Surgeon that such convict has recovered his reason, and is in a fit state to be removed from the insane ward, the Warden shall remove such convict from the insane ward.

72. If the term of imprisonment of any convict expires while detained in the insane ward as insane, he may nevertheless continue to be detained therein pending the proceedings authorized by this Act.

73. In such case the Surgeon shall forthwith certify to the Warden whether the person is sane or insane.

74. If the Surgeon certifies that the person is sane, he shall be forthwith discharged.

75. If the Surgeon certifies that the person is insane, the Warden shall report the fact to the Inspector; and the Secretary of State shall, thereupon communicate the fact to the Lieutenant-Governor of the Province within which the person was sentenced, in order to his removal to a place of safe keeping.

76. The Lieutenant-Governor may, thereupon, order the removal of the person to a place of safe keeping within the Province, and he shall, upon such order, be delivered to the person or persons therein designated, for transport to such

place, and he shall remain and be detained there or in such other place of safe-keeping as the Lieutenant-Governor may, from time to time, order, until it appears to the Lieutenant-Governor that he has become of sound mind,—when the Lieutenant-Governor may order him to be discharged; but if, at any time after his removal to such place of safe-keeping, and before his complete recovery, the Lieutenant-Governor thinks fit to order that he shall be given up to any person by him named, he shall be given up accordingly.

77. In case the Lieutenant-Governor of the Province within which any such person was sentenced, shall have made arrangements with the Lieutenant-Governor of Ontario for the safe keeping of any such person in Ontario, and such arrangements shall have been communicated to the Secretary of State by the Lieutenant-Governors of the Provinces concerned, the Secretary of State shall, in the case of any such person, communicate under the seventy-fifth section of this Act, with the Lieutenant-Governor of Ontario, who shall in such cases have all the powers given by the seventy-sixth section.

78. In case the Lieutenant-Governor shall not, within two months after the Secretary of State shall have communicated, as provided by the seventy-fifth section, cause the person to be removed, under the seventy-sixth section, the Secretary of State may, on the recommendation of the Minister of Justice, direct him to be removed for safe keeping to the gaol in which he was last confined previous to his transfer to the penitentiary, or to any other gaol in the Province within which he was sentenced; and, after such removal, all the provisions of the seventy-sixth section shall apply to his case.

79. In case any question shall arise as to the sanity of any convict, the Minister of Justice may order an enquiry and report to be made by one or more medical men, in conjunction with the Surgeon, and may, upon such report, direct such action as may be necessary in order to the execution of this Act.

80. The Acts and parts of Acts mentioned in Schedule B. are hereby repealed, or shall remain repealed, as the case may be.

81. This Act may be cited as "*The Penitentiary Act*, 1883."

Warden, not exceeding		$3,000
and not less than	$1,000	
Deputy Warden, not exceeding		1,400
and not less than	600	
Chief Keeper, not exceeding		900
and not less than	500	
Chaplain, not exceeding		1,200
and not less than	400	
Assistant Chaplain, not exceeding		500
and not less than	300	
Surgeon, not exceeding		1,800
and not less than	400	
Accountant, not exceeding		1,000
and not less than	500	
Schoolmaster, not exceeding		600
and not less than	250	
Storekeeper, not exceeding		900
and not less than	400	
Steward, not exceeding		700
and not less than	400	
(*If the above two offices be combined, the salary may be that of the Storekeeper.*)		
Chief Trade Instructor, not exceeding		1,100
and not less than	700	
Trade Instructor, not exceeding		750
and not less than	5 0	
Hospital Keeper, not exceeding		750
and not less than	500	
Engineer, not exceeding		900
and not less than	500	
Farmer and Gardener, not exceeding		650
and not less than	500	
Keeper, not exceeding		600
and not less than	400	
Guard, not exceeding		600
and not less than	350	
Messenger, not exceeding		600
and not less than	400	
Teamster, not exceeding		400
and not less than	300	
Other Male Servants, not exceeding per day		1
Matron, not exceeding		550
and not less than	250	
Deputy Matron, not exceeding		350
and not less than	200	
Assistant Deputy Matron, not exceeding		250
and not less than	175	
Schoolmistress, not exceeding		250
and not less than	120	]

SCHEDULE B.

Reference to Act.	Title of Act.	Extent of Repeal.
	Consolidated Statutes of the late Province of Canada.	
C. 110	An Act respecting Inspectors of Public Asylums, Hospitals, the Provincial Penitentiary of Canada, and of all common gaols and other prisons.	The whole
C. 111	An Act respecting the Provincial Penitentiary of Canada.	The whole
	Revised Statutes of Nova Scotia, Third Series.	
Part 1, Title 5, c. 22	Of the Penitentiary	The whole.
	Revised Statutes of New Brunswick.	
Part 1, Title 16, c. 91.	Of the Provincial Penitentiary	The whole.
	Acts of the Parliament of Canada.	
1 V., c. 75	An Act respecting Penitentiaries, and the Directors thereof, and for other purposes.	The whole.
33 V., c. 30	An Act to amend the Penitentiary Act of 1868.	The whole.
36 V., c. 52	An Act to extend the Act passed in the thirty-third year of Her Majesty's Reign, intituled: "An Act to amend the Penitentiary Act of 1868."	The whole.
38 V., c. 44	An Act respecting Penitentiaries and the inspection thereof, and for other purposes.	The whole.
39 V., c. 24	An Act to provide for the appointment of Assistant Inspectors of Penitentiaries in Manitoba and British Columbia.	The whole.
40 V., c. 38	An Act respecting the transfer of Rockwood Asylum to the Province of Ontario, and to amend the "Penitentiary Act of 1875."	The whole except Sections 1, 14 and 15.
41 V., c. 20	An Act to amend section sixty-eight of "The Penitentiary Act of 1875."	The whole.
42 V., c. 42	An Act to amend "The Penitentiary Act of 1875."	The whole except Section 3.
43 V., c. 6	An Act respecting Dorchester Penitentiary.	The whole.

K.

BILL.

An Act respecting booms and other works constructed in navigable waters under the authority of Provincial Acts.

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

1. No boom, wharf, dam or aboiteau hereafter constructed under the authority of an Act of a Legislature of a Province of Canada, or under the authority of an Ordinance of the North-West Territories or of the District of Keewatin, shall, so far as the same may interfere with navigation, be a lawful boom, wharf, dam or aboiteau, unless the site thereof has been approved, and unless the boom, wharf, dam or aboiteau has been built and is maintained in accordance with plans approved by the Governor General in Council. Certain structures hereafter to be built in navigable waters when lawful.

2. Any boom, wharf, dam or aboiteau heretofore or hereafter constructed under the authority of an Act of a Legislature of a Province of Canada, or under the authority of an Ordinance of the North-West Territories or of the District of Keewatin, shall, so far as the same may interfere with navigation, be a lawful boom, wharf, dam or aboiteau, if the site thereof has been approved, and if the boom, wharf, dam or aboiteau has been built and is maintained in accordance with plans approved by the Governor General in Council. Existing structures of such kind when lawful.

3. The local authority, company or person proposing to construct the boom, wharf, dam or aboiteau shall deposit the plans thereof and a description of the proposed site with the Minister of Marine and Fisheries, and may apply to the Governor General in Council for approval thereof. Plans and description of site, with whom to be deposited.

4. The Governor General in Council may, from time to time, make and alter such regulations as may be deemed expedient, respecting the opening of any swing or draw within the purview of this Act; and the local authority, company or person constructing or owning, or in possession of the boom, as the case may be, shall be subject to such regulations. Regulations to be made as to swing or draw spans.

5. Any boom, wharf, dam or aboiteau within the purview of this Act which is built upon a site not approved by, or which is not built in accordance with plans approved by, Structure not in accordance with this Act

may be removed.

the Governor General in Council, or which, having been so built, is not maintained in accordance with such plans may, in so far as the same interferes with navigation, be lawfully removed and destroyed under the authority of an order of the Governor General in Council. 5

Powers of courts unimpaired.

6. The preceding section shall not limit the jurisdiction of any court with respect to the removal and destruction of any unlawful boom, wharf, dam or aboiteau.

Parliament's powers asserted.

7. Parliament may, at any time, annul or vary any order or approval of the Governor General in Council made under 10 this Act; and any action of Parliament in that behalf shall not be deemed an infringement of the rights of the local authority, company or person concerned.

Effect of Act on existing structures.

8. This Act shall not affect any boom, wharf, dam or aboiteau heretofore lawfully constructed, which may here- 15 after require to be rebuilt or repaired, provided such boom, wharf, dam or aboiteau, when so rebuilt or repaired, shall not interfere more injuriously with navigation than now or heretofore.

Structures built under Provincial authority to be lawful for three months.

9. Each boom, wharf, dam and aboiteau heretofore con- 20 structed under the authority of an Act of a Legislature of a Province of Canada, passed since the first day of July, 1867, or under the authority of an Ordinance of the North-West Territories or of the District of Keewatin, shall, so far as the same may interfere with navigation, be a lawful 25 boom, wharf, dam or aboiteau for and during three months from the passing of this Act.

But no longer if site and plan not then approved.

2. Nothing herein shall be construed to make any such boom, wharf, dam or aboiteau, so far as it interferes with navigation, a lawful boom, wharf, dam or aboiteau after the 30 expiry of the said three months, unless the site and plan have been approved as herein provided.

Saving of pending cases

3. Any boom, wharf, dam or aboiteau now the subject of litigation on the ground that it is an interference with navigation, is excepted from the operation of this section, and 35 nothing herein shall prejudicially affect the rights of any parties in regard to such litigation.

"Boom."
"Wharf."
"Dam."
"Aboiteau."

10. The word "boom" includes works necessary and appurtenant thereto; the word "wharf" includes piers, jetties, moles and breakwaters; the word "dam" includes 40 the works necessary and appurtenant thereto; and the word "aboiteau" includes dykes and other works of a similar character.

1st Session, 5th Parliament, 46 Victori

K

BILL.

An Act respecting Booms and works constructed in navigable under the authority of Prov Acts.

Received and read, first time, Friday March, 1883.

Second reading, Tuesday, 20th March, 18

The Hon. Sir ALEXANDER CAMP

OTTAWA:

PRINTED BY MACLEAN ROGER & C

1883.

/K

An Act respecting booms and other works constructed in navigable waters whether under the authority of Provincial Acts or otherwise.

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

1. No boom, dam or aboiteau hereafter constructed whether under the authority of an Act of a Legislature of a Province of Canada, or under the authority of an Ordinance of the North-West Territories or of the District of Keewatin or otherwise, shall, so far as the same may interfere with navigation, be a lawful boom, dam or aboiteau, unless the site thereof has been approved, and unless the boom, dam or aboiteau has been built and is maintained in accordance with plans approved by the Governor General in Council.

2. Any boom, dam or aboiteau heretofore or hereafter constructed whether under the authority of an Act of a Legislature of a Province of Canada, or under the authority of an Ordinance of the North-West Territories or of the District of Keewatin or otherwise, shall, so far as the same may interfere with navigation, be a lawful boom, dam or aboiteau, if the site thereof has been approved, and if the boom, wharf, dam or aboiteau has been built and is maintained in accordance with plans approved by the Governor General in Council.

3. The local authority, company or person proposing to construct the boom, dam or aboiteau shall deposit the plans thereof and a description ot the proposed site with the Minister of Marine and Fisheries, and may apply to the Governor General in Council for approval thereof, and shall give one month's notice of the said deposit of plans and application by advertisement in the *Canada Gazette*, and in two newspapers published in or nearest to the locality where said boom, dam or aboiteau, is situated.

4. The Governor General in Council may, from time to time, make and alter such regulations as may be deemed expedient, respecting the opening of any swing or draw within the purview of this Act; and the local authority, company or person constructing or owning, or in possession of the boom, as the case may be, shall be subject to such regulations.

5. Any boom, dam or aboiteau within the purview of this Act which is built upon a site not approved by, or which is not built in accordance with plans approved by the Governor General in Council, or which, having been so built, is not maintained in accordance with such plans may, in so far as the same interferes with navigation, be lawfully removed and destroyed under the authority of an order of the Governor General in Council.

6. The preceding section shall not limit the jurisdiction of any court with respect to the removal and destruction of any unlawful boom, dam or aboiteau.

7. Parliament may, at any time, annul or vary any order or approval of the Governor General in Council made under this Act; and any action of Parliament in that behalf shall not be deemed an infringement of the rights of the local authority, company or person concerned.

8. Each boom, dam and aboiteau heretofore constructed whether under the authority of an Act of a Legislature of a Province of Canada, passed since the first day of July, 1867, or under the authority of an Ordinance of the North-West Territories or of the District of Keewatin or otherwise, shall, so far as the same may interfere with navigation, be a lawful boom, dam or aboiteau for and during twelve months from the passing of this Act.

2. Nothing herein shall be construed to make any such boom, dam or aboiteau, so far as it interferes with navigation, a lawful boom, dam or aboiteau after the expiry of the said twelve months, unless the site and plan have been approved as herein provided.

3. Any boom, dam or aboiteau now the subject of litigation on the ground that it is an interference with navigation, is excepted from the operation of this section, and nothing herein shall prejudicially affect the rights of any parties in regard to such litigation; provided that if the site and plans of a boom, dam or aboiteau now the subject of litigation, on the ground that it is an interference with navigation, are subsequently, and within twelve months after this Act comes into force, approved under the seeond section hereof, such approval shall render such boom, dam or aboiteau, so far as it interferes with navigation, a lawful boom, dam or aboiteau from the day on which this Act comes into force.

9. The word "boom" includes works necessary and appurtenant thereto; the the word "dam" includes the works necessary and appurtenant thereto; and the word "aboiteau" includes dykes and other works of a similar character.

K.

BILL.

An Act to amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies, and Trading Corporations."

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

1. Every order of the Court or a Judge for the payment of money or costs, charges or expenses made under the said Act, shall be deemed a judgment of the Court, and shall bind the lands, and may be enforced against the person or goods and chattels, lands and tenements of the person or persons ordered to pay in the same manner in which judgments or decrees of any Supreme Court obtained in any suit may bind lands or be enforced in the province where the Court enforcing the same is situate. Orders of Court under 45 Vic., c. 23 to be judgments. How to be executed.

2. Debts due to any person against whom such order for the payment of money, costs or expenses has been obtained may be attached and garnisheed in the same manner as debts due to a judgment debtor may be attached and garnisheed by a judgment creditor in any province where the attachment and garnishment of debts is by law allowed. How attachment and garnishment effected.

1st Session, 5th Parliament, 46 Victoria, 1883.

L

BILL.

An Act to amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies, and Trading Corporations."

Received and read, first time, Monday, 19th March, 1883.

Second reading, Thursday, 5th April, 1883.

Hon. Sir ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.,

1883.

L.

An Act to amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies, and Trading Corporations."

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

1. Every order of the Court or a Judge for the payment of money or costs, charges or expenses made under the said Act, shall be deemed a judgment of the Court, and shall bind the lands, and may be enforced against the person or goods and chattels, lands and tenements of the person or persons ordered to pay in the same manner in which judgments or decrees of any Supreme Court obtained in any suit may bind lands or be enforced in the province where the Court enforcing the same is situate.

2. Debts due to any person against whom such order for the payment of money, costs or expenses has been obtained may be attached and garnisheed in the same manner as debts due to a judgment debtor may be attached and garnisheed by a judgment creditor in any province where the attachment and garnishment of debts is by law allowed.

M.

BILL.

An Act for the protection of Settlers on Dominion Lands in Manitoba and the North-West Territories.

WHEREAS it is expedient to make better provision for the encouragement and protection of persons making *bonâ fide* improvements upon lands held under homestead entries in Manitoba and the North-West Territories: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. If any person has obtained an entry for a homestead in Manitoba or the North-West Territories, and has made on such homestead substantial and *bonâ fide* improvements to a value of not less than two hundred dollars, by erecting buildings, or by breaking up and bringing under cultivation such homestead, or by such means conjointly, then such person shall not forfeit his right to such homestead, nor shall his entry therefor be cancelled on the ground of his not having resided thereon for more than six months or any other prescribed time in any one year; and, if at any time within five years from the date of obtaining such entry, such person proves to the satisfaction of the local agent that he has brought under cultivation not less than fifty acres of such homestead, and has thereon buildings of value not less than two hundred dollars, he shall be entitled to a patent for such homestead. Improvemens to value of $200 to avail instead of actual residence. Certain improvements to entitle to a patent.

1st Session, 5th Parliament, 46 Victoria, 1883.

M

BILL.

An Act for the protection of Settlers on Dominion Lands in Manitoba and the North-West Territories.

Received and read first time, Tuesday, 20th March, 1883.

Second reading, Thursday, 5th April, 1883.

Hon. Mr. Reesor.

OTTAWA:

Printed by MacLean, Roger & Co.,

1883

N.

BILL.

An Act respecting certain offences against the State.

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

1. Any person or persons who shall in any manner or form whatsoever administer or cause to be administered, or aid or assist or who is present at and consenting to the administration or taking of any oaths, obligations or engagements, purporting or intending to bind the person taking the same to commit any treason or murder or any felony or misdemeanor, or to engage in any seditious, rebellious or treasonable purpose, or to disturb the public peace, or to be of any association, society or confederacy formed for any such purpose, or not to inform or give evidence against any associate, confederate or other person, or not to reveal or discover any illegal act, done or to be done, or not to reveal or discover any illegal oath, obligation or engagement which may have been administered or tendered to or taken by such person or persons or to or by any other person or persons or the import of any such oath, obligation or engagement, and every person who shall take any such oath, obligation or engagement, not being compelled thereto, shall be guilty of a felony, and shall be liable to be imprisoned in the penitentiary for any term not exceeding five years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor and with or without solitary confinement. Unlawful oaths and associations. Felony. Punishment.

2. Compulsion shall not justify or excuse any person taking such oath, obligation or engagement unless he or she shall, within eight days after the taking thereof, if not prevented by actual force or sickness, and then within eight days after the hindrance produced by such force or sickness shall cease, declare the same, together with the whole of what he or she shall know touching the same, and the person or persons by whom and in whose presence, and when and where such oath, obligation or engagement was administered or taken, by information on oath before one of Her Majesty's Justices of the Peace. Compulsion is no excuse unless declared within certain delay.

3. Persons aiding and assisting at, or present and consenting to the administering or taking of any such oath, obligation or engagement as aforesaid, and persons causing any such oath obligation or engagement to be administered or taken, though Persons aiding to be deemed principals.

not present at the taking or administering thereof, shall be deemed principal offenders, and shall be tried as such, although the person or persons who actually administered such oath, obligation or engagement, if any such there shall be, shall not have been tried or convicted. 5

Indictment need not set out words of the oath.

4. It shall not be necessary, in any indictment against any person or persons administering, or causing to be administered or taken, or taking any such oath, obligation or engagement as aforesaid, or aiding or assisting at, or present at and consenting to the administering or taking thereof, to set 10 forth the words of such oath, obligation or engagement, and it shall be sufficient to set forth the import of such oath, obligation or engagement, or some material part thereof.

What shall be deemed an oath.

5. Any engagement or obligation whatever in the nature of an oath shall be deemed an oath, within the intent and 15 meaning of this Act, in whatever form or manner the same shall be administered or taken, and whether the same shall be actually administered by any person or persons or taken by any person or persons without any administration thereof by any person or persons. 20

What to be deemed unlawful combinations or confederacies.

6. That from and after the passing of this Act all and every society or association, the members of which shall be admitted to take any unlawful oath, obligation or engagement within the intent and meaning of the foregoing provisions, and every society or association, the members 25 whereof or any of them shall take or in any manner bind themselves by any such oath, obligation or engagement, or in consequence of being members of such society or association, and every society or association of which the names of the members, or any of them, shall be kept secret from 30 the society at large, or which shall have any committee or secret body so chosen or appointed that the members constituting the same shall not be known by the society at large to be members of such committee or select body, or which shall have any president, treasurer, secretary, delegate or 35 other officer, so chosen or appointed that the election or appointment of such persons to such office shall not be known to the society at large, or of which the names of all the persons and of the committee or select bodies of members, and of all presidents, treasurers, secretaries, delegates 40 and other officers, shall not be entered in a book or books for that purpose, and to be open to the inspection of all the members of such society or association, shall be deemed and taken to be unlawful combinations and confederacies, and every person who, from and after the passing of this Act, 45 shall become a member of any such society or association, or shall afterwards act as a member thereof, and every person who after the passing of this Act shall, directly or indirectly, maintain correspondence or intercourse with any such society or association, or with any division, branch, committee 50 or other select body, treasurer, secretary, delegate or other officer or member of such society or association as such, or who shall by contributions of money or otherwise aid, abet, or support such society or any members or officers thereof as

Who to be deemed guilty of unlawful combination or confederacy.

such, shall be deemed guilty of an unlawful combination or confederacy.

7. Any person who, at any time after the passing of this Act, shall, in breach of the provisions thereof, be guilty of any such unlawful combination or confederacy as in this Act is described, shall be guilty of a misdemeanor, and shall be liable to be imprisoned in the penitentiary for any term not exceeding three years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement.

Unlawful combination or confederacy.

Misdemeanor.

Penalty.

8. If any person shall knowingly permit any meeting of any society or association hereby declared to be an unlawful combination or confederacy, or of any division, branch or committee of such society, to be held in his or her house, apartment, barn, out-house, or other building, such person shall, for the first offence, forfeit a sum not exceeding two hundred dollars, and for any subsequent offence shall be deemed guilty of an unlawful combination and confederacy in breach of this Act, and shall be punished as hereby directed.

Knowingly permitting meeting to be held in house, etc.

Misdemeanor.

Penalty.

9. All laws inconsistent herewith or relating to the same subject matter are hereby repealed.

Repealing section.

1st Session, 5th Parliament, 46 Victoria, 1883.

N

BILL.

An Act respecting certain offences against the State.

Received and read first time, Thursday, 5th April, 1883.

Second reading, Monday, 9th April, 1883.

The Honorable
SIR ALEXANDER CAMPBELL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1883.

O.

BILL.

An Act to amend the Patent Act of 1872.

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

1. Section seventeen of "*The Patent Act of* 1872," is hereby repealed, and the following is substituted therefor:— S. 17 of 35 V., c. 26 repealed.

"17. The term limited for the duration of every patent of invention issued by the Patent Office shall be fifteen years; but at the time of the application therefor it shall be at the option of the applicant to pay the full fee required for the term of fifteen years, or the partial fee required for the term of five years, or the partial fee required for the term of ten years. In case a partial fee only is paid the proportion of the fee paid shall be stated in the patent, and the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term for which the partial fee has been paid, unless at or before the expiration of the said term the holder of the patent pays the fee required for the further term of five or ten years, and takes out from the Patent Office a certificate of such payment (in the form which may be from time to time adopted) to be attached to and to refer to the patent, and under the signature of the Commissioner, or, in case of his absence, another member of the Privy Council; and in case such second payment, together with the first payment, makes up only the fee required for ten years, then the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term of ten years, unless at or before the expiration of such term the holder thereof pays the further fee required for the remaining five years, making up the full term of fifteen years, and takes out a like certificate in respect thereof. Every patent heretofore issued by the Patent Office in respect of which the fee required for the whole or for any unexpired portion of the term of fifteen years, has been duly paid according to the provisions of the now existing law in that behalf, has been and shall be deemed to have been issued for the term of fifteen years, subject, in case a partial fee only has been paid, to cease on the same conditions on which patents hereafter issued are to cease under the operation of this section."

Patents to be for fifteen years.

But partial fees may be paid and in such case the patent lapses at the end of 5 or 10 years.

Unless remainder of the fee is paid.

Patents hitherto issued are deemed to be for 15 years subject to provisions of this Act.

1st Session, 5th Parliament, 46 Victoria, 1883.

O

BILL.

An Act to amend the Patent Act of 1872.

Received and read first time, Monday, 23rd April, 1883.

Second reading, Thursday, 26th April, 1883.

The Honorable
Sir ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO

1883.

O.

An Act to amend the Patent Act of 1872.

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

1. Section seventeen of "*The Patent Act of* 1872," is hereby repealed, and the following is substituted therefor:—

"17. The term limited for the duration of every patent of invention issued by the Patent Office shall be fifteen years; but at the time of the application therefor it shall be at the option of the applicant to pay the full fee required for the term of fifteen years, or the partial fee required for the term of five years, or the partial fee required for the term of ten years. In case a partial fee only is paid the proportion of the fee paid shall be stated in the patent, and the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term for which the partial fee has been paid, unless at or before the expiration of the said term the holder of the patent pays the fee required for the further term of five or ten years, and takes out from the Patent Office a certificate of such payment (in the form which may be from time to time adopted) to be attached to and to refer to the patent, and under the signature of the Commissioner, or, in case of his absence, another member of the Privy Council; and in case such second payment, together with the first payment, makes up only the fee required for ten years, then the patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the term of ten years, unless at or before the expiration of such term the holder thereof pays the further fee required for the remaining five years, making up the full term of fifteen years, and takes out a like certificate in respect thereof. Every patent heretofore issued by the Patent Office in respect of which the fee required for the whole or for any unexpired portion of the term of fifteen years, has been duly paid according to the provisions of the now existing law in that behalf, has been and shall be deemed to have been issued for the term of fifteen years, subject, in case a partial fee only has been paid, to cease on the same conditions on which patents hereafter issued are to cease under the operation of this section."

P.

BILL.

An Act to make provision for the taking of evidence in relation to Criminal matters pending in Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals.

WHEREAS since the twenty-fourth section of the Act of the Imperial Parliament 33 and 34 Vic., chapter 52, intituled "*An Act for amending the law relating to the extradition of Criminals*," ceased to be in force in Canada, there is no provision for obtaining the testimony of witnesses in relation to any criminal matter pending in any Court or Tribunal in a Foreign State in like manner as it may be obtained in relation to any civil matter: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court in any other of Her Majesty's Dominions or before any Foreign Tribunal in like manner as it may be obtained in relation to any civil matter under the Act thirty-first Victoria, chapter seventy-six, intituled "*An Act to provide for taking evidence in Canada in relation to Civil and Commercial matters pending before Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals*," and all the provisions of that Act shall be construed as if the term Civil matter included a criminal matter and the term Cause included a proceeding against a criminal: Provided that nothing in this Act shall apply in the case of any criminal matter of a political character. Provisions of 31 Vic., c. 76 to apply to criminal matters. How Act to be construed for that purpose. Proviso. Crimes of political character are excepted.

1st Session, 5th Parliament, 46 Victoria, 1883.

P

BILL.

An Act to make provision for the taking of evidence in relation to Criminal matters pending in Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals.

Received and read first time, Friday, 27th April, 1883.

Second reading, Tuesday, 1st May, 1883.

THE HONOURABLE
Sir ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.

1883.

P.

An Act to make provision for the taking of evidence in relation to Criminal matters pending in Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals.

WHEREAS since the twenty-fourth section of the Act of the Imperial Parliament 33 and 34 Vic., chapter 52, intituled "*An Act for amending the law relating to the extradition of Criminals*," ceased to be in force in Canada, there is no provision for obtaining the testimony of witnesses in relation to any criminal matter pending in any Court or Tribunal in a Foreign State in like manner as it may be obtained in relation to any civil matter: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court in any other of Her Majesty's Dominions or before any Foreign Tribunal in like manner as it may be obtained in relation to any civil matter under the Act thirty-first Victoria, chapter seventy-six, intituled "*An Act to provide for taking evidence in Canada in relation to Civil and Commercial matters pending before Courts of Justice in any other of Her Majesty's Dominions or before Foreign Tribunals*," and all the provisions of that Act shall be construed as if the term Civil matter included a criminal matter and the term Cause included a proceeding against a criminal: Provided that nothing in this Act shall apply in the case of any criminal matter of a political character.

2

BILL.

An Act respecting the High Court of Justice for Ontario.

Preamble.

WHEREAS the Legislature of Ontario has established a Court by the name of the High Court of Justice for Ontario, with the jurisdiction formerly vested in or capable of being exercised by the Courts of the said Province known as the Court of Queen's Bench, the Court of Chancery, the Court of Common Pleas, and by Courts of Assize, Oyer and Terminer and Gaol Delivery ;

And whereas it is expedient that the provisions hereinafter contained should be made by Parliament for the purpose of facilitating the business of the said High Court :

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

How sittings of the High Court of Justice for Ontario for trial of criminal cases are to be appointed.

1. The Judges of the Supreme Court of Judicature for Ontario, or a majority of them, shall appoint the days upon which sittings of the High Court of Justice for Ontario for the trial of criminal cases shall be held, and may also appoint the same or other days for the holding without commissions of Courts of Oyer and Terminer and General Gaol Delivery.

Who are to provide over sittings for trial of criminal cases.

2. The said Sittings of the High Court and Sittings of Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, or either of them, shall be presided over by one of the Justices of the Supreme Court of Judicature for Ontario, or in their absence by a retired Judge of the said Court, or by a Judge of any County Court of Ontario, or by one of Her Majesty's Counsel learned in the law appointed for Upper Canada or for the Province of Ontario, upon such Judge or Counsel being requested by any one of the said Justices of the said Supreme Court to attend for that purpose.

Powers of Judges or Judges *ad hoc* so presiding.

3. Any Judge, retired Judge, or Queen's Counsel presiding at any sittings of any of the said Courts shall, while so presiding, possess, exercise, and enjoy all the powers and authorities which are now or were formerly granted in commissions issued for holding all or any of the said Courts, or which a Judge of the said Supreme Court would have if presiding thereat ; and may reserve the giving of his final decision on questions raised at the trial, and his decision whenever given shall be considered as if given at the time of the trial.

Decision may be reserved.

Powers as Judge in chambers.

4. Any person lawfully presiding at any sittings of any of the said Courts shall in and for the County for which he

is acting, and while the sittings of the said Court last, have authority as a Judge in Chambers in all criminal matters entered for trial or which it is proposed to try or are tried before him; and any person presiding at any such sittings in the City of Toronto while such sittings last, shall have authority as a Judge in Chambers in all criminal matters. 5

Practice and procedure to remain as before.

5 Subject to any Rules which may be made under the authority of this Act, the practice and procedure in all criminal causes and matters whatsoever in the High Court of Justice shall be the same as the practice and procedure in similar causes and matters before the establishment of the said High Court. 10

Majority of Judges of Supreme Court of Judicature may make rules of practice

6. The said Supreme Court may at any time, with the concurrence of a majority of the Judges thereof present at any meeting for that purpose held, make Rules for regulating the pleading practice and procedure in criminal matters in the High Court of Justice and Court of Appeal of Ontario respectively, and may in like manner alter or annul any such Rules. 15

Rules of Court may be made to modify statutory provisions in certain cases.

7. Where any provisions in respect of the criminal practice or procedure of any Courts the jurisdiction of which is transferred by "*The Ontario Judicature Act*, 1881," to the High Court of Justice are contained in any Act of Parliament, Rules of Court may be made for modifying such provisions to any extent that may be deemed necessary for adapting the same to the High Court. 20 25

Qualification and summoning of Jurors.

8. The provisions of law from time to time in force in respect to the qualification and summoning of Grand and Petit Jurors for Courts of Oyer and Terminer and General Gaol Delivery shall apply to Grand and Petit Jurors for any sittings of the High Court for the trial of criminal cases. 30

Who are to be commissioned for holding Assizes, &c.

9. In case any general commission for the holding of a Court of Assize and Nisi Prius, Oyer and Terminer or General Gaol Delivery, is issued by His Excellency the Governor General for any County or district in Ontario, such commission shall contain the names of the Justices of the said Supreme Court, and may also contain the names of the Judges of any of the County Courts, and of any of Her Majesty's Counsel learned in the law appointed for the Province of Upper Canada, or for the Province of Ontario, and in case any such commission is for the Provisional Judicial District of Algoma such commission may contain the name of the Judge of the District Court of the said District; the said Courts shall be presided over by one of the Justices of the said Supreme Court or in their absence by one of such County Court Judges or by one of such Counsel, or in the case of the said District by the Judge of the said District Court. 35 40 45

Who may preside thereat.

Provision as as to reserved cases, and how these are to be certified.

10. Where any question of law is reserved under the provisions of the Consolidated Statute of Upper Canada intituled "*An Act respecting the Reservation of Points of Law* 50

in Criminal Cases" or under the provisions of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend the Act for the more speedy trial, in certain cases, of persons charged with Felonies and Misdemeanors in the Provinces of Ontario and Quebec*," such reservation shall be to the Justices of any Division of the High Court of Justice for Ontario, and the judgment and order of the Justices shall be certified under the hand of the President of such Division, or in his absence under the hand of the next senior Judge of such Division, to the Clerk of the Court, Clerk of Assize, or Clerk of the Peace as the case may require.

Cap 11, C.S. U.C sects. 2, 3 & 4, and 29 Vic., cap. 40, sect. 3 repealed.

11. Sections 2, 3 and 4 of Chapter 11 of the Consolidated Statutes of Upper Canada, intituled "*An Act respecting Courts of Oyer and Terminer and General Gaol Delivery and of Assize and Nisi Prius*," and Section 3 of the Act passed in the Session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, intituled "*An Act to amend an Act respecting the Superior Courts of Civil and Criminal Jurisdiction in Upper Canada*," are so far as they relate to any matter within the legislative authority of the Parliament of Canada, hereby repealed.

1st Session, 5th Parliament, 46 Victoria, 1883.

Q

BILL.

An Act respecting the High Court of Justice for Ontario.

Received and read first time, Friday, 27th April, 1883.

Second reading, Tuesday, 1st May, 1883.

Hon. Sir ALEX. CAMPBELL.

OTTAWA:
Printed by MACLEAN, ROGER & Co.,
1883.

2.

An Act respecting the H gh Court of Justice for Ontario.

WHEREAS the Legislature of Ontario has established a Court by the name of the High Court of Justice for Ontario, with the jurisdiction formerly vested in or capable of being exercised by the Courts of the said Province known as the Court of Queen's Bench, the Court of Chancery, the Court of Common Pleas, and by Courts of Assize, Oyer and Terminer and Gaol Delivery ;

And whereas it is expedient that the provisions hereinafter contained should be made by Parliament for the purpose of facilitating the business of the said High Court :

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

1. The Judges of the Supreme Court of Judicature for Ontario, or a majority of them, shall appoint the days upon which sittings of the High Court of Justice for Ontario for the trial of criminal cases shall be held, and may also appoint the same or other days for the holding without commissions of Courts of Oyer and Terminer and General Gaol Delivery.

2. The said Sittings of the High Court and Sittings of Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, or either of them, shall be presided over by one of the Justices of the Supreme Court of Judicature for Ontario, or in their absence by a retired Judge of the said Court,or by a Judge of any County Court of Ontario,or by one of Her Majesty's Counsel learned in the law appointed for Upper Canada or for the Province of Ontario, upon such Judge or Counsel being requested by any one of the said Justices of the said Supreme Court to attend for that purpose.

3. Any Judge, retired Judge, or Queen's Counsel presiding at any sittings of any of the said Courts shall, while so presiding, possess, exercise, and enjoy all the powers and authorities which are now or were formerly granted in commissions issued for holding all or any of the said Courts, or which a Judge of the said Supreme Court would have if presiding thereat ; and may reserve the giving of his final decision on questions raised at the trial, and his decision whenever given shall be considered as if given at the time of the trial.

4. Any person lawfully presiding at any sittings of any of the said Courts shall in and for the County for which he is acting, and while the sittings of the said Court last, have authority as a Judge in Chambers in all criminal matters entered for trial or which it is proposed to try or are tried before him; and any person presiding at any such sittings in the City of Toronto while such sittings last, shall have authority as a Judge in Chambers in all criminal matters.

5. Subject to any Rules which may be made under the authority of this Act, the practice and procedure in all criminal causes and matters whatsoever in the High Court of Justice shall be the same as the practice and procedure in similar causes and matters before the establishment of the said High Court.

6. The said Supreme Court may at any time, with the concurrence of a majority of the Judges thereof present at any meeting for that purpose held, make Rules for regulating the pleading practice and procedure in criminal matters in the High Court of Justice and Court of Appeal of Ontario respectively, and may in like manner alter or annul any such Rules.

7. Where any provisions in respect of the criminal practice or procedure of any Courts the jurisdiction of which is transferred by "*The Ontario Judicature Act*, 1881," to the High Court of Justice are contained in any Act of Parliament, Rules of Court may be made for modifying such provisions to any extent that may be deemed necessary for adapting the same to the High Court.

8. The provisions of law from time to time in force in respect to the qualification and summoning of Grand and Petit Jurors for Courts of Oyer and Terminer and General Gaol Delivery shall apply to Grand and Petit Jurors for any sittings of the High Court for the trial of criminal cases.

9. In case any general commission for the holding of a Court of Assize and Nisi Prius, Oyer and Terminer or General Gaol Delivery, is issued by His Excellency the Governor General for any County or district in Ontario, such commission shall contain the names of the Justices of the said Supreme Court, and may also contain the names of the Judges of any of the County Courts, and of any of Her Majesty's Counsel learned in the law appointed for the Province of Upper Canada, or for the Province of Ontario, and in case any such commission is for the Provisional Judicial District of Algoma such commission may contain the name of the Judge of the District Court of the said District; the said Courts shall be presided over by one of the Justices of the said Supreme Court or in their absence by

one of such County Court Judges or by one of such Counsel, or in the case of the said District by the Judge of the said District Court.

5 **10.** Where any question of law is reserved under the provisions of the Consolidated Statute of Upper Canada intituled "*An Act respecting the Reservation of Points of Law in Criminal Cases*" or under the provisions of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend the Act for the more speedy trial, in certain cases, of persons charged with Felonies and Misdemeanors in the Provinces of Ontario and Quebec,*" such reservation shall be to the Justices of any Division of the High 10 Court of Justice for Ontario, and the judgment and order of the Justices shall be certified under the hand of the President of such Division, or in his absence under the hand of the next senior Judge of such Division, to the Clerk of the Court, Clerk of Assize, or Clerk of the Peace as the case may require.

15

11. Sections 2, 3 and 4 of Chapter 11 of the Consolidated Statutes of Upper Canada, intituled "*An Act respecting Courts of Oyer and Terminer and General Gaol Delivery and of Assize and Nisi Prius,*" and Section 3 of the Act passed in 20 the Session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, intituled "*An Act to amend an Act respecting the Superior Courts of Civil and Criminal Jurisdiction in Upper Canada,*" are so far as they relate to any matter within the legislative authority of the Parliament of 25 Canada, hereby repealed.

R

BILL

An Act respecting County Court Judges in the Province of Ontario.

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

1. It shall be the duty of every County Court Judge of the Province of Ontario to hold any of the Courts in any County in the Province, or to perform any other duty of a County Court Judge in any such County, upon being required so to do by an order of the Governor General made at the request of the Lieutenant Governor; or without any such order, the Judge of any County Court may, if he sees fit, perform any judicial duties in any County in the Province on being requested to do so by the County Court Judge to whom the duty for any reason belongs. County Court Judges may act in any County. What authority requisite for so acting.

2. Any retired County Court Judge may hold any Court or perform any other duty of a County Court Judge, in any County, on being requested to do so by the Judge to whom the duty for any reason belongs, or upon being authorized so to do by an order of the Governor General, made at the request of the Lieutenant Governor. Retired County Court Judges may so act.

3. The Judge or retired Judge, acting in compliance with such direction or request, shall have jurisdiction to hold all or any of the Courts of the County in which he so acts, and to do or adjudicate upon all matters or things either in Term or Vacation in such County, and whether relating to the business of any of the said Courts or to any other matter or thing over which the Judge of the County Court of the County has jurisdiction, either by virtue of any Statute or otherwise howsoever. Jurisdiction of Judge so acting.

4. No judicial act heretofore or hereafter performed by any County Court Judge in any County of Ontario shall be open to question upon the ground that such Judge was not the County Court Judge of such County, but this provision shall not affect any proceeding which has been questioned in any Court. This Act retrospective save as to proceedings already questioned

1st Session, 5th Parliament, 46 Victoria, 1883.

R

BILL.

An Act respecting County Court Judges in the Province of Ontario.

Received and read first time, Friday, 27th April, 1883.

Second reading, Tuesday, 1st May, 1883.

The Honorable
Sir ALEXANDER CAMPBELL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1883.

Issue
Re. County Judges
(Bill)

R.

An Act respecting County Court Judges in the Province of Ontario.

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

1. It shall be the duty of every County Court Judge of the Province of Ontario to hold any of the Courts in any County in the Province, or to perform any other duty of a County Court Judge in any such County, upon being required so to do by an order of the Governor General made at the request of the Lieutenant Governor; or without any such order, the Judge of any County Court may, if he sees fit, perform any judicial duties in any County in the Province on being requested to do so by the County Court Judge to whom the duty for any reason belongs.

2. Any retired County Court Judge may hold any Court or perform any other duty of a County Court Judge, in any County, on being requested to do so by the Judge to whom the duty for any reason belongs, or upon being authorized so to do by an order of the Governor General, made at the request of the Lieutenant Governor.

3. The Judge or retired Judge, acting in compliance with such direction or request, shall have jurisdiction to hold all or any of the Courts of the County in which he so acts, and to do or adjudicate upon all matters or things either in Term or Vacation in such County, and whether relating to the business of any of the said Courts or to any other matter or thing over which the Judge of the County Court of the County has jurisdiction, either by virtue of any Statute or otherwise howsoever.

4. No judicial act heretofore or hereafter performed by any County Court Judge in any County of Ontario shall be open to question upon the ground that such Judge was not the County Court Judge of such County, but this provision shall not affect any proceeding which has been questioned in any Court.

BILL.

An Act relating to Bills of Exchange and Promissory Notes in the Province of Prince Edward Island.

WHEREAS it is desirable to assimilate the laws of the Province of Prince Edward Island to the laws of the other Provinces of the Dominion, as regards the maturity of and the protesting of bills of exchange and promissory notes: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Act passed in the thirty-fifth year of Her Majesty's reign, chaptered ten, and intituled: "An Act relating to Bills of Exchange and Promissory Notes," shall, on and after the passing of this Act, extend and apply to the Province of Prince Edward Island. 35 V., cap. 10 extended to P. E. Island.

2. From and after the first day of July next after the passing of this Act, all bills of exchange and promissory notes drawn or made at any place in the Province of Prince Edward Island for the sum of forty dollars and upwards upon or in favour of any person or persons in the said Province, may, on default of the acceptance or payment thereof, be protested by a Notary public; and such protest shall, in any action on such bill or note, be *prima facie* evidence of presentation and dishonour, and also of service of notice of such presentation and dishonour as stated in such protest; for which protest there shall be charged a notarial fee of fifty cents for protest and twenty-five cents for each notice. How bills and notes may be protested in P. E. Island. Effect of protest as evidence. Fee.

1st Session, 5th Parliament, 46 Victoria, 1883.

T

BILL.

An Act relating to Bills of Exchange and Promissory notes in the Province of Prince Edward Island.

Received and read, first time, Tuesday, 8th May, 1883.

Second reading, Wednesday, 9th May, 1883.

HON. Sir ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.

1883.

An Act relating to Bills of Exchange and Promissory Notes in the Province of Prince Edward Island.

WHEREAS it is desirable to assimilate the laws of the Province of Prince Edward Island to the laws of the other Provinces of the Dominion, as regards the maturity of and the protesting of bills of exchange and promissory notes: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Act passed in the thirty-fifth year of Her Majesty's reign, chaptered ten, and intituled: "An Act relating to Bills of Exchange and Promissory Notes," shall, on and after the passing of this Act, extend and apply to the Province of Prince Edward Island.

2. From and after the first day of July next after the passing of this Act, all bills of exchange and promissory notes payable at any place in the Province of Prince Edward Island for the sum of forty dollars and upwards, may, on default of the acceptance or payment thereof, be protested by a Notary public; and such protest shall, in any action on such bill or note, be *prima facie* evidence of presentation and dishonour, and also of service of notice of such presentation and dishonour as stated in such protest; for which protest there shall be charged a notarial fee of fifty cents for protest and twenty-five cents for each notice.

U

BILL

An Act to further amend chapter ninety-five of "The Consolidated Statutes of Canada" respecting Lotteries.

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

1. Chapter ninety-five of "The Consolidated Statutes of Canada" intituled "An Act respecting Lotteries" is hereby further amended by adding thereto the following section:— C.S.C. cap. 95, amended.

"10. Nothing contained in this Act or in any Act amending it, shall prevent any incorporated Society established for the encouragement of Art from distributing by lot among its members or ticket holders, paintings, drawings and other works of Art produced by the labor of the members of such Society." Art Unions exempted from penalties against lotteries.

1st Session, 5th Parliament, 46 Victoria, 1883.

U

BILL

An Act to further amend chapter ninety-five of "The Consolidated Statutes of Canada" respecting Lotteries.

Received and read, first time, Monday, 14th May, 1883.

Second reading, Tuesday, 15th May, 1883.

HON. Sir ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO

1883.

U.

An Act to amend the law respecting Lotteries.

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

1. Nothing contained in any Statute, relating to Lotteries, now in force in Canada, or in any Province thereof, shall be read or construed as making it an offence :—

(*a*) For any incorporated Society, established for the encouragement of Art, or for any Officer or Agent thereof, to distribute by lot among its members or ticket-holders, any paintings, drawings or other works of Art, produced by the labor of the members of, or published by or under the direction of such incorporated Society ; or

b.) For such member or ticket-holder to share in such distribution.

BILL.

An Act to legalize proceedings taken for the naturalization of certain aliens in the Province of Manitoba.

WHEREAS in a number of cases, in the Province of Manitoba, proceedings for the naturalization of aliens have been taken under the Naturalization Act, Canada, 1881, under a misapprehension that the said Act was in force, and whereas the procedure and requirements of that Act are in substantial conformity with the laws of naturalization now in force in Canada, and it is proper to legalize and confirm the said proceedings: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. All proceedings for the naturalization of aliens heretofore taken or had in the Province of Manitoba under the Naturalization Act, Canada, 1881, upon which certificates of naturalization have been issued, and also all certificates issued upon such proceedings shall be held to have been and to be as valid and effectual as though the said Act had been and was now in force. Certain naturalization proceedings in Manitoba ratified.

1st Session, 5th Parliament, 46 Victoria, 1883.

V

BILL.

An Act to legalize proceedings taken for the naturalization of certain aliens in the Province of Manitoba.

Received and read, first time, Thursday, 17th May, 1883.
Second reading, Friday, 18th May, 1883.

HON. Sir ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN ROGER & CO.

1883.

7.

An Act to legalize proceedings taken for the naturalization of certain aliens in the Province of Manitoba.

WHEREAS in a number of cases, in the Province of Manitoba, proceedings for the naturalization of aliens have been taken under the Naturalization Act, Canada, 1881, under a misapprehension that the said Act was in force, and whereas the procedure and requirements of that Act are in substantial conformity with the laws of naturalization now in force in Canada, and it is proper to legalize and confirm the said proceedings: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. All proceedings for the naturalization of aliens heretofore taken or had in the Province of Manitoba under the Naturalization Act, Canada, 1881, upon which certificates of naturalization have been issued, and also all certificates issued upon such proceedings shall be held to have been and to be as valid and effectual as though the said Act had been and was now in force.

W.

BILL

An Act to amend the Act thirty-sixth Victoria, chapter four, intituled "*An Act to provide for the establishment of "The Department of the Interior"* and to amend "*The Indian Act*, 1880."

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

1. The third section of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter four, intituled "*An Act to provide for the establishment of "The Department of the Interior"* and the third section of "*The Indian Act*, 1880," are hereby repealed and the following section is substituted for each such section respectively:— 36 Vic., c. 4., s. 3, and 43 Vic., c. 28, s. 3, repealed.

"3. The Minister of the Interior or the Head of any other "Department appointed for that purpose by order of the "Governor in Council shall be the Superintendent General "of Indian Affairs and shall as such have the control and "management of the lands and property of the Indians in "Canada." New section substituted. Any Minister may be Supt.-General of Indian Affairs

2. So much of any Act or law as may be inconsistent with this Act, or make any provision in the matter provided for by this Act contrary hereto, is hereby repealed. Inconsistent enactments repealed.

1st Session, 5th Parliament, 46 Victoria, 1883.

W

BILL.

An Act to amend the Act thirty-sixth Victoria, chapter four, intituled "*An Act to provide for the establishment of "The Department of the Interior"* and to amend "*The Indian Act*, 1880."

Received and read, first time, Saturday, 19th May, 1883.

Second reading, May, 1883.

HON. Sir ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.

1883.

W.

An Act to amend the Act thirty-sixth Victoria, chapter four, intituled "*An Act to provide for the establishment of "The Department of the Interior"* and to amend "*The Indian Act*, 1880."

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

1. The third section of the Act passed in the thirty-sixth
5 year of Her Majesty's reign, chapter four, intituled "*An Act to provide for the establishment of "The Department of the Interior"* and the third section of "*The Indian Act*, 1880," are hereby repealed and the following section is substituted for each such section respectively:—

10 "3. The Minister of the Interior or the Head of any other "Department appointed for that purpose by order of the "Governor in Council shall be the Superintendent General "of Indian Affairs and shall as such have the control and "management of the lands and property of the Indians in
15 "Canada."

2. So much of any Act or law as may be inconsistent with this Act, or make any provision in the matter provided for by this Act contrary hereto, is hereby repealed.

X.

BILL

An Act to amend an Act of the present Session, intituled "*An Act to incorporate the Railway Trust and Construction Company of Canada, (limited).*"

IN amendment of the Act passed in the present Session of the Parliament of Canada, intituled "*An Act to incorporate the Railway Trust and Construction Company of Canada, (limited).*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The thirty-first Section of the Act above cited, is hereby repealed, and the following substituted in lieu thereof:

"**31**. The provisions of "*The Canada Joint Stock Companies' Clauses Act, A. D.* 1869," excepting that portion of the ninth Section thereof, which requires the major part of the after Directors of the Company to be persons resident in Canada, are hereby incorporated with the above cited Act, except in so far as they are inconsistent therewith.

1st Session, 5th Parliament, 46 Victoria, 1883.

X

BILL.

An Act to amend an Act of the present Session, intituled "*An Act to incorporate the Railway Trust and Construction Company of Canada (limited).*"

Received and read first time, Monday, 21st May, 1883.

Second reading,

Honorable Mr. SIMPSON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co

1883.

X

An Act to amend an Act of the present Session, intituled "*An Act to incorporate the Railway Trust and Construction Company of Canada, (limited).*"

IN amendment of the Act passed in the present Session of the Parliament of Canada, intituled "*An Act to incorporate the Railway Trust and Construction Company of Canada, (limited).*" Her Majesty, by and with the advice
5 and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The thirty-first Section of the Act above cited, is hereby repealed, and the following substituted in lieu thereof:

"31. The provisions of "*The Canada Joint Stock Companies'*
10 *Clauses Act, A. D.* 1869," excepting that portion of the ninth Section thereof, which requires the major part of the after Directors of the Company to be persons resident in Canada, are hereby incorporated with the above cited Act, except in so far as they are inconsistent therewith.

Y.

BILL.

An Act to amend an Act of the present Session respecting booms and other works constructed in navigable waters, whether under the authority of Provincial Acts or otherwise.

Preamble.

IN amendment of the Act of the present Session intituled "*An Act respecting booms and other works constructed in navigable waters, whether under the authority of Provincial Acts or otherwise*"; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section nine amended.

1. Section nine of the Act cited in the preamble is hereby amended by adding at the end thereof the words "constructed thereon."

Section added.

2. The following is hereby added to the said Act and shall be read and construed as section ten thereof;—

"10. Nothing herein contained shall apply to any boom dam or aboiteau constructed under the authority of any Act of the Parliament of Canada, or of the Legislature of the late Province of Canada, or of the Legislature of any Province now forming part of the Dominion of Canada, passed before such Province became a part thereof."

1st Session, 5th Parliament, 46 Victoria, 1883.

Y

BILL.

An Act to amend an Act of the present Session respecting booms and other works constructed in navigable waters whether under the authority of Provincial Acts or otherwise.

Received and read first time, Tuesday, 22nd May, 1883.

Second reading, Tuesday, 22nd May, 1883.

Hon. Sir ALEXANDER CAMPBELL.

OTTAWA:
Printed by MACLEAN, ROGER & Co.
1883.